Message

From: Stein, Mark [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1877BF3BA2B4413684DDE30EBCCF6309-STEIN, MARK]
Sent: 11/29/2017 2:31:46 PM
To: Linda T. Landis [linda.landis@eversource.com]
CC: Robert A. Bersak [robert.bersak@eversource.com]; Webster, David [Webster.David@epa.gov]
Subject: RE: Merrimack Station, Schiller Station, Newington Station NPDES Permit Transfer Request

Hi Linda –

Thanks for your prompt response. I realize your need for urgency on this.

How about we talk on Friday at 1:30 pm EST? I will plan on that time, unless I hear differently from you.

I can get a conference line, if you like. If that works, I'll send out the information about the call-in number later today or tomorrow.

- Mark

From: Linda T. Landis [mailto:linda.landis@eversource.com]
Sent: Tuesday, November 28, 2017 5:59 PM
To: Stein, Mark <Stein.Mark@epa.gov>
Cc: Robert A. Bersak <robert.bersak@eversource.com>
Subject: Re: Merrimack Station, Schiller Station, Newington Station NPDES Permit Transfer Request

Hi Mark. Thank you for your response. I think a call to address any questions you may have is an excellent idea, and we appreciate the suggestion. I checked with folks on the original distribution list regarding availability this week. Thursday after 3:00 EST or Friday after 12:00 EST work. However, we all feel it is important for this call to take place as soon as possible so if these two options do not work with your schedule, just let me know. Please feel free to propose any alternative times that work better with your schedule — we will do our best to make it work. Linda

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From: Stein, Mark <stein.mark@epa.gov>
Sent: Tuesday, November 28, 2017 10:47 AM
Subject: RE: Merrimack Station, Schiller Station, Newington Station NPDES Permit Transfer Request
To: Linda T. Landis <linda.landis@eversource.com>
Cc: Robert A. Bersak <robert.bersak@eversource.com>, Tracy, Tim <ttracy@balch.com>, Van Slyke, David B. <dvanslyke@preti.com>, Webster, David <webster.david@epa.gov>

"EXTERNAL EMAIL SENDER: Do not click on links or attachments if sender is unknown or if the email is unexpected from someone you know, and never provide a user ID or password."

Hi Linda –
Thank you for your letter of November 10, 2017, regarding transfer of the NPDES permits for Merrimack Station, Schiller Station, and Newington Station (collectively, "the Facilities") to the future new owners of the facilities. I wanted to follow up with you regarding the request for an "automatic transfer" of the permits.

I think you have correctly pointed to 40 C.F.R. § 122.61(b) as specifying the conditions under which an automatic transfer of an NPDES permit can take place. The pre-conditions for an automatic transfer include that the current permittee notifies the permitting agency at least 30 days prior to the proposed date for the transfer of permit responsibility,*see* 40 C.F.R. § 122.61(b)(1), and that the notification "includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them ...." 40 C.F.R. § 122.61(b)(2). Your letter indicates that closing on the transfer of ownership of the Facilities is likely to occur by the end of December 2017 and that you will inform us of the specific date when it becomes known to you. Please do be sure to provide notice of the exact date as soon as it is known to you.

In addition, in order to satisfy the requirement of 40 C.F.R. § 122.61(b)(2) regarding provision of "a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them," your letter provided a link to the Purchase and Sale Agreement (PSA) governing the sale of the Facilities to the new owners. You indicate that the PSA "explains and allocates permit responsibility, coverage, and liability between PSNH and Granite Shore during and upon completion of the divestiture process." I have reviewed the PSA and have a couple of follow-up questions concerning the allocation of permit responsibility. I have not spotted any problems at this time. I just want to make sure that I understand the terms of the agreement that are relevant to this issue.

Therefore, I am proposing that we have a conference call at your earliest convenience. I suspect 30 minutes would suffice, but perhaps we can schedule it for an hour just in case.

Please let me know if a conference call makes sense to you and propose some times that might work for you all.

Thank you for your cooperation.

- Mark

From: Linda T. Landis [mailto:linda.landis@eversource.com]
Sent: Friday, November 10, 2017 9:57 AM
To: Stein, Mark <Stein.Mark@epa.gov>
Cc: Robert A. Bersak <robert.bersak@eversource.com>; Tracy, Tim <TTRACY@balch.com>; Van Slyke, David B. <DVanSlyke@preti.com>
Subject: Merrimack Station, Schiller Station, Newington Station NPDES Permit Transfer Request

Good morning, Mark. As we discussed earlier this week, I am attaching the NPDES permit transfer request for Merrimack Station, Schiller Station, and Newington Station (a hard copy is being sent to you as well).
Please let me know if you need additional information. We are also happy to meet with you if it would facilitate the process. Thank you for your attention to this matter. Linda

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