**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**Region 1**
**5 Post Office Square, Suite 100**
**Boston, MA 02109-3912**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

August 11, 2017

Linda T. Landis, Senior Counsel
Public Service of New Hampshire
780 N. Commercial Street
P.O. Box 330
Manchester, NH 03305-0330

Re: Reopened Public Comment Period Extension Request for Draft NPDES Permit No. NH0001465

Dear Ms. Landis,

On July 26, 2017, Region 1 of the Environmental Protection Agency ("EPA") issued for public comment a document entitled, "Statement of Substantial New Questions for Public Comment," ("Statement of Substantial New Questions") in which EPA outlined its decision to exercise its discretion under 40 C.F.R. § 124.14(b) to reopen the comment period for the draft National Pollutant Discharge Elimination System (NPDES) permit for the Merrimack Station power plant in Bow, NH (NPDES Permit No. NH0001465) (the Draft Permit). EPA regulations require that a public comment period reopened under 40 C.F.R. § 124.14 provide the public with at least 30 days to submit comments. *See also* 40 C.F.R. § 124.14(e) and 124.10(b). Due to the nature and complexity of the new information and technical issues outlined in the Statement of Substantial New Questions, EPA reopened the public comment period for 60 days, running from August 4, 2017 to October 4, 2017.

On July 28, 2017, you submitted a letter to EPA, on behalf of PSNH, requesting a 60-day extension of the reopened public comment period. Specifically, PSNH requests the 60-day extension "to provide PSNH and the public a reasonable period of time to study and address all of the issues presented . . . and the new documents added to the administrative record." July 28 Letter, p. 1.

After considering PSNH's request and the bases for such request, EPA has decided to grant the request for a 60-day extension. While Region 1 does not agree with all of the arguments presented in your letter, it does agree that this is a complicated permit proceeding. Given the complex technical and legal issues, new data, and regulatory changes, EPA finds that an extension of the public comment period is reasonable, and will ensure that PSNH and the public

have a fully adequate opportunity to review and comment on the Statement of Substantial New Questions. The public comment period will now close on **December 4, 2017**, and EPA will issue a new public notice in a local newspaper to inform the public of this change. As a result of this extension, the public comment period for EPA's Statement now totals **120 days**. The Region is responding to this request at this time in order to give all interested parties the soonest possible notice of the new deadlines so that they may plan accordingly.

If you have any technical questions regarding this Public Comment Extension, please contact Sharon DeMeo at (617) 918-1995. If you have any legal questions, please direct them to Mark Stein at (617) 918-1077.

Sincerely,

Ellen Weitzler

Ellen Weitzler, on behalf of
David Webster, Director
Water Permits Branch
Office of Ecosystem Protection

cc: NPDES Permit File (Permit No. NH0001465)
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