

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY-REGION 1 (EPA)  
WATER DIVISION  
5 POST OFFICE SQUARE  
BOSTON, MASSACHUSETTS 02109

NEW HAMPSHIRE DEPARTMENT OF  
ENVIRONMENTAL SERVICES (NHDES)  
WATER DIVISION  
P.O. BOX 95  
CONCORD, NEW HAMPSHIRE 03302-0095

**JOINT EXTENSION OF PUBLIC NOTICE** OF A DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT MODIFICATION TO DISCHARGE INTO WATERS OF THE UNITED STATES UNDER SECTION 402 OF THE CLEAN WATER ACT (CWA), AS AMENDED; NHDES PUBLIC NOTICE OF EPA REQUEST FOR STATE CERTIFICATION UNDER SECTION 401 OF THE ACT; AND NHDES PUBLIC NOTICE OF ISSUANCE OF A STATE SURFACE WATER PERMIT UNDER NH RSA 485-A:13, I(a).

PUBLIC NOTICE PERIOD: **February 1, 2024, to March 4, 2024**

PUBLIC NOTICE EXTENDED TO: **March 11, 2024**

PERMIT NUMBER: **NH0001465**

NAME AND MAILING ADDRESS OF APPLICANT:

Granite Shore Power Merrimack LLC  
431 River Road  
Bow, NH 03304

NAME AND LOCATION OF FACILITY WHERE DISCHARGE OCCURS:

Merrimack Station  
431 River Road  
Bow, NH 03304

RECEIVING WATER: Merrimack River

PREPARATION OF THE DRAFT PERMIT MODIFICATION:

EPA is issuing for public notice and comment the Draft NPDES Permit Modification for Granite Shore Power Merrimack LLC. The limits and permit conditions imposed have been drafted pursuant to, and assure compliance with, the CWA, including EPA-approved State Surface Water Quality Standards at Env-Wq 1700 et seq. NHDES cooperated with EPA in the development of the Draft NPDES Permit Modification. NHDES plans to adopt EPA's permit under Chapter 485-A of the New Hampshire Statutes (NH RSA 485-A:13, I(a)). The Draft Permit Modification contains requirements applicable to the facility's bottom ash transport water, which are fully explained in the Fact Sheet.

In addition, EPA has requested that NHDES grant or deny certification of this Draft Permit Modification pursuant to Section 401 of the CWA and implementing regulations. Under federal regulations governing the NPDES program at 40 Code of Federal Regulations (CFR) § 124.53(e), state certification shall contain conditions that are necessary to assure compliance with the applicable provisions of CWA sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law, including any conditions more stringent than those in the Draft Permit Modification that NHDES finds necessary to meet these requirements. In addition, NHDES may provide a statement of the extent to which each condition of the Draft Permit Modification be made less stringent without violating the requirements of State law.

#### INFORMATION ABOUT THE DRAFT PERMIT MODIFICATION:

The Draft Permit Modification and explanatory Fact Sheet may be obtained at no cost at <https://www.epa.gov/npdes-permits/new-hampshire-draft-individual-npdes-permits> or by contacting:

Sharon DeMeo  
U.S. Environmental Protection Agency – Region 1  
5 Post Office Square, Suite 100 (06-1)  
Boston, MA 02109-3912  
Telephone: (617) 918-1995  
[demeo.sharon@epa.gov](mailto:demeo.sharon@epa.gov)

The public can request to review the administrative record in person at the EPA Boston office from the EPA contact above. Electronically available documents that are part of the administrative record can be requested from the EPA contact above.

#### PUBLIC COMMENT AND REQUEST FOR PUBLIC HEARING:

All persons, including applicants, who believe any condition of the Draft Permit Modification is inappropriate must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by **March 11, 2024**, which is the close of the public comment period. Comments, including those pertaining to EPA's request for CWA § 401 certification and/or NHDES proposed issuance of a State Surface Water Permit, should be submitted to the EPA contact at the address or email address listed above. Comments submitted in hard copy form must also be emailed to the EPA contact above. Upon the close of the public comment period, EPA will make all comments available to NHDES.

Any person, prior to the close of the public comment period, may submit a request in writing to EPA and NHDES for a public hearing on the Draft Permit Modification under 40 CFR § 124.10, CWA § 401 certification and/or NHDES proposed issuance of a State Surface Water Permit. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least thirty days public notice if the Regional Administrator finds that response to this notice indicates significant public interest. In reaching a final decision on

the Draft Permit Modification, the Regional Administrator will respond to all significant comments and make the responses available to the public.

FINAL PERMIT DECISION:

Following the close of the comment period, and after a public hearing, if such hearing is held, the Regional Administrator will issue a final permit decision and notify the applicant and each person who has submitted written comments or requested notice.

KEN MORAFF, DIRECTOR  
WATER DIVISION  
UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY – REGION I

RENE PELLETIER, DIRECTOR  
WATER DIVISION  
NEW HAMPSHIRE DEPARTMENT OF  
ENVIRONMENTAL SERVICES