



GSP MERRIMACK

431 River Road  
Bow, NH 03304

December 31, 2025

VIA EMAIL

Mr. Ken Moraff, Director  
Water Division  
U.S. Environmental Protection Agency – Region 1  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912  
moraff.ken@epa.gov

Re: **Notice of Planned Participation for Merrimack Station Units 1 and 2  
(NPDES Permit No. NH0001465)**

Dear Mr. Moraff:

In accordance with 40 C.F.R. § 423.19(h), which allows operators to opt in to the permanent cessation of coal combustion by December 31, 2034, compliance subcategory (“2034 PCCC”) for combustion residual leachate (“CRL”) discharges, please accept this as GSP Merrimack LLC’s (“GSP”) Notice of Planned Participation (“NOPP”) for CRL discharges from Merrimack Station (“MK”) Units 1 and 2.

**I. Relevant Background**

EPA’s *Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category Rule* (the “2024 ELG Rule”) was published to the Federal Register on May 9, 2024.<sup>1</sup> The 2024 ELG Rule established “no discharge” or “zero liquid discharge” best available technology economically achievable (“BAT”) effluent limitations as the default or “generally applicable” standards for CRL discharges from steam electric generating units.<sup>2</sup> The 2024 ELG Rule also established the 2034 PCCC compliance subcategory. This subcategory includes less stringent BAT effluent limitations for qualifying units, including mercury and arsenic limits for CRL discharges.<sup>3</sup>

GSP selected the 2028 PCCC compliance subcategory for flue gas desulfurization and bottom ash transport wastewaters generated by MK Units 1 and 2. EPA has instructed that 2034 PCCC NOPPs should be submitted for CRL discharges originating from any unit that has

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<sup>1</sup> 89 Fed. Reg. 40,198 (May 9, 2024) (codified at 40 C.F.R. Part 423).

<sup>2</sup> See generally *id.*

<sup>3</sup> 40 C.F.R. §§ 423.13(l)(2)(i)(A).

opted into the 2028 PCCC compliance subcategory.<sup>4</sup> Based on this guidance and the current NOPP deadline,<sup>5</sup> GSP submits this NOPP out of an abundance of caution to notify Region 1 that it has selected the 2034 PCCC compliance subcategory for CRL discharges.<sup>6</sup>

## II. NOPP for the “Permanent Cessation of Coal Combustion by December 31, 2034” Subcategory for CRL

The 2024 ELG Rule specifies that a NOPP for the 2034 PCCC compliance subcategory must be submitted to the relevant permitting authority by “no later than December 31, 2025”<sup>7</sup> and must:

- (1) “[I]dentify the electric generating units intended to achieve the permanent cessation of coal combustion[;]”
- (2) “[I]nclude the expected date that each electric generating unit is projected to achieve permanent cessation of coal combustion[;]”
- (3) State “whether each [permanent cessation] date represents a retirement or a fuel conversion[;]”
- (4) State “whether each retirement or fuel conversion has been approved by a regulatory body, and what the relevant regulatory body is[;]”
- (5) Provide “a copy of the most recent integrated resource plan for which the applicable state agency approved the retirement or repowering of the unit subject to the ELGs, or other documentation supporting that the electric generating unit will permanently cease the combustion of coal by December 31, 2034[;]”; and
- (6) “[I]nclude, for each such electric generating unit, a timeline to achieve the permanent cessation of coal combustion . . . . [which] shall include interim milestones and the projected dates of completion.”<sup>8</sup>

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<sup>4</sup> See, e.g., *2024 Supplemental Steam Electric Effluent Limitations Guidelines and Standards Implementation Briefings*, Env’t Prot. Agency 31 (2024), <https://www.epa.gov/system/files/documents/2024-08/2024-steam-electric-implementation-briefing.pdf>.

<sup>5</sup> The current deadline to file this 2034 PCCC NOPP is December 31, 2025. On December 23, 2025, EPA issued a prepublication draft of its “Deadline Extensions Rule.” The effective date of this new final rule is 60 days after it is published in the Federal Register. GSP’s review of this new rule is ongoing and the company will update Region 1, as needed, if the rule impacts this NOPP filing or the compliance path for Merrimack Station.

<sup>6</sup> GSP reserves its right later to file a “justification” letter explaining why a compliance date beyond 120 days after the last relevant unit at Merrimack Station permanently ceases coal combustion is necessary, based on the “as soon as possible” factors delineated in 40 C.F.R. § 423.11(t).

<sup>7</sup> 40 C.F.R. § 423.19(h)(1).

<sup>8</sup> *Id.* § 423.19(h)(2). This regulatory provision also requires a NOPP submitter to certify the FGD wastewater and BATW compliance options with which each applicable electric generating unit is complying. See *id.* This requirement is inapplicable, given this NOPP relates solely to CRL discharges. Nevertheless, GSP certifies

**a. Identification of Units, Dates, and Whether each Unit will Retire or Convert its Fuel Source (Requirements (1)-(3))**

MK Unit 1: Retirement; either June 1, 2027 or June 1, 2028, pursuant to the terms of the March 2024 Settlement Agreement

MK Unit 2: Retirement; either June 1, 2027 or June 1, 2028, pursuant to the terms of the March 2024 Settlement Agreement

**b. Identification of Regulatory Body and whether Retirement or Fuel Conversion has been Approved (Requirement (4))**

GSP is not obligated to obtain retirement approvals from the Independent System Operator for New England ("ISO-NE"), the Regional Transmission Organization overseeing New Hampshire grid operations.

**c. Additional Support that the Units will Permanently Cease Coal Combustion (Requirement (5))**

The March 2024 Settlement Agreement provides adequate support that the Units will retire by the dates indicated above.

**d. Unit-Specific Compliance Timelines with Interim Milestones (Requirement (6))**

There are no interim milestones that must be achieved to retire Units 1 and/or 2 by the dates identified above.

**III. Conclusion**

Thank you for your consideration of this NOPP. Please contact me with any questions or concerns you may have regarding this submission.

This correspondence is provided in reliance on existing regulatory frameworks and interpretations and shall not be construed as a waiver of any rights. GSP expressly reserves the right to revise its positions and/or compliance decisions in light of any changes in circumstance, subsequent factual developments, or changes in law, regulation, or regulatory guidance.

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I certify under penalty of law that this document *and all attachments* were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering

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that it currently is in compliance with all ELG-based FGD wastewater and BATW requirements applicable to Merrimack Station Units 1 and 2.

Ken Moraff  
December 31, 2025  
Page 4

the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



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Elizabeth H. Tillotson, Vice President  
GSP Merrimack LLC

cc: Mark A. Stein, Senior Assistant Regional Counsel, Region 1 (stein.mark@epa.gov)  
Thomas G. DeLawrence, Attorney, Balch & Bingham LLP (tdelawrence@balch.com)