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January 8, 2010

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**Re: Application of Laidlaw Berlin BioPower, LLC
Site Evaluation Committee No. 2009-02**

Ladies and Gentlemen:

On December 16, 2009, Laidlaw Berlin BioPower, LLC, filed an Application for a Certificate of Site and Facility for the siting, construction and operation of 70 MW biomass fuel energy generating facility. The proposed project is located in Berlin, Coos County, New Hampshire at the site of the former Frase Pulp Mill sometimes referred to as the Burgess Mill. This matter has been docketed as Site Evaluation Committee No. 2009-02. It is my understanding that the Applicant, filed a copy of the Application with your agency or one was provided by the Site Evaluation Committee (SEC). If you do not have a copy of that Application, please contact me immediately. For immediate reference, the Application is available on the SEC website.

Pursuant to R.S.A. 162-H:7,IV, I would ask that you conduct a preliminary review of the Application and respond in writing to me, as counsel for the Committee, prior to January 14, 2010, as to whether or not the Application contains sufficient information for your agency to review the Application and consider the issuance of permits, conditions or licenses, if any, under the jurisdiction of your agency pursuant to either state or federal law. If the Application does not contain sufficient information for this purpose, I would respectfully request that you advise me, in writing, as to what additional information is

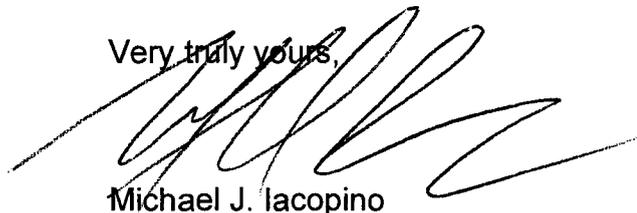
necessary.

For your convenience I have attached pages 34-37 from the Application. On these pages the Applicant lists the permits and licenses that it asserts are required for the proposed project. If your agency is listed thereon please let me know if the permit application filed with you agency is not administratively complete and what information is missing. If you believe that the Application requires a permit from your agency that is not included on the list please contact me as soon as possible.

If the Chairman of the Site Evaluation Committee, Thomas Burack, determines that the Application contains sufficient information to carry out the purposes of R.S.A. 162-H, this matter will be scheduled for public information hearings and further proceedings consistent with the time frames set forth for Renewable Energy Facilities in R.S.A. 162-H:6-a.

I look forward to your prompt response. If you have any questions please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael J. Iacopino", written over a horizontal line.

Michael J. Iacopino

MJI/tm

cc: Jane Murray, Secretary NHSEC
Barry Needleman, Esq.

(d) INFORMATION ABOUT OTHER REQUIRED APPLICATIONS AND PERMITS

(1) Identification of all other federal and state government agencies having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility

- New Hampshire Public Utilities Commission (PUC) - authority under state law over public utilities, which includes investor-owned electric utilities. Although not required to file any permits before construction, the project will be required to comply with PUC rules regarding safety, such as DigSafe requirements, and annual reporting of electricity production (NHCAR 309.01).
- New Hampshire Department of Environmental Services (DES), Air Resources Division (ARD) - authority under state and federal law over air emissions and air quality impacts. The project will require an air emissions permit since it will involve a combustion source firing wood in a device with a gross heat input of greater than 2 million Btu per hour (NHCAR Chapter Env-A 607.01(c)). As DES has delegated authority to administer both the Nonattainment New Source Review (NSR) and Prevention of Significant Deterioration (PSD) programs, a separate permit application to EPA is not required. A complete Air Permit Application is provided in Appendix C of this application.
- New Hampshire Department of Environmental Services, Water Division, Site Specific Program - authority under state and federal law over alteration of terrain and pollutant discharge (NHCAR Chapter Env-Wq 1500). The Alteration of Terrain rules apply to the Project as it will involve excavation and construction of more than 100,000 square feet of contiguous area located on the borders of a surface water of the state. The focus of these rules is to protect the quality of surface waters from stormwater runoff and clearing of vegetation. A complete Alteration of Terrain Application is provided in Appendix D of this application.
- New Hampshire Department of Environmental Services, Water Division, Wetlands Bureau - authority under state and federal law over wetlands impacts. The Project falls under the Comprehensive Shoreland Protection Act (NHCAR Chapter Env-Wq 1400). This Act specifies minimum requirements for the development and use of all land within 250 feet of the high water elevation of rivers. A DES Shoreland Protection Permit is required for all construction, excavation, and/or filling activities within 250 feet of the high water elevation location. A complete Shoreland Protection Application is provided in Appendix E of this application.
- United States Environmental Protection Agency (EPA), National Pollutant Discharge Elimination System (NPDES) - authority under federal law over stormwater and wastewater discharges to surface water bodies and impacts. The Project will require a permit for storm water to be discharged to the Androscoggin River during Project operation. As New Hampshire is not authorized to administer the NPDES program, EPA will have jurisdiction for issuance of the required permit. However, NHDES staff

compliance section staff share inspection and enforcement responsibilities with the EPA. A completed NPDES General Stormwater Permit Application for Construction Activities is provided in Appendix F. A completed NPDES Individual Permit Application for Stormwater Discharges from Industrial Activities is provided in Appendix G.

- New Hampshire Department of Environmental Services, Water Division, Wastewater Engineering Bureau - authority under state law over wastewater discharge and pretreatment. Wastewater from the Facility will be discharged to the municipal sewer system, to the Berlin WWTF, where it will be treated and discharged under the existing WWTF NPDES Permit. In accordance with the provisions of the Standards for Industrial Wastewater Pretreatment (NHCAR Env-Ws 904) the Project requires an Indirect Discharge Permit. A completed Industrial Wastewater Indirect Discharge Request Application is provided in Appendix I. A completed Sewer Connection Permit Application is provided in Appendix H. Copies of these application materials were provided to the City of Berlin on December 1, 2009 and are currently under their review.
- New Hampshire Department of Environmental Services, Waste Management Division - authority under state and federal law over hazardous and solid waste management (NH Statute Chapter 147-A:5). The Project, as proposed, will fall within the definition of a "small quantity generator" (SQG) of hazardous waste, since the Facility will generate hazardous waste onsite at a rate less than 100 kilograms of non-acute hazardous waste per month. The NH DES has established a Small Quantity Generator Self-Certification Program, which requires the submittal of a declaration of compliance with the applicable storage and recordkeeping requirements of the SQG regulations every three years. LBB will comply with all of the applicable requirements of the SQG regulations, including the submittal of the required self-certification forms every three years.
- New Hampshire Fish and Game Department (F&G) - authority under state and federal law over the protection of state fish, wildlife, and marine resources. LBB filed information with the New Hampshire Natural Heritage Bureau (NHB) and the U.S. Fish and Wildlife Service regarding the Project and requesting information regarding the presence of any state or federally listed protected species. As discussed in Section (h)3 of this application, both agencies have confirmed that the Project as proposed will not have adverse impacts to any listed protected species in the Project area.
- New Hampshire Division of Historical Resources (DHR) - authority under state and federal law over preserving state historical resources. LBB filed a Request for Project Review with DHR describing the historic resources in the Project area. As described in Section (h)3 of this application, DHR has requested that LBB provide additional information regarding resources in the Project area, work with the local community regarding potential impacts to such resources, and be consulted with regard to any future modifications to existing structures on the Site. LBB will continue to work with DHR during the SEC review process.

(2) Documentation that demonstrates compliance with the application requirements of such agencies

Documentation that demonstrates compliance with the application requirements of such agencies is included within the application forms included in the appendices, as described in Section (d)(3) below.

(3) A copy of the completed application form for each such agency

The completed application form for each such agency along with all necessary supporting materials are included in the appendices to this document as follows:

- Appendix C: State Air Permit Application
- Appendix D: Site Specific Alteration of Terrain Permit Application
- Appendix E: Shoreland Protection Permit Application
- Appendix F: National Pollutant Discharge Elimination System (NPDES) General Stormwater Permit Application for Construction Activities
- Appendix G: National Pollutant Discharge Elimination System (NPDES) Individual Permit Application for Stormwater Discharges From Industrial Activities
- Appendix H: Application for Sewer Connection Permit
- Appendix I: Industrial Wastewater Discharge Indirect Discharge Request Application

LBB has forwarded payment for the required application fees to NH DES under separate cover.

(4) Identification of any requests for waivers from the information requirements of any state agency or department whether represented on the committee or not

The Applicant is requesting a waiver of RSA 483-B:9, under the Minimum Shoreland Protection Standards of the Comprehensive Shoreland Protection Act (CSPA), for the redevelopment of a site that contains a "nonconforming structure" (ref. RSA 483-B:11); an existing mill building that sits within 50 of the shoreline. As presented in the Shoreland Protection Permit Application (see Appendix E) the project is "more nearly conforming" (ref. RSA 483-B:11 II) to the CSPA than existing conditions and that there will be at least the same degree of protection, or greater, provided to the public waters. The Project will achieve these protections by reducing the impervious area within the protected shoreland to below historical levels, protection the vegetation that exists within 50 feet of the shoreline, and implementing a well designed stormwater management system.

(e) ENERGY FACILITY INFORMATION

The Berlin Biomass Power Plant is a renewable energy facility, as defined in RSA 162-H:2, XII, and is not an energy facility, as defined in RSA 162-H:2, VII. This section does not apply to the Project.