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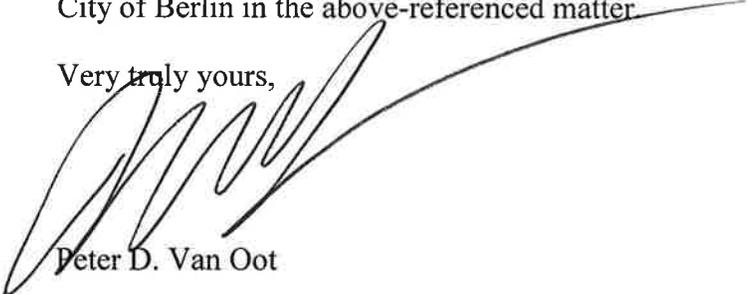
Thomas Burack, Chairman
State of New Hampshire, Department of
Environmental Services
P. O. Box 95
Concord, NH 03302-0095

Re: Laidlaw Berlin BioPower, LLC – SEC Docket No. 2009-02

Dear Chairman Burack:

Attached please find the pre-filed testimony of Pamela E. Laflamme on behalf of intervenor the City of Berlin in the above-referenced matter.

Very truly yours,



Peter D. Van Oot

:jtb

Enclosure

cc: Service List

3670560.1

STATE OF NEW HAMPSHIRE

BEFORE THE ENERGY FACILITY SITE EVALUATION COMMITTEE

Docket No. 2009-02

**Application of Laidlaw Berlin BioPower, LLC, for a Certificate of Site and Facility for a 70
MW Biomass Fueled Energy Facility in Berlin, Coos County, New Hampshire**

**TESTIMONY OF PAMELA E. LAFLAMME ON
BEHALF OF THE CITY OF BERLIN, NEW HAMPSHIRE**

Q: Please state your name, title, and business address for the record.

A: My name is Pamela E. Laflamme and my business address is Berlin City Hall, 168 Main St., Berlin New Hampshire 03570. I am the City Planner for the City of Berlin.

Q: Please briefly summarize your relevant background and employment experience.

A. For the past 10 years I have been the City Planner for Berlin, New Hampshire, where my responsibilities include providing technical and managerial assistance to the Berlin Planning and Zoning Boards as well as the Berlin Industrial Development & Park Authority Board; recommending and implementing planning policies for municipal growth; grant-writing and administration; developing and maintaining land use policies and regulations; and working with developers to coordinate successful and responsible development in the City. I am also the City's primary Emergency 911 liaison, and have assisted in the development and implementation of the City's new Geographic Information System and in the development and implementation of the City's new website. Prior to becoming the City Planner, I worked in banking and served as an AmeriCorps volunteer at the City's Northern Forest Heritage Park. I have a Bachelor's degree in Community and Regional Planning from the former Plymouth State College, now Plymouth State University.

Q: What is the purpose of your testimony?

A: The purpose of my testimony is to provide information concerning the City of Berlin's interests in regard to the application of Laidlaw Berlin Biopower, LLC ("LBB") to build a Biomass-fueled energy facility at the site of the former Burgess Mill in downtown Berlin.

Q: Please provide a brief background of the City of Berlin and of the proposed biomass facility site.

A: Berlin is known as “The City That Trees Built” due to its location in the north woods of New Hampshire and the longtime and important role that forestry, logging, and the production of wood products has played in the City’s economy and identity. The facility that LBB is applying to build would be located at a site that functioned as a pulp mill for over 100 years under several owners and was a primary employer of people in the City and surrounding areas of Coos County for most of that time. Berlin has a long history as the center of New England’s pulp and papermaking industry, as well as a history of energy production by the use of hydroelectric dams constructed on the Androscoggin River, which runs through the City’s center.

Besides its history as a center of the forestry and wood products industry, Berlin and the surrounding areas of Coos County have for many years attracted all manner of outdoor enthusiasts, from hunters and fishermen to hikers and ATV and snowmobile riders. Located on the banks of the Androscoggin and nestled within New Hampshire’s White Mountains, Berlin offers visitors and residents alike the opportunity to learn about and reflect on the past while enjoying the beauty and richness of the northern forest and a City looking eagerly toward the future.

Q: How does the City of Berlin see its role in the Site Evaluation Committee’s application and permitting process for LBB’s proposed biomass facility?

A: The City generally supports LBB’s proposed facility and sees the project as an opportunity to continue Berlin’s historical role as a center of the forestry, wood products, and energy generation industries. The City’s role in this process is primarily one of stewardship: of

the quality of life and health and welfare of its residents and visitors, of the continued economic development of Berlin and the surrounding areas of Coos County, and of the environment. The City acknowledges LBB's stated objective of being a contributing corporate citizen, and looks forward to working with LBB during the planning, construction, and operational phases of the project to ensure that this project contributes to the orderly development of the City and region for the benefit of our community.

Q: Please identify the main areas for which the City believes it is responsible in its stewardship role.

A: The City's focus is on quality of life issues, which include the physical appearance of the facility and surrounding area and noise, dust, and traffic; community benefits that will enhance the ability of residents and visitors to appreciate Berlin's history and physical beauty; economic development; environmental protection; and long-term planning.

Q: Please describe what the City seeks to achieve during the Site Evaluation Committee's application and permitting process for LBB's proposed biomass facility in relation to its stewardship role with regard to quality of life issues.

A: The City supports the transition of the Burgess Mill from an abandoned industrial site to a partially active, productive site. Once LBB's facility is completed, the City expects that the site's visual impact will be enhanced by landscaping that will improve its overall aesthetic appearance. The City also expects that most if not all new electrical transmission lines will be buried, rather than overhead, and that the exterior fencing and security structures around the facility will blend in harmoniously with the surrounding neighborhoods. The City is working

and will continue to work closely with LBB to develop appropriate landscaping plans and plantings selections.

The LBB facility will be in close proximity to several residential neighborhoods and sensitive receptors such as schools, nursing homes, and public parks. Because the facility is located in the center of the City, noise created by the facility is one of the City's primary concerns. The City expects that noise levels at the facility's property lines and/or at sensitive receptor sites will be well within the City's noise ordinance for both night time and daytime hours of operation. Of particular concern are the nighttime use of backup alarms on machinery in operation the facility, which can be extremely disruptive to residents. The City expects that LBB will continue to work with the City in modeling the noise impacts that the facility's operation may have in areas around the City, in monitoring the actual noise impacts that arise from that operation, and in remediating any excess noise issues that may result from the facility's actual operation.

With regard to dust and particulate matter, the City expects that LBB will employ a set of Best Management Practices designed to minimize the escape of fugitive dusts from the facility, including: paving all roads at the facility, and enforcing maximum vehicle speeds on those roadways; covering and/or enclosing all wood chip loads, conveyors, and chipping, screening, and grinding operations; and minimizing flows of dust from fuel piles by the use of water sprays and prohibiting deliveries containing large quantities of sawdust or other fine particulate matter. The City (and State) will also require that LBB not store any waste ash from the operation of the facility's boiler in exposed piles at the site or elsewhere in the City, except in a fully permitted solid waste or composting facility.

With regard to truck- and traffic-related issues, the City has three primary areas of interest: ensuring the safe and orderly transit of trucks through the City en route to and from the facility; minimizing exhaust and fumes from the idling of trucks waiting to unload at the facility; and avoiding any queuing of trucks on City streets, particularly on Hutchins Street by the facility's proposed truck entrance, in the event that more trucks arrive for unloading at a given time than the facility is prepared to accommodate. The City expects that LBB will work with truckers delivering to the facility to ensure that they obey all relevant laws and ordinances, and travel only along approved truck routes to and from the facility. The City also expects that LBB will post and enforce the State of New Hampshire idling practices regulations, Env-A 1101.05 and 1101.06, and will work with truckers to ensure that these regulations are acknowledged and obeyed. Finally, the City expects that LBB will make appropriate arrangements to avoid queuing on City streets in the event that more trucks arrive for unloading at a given time than the facility is prepared to accommodate, for example by opening the facility's interior gates to accommodate truck that would otherwise end up on Hutchins Street.

Q: Please describe what the City seeks to achieve during the Site Evaluation Committee's application and permitting process for LBB's proposed biomass facility in relation to its stewardship role with regard to community benefits.

A: LBB has publicly stated that it sees itself as an integral part of the Berlin community. The City appreciates this commitment, and sees the redevelopment of the Burgess Mill site as an opportunity to enhance the site's immediate vicinity in a way that will benefit residents and visitors alike. The City expects that LBB will continue to work with the City to appropriately fund the design, creation, and maintenance of a 'River Walk' along the eastern bank of the Androscoggin River in the area of the facility, with the Walk located on a permanent

easement granted by LBB to the City. This River Walk would permit residents and visitors to enjoy the natural beauty of the Androscoggin, and would also incorporate interpretive components addressed to the history of the City and surrounding area.

The City expects that LBB will grant an appropriate easement for an ATV/snowmobile trail along Hutchins and Coos Streets, and will work with the appropriate entities to arrange for the design, creation, and maintenance of such a trail. The City also expects that LBB will fund the construction of a new parking lot near the intersection of Community and Coos Streets.

Finally, the City expects that LBB will continue to sponsor community events and organizations and will allocate appropriate funds for such participation. The City also requests that LBB make tours of its facility available for the general public and that it work with local educational institutions to make internship and/or other opportunities available to local students with an interest in energy production and/or alternative energy.

Q: Please describe what the City seeks to achieve in during the Site Evaluation Committee's application and permitting process for LBB's proposed biomass facility in relation to its stewardship role with regard to economic development.

A: The City sees LBB's project as an opportunity to recover some of the economic activity that was lost when Fraser paper ceased operations at the Burgess Mill Site several years ago. For many years a large part of the economic life of both the City and the surrounding area were derived from the forestry, logging, and wood products industries and the many other businesses and services dependent on them. The City expects that LBB will make a major contribution to the area economy, both by directly hiring local individuals and firms during the construction and operation of the facility as well as by purchasing much of the biomass

necessary to the facility's operation out of the local woodbasket and by contracting with local truckers to deliver that biomass to the facility.

Additionally, the City understands that LBB is in discussions regarding an agreement to provide hot water to the Gorham Mill at a reduced cost. The City expects that LBB will make excess and/or waste heat available to other businesses that may wish to co-locate with the facility, and by doing so help spur further economic redevelopment of the City and surrounding area.

Q: Please describe what the City seeks to achieve during the Site Evaluation Committee's application and permitting process for LBB's proposed biomass facility in relation to its stewardship role with regard to environmental protection and long-term planning.

A: The Burgess Mill Site was used for pulping and other industrial functions for many years prior to LBB's proposed occupancy, and the subsurface conditions at the site were not created by LBB. An important aspect of the City's stewardship role, however, involves learning more clearly what the subsurface conditions actually are and planning to address them in the event that they pose a present or future threat to human health and/or the environment or create a barrier to the future redevelopment of the entire former Burgess Mill site. The City is working with LBB to further pursue appropriate investigation, monitoring, and remediation options at the site going forward.

Finally, the City expects that LBB will arrange for appropriate assurances or sureties to ensure that funds are available for the dismantling and removal of the facility's equipment and infrastructure so that, when the facility is no longer operated, either by LBB or by a successor

entity, the City is not left with any abandoned structures on this critical site in the City's center. While the City acknowledges both LBB's plan to operate the facility long-term, the experience of living with the shuttered Burgess Mill has raised the City's concern that viable de-commissioning plans be in place at the onset of a new project and facility.

Q: Does this conclude your pre-filed testimony?

A: Yes.

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