

RATH YOUNG PIGNATELLI

Charles G. Willing, Jr.
Attorney at Law
cgw@rathlaw.com
Please reply to: Concord Office

October 13, 2010

Hand Delivered

Site Evaluation Committee
c/o N.H. Department of Environmental Services
P.O. Box 95
29 Hazen Drive
Concord, New Hampshire 03302-0095
Attention: Thomas S. Burack, Chairman

**RE: Exemption Application of Androscoggin Valley Regional Refuse Disposal
District – SEC Docket No. 2010-02**

Dear Mr. Burack:

On behalf of the Androscoggin Valley Regional Refuse Disposal District, enclosed for filing are an original and seven copies of a Response to Request for Information in connection with the above-referenced docket. I also enclose an electronic copy of the same.

Very Truly Yours,



Charles G. Willing, Jr., Esq.

Enclosure

National Impact. Uniquely New Hampshire.

Rath, Young and Pignatelli, P.C.
www.rathlaw.com

One Capital Plaza
Concord, NH 03302-1500
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F (603) 226-2700

20 Trafalgar Square
Nashua, NH 03063
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54 Canal Street
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STATE OF NEW HAMPSHIRE
BEFORE THE
SITE EVALUATION COMMITTEE

Docket No.2010-02

RESPONSE TO REQUEST FOR INFORMATION RELATED TO
APPLICATION FOR EXEMPTION FROM
THE APPROVAL AND CERTIFICATE REQUIREMENTS
OF RSA CHAPTER 162-H

NOW COMES the Androscoggin Valley Regional Refuse Disposal District, a body politic and corporate and public instrumentality of the state carrying out a public purpose and organized under RSA 53-B (“AVRRDD”), and, at the request of the Committee, respectfully submits additional information to supplement its Application for Exemption for its proposed project from the Approval and Certificate Requirements of RSA Chapter 162-H. In further support of the Application, AVRRDD states as follows:

1. On September 3, 2010, AVRRDD filed an Application for Exemption from the Approval and Certificate Requirements of RSA Chapter 162-H (the “Original Application”) for the Mt. Carberry Landfill Methane Gas and Natural Gas Pipeline Project located in northern New Hampshire (the “Project”).

2. There have been two significant developments concerning the Project since AVRRDD filed the Original Application. First, the prospective buyer group led by MerchantBanc (referenced in Paragraph 5 of the Original Application) withdrew its proposal to purchase the Gorham Mill (also referred to herein as the “Mill”). Fraser decided to shut down the Mill and lay off its employees (at least temporarily) effective on October 13. Fraser has

requested bids from other parties interested in buying the Gorham Mill, with a deadline of October 21, and a targeted closing date of November 15. We anticipate that some bidders will propose to continue the Mill as an operating paper mill, and expect that those bidders will make their bids contingent upon AVRRDD's commitment to develop the Project. Second, on September 17, AVRRDD issued a RFP for a general construction contractor to build the entire Project on a design/build basis. Pursuant to the RFP, bids are due on October 18, and selection of the winning bidder is scheduled for October 28.

3. AVRRDD intends to continue pursuing all necessary permits and approvals to construct the Project as soon as possible so that it is in a position to make a commitment to a prospective purchaser, if such prospective purchaser otherwise reaches agreement with Fraser to purchase the Gorham Mill and continue operating the Mill.

4. The Committee, through a letter dated September 22, 2010 from its counsel to AVRRDD's counsel, requested that AVRRDD provide additional information regarding its proposal to construct and operate the Project (attached as Exhibit A).

5. The September 22 letter contains 20 specific requests for information. AVRRDD responds to those requests as follows:

Request #1. Please identify the method of financing for the proposed Mt. Carberry Landfill Methane Gas and Natural Gas Pipeline Project (Project).

AVRRDD currently estimates that constructing the Project will cost about \$4,691,000. (Note: the Project does not include the boiler retrofits inside the Gorham Mill and other costs that will be borne by the purchaser of the Mill). At present, AVRRDD anticipates funding from the following sources in the following amounts:

AVRRDD	\$2,274,730
U.S. Economic Development Administration Grant	\$ 986,270

NH Business Finance Authority limited recourse loan	\$ 710,000
CDFA Block Grant (City of Berlin)	\$ 470,000
Northern Borders States Commission Grant	<u>\$ 250,000</u>

TOTAL \$4,691,000

If the cost of constructing the Project is different than AVRRDD's current estimate, then AVRRDD will review its funding plan.

Request #2. Please identify any alternate routes considered for the pipeline contained within the Project.

AVRRDD did not consider a significantly different pipeline route. The pipelines follow a fairly direct route between key points (the Landfill, the PNGTS pipeline and the Gorham Mill), adjacent to an existing leachate line from the landfill for about two miles (minimizing environmental impacts), while within land owned by AVRRDD, Fraser and Fraser's affiliate Great Lakes (all parties participating in or supportive of the Project). The pipeline must cross the Androscoggin River to deliver LFG and natural gas to the Gorham Mill, and the most direct river crossing point is the abandoned railroad bridge owned by Fraser. We believe that no significantly different route would have been feasible.

Request #3. With respect to the processing facility located in Success, N.H., please provide the exact location of the processing facility. Also, please identify all components of the processing facility by manufacturer, type, and any other relevant specifications. Also, with respect to the processing facility, please identify, with specifications, all safety equipment that will be available at the processing facility.

The LFG Processing Facility will be located on AVRRDD property in Success, south of the landfill footprint, near the current flare station at the Landfill, as indicated on the aerial photograph, overall site plan and topographic map attached hereto as Exhibit B. It will

interconnect to the existing landfill gas collection and blower/flare system at the landfill, and will include a compressor and moisture removal system plus metering, monitoring and controls. The Project will be constructed under a design/build contract, so the exact location of the LFG Processing Facility might be adjusted slightly depending on site conditions. In the RFP, AVRRDD did not require bidders to base their proposals on equipment specified by AVRRDD, so equipment specifications for the LFG Processing Facility will not be known until after AVRRDD has selected a contractor.

Request #4. With regard to the 11,300 foot HDPE pipe, please provide, more specifically, the exact route that this portion of the pipeline will take.

The LFG pipeline will run from the LFG Processing Facility to the M&R Station, and its proposed route is shown in Exhibit B. The proposed route passes behind the existing landfill operations garage, generally follows and is adjacent to an existing landfill leachate gravity pipeline and associated gravel access roadway for much of the length and then crosses undeveloped land to the M&R Station. The entire length of this pipeline is on land owned by AVRRDD. Due to minor changes in the proposed location, the length of the LFG pipeline is currently estimated to be 10,650 feet. The exact route of this section of pipeline will not be determined until construction begins, since the Project will be constructed under a design/build contract.

Request #5. With respect to the natural gas metering and pressure regulation station (M&R Station), please identify the exact location of the M&R and please provide specifications and dimensions of the M&R. Also, please identify all components of the M&R Station, including manufacturer, size, type, and other relevant information of all such equipment. Additionally, please identify any and all safety equipment that will be present at

the M&R Station.

The M&R Station is anticipated to be located on currently undeveloped land on AVR RDD property west of the access road for the City of Berlin Water Pollution Control Facility off of Shelby Street, as indicated on attached Exhibit B. The Project will be constructed under a design/build contract, so the exact location of the M&R Station might be adjusted slightly depending on site conditions. The M&R Station will include flow control and pressure regulation including overpressure protection and shall be design and constructed in accordance with PNGTS pipeline requirements. In the RFP, AVR RDD did not require bidders to base their proposals on equipment specified by AVR RDD, so equipment specifications will not be known until after AVR RDD has selected a contractor.

Request #6. 340 foot pipe section: Please identify the exact route of this section of pipe, as well as all piping specifications including materials.

The section of pipeline running from the existing PNGTS transmission line to the M&R Station will cross existing undeveloped land owned by AVR RDD along the proposed route shown in Exhibit B. This section of pipeline is now estimated to be approximately 675 feet. The pipe will meet PNGTS pipeline requirements. The exact route and final pipe design of this section of pipeline will not be determined until construction begins, since the Project will be constructed under a design/build contract.

Request #7. 470 foot pipe section: Please identify the exact route that this pipe will take.

The proposed route of the section of pipeline running from the existing M&R Station to the vicinity of the east end of the abandoned railroad bridge crossing the Androscoggin River is shown in Exhibit B. This route includes crossing under the existing roadway to the

Berlin Water Pollution Control Facility off of Shelby Street, and then runs adjacent to old abandoned railroad tracks to the eastern end of the abandoned railroad bridge. This portion of pipeline crosses AVRRDD-owned property and property owned by Fraser's affiliate Great Lakes, and is now estimated to be approximately 850 feet. The exact route of this section of pipeline will not be determined until construction begins, since the Project will be constructed under a design/build contract.

Request #8. 2,500 foot pipe section: Please identify the exact route that this pipe will take.

The approximately 2,500-foot section of pipeline will run from the vicinity of the west end of the abandoned railroad bridge crossing the Androscoggin River to the Gorham Mill, and its proposed route is shown in Exhibit B. This section of pipeline will generally run adjacent to existing railroad tracks and associated access roads on Mill property to the northern end of the Mill boiler building. The exact route of this section of pipeline will not be determined until construction begins, since the Project will be constructed under a design/build contract.

Request #9. Interconnection point: Please provide the exact location at which the pipeline will interconnect with the Fraser paper mill and identify all components of the interconnection point by providing complete specifications, including manufacturer, size and type of all equipment. Also, please identify all safety equipment that will be present at the interconnection point.

The Interconnection Point is anticipated to be located just outside of the northern end of boiler building at the Gorham Mill, indicated as the "Natural Gas Pipeline Termination Point" on the aerial photograph and the topographic map attached as part of Exhibit B. The Project will be constructed under a design/build contract, so the exact location of the

Interconnection Point might be adjusted slightly depending on site conditions. In the RFP, AVRRDD did not require bidders to base their proposals on equipment specified by AVRRDD, so equipment specifications will not be known until after AVRRDD has selected a contractor.

Request #10. Please identify any requirements of the Federal Energy Regulatory Commission, if any.

The Project itself will not cross state lines and, therefore, it is not within the jurisdiction of the Federal Energy Regulatory Commission (“FERC”). See 15 U.S.C. §717. The PNGTS transmission line itself is an interstate natural gas pipeline and thus falls under FERC jurisdiction. PNGTS has a gas tariff on file with FERC (FERC Docket No. RP06-449-000). PNGTS will be responsible for any FERC filings associated with tapping into the PNGTS transmission line.

Request #11. Local approvals: Please provide copies of all local zoning and planning board approvals or applications for any pending approvals that have been received by the Project.

AVRRDD has received (1) zoning approval and a building permit from the Coos County Planning Board (for the unincorporated area of Success) for the LFG Processing Facility and pipelines to be located in Success, (2) conditional site plan review approval from the City of Berlin for the M&R Station and pipelines to be located in Berlin, and (3) conditional site plan review approval from the Town of Gorham for gas lines to be located in Gorham. Copies of these approvals are attached hereto in Exhibit C. AVRRDD will obtain any necessary additional building permits prior to commencing construction.

Request #12. Please identify the total amount of land disturbance that will be created by the construction of the Project.

AVRRDD currently estimates that approximately 127,000 square feet of land will be disturbed by the construction of the Project. Of this amount, approximately 14,500 square feet will be permanent impacts associated with the M&R Station and the landfill gas facilities, with the remainder temporary impacts associated with the pipelines that will be restored upon completion.

Request #13. Please provide information regarding the construction schedule for the Project, including the sequence of construction.

AVRRDD has asked prospective bidders to make proposals on the basis of two alternate schedules: (1) assuming a contract start date between December 1, 2010 and May 1, 2011, completion of the M&R Station, connections to the PNGTS transmission line, gas pipelines between those points and the Gorham Mill (the "Natural Gas System") within 180 days but not before July 1, 2011, and completion of the LFG Processing Facility and gas pipeline between the Landfill and the M&R Station (the "LFG System") within 210 days after a notice to proceed; and (2) assuming a contract start date between November 15, 2010 and December 1, 2010, completion of the Natural Gas System within 180 days and completion of the LFG System within 270 days. The final construction schedule will depend upon whether and when Fraser reaches agreement to sell the Gorham Mill to a prospective purchaser and AVRRDD reaches agreement with such purchaser on LFG purchase and other terms.

Request #14. Please provide copies of all applications that have been filed with the Department of Environmental Services for any permits required, including any site specific alteration of terrain permit and any wetlands permit.

AVRRDD applied for and received a waiver of Alteration of Terrain requirements from the NHDES Terrain Alteration Bureau. Copies of the Alteration of Terrain application and

waiver are included in attached Exhibit D.

AVRRDD has also prepared an application for a Standard Dredge & Fill Wetlands Permit, seeking qualification as Minimum Impact Project, with the NHDES Wetlands Bureau. AVRRDD is in the process of finalizing wetlands delineation before submitting this application. If granted, this permit will exempt AVRRDD from shoreland protection requirements and will constitute a general 401 water quality certification and Army Corps of Engineers permit.

AVRRDD plans to seek a modification to its Temporary Flare Permit from the NHDES Air Resources Division and a Type II Landfill Modification Permit from the NHDES Solid Waste Division. No applications for those modifications have been filed at this time.

Finally, AVRRDD understands that Fraser has applied for a modification to its air permit to accommodate the combustion of natural gas and landfill gas, rather than No. 6 Fuel Oil, in its boilers, but does not have a copy of that permit application.

Request #15. Please provide a copy of your filings with the New Hampshire Public Utilities Commission seeking authority to cross the abandoned railroad bridge above the Androscoggin River.

See attached Exhibit E.

Request #16. Please provide a copy of any filings and/or correspondence with the New Hampshire Public Utilities Commission regarding your efforts to insure that AVRRDD is not designated a public utility.

See attached Exhibit F.

Request #17. Please provide a copy of all safety plans that pertain to the Project. Safety plans should include all efforts that will be undertaken to maintain safe

operation of the Project and responses to emergency situations.

Safety plans will be developed in conjunction with the contractor after the selection of the contractor. The Natural Gas System (including the M&R Station) will be designed in accordance with PNGTS standards including safety requirements. It is currently anticipated that AVRDD will contract with PNGTS to operate the Natural Gas System and that operation and emergency plans will be in accordance with PNGTS's current procedures.

Request #18. Please provide a copy of all maintenance plans for the Project, particularly for the inspection of piping and the various interconnection and metering points.

Maintenance plans will be developed in conjunction with the prospective purchaser of the Gorham Mill and PNGTS, and in conformance with all applicable laws and permits and funding source requirements.

Request #19. Please identify all relevant fire and building codes.

Berlin's fire and building codes are included in attached Exhibit G. Success (like other unincorporated areas) follows state law with respect to building and fire safety requirements. Gorham follows the Building Officials and Code Administrators International, Inc. (BOCA) model code, including its fire and building code provisions.

Request #20. Please provide a copy of your correspondence with the New Hampshire Natural Heritage Bureau.

See attached Exhibit H.

6. AVRRDD intends to submit supplemental responses to the information requests when further information is available.

Respectfully submitted,

**ANDROSCOGGIN VALLEY REGIONAL
REFUSE DISPOSAL DISTRICT**

By their attorneys,

RATH, YOUNG AND PIGNATELLI, P.C.

Date: October 13, 2010

By: 
Charles G. Willing, Jr., Esquire
One Capital Plaza, P.O. Box 1500
Concord, NH 03302-1500
Ph. (603) 226-2600

EXHIBIT A

**BRENNAN
CARON
LENEHAN &
IACOPINO**

ATTORNEYS AT LAW

85 BROOK STREET
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JAMES A. CONNOR

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**Also admitted ME

September 22, 2010

Charles G. Willing, Esquire
Rath, Young & Pignatelli
One Capital Plaza, Box 1500
Concord, NH 03302

**Re: Exemption Application of Androscoggin Valley Regional Refuse
Disposal District**

Dear Mr. Willing:

I have been asked by Commissioner Thomas Burack, Chairman of the Site Evaluation Committee, to review the petition for exemption filed on behalf of the Androscoggin Valley Regional Refuse Disposal District. Chairman Burack has asked that I provide you with a list of information that is needed for your petition to be considered to be complete. Please provide the following information and/or documents:

1. Please identify the method of financing for the proposed Mt. Carberry Landfill Methane Gas and Natural-Gas Pipeline Project (Project).
2. Please identify any alternate routes considered for the pipeline contained within the Project.
3. With respect to the processing facility located in Success, N.H., please provide the exact location of the processing facility. Also, please identify all components of the processing facility by manufacturer, size, type and any other relevant specifications. Also, with respect to the processing facility, please identify, with specifications, all safety equipment that will be available at the processing facility.
4. With regard to the 11,300 foot HDPE pipe, please provide, more specifically, the exact route that this portion of the pipeline will take.

5. With respect to the natural gas metering and pressure regulation station (M&R Station), please identify the exact location of the M&R and please provide specifications and dimensions of the M&R Station. Also, please identify all components of the M&R Station, including manufacturer, size, type and other relevant information of all such equipment. Additionally, please identify any and all safety equipment that will be present at the M&R Station.

6. 350 foot pipe section: Please identify the exact route of this section of pipe, as well as all piping specifications including materials.

7. 470 foot HDPE pipe: Please provide the exact route that this pipe will take.

8. 2,500 foot HDPE pipe: Please provide the exact route that this pipe will take.

9. Interconnection point: Please provide the exact location at which the pipeline will connect with the Fraser paper mill and identify all components of the interconnection point by providing complete specifications, including manufacturer, size and type of all equipment. Also, please identify all safety equipment that will be present at the interconnection point.

10. Please identify any requirements of the Federal Energy Regulatory Commission, if any.

11. Local approvals: Please provide copies of all local zoning and planning board approvals or applications for any pending approvals that have been received by the Project.

12. Please identify the total amount of land disturbance that will be created by the construction of the Project.

13. Please provide information identifying the construction schedule for the Project, including the sequence of construction.

14. Please provide copies of all applications that have been filed with the Department of Environmental Services for any permits required, including any site specific alteration of terrain permit and any wetlands permit.

15. Please provide a copy of your filings with the New Hampshire Public Utilities Commission seeking authority to cross the abandoned railroad bridge above the Androscoggin River.

16. Please provide copies of any filings and/or correspondence with the New Hampshire Public Utilities Commission regarding your efforts to insure that AVRRDD is not designated a public utility.

17. Please provide a copy of all safety plans that pertain to the Project. Safety plans should include all efforts that will be undertaken to maintain a safe operation of the Project and responses to emergency situations.

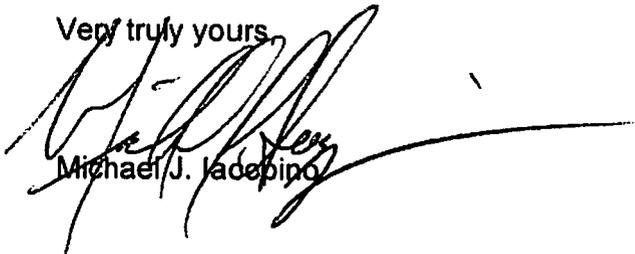
18. Please provide a copy of all maintenance plans for the Project, particularly for the inspection of piping and the various interconnection and metering points.

19. Please identify all relevant fire and building codes.

20. Please provide a copy of your correspondence with the New Hampshire Natural Heritage Bureau.

Providing the foregoing information in advance will assist the Site Evaluation Committee in giving prompt review and determination of the request for exemption for this Project. I understand your request for expedited treatment and, to the extent able, I understand that the Committee is willing to provide expedited treatment. However, it is necessary for the Committee to have complete information regarding the Project. Thank you for your time and attention to this matter.

Very truly yours,

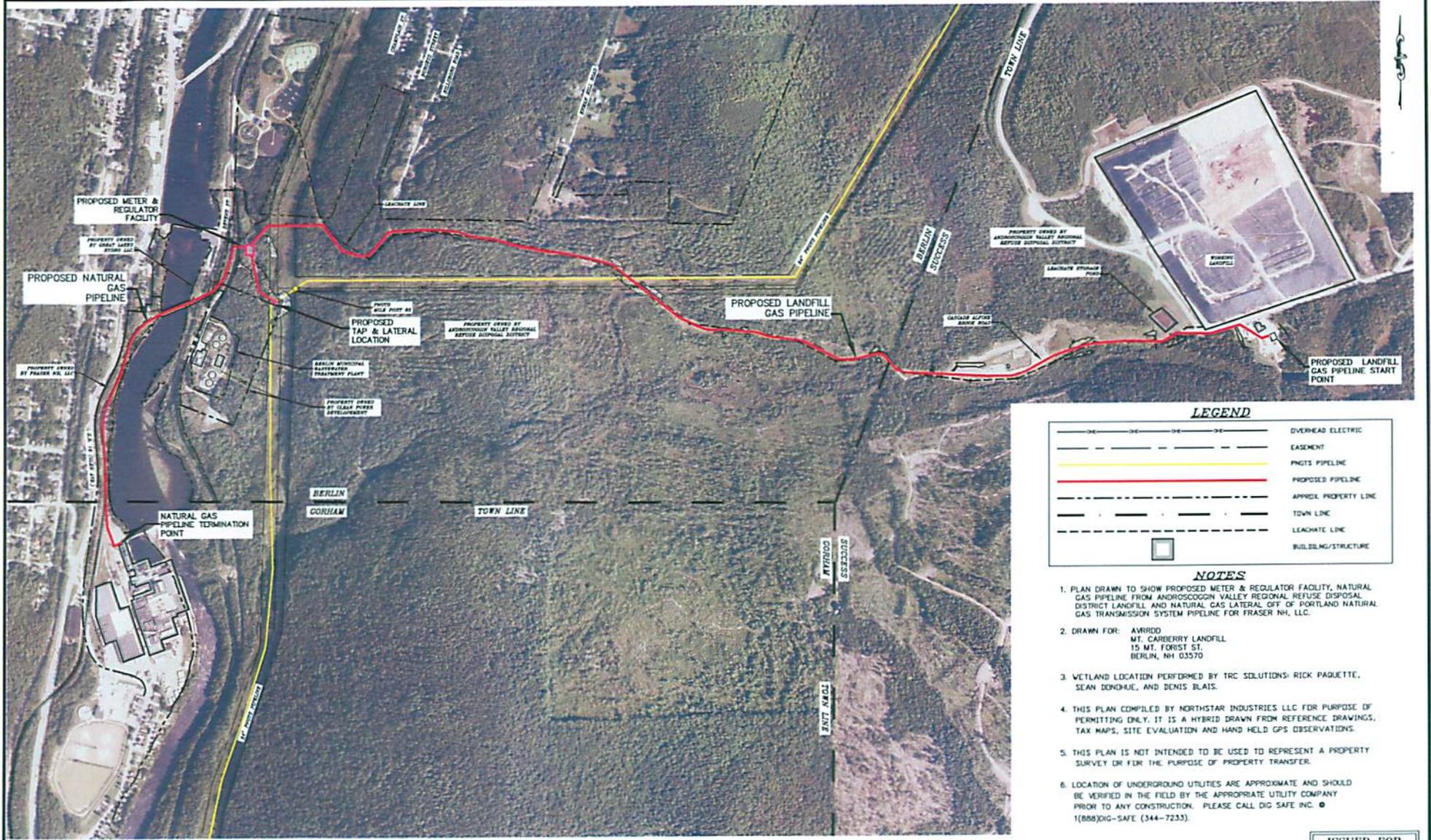


Michael J. Iacopino

MJI/tm

cc: Commissioner Thomas Burack

EXHIBIT B



LEGEND

	OVERHEAD ELECTRIC
	EASEMENT
	PIGTS PIPELINE
	PROPOSED PIPELINE
	APPROX. PROPERTY LINE
	TOWN LINE
	LEACHATE LINE
	BUILDING/STRUCTURE

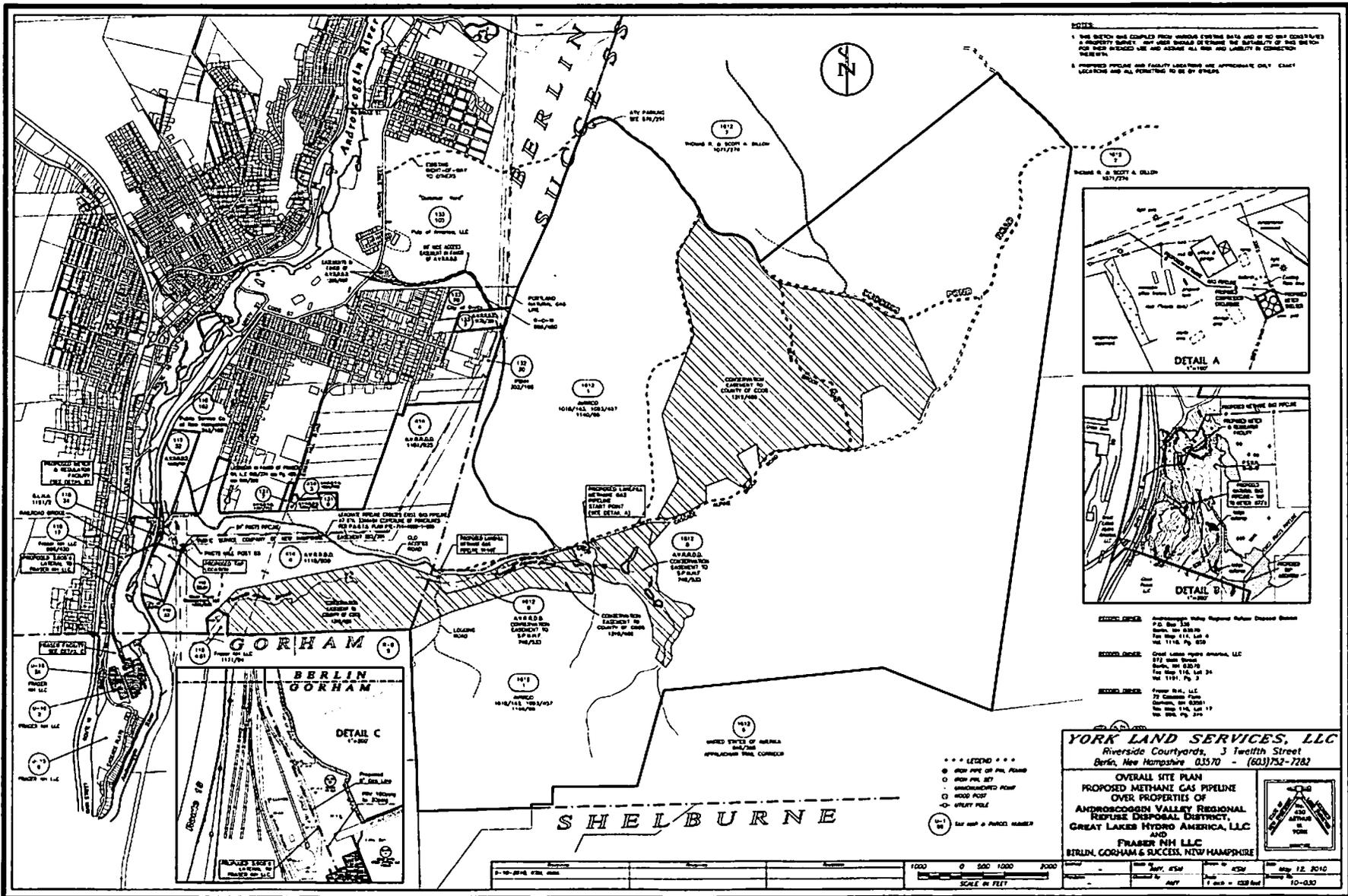
- NOTES**
1. PLAN DRAWN TO SHOW PROPOSED METER & REGULATOR FACILITY, NATURAL GAS PIPELINE FROM ANDROSCOGGIN VALLEY REGIONAL REFUSE DISPOSAL DISTRICT LANDFILL AND NATURAL GAS LATERAL OFF OF PORTLAND NATURAL GAS TRANSMISSION SYSTEM PIPELINE FOR FRASER NH, LLC.
 2. DRAWN FOR: AVRRO
MT. CARBERRY LANDFILL
15 MT. FORST ST.
BERLIN, NH 03570
 3. WETLAND LOCATION PERFORMED BY TRC SOLUTIONS: RICK PAQUETTE, SEAN DONOHUE, AND DENIS BLAIS.
 4. THIS PLAN COMPILED BY NORTHSTAR INDUSTRIES LLC FOR PURPOSE OF PERMITTING ONLY. IT IS A HYBRID DRAWN FROM REFERENCE DRAWINGS, TAX MAPS, SITE EVALUATION AND HAND HELD GPS OBSERVATIONS.
 5. THIS PLAN IS NOT INTENDED TO BE USED TO REPRESENT A PROPERTY SURVEY OR FOR THE PURPOSE OF PROPERTY TRANSFER.
 6. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AND SHOULD BE VERIFIED IN THE FIELD BY THE APPROPRIATE UTILITY COMPANY PRIOR TO ANY CONSTRUCTION. PLEASE CALL DIG SAFE INC. @ 1(888)DIG-SAFE (344-7233).



SHEET 1 OF 3

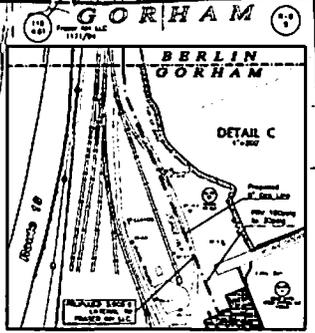
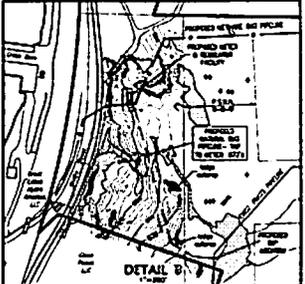
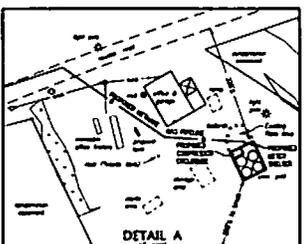
ISSUED FOR PERMITTING

PROJECT: 15 MT. CARBERRY LANDFILL LOCATION: BERLIN, NH DATE: 8/11/20	DRAWN BY: AVRRO CHECKED BY: AVRRO DATE: 8/11/20	PROJECT NO.: 15-001 SHEET NO.: 1 OF 3 DATE: 8/11/20	
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NOTES:

1. THIS SITE PLAN WAS COMPILED FROM RECORDS SYSTEMS 6410 AND 6410 BY THE ENGINEER'S OFFICE. THE ENGINEER'S OFFICE HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPOSED PIPELINE ROUTE AND HAS DETERMINED THAT THE PROPOSED PIPELINE ROUTE IS FEASIBLE AND WILL NOT CAUSE ANY ADVERSE EFFECTS TO THE PROPERTIES SHOWN ON THIS PLAN.
2. PROPOSED PIPELINE AND FACILITY LOCATIONS ARE APPROXIMATE ONLY. EXACT LOCATIONS AND ALL PERMITS TO BE OBTAINED.

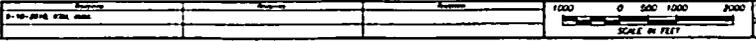


- RECORDS:** Androscoggin Valley Regional Refuse Disposal District
P.O. Box 125
Berlin, NH 03570
Tel: 603-411-1111, Fax: 603-411-1112, Pg. 010
- RECORDS:** Great Lakes Hydro America, LLC
212 Main Street
Berlin, NH 03570
Tel: 603-411-1111, Fax: 603-411-1112, Pg. 2
- RECORDS:** Fraser NH, LLC
72 Main Street
Berlin, NH 03570
Tel: 603-411-1111, Fax: 603-411-1112, Pg. 3

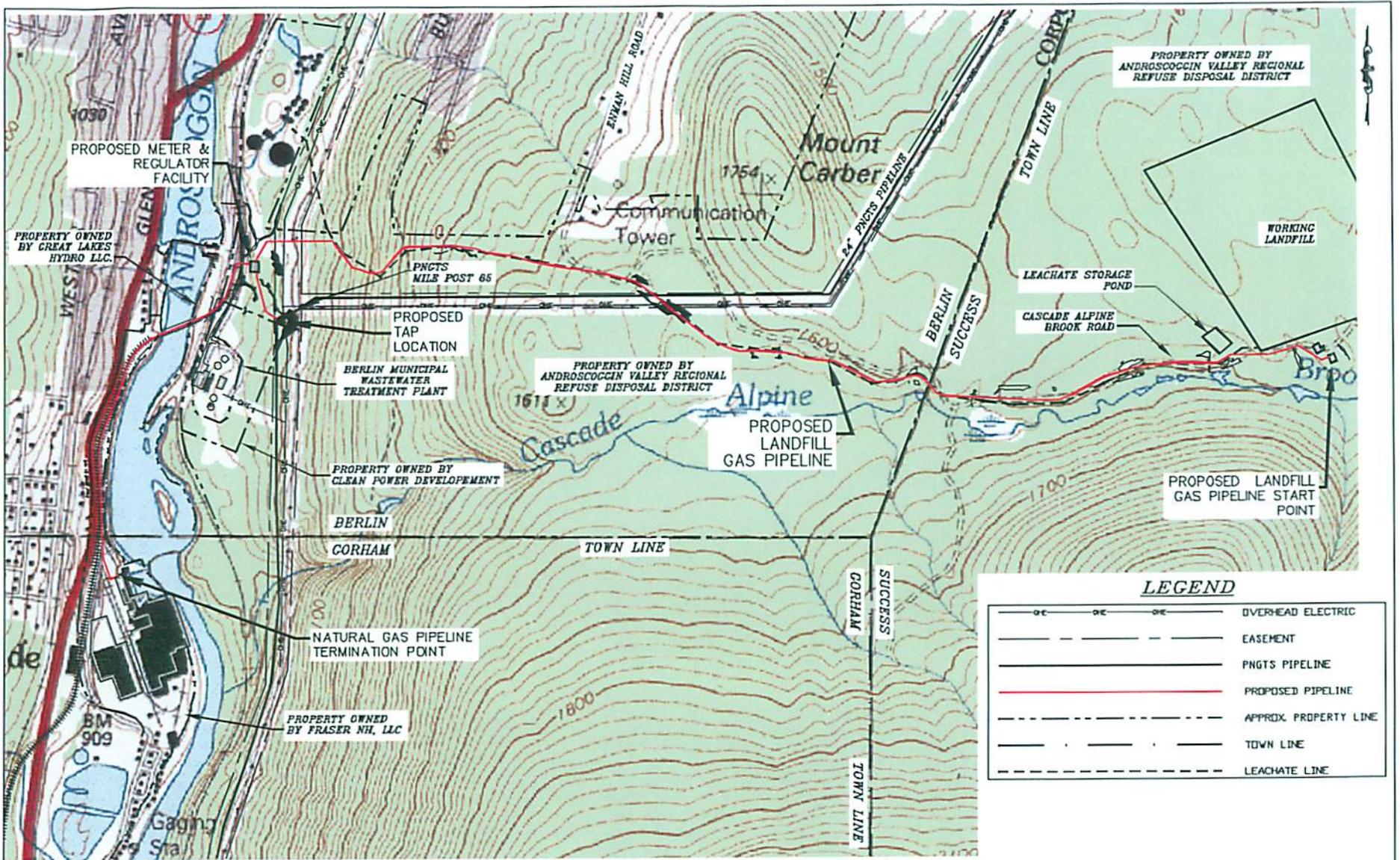
YORK LAND SERVICES, LLC
Riverside Courtyards, 3 Twelfth Street
Berlin, New Hampshire 03570 - (603)752-7182

OVERALL SITE PLAN
PROPOSED METHANE GAS PIPELINE
OVER PROPERTIES OF
ANTHROSCOGGIN VALLEY REGIONAL
REFUSE DISPOSAL DISTRICT,
GREAT LAKES HYDRO AMERICA, LLC
AND
FRASER NH LLC
BERLIN, GORHAM & SHELburnE, NEW HAMPSHIRE

- LEGEND**
- BOUNDARY OF P.M. PLANS
 - BOUNDARY OF P.M. SET
 - UNDEVELOPED PLANT
 - WOOD PILE
 - UTILITY POLE
 - ①-100 REF MAP & PARCEL NUMBER



DATE	11/1/2010
BY	YLS
SCALE	AS SHOWN
PROJECT	PROPOSED METHANE GAS PIPELINE OVER PROPERTIES OF ANTHROSCOGGIN VALLEY REGIONAL REFUSE DISPOSAL DISTRICT, GREAT LAKES HYDRO AMERICA, LLC AND FRASER NH LLC, BERLIN, GORHAM & SHELburnE, NEW HAMPSHIRE



LEGEND

	OVERHEAD ELECTRIC
	EASEMENT
	PNGTS PIPELINE
	PROPOSED PIPELINE
	APPROX. PROPERTY LINE
	TOWN LINE
	LEACHATE LINE



ISSUED FOR PERMITTING

FILENAME: FIGURE 1		LAST UPDATE: 9/8/10 TIME: 3:40P TA		SCALE, FEET		FIGURE 1		 NORTHSTAR INDUSTRIES 128 MERRIMACK STREET • METHUEN, MA 02844		
BY	A CAM	PRELIMINARY FOR INFO ONLY!	THIS DRAWING IS ENTRUSTED TO THE RECIPIENT PERSONALLY AND MAY CONTAIN INFORMATION THAT IS PROTECTED BY US PATENT #6,178,046: PORTABLE, FRS-MANUFACTURED, MODULAR NATURAL GAS DELIVERY STATIONS. IT SHALL NOT BE REPRODUCED IN WHOLE, OR PART, OR MADE ACCESSIBLE TO THIRD PARTIES WITHOUT PRIOR WRITTEN CONSENT FROM NORTHSTAR INDUSTRIES, INC.	PIPELINE OVERVIEW USGS BACKGROUND		PROJECT NO.	AVD-0003			
CHKD	EME			DATE	8/11/10	LANDFILL GAS PIPELINE LATERAL FROM A.V.R.R.D.D. TO THE FRASER NH, LLC. MILL GORHAM, NH		BY	C. MAGUIRE	DATE
BY	B TA	ISSUED FOR PERMITTING	DESIGN APPROVAL	PROJECT MANAGER		CHK'D	A. GONTHIER	DATE	8/11/10	
CHKD	ALC	REVISED METER BUILDING LOCATION		PROJECT MANAGER		DATE	8/11/10	DWG NO.	FIGURE 1	REV.
REVISIONS	REMARKS					SCALE		1"=1,200'		

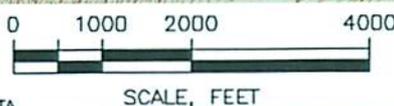
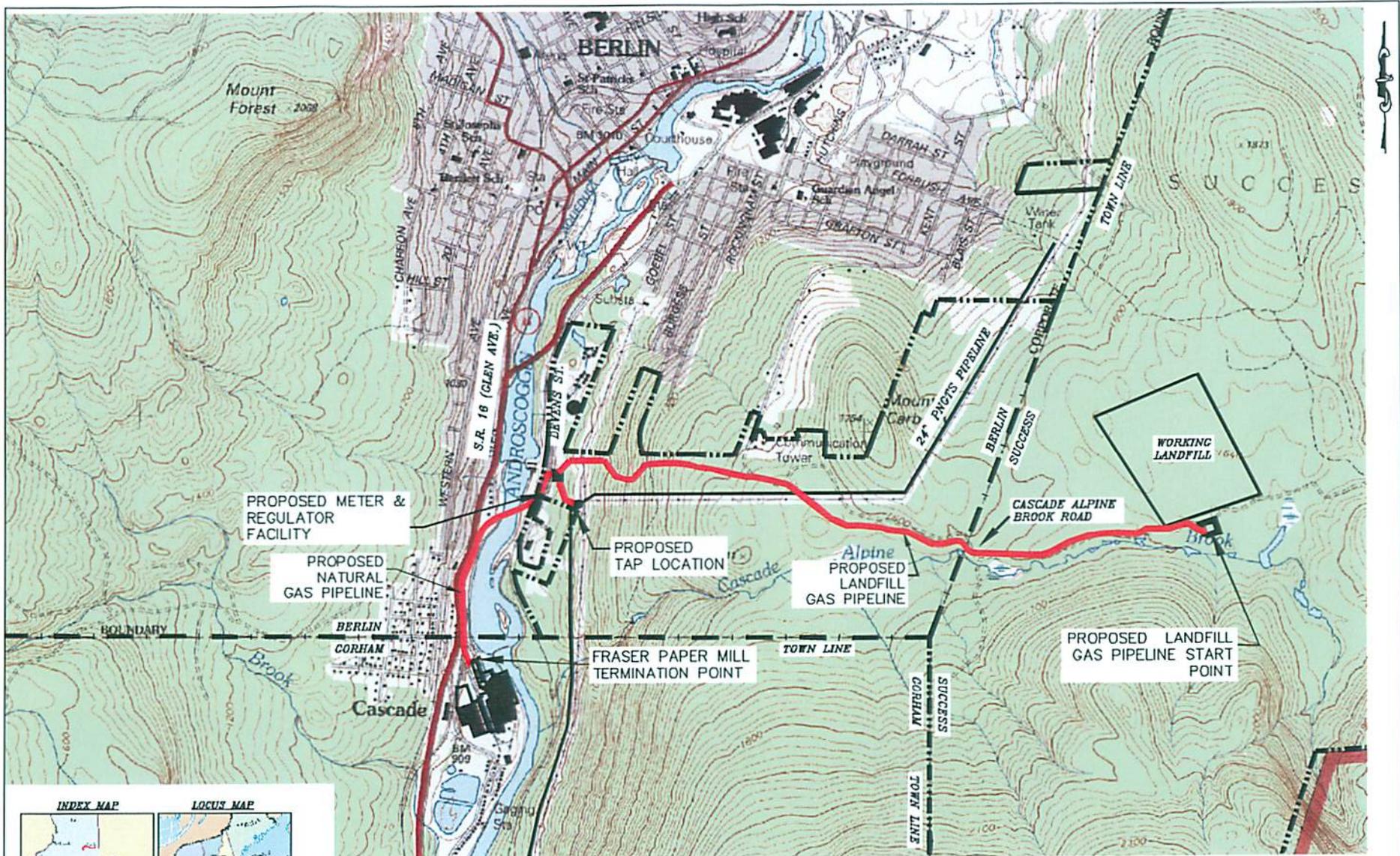
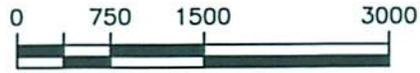
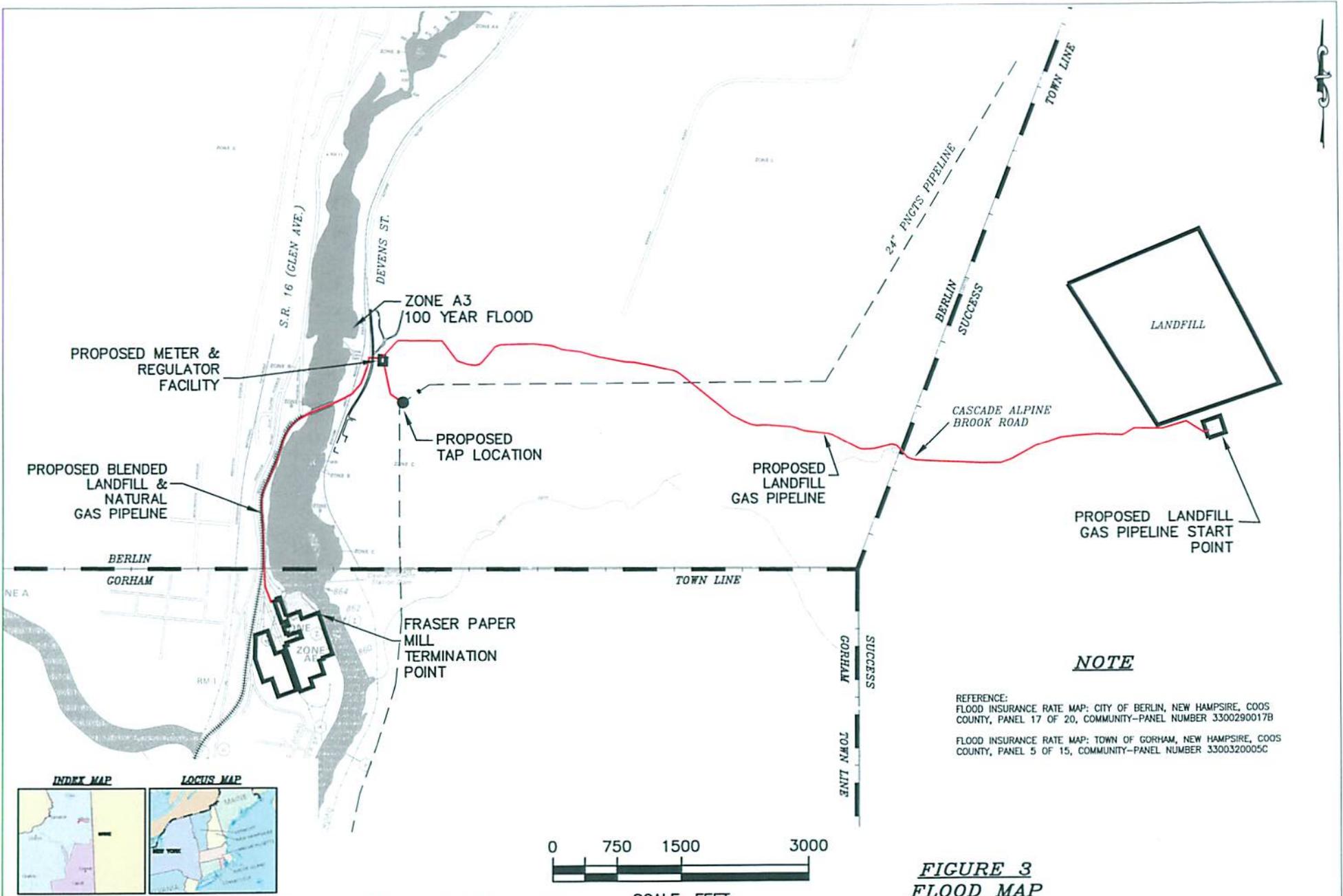


FIGURE 2
LOCUS

FILENAME: LOCUS		LAST UPDATE: 9/8/10 TIME: 4:30P TA		PIPELINE OVERVIEW USGS BACKGROUND		PROJECT NO. AVD-0003		 129 MERRIMACK STREET • METHUEN, MA 01464	
BY CHKD DATE	A EMJ 8/11/10	PRELIMINARY FOR INFO ONLY		THIS DRAWING IS ENTRUSTED TO THE RECIPIENT PERSONALLY AND MAY CONTAIN INFORMATION THAT IS PROTECTED BY US PATENT #6,176,046. PORTABLE, PRE-MANUFACTURED, MODULAR NATURAL GAS DELIVERY STATIONS. IT SHALL NOT BE REPRODUCED IN WHOLE, OR PART, OR MADE ACCESSIBLE TO THIRD PARTIES WITHOUT PRIOR WRITTEN CONSENT FROM NORTHSTAR INDUSTRIES, INC.		BY C. MAGUIRE DATE 8/11/10			
BY CHKD DATE	B TA ALG 9/1/10	ISSUED FOR PERMITTING REVISED METER BUILDING LOCATION				LANDFILL GAS PIPELINE LATERAL FROM A.V.R.R.D.D. TO THE FRASER NH, LLC. MILL GORHAM, NH		CHK'D A. GONTHIER DATE 8/11/10 A. GONTHIER PROJECT MANAGER	
REVISIONS	REMARKS	DESIGN APPROVAL						SCALE 1"=2,000'	



**FIGURE 3
FLOOD MAP**

FILENAME: FLOOD MAP		LAST UPDATE: 5:00P		TIME: 4:30P		CAM		SCALE, FEET		PROJECT NO. AVD-0003		 126 MERRIMACK STREET • METHUEN, MA 01460			
BY	A	CAM	PRELIMINARY FOR INFO ONLY		THIS DRAWING IS ENTRUSTED TO THE RECIPIENT PERSONALLY AND MAY CONTAIN INFORMATION THAT IS PROTECTED BY US PATENT #6,176,046: PORTABLE, PRE-MANUFACTURED, MODULAR NATURAL GAS DELIVERY STATIONS. IT SHALL NOT BE REPRODUCED IN WHOLE, OR PART, OR MADE ACCESSIBLE TO THIRD PARTIES WITHOUT PRIOR WRITTEN CONSENT FROM NORTHSTAR INDUSTRIES, INC.		PIPELINE OVERVIEW FLOOD MAP BACKGROUND		BY	C. MAGUIRE	DATE			8/11/10	
CHKD	B	EMB	ISSUED FOR PERMITTING REVISED METER BUILDING LOCATION		DESIGN APPROVAL		NATURAL GAS PIPELINE LATERAL FROM A.V.R.R.D.D. TO THE FRASER NH, LLC. MILL GORHAM, NH		CHK'D	A. GONTHIER	DATE	8/11/10	DWG NO.	FLOOD MAP	REV.
DATE	9/1/10	ALG	REMARKS						A. GONTHIER PROJECT MANAGER		SCALE 1"=1,500'		B		

EXHIBIT C



Coos County Planning Board

P.O. BOX 10 • W. STEWARTSTOWN, N. H. 03597 • 603 • 246-3321

ZONING PERMIT

May 25, 2010

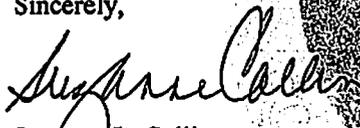
Ms. Sharon Gauthier
Androscoggin Valley Regional
Refuse Disposal District
PO Box 336
Berlin, NH 03570

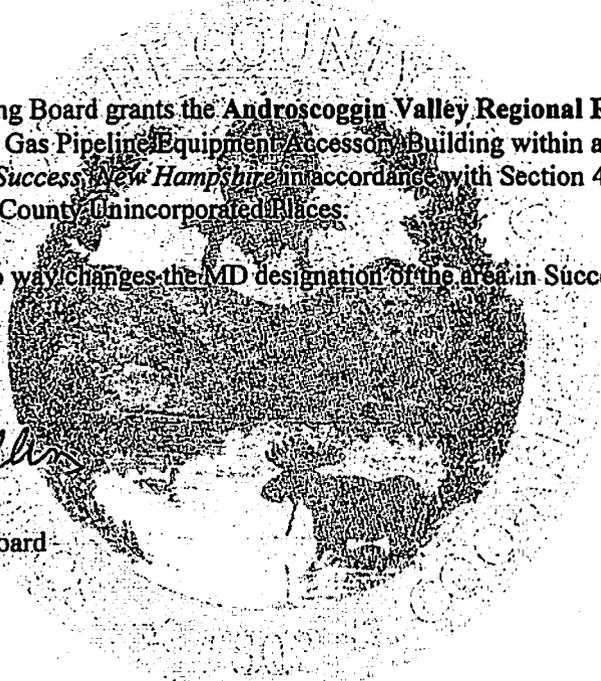
Dear Ms. Gauthier:

The Coos County Planning Board grants the Androscoggin Valley Regional Refuse Disposal District permission for a Gas Pipeline Equipment Accessory Building within a (MD) Management District in Success, New Hampshire in accordance with Section 4.04 of the Zoning Ordinances for the Coos County Unincorporated Places.

Grant of this permit in no way changes the MD designation of the area in Success.

Sincerely,


Suzanne L. Collins
Coos County Planning Board

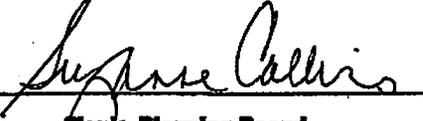


Place in a Conspicuous Location

**Coös County
Unincorporated Places
Building Permit**

**Androscoggin Valley Regional
Refuse Disposal District
has been granted Permit No. 343
for a 20' x 12' equipment enclosure
and a 5' x 5' enclosure
in Success, New Hampshire**

May 25, 2010


Clark, Planning Board

**Permit must be returned to Coös County Commissioners
upon completion of work.
Permit must be exercised within one year
or permit will be declared invalid.**

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May 25, 2010



Clark, Planning Board

**Permit must be returned to Coös County Commissioners
upon completion of work.**

**Permit must be exercised within one year
or permit will be declared invalid.**



Notice of Berlin Planning Board Decision

On June 8, 2010, the Berlin Planning Board voted to conditionally approve the plan for Site Plan of the Methane Gas Pipeline Project- Androscoggin Valley Regional Refuse Disposal District submitted to the Berlin Planning Board by Androscoggin Valley Regional Refuse Disposal District (AVRRDD) for property located at Tax Maps 414 Lot 4 belonging to AVRRDD, 116 Lot 24 belonging to Great Lakes Hydro America LLC, and 116 Lot 17 belonging to Fraser NH LLC. Any conditions to which the plan is subject are listed below:

1. Outside lighting plan for the building will be given to the City Planner for review upon completion;
2. Copies of all state and federal permits as they are acquired will be sent to the City Planner;
3. AVRRDD will meet with the Fire Department for a technical review of the project;
4. Copies of all easements obtained will be sent to the City Planner;
5. Copy of the "as built" drawings for the building will be sent to the Planning Department;
6. Any major changes in the location of the line or the project will need to come back to the Planning Board;
7. Location of gas line needs to be detailed and sent to the Planning Department when completed;
8. Applicant should consult with Waste Water Treatment Facility staff due to the proximity of the project to the plant.

Signed:

Francoise Cusson
Planning Board Chairperson

June 8, 2010
Date

Town of Gorham
Planning Board
Minutes
August 26, 2010

Members Present: Mike Waddell, Mike Guay, Lary Guay, Dan Buteau, John Losier, Paul Robitaille and Reuben Rajala

Members Excused: Barney Valliere, Glen Eastman, Earl McGillicuddy and Bruno Janicki

Members of the Public: Jeff Taylor (Jeff Taylor & Associates), Carol Bont (North Country Council), Burke York (York Land Services), Robin Frost (Town manager) and Craig Lyons (Berlin Daily Sun)

Call to Order: Meeting was called to order at 7:0) by the Chairman

Minutes of July 29, 2010 – On a motion from Mike Guay with a second from Lary Guay, the board voted to accept the minutes as presented. Lary Guay would like to see the minutes in larger print for people with reading difficulties.

Minor Site Plan Review – AVRDD

Burke York explained to the board that he was representing the AVRDD whose site plan review was discussed by the Minor Site Plan Review Subcommittee in April. Sharon Gauthier of AVRDD thought that that meeting was a final site plan review. The district is now ready to move forward and needs to know whether they need to come before the board for a full Site Plan Review. Both Mike Waddell and Paul Robitaille remember discussing the plan at the minor site plan review subcommittee and they both felt that a full site plan review was warranted. Burke explained that the plan was to pipe methane from the landfill in Berlin in a 4' pipe downhill towards the river (following the leachate line) to Unity street into a new building where PNGTS will be mixed with it and then pumped to the Cascade Mill. Once it was mixed it would be contained within a 6' pipe underground along the railroad for 490' to the existing building. AVRDD has an agency who is handling all the State permits. The reason the MSPR subcommittee felt that a full site plan was warranted was because the MSPR would not notify abutters. Mike Guay stated that because the board had granted a site plan for a biomass boiler on the property with no expiration date, there was concern about adding the methane pipe. He also felt that the board needed a plan marking the fire protection for the pipeline and it should be recorded. Burke explained that they would not interfere with each other. Mike Waddell has talked to the Fire Chief who has no concerns. The City of Berlin has approved the Site Plan with several conditions. Mike Guay made a motion to grant a conditional minor site plan approval with conditions 2, 3, 5, 6 & 7 from the Berlin Site Plan Review without the abutment for buildings. The motion received a second from John and the chairman called for a roll call vote.

Mike Guay – Yes Paul – yes John – Yes Dan – Yes Lary – Yes

Reuben – Yes Mike Waddell – Yes

Burke asked for a copy of the minutes to be emailed to him,

Review of Commercial Building permits

Irving Oil – Sign Permit

On a motion from Mike Guay which received a second from Dan, all members voted in favor of accepting the permit as presented.

Terry Rhoderick – propane filling station at Moose Meadow Mini Golf

As the permit only listed a fence and did not include that it should also be for a propane filling station, the board asked that the permit be sent back to the Code Enforcement Officer to ask the applicant to include all work along with the fence. It should then be returned to the MSPR subcommittee for review.

Review of Master plan – Jeff Taylor

Jeff was asked to meet with the board to discuss possible scenarios for updating the Master Plan which was last done in 2005. Jeff felt that the existing land use chapter needed minor changes and that the population

/ housing chapter would probably be the biggest change. A future land use map with vision statement should be done as well. Possibly a one page update for each chapter with a completely new population housing chapter. The implementation chapter needs to be rewritten because it has ideas but no prioritization . Someone should be assigned primary tasks and responsibilities then prioritized. Jeff suggested that he would have Steve Whitman attend monthly meetings with the board to keep the billable rate down. The US Census date will become available soon and will be critical to the housing chapter. He will create a proposal and submit it to the board.

North Country Council – Carol Bont

Carol came to offer North Country Council's services. There is rural community development monies that have been set aside for communities in distress and NCC can offer approximately 40 hours of help with developing or amending zoning ordinances, master plans, development of regional impact training, etc. There is also a new program to help increase energy efficiency in community buildings which pays for a company to evaluate what can be done to make the building more energy efficient. There are several people available at NCC that have expertise in various areas. Mike Waddell suggested that each member should look at the existing plan so they are ready to discuss possible changes with Jeff.

New Business

1) John Losier sent a letter to the board regarding issues he has with Berlin City, namely their outside speaker system which he feels is in violation of the zoning ordinance and their use of the buffer zone for parking of vehicles for sale. After much discussion it was decided that the code enforcement officer should look into it and report to the board. Mike Guay made a motion to direct the code enforcement officer to review the conditional site plan review for DSD and John's letter then make recommendations to the board. This received a second from Dan Buteau. The chairman called for a roll call vote.

Mike guay – Yes Paul – Yes Dan – Yes Reuben – Yes Mike Guay – Yes
Lary Guay – Yes John – Recused

2) Mike Waddell informed the board that the zoning board had granted a variance for a resident to build a home on proposed Woodbound Road approximately 100' off Spring Road (the only public street). This property does not have frontage on a public street. He also noted that the zoning board had recognized that there would not be any access for emergency vehicles and that the appeal was granted without conditions even though they had denied an earlier applicant in the same area because they were further away from Spring Road. The applicant had stated that he would maintain the access but the board had not required it. The applicant has stated that he was going to apply for water & sewer approvals from the State, but that he has not done so yet. After discussion on a motion from Paul with a second from Lary, the board voted to appeal the ZBA decision. The chairman called for a roll call vote:

Mike Guay – Yes Paul – yes John – Recused Dan – yes Lary – yes
Mike Waddell – Yes Reuben – Yes

Mike Waddell will ask the Town manager to see if the Town's Attorney can prepare the relevant points the board should address in it's request for rehearing.

Old business:

Mike Guay has not done anything with private subdivision since the last meeting.

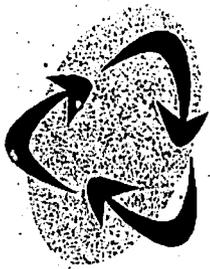
Next Meeting

The next meeting will be September 9th to discuss the request for rehearing to the ZBA. The board would like to ask the selectmen to please attend the meeting.

Adjournment

On a motion from Mike Guay with a second from Paul, the board voted to adjourn at 9:15

EXHIBIT D



Androscoggin Valley

Regional Refuse Disposal District

August 18, 2010

Ms. Gloria S Andrews, P.E.
New Hampshire Department of Environmental Services
Water Division, Land Resources Management
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Subject: Request for Waiver
NHDES Alteration of Terrain Permit
Androscoggin Valley Regional Refuse Disposal District Pipeline Project
Success, Berlin, Gorham New Hampshire

Dear Ms. Andrews:

In response to your discussion with our consultants Northstar Industries at an August 12, 2010 NHDES pre-application meeting, Androscoggin Valley Regional Refuse Disposal District (AVRRDD) is submitting this waiver request for the proposed AVRRDD Pipeline Project located in Success, Berlin, and Gorham, New Hampshire. Specifically, we are planning to proceed with our project under a general permit by rule (Env-Wq 1503.03) and are requesting two waivers from the NHDES Alteration of Terrain regulations (Env-WQ-1500). Pursuant to Env-Wq 1509.01(a), waiver is requested because strict adherence to the rules in Env-Wq 1500 would not be in the best interest of the public or the environment.

The following sections provide a detailed description of the AVRRDD Pipeline project and the two waiver requests.

Description of Project

AVRRDD is proposing to construct and operate the Mt. Carberry Landfill Methane Gas and Natural Gas Pipeline Project (the Project) located in northern New Hampshire. The Project will supply the Mill (the "Gorham Mill") located in Gorham, New Hampshire, currently owned by Fraser Paper, with blended landfill gas (LFG) and natural gas, replacing the existing fuel oil currently used to produce steam for the papermaking process at the Gorham Mill.

These facilities will supply blended LFG/natural gas to the Gorham Mill via interconnects with the AVRRDD landfill located in Success and a new tap from the existing Portland Natural Gas Transmission System (PNGTS) pipeline to be located near the M&R Station in Berlin. The Project is located in Success, Berlin, and Gorham, New Hampshire (see USGS map in Attachment A).

The Project will be owned by AVRRDD and consist of the construction and operation of the following facilities:

- a LFG Processing Facility (compressor, dehydration unit, and meter) at the eastern end of the Project in Success, New Hampshire;

PO Box 336, Berlin, NH 03570
Tel. (603) 752-3342
Fax (603) 752-4388

- an approximately 11,300-foot-long buried 8-inch-diameter High Density Poly Ethylene (HDPE) landfill gas (LFG) pipeline from the AVRRDD landfill to the M&R Station in Berlin, New Hampshire;
- a natural gas metering and pressure regulation (M&R) Station;
- an approximately 350-foot-long, 2-inch-diameter lateral pipeline from the existing PNGTS mainline pipeline to the M&R Station;
- an approximately 470-foot-long, 8-inch-diameter HDPE mixed LFG and natural gas pipeline from the M&R Station to the Androscoggin River;
- an approximately 300-foot-long, 8-inch-diameter segment of coated steel pipeline crossing the abandoned railroad bridge over the Androscoggin River; and
- an approximately 2,500-foot-long, 8-inch-diameter HDPE mixed LFG and natural gas pipeline from the west end of the Androscoggin River crossing to the Gorham Mill.

The Project will traverse a portion of one unincorporated area (Success, New Hampshire), cross an area in the southeast portion of the City of Berlin, New Hampshire, and terminate in the Town of Gorham, New Hampshire. The LFG Processing Facility will be installed at the east end of the Project at the existing and operating Mt. Carberry Landfill Flare site located on AVRRDD property in Success, New Hampshire. This facility will be located in an area of high year-round industrial activity associated with operation of the existing landfill including: year-round operating flare, work building/garage, truck traffic, gravel yard area, and paved road leading in and out of the site.

The proposed pipeline from the landfill to the M&R Station in Berlin will be installed within and along an existing maintained gravel road and existing buried leachate pipeline running to the west from the current AVRRDD flare location. This road/corridor is approximately 20 to 30 feet wide and bounded to the south for the majority of the distance by land owned by AVRRDD and subject to a Conservation Easement and to the north by undeveloped land owned by AVRRDD.

The M&R Station will be located within a forested parcel of land owned by AVRRDD near the eastern bank of the Androscoggin River between the AVRRDD-owned (former Burgess Mill WWTP) and City of Berlin wastewater treatment plants. The site is surrounded by an abandoned railroad bed, power lines, and existing gravel and paved roads. AVRRDD will also construct a 350-foot-long, 2-inch-diameter pipeline tap to connect the M&R Station with the PNGTS pipeline.

The pipeline will leave the M&R Station in a westerly direction crossing the existing wastewater treatment plant access road onto private property owned by Great Lakes Hydro. It will then follow a portion of an abandoned rail bed to the former rail bridge crossing at the Androscoggin River where the pipeline will be installed on the bridge, and then enter the Fraser rail yard on the west bank of the Androscoggin River. The M&R outlet pipe will then follow an existing gravel road and the Androscoggin River south adjacent to the existing railroad corridor into the town of Gorham, New Hampshire ending at the Gorham Mill. The surrounding area is a well developed, highly disturbed, industrial location, with significant human activity. Vegetation in the Project area consists primarily of shrub vegetation, young hardwoods, and a few softwood species towards higher elevations (1,600 feet).

WAIVER REQUESTS

Pipeline - General Permit by Rule: Env-Wq 1503.03(a)(3)

As a utility project, the proposed pipeline qualifies for a general permit by rule in accordance with Env-Wq 1503.03(a). Standard Env-Wq 1503.03(a)(3) requires that the trench is cut and covered within the

same working day. However, there will be occasions during pipeline construction where the pipeline trench will have to be left uncovered for longer than one day to facilitate construction activities. If AVRRDD were required to comply with Env-Wq 1503.03(a)(3) as written, given the length of the pipeline route and the compressed construction schedule, the project would be substantially delayed and would be substantially more expensive. In these situations, specific attention will be paid to the implementation of erosion and sedimentation control measures and best management practices as shown on Sheets 1-4 of the site plan in Attachment A. Based on the Project's commitment to implement the erosion and sedimentation control measures and best management practices to limit environmental impacts, AVRRDD requests a waiver of Env-Wq 1503.03(a)(3) for the installation of the AVRRDD Pipeline. Granting this waiver request will not result in an adverse impact on the environment, public health, public safety, or abutting properties that is more significant than that which would result from complying with the rule pursuant to Env-Wq 1509.04(a)(1). Both of the conditions set forth in Env-Wq 1509.04(a)(2) will be satisfied. AVRRDD will employ erosion control measures (grading, silt fence locations and other improvements) as indicated on the attached plans.

Meter & Regulator Station - Env-Wq-1509 Waiver Request

The AVRRDD Pipeline includes the construction of a 100-foot x 125-foot fenced meter and regulator (M&R) station site and a 30-foot-long x 15-foot-wide gravel driveway. This fenced site will contain aboveground piping and a small (470 square foot) M&R building. The station site and entrance driveway will be covered with a layer of crushed stone. The only impervious surface at the site will be the small M&R building. As mentioned in the August 12th meeting, the proposed M&R station does not meet the criteria for a General Permit by Rule. However, given the small footprint of this ancillary aboveground pipeline facility (12,500 square feet) and the minor amount of impervious surface created (470 square feet), AVRRDD is requesting a waiver of the requirement to obtain a separate AOT permit for this Project facility at Env-Wq-1503.02. Requiring AVRRDD to obtain a separate AOT permit under Env-Wq-1509 offers no benefit to the public given the small footprint of these facilities. Construction of this facility will be conducted in accordance with the applicable Env-Wq-1505 AOT standards and accepted best management practices including the installation and maintenance of erosion and sedimentation control devices to protect off-site wetland resources. No wetlands or waterbodies will be impacted by construction at this site. Granting this waiver request will not result in an adverse impact on the environment, public health, public safety, or abutting properties that is more significant than that which would result from complying with the rule pursuant to Env-Wq 1509.04(a)(1). Both of the conditions set forth in Env-Wq 1509.04(a)(2) will be satisfied.

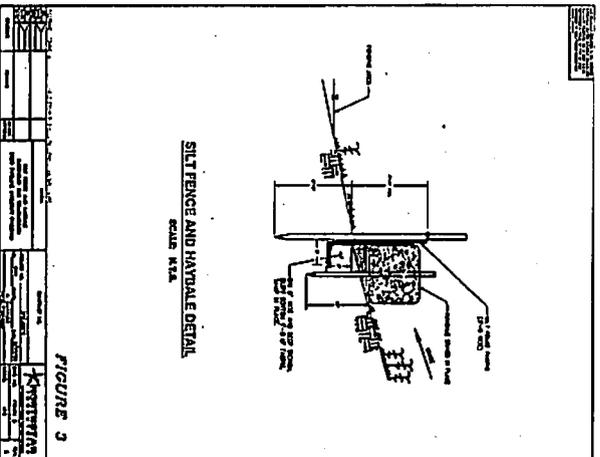
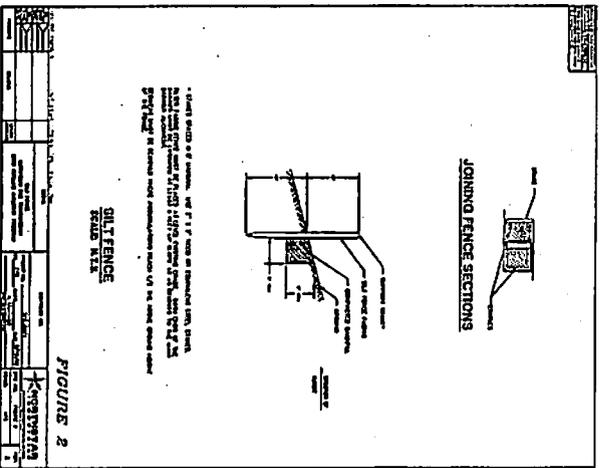
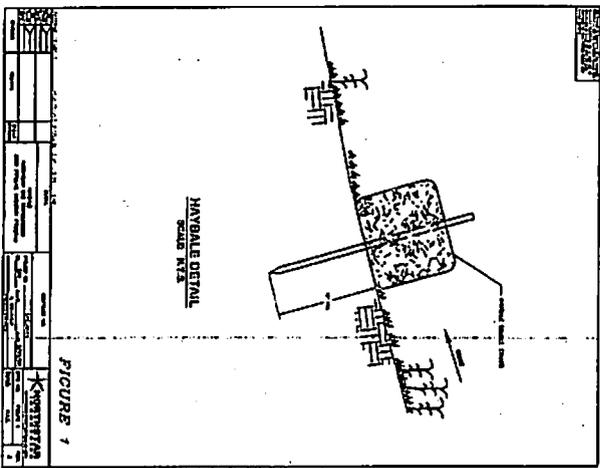
To assist you with your review of this waiver request we have provided copies of the Project site plan and E&S details in Attachment A. If you have any further questions please contact me at 603-752-3342.

Sincerely,



Linda Cushman
Chair

ATTACHMENT A – PROJECT SITE PLANS



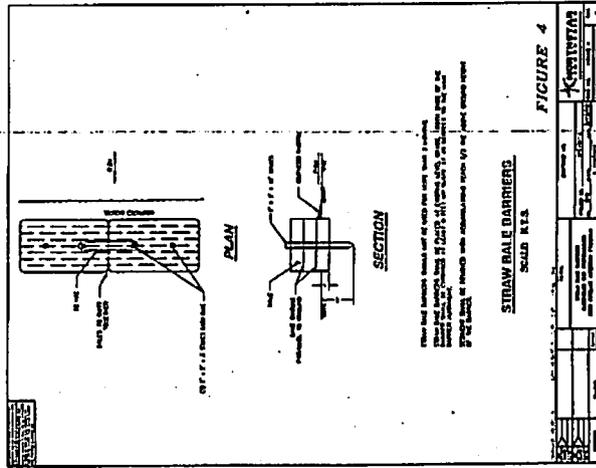
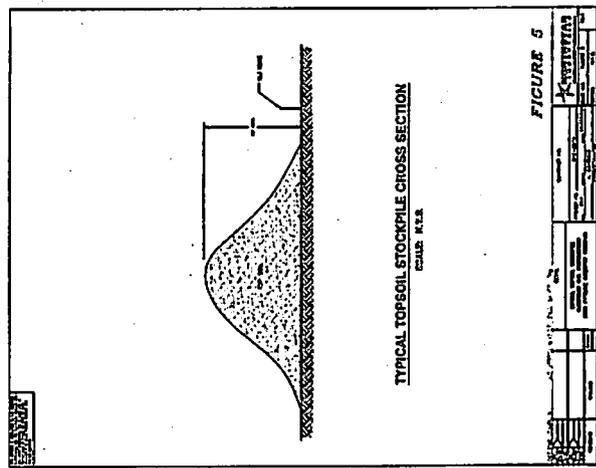
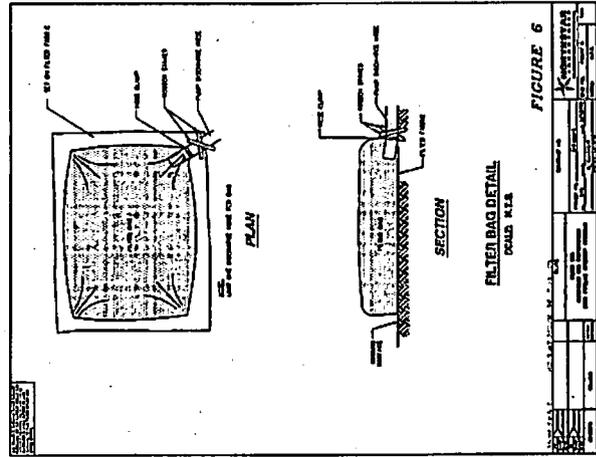
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SHEET 2 OF 4

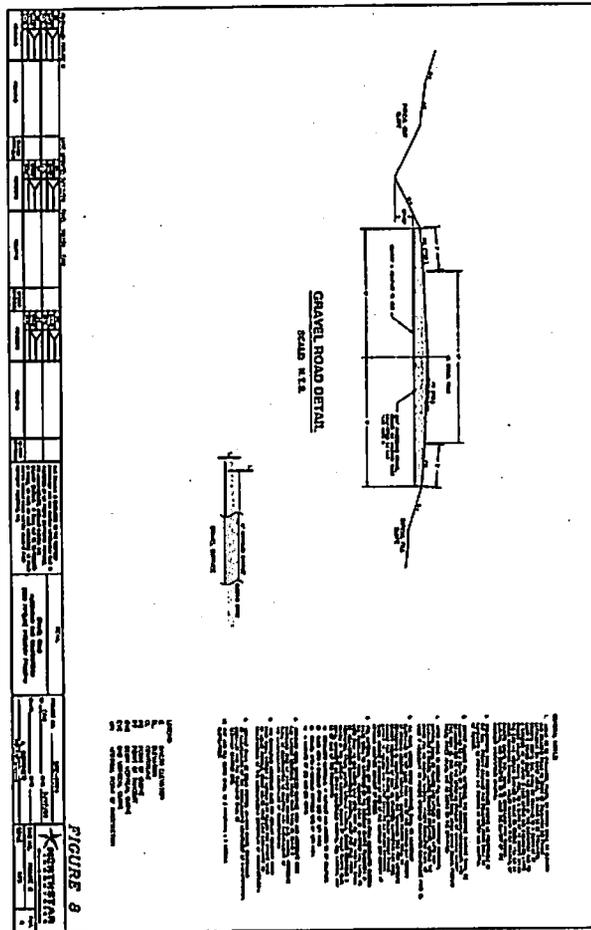
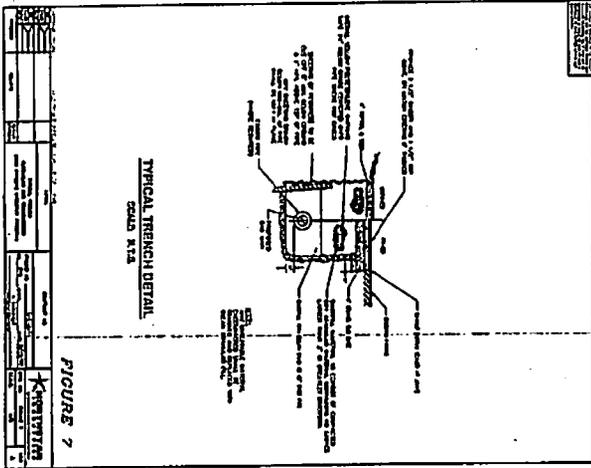
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FOR INFO ONLY

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FOR INFO ONLY

SHEET 3 OF 4



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SHEET 4 OF 4

PRELIMINARY
FOR INFO ONLY



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

August 20, 2010

Linda Cushman, Chair
Androscoggin Valley Regional Refuse Disposal District
PO Box 336
Berlin, NH 03570

RE: Rule Waiver Request for AVR RDD
AVR RDD pipeline project in Success, Berlin & Gorham, NH

Dear Ms. Cushman:

The Department of Environmental Services (DES) Terrain Alteration Bureau is in receipt of your waiver request, dated August 18, 2010, to waive the need for filing an Alteration of Terrain (AoT) application to construct a pipeline and Meter and Regulator (M & R) station. Based on the plans submitted and the explanation in your request, your waiver request has been granted provided the following:

Work is conducted in accordance with Env-W 1505.04 relative to temporary methods for stormwater management and erosion and sediment control and Env-Wq 1505.05 relative to cold weather stabilization.

DES finds that granting the request will not result in an adverse impact on the environment, public health, public safety, or abutting properties that is more significant than that which would result from complying with the rule. Additionally, granting the request is consistent with the intent and purpose of the rule being waived.

Please keep in mind that other permits from the local municipality, the State of New Hampshire and the Federal Government (US Environmental Protection Agency and the US Army Corps of Engineers) may be required for this project. Projects disturbing over 1 acre require a Federal stormwater permit from EPA.

If you have any questions please, do not hesitate to contact me at 271-3561 or gloria.andrews@des.nh.gov.

Thank you,

Gloria S. Andrews, P.E.
Terrain Alteration Bureau

cc: Berlin Planning Board
Berlin Conservation Commission

EXHIBIT E

RATH YOUNG PIGNATELLI

Charles G. Willing, Jr.
Attorney at Law
cgw@rathlaw.com
Please reply to: Concord Office

September 3, 2010

Hand Delivered

Debra A. Howland
Executive Director
New Hampshire Public Utilities Commission
21 South Fruit St., Suite 10
Concord, NH 03301-2429

**RE: Androscoggin Valley Regional Refuse Disposal District
Petition for License to Construct and Maintain a Gas Pipeline Over and Across
the Androscoggin River in the City of Berlin, New Hampshire**

Dear Ms. Howland:

On behalf of the Androscoggin Valley Regional Refuse Disposal District ("AVRRDD"), enclosed for filing and docketing are an original and seven copies of a Petition for License to Construct and Maintain a Gas Pipeline Over and Across the Androscoggin River in the City of Berlin, New Hampshire. The Petition relates to a proposed project to construct and operate the Mt. Carberry Landfill Methane Gas and Natural Gas Pipeline Project located in northern New Hampshire, which will supply a paper mill, located in Gorham, New Hampshire with blended landfill gas and natural gas, to be used to fire boilers that supply steam to the mill's papermaking process. A diskette containing an electronic version of the Petition is also enclosed and a copy of this filing is being provided to the Office of Consumer Advocate.

AVRRDD respectfully requests that the Commission issue an Order Nisi with respect to the enclosed Petition. As further explained in the Petition, AVRRDD anticipates that construction for this project will need to commence by the end of September and, therefore, AVRRDD wishes to obtain all necessary permits by that time. To the extent the Committee's resources allow, we would greatly appreciate any effort that can be made to accommodate this need.

AVRRDD respectfully requests that correspondence relating to the Petition be directed to:

Charles G. Willing, Jr., Esq.
Rath, Young and Pignatelli, P.C.
One Capital Plaza
Concord, NH 03302-1500

National Impact. Uniquely New Hampshire.

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54 Canal Street
Boston, MA 02114
T (617) 523-8080
F (617) 523-8855

RATH YOUNG PIGNATELLI

Very Truly Yours,



Charles G. Willing, Jr., Esq.

Enclosure

cc: Office of Consumer Advocate

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**STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION**

PETITION OF ANDROSCOGGIN VALLEY REGIONAL REFUSE DISPOSAL DISTRICT FOR LICENSE TO CONSTRUCT AND MAINTAIN A GAS PIPELINE OVER AND ACROSS THE ANDROSCOGGIN RIVER IN THE CITY OF BERLIN, NEW HAMPSHIRE TO THE PUBLIC UTILITIES COMMISSION:

The Androscoggin Valley Regional Refuse Disposal District ("AVRRDD"), a body politic and corporate and public instrumentality of the state carrying out a public purpose and organized under RSA 53-B, hereby petitions the Public Utilities Commission ("Commission"), pursuant to RSA 371:17, for a license to construct and maintain a gas pipeline over and across the Androscoggin River in the City of Berlin, New Hampshire, and in support of its petition states as follows:

1. AVRRDD, which has a business address of 15 Mt. Forist St., P.O. Box 336, Berlin, New Hampshire 03570, is proposing to construct and operate the Mt. Carberry Landfill Methane Gas and Natural Gas Pipeline Project (the "Project") located in northern New Hampshire. The Project will supply a paper mill, located in Gorham, New Hampshire (the "Gorham Mill") with blended landfill gas ("LFG") and natural gas, replacing No. 6 fuel oil currently used to fire boilers that supply steam to the Gorham Mill's papermaking process.

2. AVRRDD currently collects and flares LFG at the Mt. Carberry Landfill (the "Landfill") located in Success, New Hampshire. AVRRDD will compress and pipe LFG to a natural gas metering and pressure regulation station ("M&R Station") on AVRRDD-owned property in Berlin. The M&R Station will be located close to the existing Portland Natural Gas Transmission System ("PNGTS") pipeline. Natural gas will be tapped off of the PNGTS pipeline and delivered to and decompressed at the M&R Station. The LFG will be mixed with

natural gas on the outlet side of the M&R Station. Mixed LFG and natural gas will then be delivered across an abandon railroad bridge that crosses the Androscoggin River, and then to the Gorham Mill. The Project will be owned by AVRRDD and will be located in Success, Berlin, and Gorham, New Hampshire (see Figure 1, a plan prepared by AVRRDD's consultant, Northstar Industries).

3. The Project will consist of the following facilities:

- a. An LFG Processing Facility (compressor, dehydration unit, and LFG meter) at the eastern end of the Project in Success;
- b. An approximate 11,300-foot-long buried 8-inch-diameter High Density Poly Ethylene (HDPE) LFG pipeline from the Landfill to the M&R Station in Berlin;
- c. The M&R Station, at which natural gas will be metered, then regulated to a lower pressure;
- d. An approximate 350-foot-long, 2-inch diameter lateral pipeline from the existing PNGTS mainline pipeline to the M&R Station;
- e. An approximate 470-foot-long 8-inch-diameter HDPE mixed LFG and natural gas pipeline from the M&R Station to the Androscoggin River;
- f. An approximate 300-foot-long 8-inch-diameter segment of coated steel pipeline crossing the abandoned railroad bridge over the Androscoggin River; and
- g. An approximate 2,500-foot-long, 8-inch-diameter HDPE mixed LFG and natural gas pipeline from the west end of the Androscoggin River crossing to the Gorham Mill.

4. AVRRDD will sell 100% of the LFG it collects to the Gorham Mill at a price and on terms being negotiated between the parties. AVRRDD anticipates an agreement with a 10-year initial term, with the possibility of extensions by the Gorham Mill. The mill owners will

purchase natural gas directly from one or more natural gas suppliers, tapped off of the PNGTS transmission line and delivered through the Project. Thus, AVRRDD will sell only LFG (not natural gas) to the Gorham Mill, but will own the entire Project (having constructed the Project at its own cost) up to an interconnection point just outside the walls of the Gorham Mill.

5. The Gorham Mill currently employs about 240 people. The current owner of the mill, Fraser N.H. LLC ("Fraser"), is in bankruptcy in Canada and Delaware along with several corporate affiliates. Fraser is trying to sell the Gorham Mill. One prospective buyer group, led by MerchantBanc, is proposing to purchase the Gorham Mill and keep it operating on the condition that it be connected to a supply of natural gas and LFG to replace No. 6 fuel oil at the mill, and that it bear none of the capital costs for the Project. AVRRDD is willing to step forward and build the Project, subject to terms and conditions acceptable to AVRRDD, at an estimated cost of \$4.6 million. The MerchantBanc group would pay for retrofits to the boilers inside the Gorham Mill so that the boilers may accept LFG and natural gas.

6. Fraser has stated to AVRRDD that the Gorham Mill is losing approximately \$600,000 per month. Changing fuel sources as proposed would allow the Gorham Mill to be profitable. The MerchantBanc group's decision to buy the Gorham Mill and retain most of the 240 employees hinges in large part on their confidence that the Project will be constructed in the next six months. AVRRDD anticipates that the sale of the Gorham Mill and the execution of contracts between the mill owner and AVRRDD could take place in the month of September. To meet the schedule being requested by the MerchantBanc group, AVRRDD wishes to obtain all necessary permits and approvals by the end of September.

7. As referenced above, the Project contemplates installing an approximately 300-foot section of steel pipeline to convey gas across the Androscoggin River on an abandoned

railroad bridge. This is the “point-of-crossing.” The abandoned railroad bridge is located in the City of Berlin, slightly upstream from the Berlin Municipal Wastewater Treatment Plant. (See Figure 1 attached, p.6).

8. The bridge, and the parcel of land on the west side of the bridge along the Androscoggin River, is owned by Fraser. The land on the east side of the river is owned by Great Lakes Hydro America, LLC (“Great Lakes”). AVRRDD is negotiating easements for the Project with each of Fraser and Great Lakes. Both Fraser and Great Lakes support the Project.

9. The proposed crossing will have minimal temporary environmental impacts on the Androscoggin River during construction and will not affect the use and enjoyment of the river by the public as the pipeline will cross an existing, privately-owned, railroad bridge that no longer operates as a railway. The bridge is currently being used by Fraser to support a pipe carrying water to the Gorham Mill.

10. AVRRDD and its representatives have met with DES officials, including officials from the Air Resources Division, the Solid Waste Division and the Wetlands Bureau, to discuss all applicable environmental requirements. DES officials have informed AVRRDD what DES approvals are necessary to construct and operate the Project. AVRRDD has obtained some of those approvals and is in the process of obtaining others.

11. AVRRDD has obtained approvals from each of the municipalities in which components of the Project will be located (Success, Berlin and Gorham), including but not limited to approvals by the planning boards of Coos County (Success), Berlin and Gorham.

12. AVRRDD submits that the license petitioned for herein may be exercised without substantially affecting the rights of the public in the public waters of the Androscoggin River. The use and enjoyment by the public of the Androscoggin River will not be diminished in any material respect

as a result of the pipeline crossing.

WHEREFORE, AVRDD respectfully requests that the Commission:

- a. Find that the license petitioned for herein may be exercised without substantially affecting the public rights in the public waters which are the subject of this petition;
- b. Grant AVRDD a license to construct and maintain a gas pipeline over and across the Androscoggin River in Berlin, New Hampshire, as specified in this petition; and
- c. Issue an Order Nisi and orders for its publication.

Dated at Concord this 3rd day of September, 2010.

Respectfully submitted,

**ANDROSCOGGIN VALLEY REGIONAL
REFUSE DISPOSAL DISTRICT**

By their attorneys,

RATH, YOUNG AND PIGNATELLI, P.C.

By: 

Charles G. Willing, Jr., Esquire
One Capital Plaza, P.O. Box 1500
Concord, NH 03302-1500
Ph. (603) 226-2600
cgw@rathlaw.com

EXHIBIT F

RATH YOUNG PIGNATELLI

Charles G. Willing, Jr.
Attorney at Law
cgw@rathlaw.com
Please reply to: Concord Office

August 23, 2010

VIA ELECTRONIC MAIL ONLY

Attorney Edward N. Damon
Director, Legal Division
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

RE: Androscoggin Valley Regional Refuse Disposal District

Dear Ed:

As we discussed last week, this letter describes the project that my client, the Androscoggin Valley Regional Refuse Disposal District ("AVRRDD"), proposes to construct and operate in order to supply blended landfill gas ("LFG") and natural gas to the paper mill currently owned by Fraser Papers, LLC ("Fraser") located in Gorham, New Hampshire (the "Gorham Mill").

Project Description

AVRRDD is proposing to construct and operate the Mt. Carberry Landfill Methane Gas and Natural Gas Pipeline Project (the "Project") located in northern New Hampshire. The Project will supply the Gorham Mill with blended LFG and natural gas, replacing No. 6 fuel oil currently used to fire boilers that supply steam to the Gorham Mill's papermaking process.

AVRRDD currently collects and flares LFG at the Mt. Carberry Landfill (the "Landfill") located in Success, New Hampshire. AVRRDD will compress and pipe LFG to a natural gas metering and pressure regulation station ("M&R Station") on AVRRDD property in Berlin. The M&R Station will be located close to the existing Portland Natural Gas Transmission System ("PNGTS") pipeline. Natural gas will be tapped off of the PNGTS pipeline and delivered to and

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Attorney Edward N. Damon

August 23, 2010

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decompressed at the M&R Station. The LFG will be mixed with natural gas on the outlet side of the M&R Station, then mixed LFG and natural gas will be delivered to the Gorham Mill. The Project will be located in Success, Berlin, and Gorham, New Hampshire (see Figure 1, a plan prepared by AVRRDD's consultant and prospective construction contractor, Northstar Industries).

The Project will be owned by AVRRDD and will consist of the following facilities:

- a LFG Processing Facility (compressor, dehydration unit, and LFG meter) at the eastern end of the Project in Success;
- an approximate 11,300-foot-long buried 8-inch-diameter High Density Poly Ethylene (HDPE) LFG pipeline from the Landfill to the M&R Station in Berlin;
- The M&R Station, at which natural gas will be metered, then regulated to a pressure of 60 psig;
- an approximate 350-foot-long, 2-inch diameter lateral pipeline from the existing PNGTS mainline pipeline to the M&R Station;
- an approximate 470-foot-long 8-inch-diameter HDPE mixed LFG and natural gas pipeline from the M&R Station to the Androscoggin River;
- an approximate 300-foot-long 8-inch-diameter segment of coated steel pipeline crossing the abandoned railroad bridge over the Androscoggin River; and
- an approximate 2,500-foot-long, 8-inch-diameter HDPE mixed LFG and natural gas pipeline from the west end of the Androscoggin River crossing to the Gorham Mill.

AVRRDD will sell 100% of the LFG it collects to the Gorham Mill at a price and on terms being negotiated between the parties. AVRRDD anticipates an agreement with a 10-year initial term, with the possibility of extensions by the Gorham Mill. The mill owners will purchase natural gas directly from one or more natural gas suppliers, tapped off of the PNGTS transmission line and delivered through the Project. Thus, AVRRDD will sell only LFG (not natural gas) to the Gorham Mill, but will own the entire Project (having constructed the Project at its own cost) up to an interconnection point just outside the walls of the Gorham Mill.

RATH YOUNG PIGNATELLI

Attorney Edward N. Damon

August 23, 2010

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Significance and Timing

The Gorham Mill currently employs about 240 people. Fraser is in bankruptcy in Canada, and is trying to sell the Gorham Mill. One prospective buyer group, led by MerchantBanc, is proposing to purchase the Gorham Mill and keep it operating on the condition that it be connected to a supply of natural gas and LFG to replace No. 6 fuel oil at the mill, and that it bear none of the capital costs for the Project. AVRRDD is willing to step forward and build the Project, subject to terms and conditions acceptable to AVRRDD, at an estimated cost of \$4.6 million. The MerchantBanc group would pay for retrofits to the boilers inside the Gorham Mill so that the boilers may accept LFG and natural gas.

Fraser has stated to AVRRDD that the Gorham Mill is losing approximately \$600,000 per month. Changing fuel sources as proposed would allow the Gorham Mill to be profitable. The MerchantBanc group's decision to buy the Gorham Mill and retain most of the 240 employees hinges in large part on their confidence that the Project will be constructed in the next six months. AVRRDD anticipates that the sale of the Gorham Mill and the execution of contracts between the mill owner and AVRRDD could take place in the month of September. To meet the schedule being requested by the MerchantBanc group, AVRRDD wishes to obtain all necessary permits and approvals no later than September.

If MerchantBanc does not purchase the Gorham Mill, Fraser will sell the Gorham Mill to another buyer that will shut down the mill and sell off the physical assets. If this occurs, 240 employees at the Gorham Mill will lose their jobs. Many local vendors and other businesses rely on the economic activity of the Gorham Mill, so shutting down the Gorham Mill could cost the Berlin-Gorham region as many as 2000 jobs. Given the already-depressed employment levels in the region, the Project is critically important to the local economy.

Project Layout

As shown on Figure 1, the Project will traverse a portion of one unincorporated area (Success, New Hampshire), cross an area in the southeast portion of Berlin, New Hampshire, and terminate in Gorham, New Hampshire.

The LFG Processing Facility will be installed at the east end of the Project near the flare at the Landfill. A LFG pipeline will run from the LFG Processing Facility at the Landfill to the M&R Station in Berlin, about 2.1 miles, entirely over land owned by AVRRDD. LFG will be compressed to a pressure of 70 psig in order to deliver it through the length of the LFG pipeline.

RATH YOUNG PIGNATELLI

Attorney Edward N. Damon

August 23, 2010

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The M&R Station will be located in a forested parcel of land owned by AVRRDD near the PNGTS natural gas transmission line, to which the M&R Station will be connected by a 350-foot-long, 2-inch-diameter pipeline tap. The pressure of natural gas in the PNGTS transmission line is 1440 psig, and the gas will be reduced to a pressure of 60 psig at the M&R Station.

LFG will be blended with the natural gas on the outlet side of the M&R Station. The resulting blended gas will travel through a pipe onto a portion of land owned by Great Lakes Hydro and on to the eastern bank of the Androscoggin River. The pipeline will then cross the river over a former rail bridge owned by Fraser, then run onto land currently owned by Fraser on the western bank of the river. The pipeline will then run south along the west bank of the Androscoggin River before entering the Gorham Mill and connecting to the boilers located therein. The interconnection point between the Project owned by AVRRDD and the facilities owned by the Gorham Mill will be just outside the walls of the mill. The total length of the mixed gas pipeline between the M&R Station and the Gorham Mill is about 0.7 miles.

Permits

AVRRDD is currently seeking all necessary federal, state and local permits and approvals for the Project.

AVRRDD seeks any Commission approvals necessary to install and operate a pipeline across a river pursuant to RSA 371. It further seeks a determination by the Commission that it will not be a "public utility" within the meaning of RSA 362:2 merely because of the activities described above (selling LFG but not natural gas to a single purchaser, the Gorham Mill, and owning and operating the Project), and that, as a result, it is not generally subject to rate-setting and other requirements under RSA 362 and Puc 500 et seq. AVRRDD is willing to discuss any appropriate safety-related standards that might apply to the Project despite its non-utility status.

RATH YOUNG PIGNATELLI

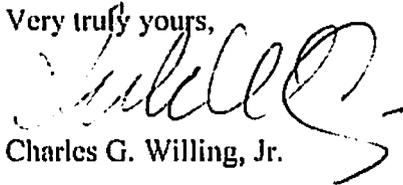
Attorney Edward N. Damon

August 23, 2010

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We look forward to meeting with Commission staff at the earliest opportunity to discuss these matters. Thank you very much for your cooperation.

Very truly yours,



Charles G. Willing, Jr.

Attachment (Figure 1)

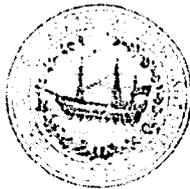
cc: Sharon Gauthier, Executive Director, AVRRDD
Andre Gonthier, Northstar Industries

THE STATE OF NEW HAMPSHIRE

CHAIRMAN
Thomas B. Getz

COMMISSIONERS
Clifton C. Below
Amy L. Ignatius

EXECUTIVE DIRECTOR
AND SECRETARY
Debra A. Howland



PUBLIC UTILITIES COMMISSION
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September 10, 2010

Charles G. Willing, Jr., Esq.
Rath, Young and Pignatelli, P.C.
One Capital Plaza
Concord, NH 03302-1500

Re: Androscoggin Valley Regional Refuse Disposal District

Dear Attorney Willing:

You have asked for the Commission staff's view regarding the regulatory status of the Androscoggin Valley Regional Refuse Disposal District (Androscoggin) as a result of its plans to supply blended landfill gas and natural gas to the paper mill currently owned by Fraser Papers, LLC located in Gorham, New Hampshire (Gorham Mill). Specifically, you are concerned about whether Androscoggin would be considered a public utility pursuant to RSA 362:2 as a result of this activity. Based upon the facts you have described as discussed below, it would appear that Androscoggin will not be operating as a public utility when it constructs and operates the proposed gas pipeline to the Gorham Mill. Nonetheless, Androscoggin will be subject to Commission oversight and regulation as it relates to safety issues during both the construction and operational phases of this project. Further, Androscoggin must obtain Commission approval of its proposed pipeline crossing of the Androscoggin River pursuant to RSA 371:17.

I have relied upon the facts described in your letter of August 23, 2010 to Attorney Edward N. Damon and the diagram attached to your letter, as well as our meeting of August 27, 2010, and subsequent emails. I understand that the pipeline will originate at the landfill owned and operated by Androscoggin and located in Success. The proposed pipeline will travel over land owned by Androscoggin through Success and Berlin to a meter and regulator facility where it will be blended with natural gas and then piped across the Androscoggin River to the Gorham Mill for use in its papermaking processes. You have represented that providing landfill gas to the Gorham Mill is the sole reason for this pipeline and that there will not be service to any other customer except the Gorham Mill. Accordingly, Androscoggin has a discrete contractual relationship with the Gorham Mill, and Androscoggin does not offer its services to all comers, or to an entire community or area, which indicates that in owning or operating the pipeline Androscoggin is not a public utility pursuant to RSA 362:2.

You have also represented that Androscoggin is a solid waste district pursuant to RSA 53-B and that the facilities will all be located within towns that are part of the solid waste district, namely, Success, Berlin and Gorham. Consequently, in owning or operating the pipeline Androscoggin may arguably be a municipal corporation operating within its corporate limits as contemplated under RSA 363:2.

Please note that this letter reflects my views and is based only upon the facts submitted. Further, this letter does not constitute a Commission order and does not bind the Commission as to future inquiries from Androscoggin or others. If you have any further questions or concerns please feel free to contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "F. Anne Ross".

F. Anne Ross
General Counsel

EXHIBIT G

CITY OF BERLIN

FIRE CODE

GENERALLY

Secs. 6-21--6-40. Reserved.

DIVISION 2.

BUREAU OF FIRE PREVENTION

Sec. 6-41. Establishment and duties of bureau of fire prevention; officers.

(a) The Fire Prevention Code adopted in section 6-81 shall be enforced by the bureau of fire prevention in the fire department which is hereby established and which shall be operated under the supervision of the chief of the fire department.

(b) The chief of the fire department shall recommend and the city manager shall appoint an assistant chief of fire prevention and training and such other members of the bureau of fire prevention as shall from time to time be necessary.

(c) The chief of the fire department may request and shall receive so far as may be necessary, in the discharge of his duties, the assistance and cooperation of other officials of the municipality.

Secs. 6-42--6-60. Reserved.

ARTICLE III.

STANDARDS

DIVISION 1.

GENERALLY

Secs. 6-61--6-80. Reserved.

DIVISION 2.

FIRE CODE

Sec. 6-81. Adoption of standard code.

Under the authority of RSA 49-B:8, 155:1 et seq., 156:1 et seq. and 156-A:1 et seq., the city hereby adopts the Basic/National Fire Prevention Code recommended by Building Officials and Code Administrators International, Inc., being particularly the 1987 Edition thereof and the whole thereof, for

the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, save and except such portions as are hereinafter deleted, modified, or amended by this chapter. The code is hereby adopted and incorporated as fully as if set out at length, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the city.

Sec. 6-82. Interpretation of terms.

(a) Wherever the word "municipality" is used in the Fire Prevention Code adopted in section 6-81, it shall be held to mean the City of Berlin.

(b) Wherever the term "Corporation Counsel" is used in the Fire Prevention Code adopted in section 6-81, it shall be held to mean the attorney for the City of Berlin.

Sec. 6-83. Amendments to standard code.

The fire prevention code adopted in section 6-81 is amended as follows:

(1) The assistant chief of the bureau of fire prevention and training or his designee may survey each assembly, educational, industrial, institutional, mercantile, business, office, including professional offices, storage, new or existing residential occupancy, regardless of the numbers of units and shall specify suitable fire extinguishing appliances and fire detecting devices as may be necessary to provide reasonable safety to persons and property.

(2) The fire prevention code is amended by the deletion of section F-103.6 and the following inserted in place thereof.

F-103.6. Payment of fees: The city council shall be authorized to establish a fee schedule for permits issued under the authority of this code.

(3) The fire prevention code is amended by the deletion of section 104.1. and the following inserted in place thereof:

F-104.1. Appeals. Whenever the bureau of fire prevention shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted or that the applicant is otherwise entitled to a variance under RSA 156:4-1, the applicant may appeal in writing from the decision of the bureau of fire prevention to the zoning board of adjustment within fifteen (15) days from the date of the decision appealed.

(4) The fire prevention code is amended by the deletion of sections F-104.2 and F-104.2.1.

(5) The fire prevention code is amended by the deletion of section F-105.5.1. and the following inserted in place thereof:

F-105.5.1. Penalty for violations. Any person who shall violate any of the provisions of the code or this chapter hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of

specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of adjustment or by a court of competent jurisdiction, with the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be punished by a fine of not more than one thousand dollars (\$1,000.00), but not less than one hundred dollars (\$100.00). The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained and each separate violation shall constitute a separate offense.

(6) The fire prevention code is amended by the addition of section F-108.0. which shall read as follows:

F-108.0. Review of plans and/or construction by a licensed fire protection engineer.

F-108.1. When, in his opinion it is deemed necessary, the assistant chief of the bureau of fire prevention may require:

- a. That proposed building construction plans bear the seal of a licensed fire protection engineer, indicating that a total life safety and fire protection system design has been incorporated into the proposed building; or
- b. That a licensed fire protection engineer of the city's choosing be hired to review all construction aspects pertaining to life safety and fire protection. All costs incurred for these services shall be reimbursed to the city by the property owner.

(7) The fire prevention code is amended by the addition of section F-109.0. which shall read as follows:

F-109.0. Plans for review.

F-109.1. Construction plans. A copy of all construction plans for new construction, remodeling, or additions to all assembly, educational, industrial, institutional, mercantile, business, office and storage buildings, and residential occupancy of more than two (2) units shall be submitted to the bureau of fire prevention for review of all design and construction aspects pertaining to life safety and building construction.

F-109.2. Site and subdivision plans. A copy of all proposed site plans and all proposed major subdivision plans over three (3) lots, shall be submitted to the bureau of fire prevention for review of all aspects pertaining to fire protection.

(8) The fire prevention code is amended by the addition of section F-400.7. which shall read as follows:

F-400.7. Plans. Two (2) complete sets of plans of all fire protection and detection systems shall be submitted to the bureau of fire prevention for approval before installation of the systems begins.

- (9) The fire prevention code is amended by the deletion of sections F-2800.2. and F-2900.2.
- (10) The fire prevention code is amended by the deletion of F-3000.2 and the following inserted in place thereof:

A permit shall be obtained from the bureau of fire prevention for the following installations:

- a. For every aboveground installation of liquefied petroleum gas employing a contained or aggregate or interconnected containers of two thousand (2,000) or more gallons of water capacity.
- b. For every underground installation of LPG, irrespective of container size and capacity.
- c. For every installation of LPG, irrespective of container size and capacity, made at buildings considered to be "places of assembly" with a capacity of twenty (20) or more persons. Such buildings include schools, churches, hospitals, institutions, hotels and restaurants.

- (11) The fire prevention code is amended by the addition of article 35 which shall read as follows:

Before any fuel oil burner is installed in any structure, application shall first be made to the chief of the department and a permit obtained thereof.

Sec. 6-84. Modifications.

The chief of the fire department shall have authority to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the chief of the fire department thereon shall be entered upon the records of the department, and a signed copy shall be furnished to the applicant.

Secs. 6-85--6-100. Reserved.

DIVISION 3.

LIFE SAFETY CODE

Sec. 6-101. Adoption of standards.

The city hereby adopts, for the purpose of establishing safety to life from fire in buildings and structures, that certain codes known as the "Life Safety Code, 1988 Edition," published by the National Fire Protection Association, as fully as if set out at length herein, except for the amendments set forth in this division and from the date on which this division shall take effect. The provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the city.

Sec. 6-102. Amendments to standard code.

The Life Safety Code adopted in section 6-101 is amended as follows:

- (1) The Life Safety Code is amended by providing that the authority having jurisdiction under this code shall be the fire chief and/or building official.
- (2) As defined in the Life Safety Code sections 18.1.3.1. and 19.1.3.1, the term "apartment buildings" includes apartment type condominiums.
- (3) Townhouse-type condominium units with their own exit directly to grade level shall be considered one- and two-family dwellings in determining the requirements imposed by the Life Safety Code, only when each unit is separated by a wall within a two-hour fire resistance rating and extending from the floor of the lowest level to the underside of the roof deck. If the roof is constructed of combustible material the two-hour wall shall extend above the roof by at least two (2) feet.

Sec. 6-103. Penalty for violations.

Any person who shall violate any of the provisions of the code adopted in section 6-101 or this division hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of adjustment or by a court of competent jurisdiction, with the time fixed herein, shall severely for each and every such violation and noncompliance, respectively be punished by a fine of not more than one thousand dollars (\$1,000.00), but not less than one hundred dollars (\$100.00). The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained, and each separate violation, shall constitute a separate offense.

DIVISION 4

BLIGHTED VACANT BUILDINGS

Sec. 6-104 Scope

This Code shall apply to all blighted vacant buildings and premises thereof in the City of Berlin now existing or hereafter becoming vacant and blighted.

Sec. 6-105 Intent

It is the intent of this code to protect the public health, safety, and welfare by establishing a registration process for blighted vacant buildings and requiring responsible parties to implement a maintenance plan for such buildings and remedy any blighted vacant premises in order to minimize and prevent deterioration, blight and consequent adverse impact on the value of nearby property and to keep such properties from becoming a public nuisance.

Sec. 6-106 Other Laws Codes, Ordinances, and Regulations.

This code shall not be construed to prevent the enforcement of other laws, codes, ordinances, and regulations, which prescribe standards other than are provided herein. In the event of conflict, the most restrictive laws, codes, ordinances and regulations shall apply.

Sec. 6-107 Definitions:

- A. Blighted Vacant Premises - shall mean any vacant building or structure which is not being maintained. The following factors will be considered in determining whether a structure or building is not being maintained; missing or improperly boarded windows or doors; a collapsing or missing wall; sagging or collapsed roof or floor; siding that is seriously damaged or missing; fire damage; a foundation that is seriously deteriorated or missing; a foundation that is structurally faulty; garbage, rubbish or abandoned cars or vehicle parts situated on the premises (unless the premises is a legal junk yard), or weed growth on exterior property areas of more than 12".
- B. Building - Any structure used or intended for supporting or sheltering any use or occupancy. (National Fire Protection Association NFPA 1 Uniform Fire Code 2003 edition, NFPA 101 Life Safety Code 2003 Edition and the International Building Code 2006 Edition.)
- C. Exterior Property Areas - The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- D. Maintenance - Acts of repair and other acts to prevent a decline in the condition of grounds, structures, and equipment; such that the condition does not fall below the standards established by this code and other statutes, codes and ordinances.
- E. Occupant - Any person (including domestic service employees) living and/or sleeping in a dwelling unit or having possession of a space within a building.
- F. Operator - Any person who has charge, care or control of a structure or premises which is let or offered for occupancy. Any person having charge, care, management, or control of any premises, dwelling or part of it, in which dwelling units or rooming units are let.
- G. Owner - Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate or any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by court.
- H. Person - Includes a corporation or co-partnership as well as an individual.

- I. Premises - A lot, plot or parcel of land including the building or structure thereon.
- J. Public Nuisance - Includes the following:
 - 1. The physical condition, or use of any premises regarded as a public nuisance at common law; or
 - 2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children or other parties, including but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
 - 3. Any premises which has unsanitary sewerage or plumbing facilities; or
 - 4. Abandoned buildings under construction; or any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or unsecure as to endanger life, limb, or property. Any premises which are unsanitary, or which are littered with rubbish, garbage, tires or appliances. Any structure or building that is vacant and not properly secured and boarded up, or is damaged by fire to the extent as not to provide shelter, or is in danger of collapse or failure and dangerous to anyone on/or near the premises.
- K. Renovation - A building and its facilities made to conform to present day minimum standards of sanitation, fire and life safety.
- L. Rubbish - Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust and other similar materials.
- M. Vacant - shall mean a building or structure or a portion thereof which is not legally occupied.
- N. Legal Occupancy - shall mean occupancy that is legal by virtue of compliance with State Building Codes, State Fire Safety Codes, local zoning codes, housing codes, and all other pertinent codes, which must be substantiated by an ownership, a mortgage, a lease agreement, or a rent statement.
- O. Workmanlike - Whenever the words "workmanlike state of maintenance and repair" are used in this code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.
- P. Yard - An open unoccupied space on the same lot with a building extending along the entire length of the street, or rear or interior lot line.

Sec. 6-108 Obligation to Register Vacant Buildings

Whenever any building in the City of Berlin is vacant and such building or premises is determined to be a blighted premises as defined herein, then the owner of such building or premises shall, within fifteen (15) days of notification from the Berlin Fire Chief or his/her designee, register such building as a vacant blighted building and submit a vacant building plan.

Sec. 6-109 Notice of Blighted Vacancy.

The Fire Chief or his /her designee shall provide notice to the owner of record and person who last paid the general real estate taxes on the blighted vacant building by certified mail, return receipt requested, address correction requested, directing the owner of the building to register the building and submit a blighted vacant building plan with the Fire Department.

Sec. 6-110 Notice of Public Nuisance.

In the event, any public nuisance exists in connection with the building or premises thereto then the Fire Chief or his/her designee shall specify in the notice the existence of such nuisance(s).

Sec. 6-111 Registration of Blighted Vacant Buildings.

The owner registering a blighted vacant building shall supply the following information:

- A. Name, address, and telephone number of owner.
- B. Address of vacant building
- C. Name, address, and telephone number of any local agent or representative.
- D. Name, address and telephone number of all persons with any legal interest in the property, building, and premises.
- E. Copy of any insurance policy insuring the property and name address and telephone number of the insurance representative.
- F. The common address of the building.
- G. Date on which the building became vacant.
- H. Within fifteen (15) days, a vacant building plan.

The blighted vacant building plan shall be filed with the Fire Department accompanied by a One Hundred and Fifty Dollar (\$150.00) fee upon submittal of a vacant blighted building plan.

Registration of a blighted vacant building shall be valid for a period of six (6) months. If the building is vacant at the expiration of any registration period and requirements of the blighted vacant building plan are not completed, then the ordinance may be enforced in accordance with Section 6-122.

Sec. 6-112 Blighted Vacant Building Plan.

When a building is registered as required herein, the owner or agent shall submit a blighted vacant building plan. The plan shall contain the following:

- A. A plan of action to either board up the building in accordance with the requirements below for boarding up buildings, or repair any doors, windows, or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction of similar type in accordance with applicable codes. The proposed repair shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type.
- B. For buildings and premises thereof which are identified as being or containing public nuisances, then the vacant building plan shall contain a plan of action to remedy such public nuisance(s).
- C. For each required plan, a time schedule shall be submitted which includes a date of commencement of repair and date of completion of repair for each improperly secured opening and identified nuisance.
- D. When the owner proposes to demolish the vacant building, then the owner shall apply for a demolition permit, submit a plan and time schedule for such demolition.

Sec. 6-113 Blighted Vacant Building Plan Fundamental Requirements

A. Disconnect all utilities at the street

1. Turn off water at the street & drain the plumbing system at its lowest point. Open all faucets and put anti-freeze in all traps containing water.
2. Have the utility company disconnect (unless owner plans to have the area illuminated during hours of darkness) the electricity at street and remove and cap meters.
3. Shut off gas supply at the street if applicable. Remove outside propane gas tanks.
4. Remove all heating fuels from the premises interior and exterior.

B. Remove all flammables and combustibles from inside and outside

1. Remove all upholstered furniture, combustible materials and trash from the building, including the basement and attic.
2. Remove rubbish and garbage containers and combustible furniture from exterior stairwells, porches, fire escapes and outbuildings.
3. Remove cut or uncut weeds, grass, vines and other vegetation determined by the Fire Chief or his/her designee to be a fire hazard

C. Secure the building to prevent entry/vandalism/weather damage/fire.

1. Search the entire building to insure that it is unoccupied.
2. Remove doors and storm windows and place inside.
3. Post the building according to local law with "No Trespassing" signs.
4. Construct entrance barriers using the materials & methods hereinafter described under Section 6-122. Boarding Up: Required Methods and Materials.

Sec. 6-114 Approval of Plan.

The Fire Chief or his/her designee shall determine, in the first instance, when a blighted vacant building plan is required and will approve the proposed vacant building plan. This approval or disapproval of either the Chief's or his/her designee's decision to require a blighted vacant building plan or the approval or disapproval of the blighted vacant building plan itself may be appealed to the Berlin Housing/Building Appeals Board in accordance with the standards governing this Housing/Building Board of Appeals for a final determination at the City level. If the Fire Chief or his/her designee approves or disapproves a proposed blighted vacant building plan, he/she shall in either case provide notice of that approval/disapproval to the owner of record and any known agent of the blighted vacant building. Such appeal shall be filed with the Board of Appeals within ten (10) days of receipt of the Chief's or his or her designee's notice that a blighted vacant building plan is required or within ten (10) days of the Chief's or his/her designee's notice that a plan is disapproved.

Sec. 6-115 Authority to Modify Plan and Appeal Right.

The Fire Chief or his/her designee shall, upon notice to the building owner or agent, have the right to modify the blighted vacant building plan by altering the dates of performance or the proposed methods of action. If the owner or agent of the building objects to the modifications made by the Fire Chief or his/her designee, such owner shall have the right of appeal to the City Housing/Building Board of Appeals for final determination. Such appeal shall be filed with the Board of Appeals within ten (10) days of receipt of the Berlin Fire Department's notice of modification. Before going through the Board of appeals process, a meeting may be scheduled with the Fire Chief or his/her designee.

Sec. 6-116 Standards Governing Housing/Building Board of Appeals Review.

In considering the appropriateness of a decision to require a blighted vacant building plan, the blighted vacant building plan itself or the modification of a blighted vacant building plan, the Housing/Building Board of Appeals shall consider the following:

- A. The purpose of this ordinance and intent of the City of Berlin is to minimize blight and prevent a public nuisance.
- B. The degree to which the requirement of a plan is in keeping with the stated blight considerations in the ordinance.
- C. The effect of the proposed plan on adjoining properties.
- D. The cost to implement the proposed plan weighed against the public safety and welfare obtained from the plan.
- E. The length of time the building has been vacant.
- F. The presence of any public nuisance on the property and the potential for impact to the general public health and safety and overall property values.

Sec. 6-117 Decision by Housing/Building Board of Appeal.

The Housing/Building Board of Appeals, after considering the testimony of the Fire Chief or his/her designee, the building owner and any interested persons, shall render its decision on the owner's appeal of the Berlin Fire Department's requirement of a vacant building plan, the approval or disapproval of the submitted vacant building plan itself or any required modifications to the proposed vacant building plan. The Housing/Building Board of Appeals shall have authority to fashion its own vacant building plan or approve the plan submitted by the owner or the plan modified by the Berlin Fire Department or some appropriate combination thereof. The decision of the Housing/Building Board of Appeals shall be final at the City level.

Sec. 6-118 Failure to Comply With Plan.

Failure to comply with the approved plan shall constitute violation of City Ordinances subjecting the owner of the building to penalties upon conviction as provided in this chapter.

Sec. 6-119 Change of Ownership.

The blighted vacant building plan shall remain in effect notwithstanding a change in ownership. The new owner is required to file a new registration with the Fire Department, and supply the name, address, and telephone number of the new owner(s). Any plan change proposed by the new owner shall require another \$150 plan and fee.

Sec. 6-120 Maintenance Standards.

The owner of a blighted vacant building shall comply with Chapter 3 - General Requirements of the 2000 Edition of the International Property Maintenance Code as adopted in Chapter 8, Housing, of this Code, as amended from time to time, with specific additions, deletions, insertions, and

modifications are hereby adopted by reference and incorporated as fully as if set out at length. A copy of this code is on file in the office of the City Clerk of the City of Berlin.

Sec. 6-121 Boarding Up: Required Methods and Materials

The plan to board up the building and secure the property must be approved by the Fire Chief or his/her designee as listed above. . The minimum methods and materials for such action are listed below. No less than this required standard for boarding up or securing a property will be acceptable

Materials Needed

- a. 1/2" (4 ply) plywood, exterior grade CDX and 2" by 4" by 8' construction grade lumber
- b. 3/8" (course thread) by 12" carriage bolts (rounded head on weather side)
- c. 3/8"(course thread) construction grade nuts
- d. 1/2" (USS Standard) Flat washers with an inside diameter large enough to bypass the wrench neck inside the carriage bolt head so no lift edge is available beneath an installed carriage bolt head.
- e. 3/8" (USS Standard) diameter flat washers for installation beneath the nut inside the building
- f. 1-5/8" (6d) galvanized or stainless steel ring-shank nails or comparable deck nails.

Security Measures

1. Openings in the basement, first floor doors and windows and any point of entry accessible from a porch, fire escape or other potential climbing point require additional security measures. These openings should be barricaded with plywood, 2x4s braces, carriage bolt sets and nails.
2. Openings that are at least 10' from ground level which are not accessible from a porch, fire escape, roof, or other climbing point can be secured with nails in each brace, and every 12" around the perimeter. For all openings the plywood should be fitted so that it rests snugly against the exterior frame, butting up to the siding on wood frame buildings and up to the brick molding edge on brick buildings. It may be necessary to remove the staff bead so this fit can be flush and tight. If possible carpenters should plywood & stub brace over the edge of the trimmer studs on each window and door casing and meeting the header board.

Barrier Procedure

1. Applying barriers is easiest with a inside & outside carpenter with appropriate tools & supplies. The inside carpenter will need a light. Exit is made over a ladder when the last window is boarded.
2. Cut plywood to fit over the window and door openings, flush with outside of the molding/trimmer stud. Avoid creating or leaving a lift surface if possible.
3. Cut the 2x4s to fit the horizontal dimension of the plywood. You will need two exterior and two interior 2x4 braces for each window and three sets for each door.
4. Drill two 3/8" holes in each brace, approximately 1/3 of the length of the brace from the outside edge of the door and window jams.
5. Prior to installation stack both 2x4 braces on the plywood as they will be installed & drilling through all for ease in installation.
6. The two window braces will be placed 1/3 of the distance from the top and the bottom of the window.
7. The three door braces will be placed: one in the center of the doorway and one 1/2 the distance from the center to the top and one 1/2 distance from the center to the bottom of the doorway.
8. Place the plywood over the exterior opening and nail every 12" along the perimeter to the window/door frame.

9. Place the 2x4 braces over the interior and exterior of the door or window.
10. Place the large washer over the carriage bolt and slide the bolt through the holes.
11. Place washer and nut inside and tighten securely. Torque the nut so that it slightly compresses the interior 2x4.
12. Paint said barriers the same color as the structure to minimize the appearance.

Sec. 6-122 Enforcement

This ordinance may be enforced in accordance with the citation authority, citation process and citation penalties as outlined in Chapter 18, Code Enforcement, of the City of Berlin Code of Ordinances. Failure of the owner to follow this ordinance or lack of response from the owner of the property to the registration process will constitute abandonment and the building will therefore be considered hazardous as defined in Chapter 155 -B hazardous and Dilapidated Buildings under RSA 155-B:1 II "Hazardous buildings" means any building which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety of health. The City will then order the building to be either repaired or razed and removed and petition the court for the enforcement of the order.

Sec. 6-123 Other Enforcement.

The registration of a blighted vacant building shall not preclude action by the City to enforce other City or State laws or codes or to demolish or force rehabilitation of the building pursuant to other provisions of this code or other laws.

Under the provision of this ordinance enforcement action may proceed without regard to a period of vacancy whenever any unoccupied building attracts criminal activity, is a health risk because of rubbish, garbage disposal or other unsanitary condition.

Sec. 6-124 Severability

If any provision of this ordinance or the application thereof shall be held invalid or unenforceable, the remainder of this ordinance, or the application of such terms or provisions to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each remaining term and provision thereof shall be deemed valid and be enforceable to the fullest extent permitted by law."

(Ord. 10/20/2008)

Sec. 6-125-6-140 Reserved.

**DIVISION 5
FEES AND CHARGES**

Sec. 6-141. Fees and Charges

Fees charged by the Fire Department for specific services shall be as follows:

FIRE SYSTEM PLAN REVIEW FEES

<u>SPRINKLER SYSTEMS</u>		
NFPA 13D		55.00
NFPA 13R		165.00
NFPA 13	Up to 10,000 sq. ft. of protected area	330.00
	10,001 sq. ft. to 25,000 sq. ft.	712.50
	25,001 and above sq. ft.	825.00
Other Fire Suppression Systems		277.50 Eng.
Modifications to Existing Systems		205.50re-Eng. 112.50lat fee
<u>FIRE ALARM SYSTEMS</u>		
1-10 Devices		112.50
11-49 Devices		165.00
50-99 Devices		300.00
> 99 Devices		495.00

FIRE INSPECTION AND FALSE ALARM FEES

Oil Burner (residential)	\$30.00
Oil Burner (commercial)	165.00
Propane Furnace (residential)	\$30.00
Propane Furnace (commercial)	150.00
Underground Storage Tank (up to 500 gal.)	37.50
Underground Storage Tank (>500 gal.)	150.00
L.P. Gas	75.00
Place of Assembly	45.00
Family Day Care Homes (1-6 children)	41.25
Group Day Care Homes (7-12 children)	60.00

Day Care Centers (13+ children)	82.50
Foster Care Inspection	41.25
New Construction	75.00
Industrial	150.00
Multi-Family	112.50
Re-inspection fee	45.00 per occurrence
False Alarm (second occurrence within Cal. Year)	150.00
False Alarm (subsequent occurrence within Cal. Year)	300.00

PERMIT FEES

Blasting Permit (per site)	165.00
Master Box Application fee	75.00
Master Box Annual fee	450.00
Master Box Connection Fee	450.00

(Ord. 4/5/2010)

* **Cross References:** Buildings and building regulations, Ch. 4; national building code adopted, § 4-2; fire limits, § 4-11; health, Ch. 7; housing, Ch. 8; fireworks prohibited, § 9-1; mobile homes and manufactured housing and mobile home parks, Ch. 10; streets, sidewalks and other public places, Ch. 13; subdivisions, Ch. 14; utilities, Ch. 16; zoning and land use, Ch. 17.

CITY OF BERLIN
BUILDING CODE

Chapter 4

BUILDINGS AND BUILDING REGULATIONS*

* **Editors Note:** Art. 13:100 of an ordinance adopted Oct. 1, 1990, repealed former §§ 4-1--4-12 and enacted similar new provisions as herein set out. Formerly, such provisions derived from §§ 13:101.4, 13:102--13:102.4, 13:103, 13:104.1, 13:104.2, 13:105--13:109 of the city's 1977 Code.

Cross References: Animals, Ch. 3; building inspection department creation, § 2-266 et seq.; fire department, § 2-301 et seq.; fire prevention and protection, Ch. 6; health, Ch. 7; housing, Ch. 8; housing code adopted, § 8-16 et seq.; license and regulation of occupations and businesses, Ch. 9; mobile homes and manufactured housing and mobile home parks, Ch. 10; solid waste, Ch. 12; streets, sidewalks and other public places, Ch. 13; subdivisions, Ch. 14; utilities, Ch. 16; zoning and land use, Ch. 17; flood prevention and protection, § 17-101 et seq.

State Law References: Authority to adopt building codes, RSA 47:22; construction and inspection of buildings, RSA 155-A:1 et seq.

Sec. 4-1. Declaration of purpose.

The city council hereby adopts the State Building Code to establish uniform rules and regulations for the construction of buildings within the city pursuant to RSA 155-A, as amended.

(Ord. of 10-1-90 & 6/7/10)

Sec. 4-2. Ordinary Repairs.

(a) No permit is required for ordinary repairs, as defined in the State Building Code, . The use and occupancy of any structure on the date of the adoption of the building code or for which it has been previously approved shall be permitted to continue without change, except as may be mandated by any of the national code requirements.

(Ord. of 10-1-90 & 6/7/10)

Cross References: Housing, Ch. 8; mobile homes and mobile home parks, Ch. 10.

Sec. 4-3. Application for permit.

(a) Application for building permits shall be made to the building inspector and shall be accompanied by plans and specifications which shall to the satisfaction of the building inspector adequately show the work to be done. Such plans and specifications shall be verified by the signature of either the owner of the premises or the contractor in charge of the construction work. All plans shall bear the seal of a registered architect or engineer, except for the following: single- or two-family dwellings or any structure which does not have as its principal structural members reinforced concrete or structural steel or is two (2) stories or less and four thousand (4,000) square feet or less and is not a building of public assembly.

(b) A completed application shall contain all necessary information as required by any applicable provision of any of the national codes containing the construction requirements (Ord. of 10-1-90 & 6/7/10))

Sec. 4-4. Action on application.

(a) Upon submission of a completed application, the building inspector shall examine such document to determine if the proposed construction or alteration complies with the requirements set forth by the building, plumbing, electrical and life safety codes.

(b) The fire department shall review all permit applications and requests for certificates of occupancy to determine compliance with the fire prevention and life safety codes and shall file its report with the building inspector.

(c) Upon approval, a building permit shall be issued for construction, which is to begin within thirty (30) days from date of issue.
(Ord. of 10-1-90 & 6/7/10)

Sec. 4-5. Compliance with other ordinances and regulations and certificate of occupancy.

No permit or certificate of occupancy issued pursuant to this building code shall be valid unless it complies with the provisions of the zoning ordinance, subdivision regulations, if applicable, and any and all pertinent regulations of the city. No new structure shall be occupied for use until a Certificate of Occupancy has been granted by the code official. The Code Official shall issue a Certificate of Occupancy for new structures only at such time that that official is satisfied that the structure is substantially complete and safe for occupancy and that applicable codes have been met. (IBC language)
(Ord. of 10-1-90 & 6/7/10))

Sec. 4-6. Inspections.

The code official shall make or cause to be made such inspections as deemed necessary to enforce this building code and to conduct tests or examinations of materials and methods used for the purpose of compliance with the code.
(Ord. of 10-1-90)

Sec. 4-7. Fees.

The minimum fees for building, electrical, plumbing, mechanical, demolition and other permits issued by the building inspector shall be as follows:

Residential 1&2 Family	Fee
Additions & Alterations	\$10.00
Garage/Carports	\$10.00

Siding	\$5.00
Storage Bldg	\$5.00
Fence	\$5.00
Sign	\$5.00
New Home	\$25.00
Elect/upgrade	\$10.00
Elect/new system	\$25.00
Plumbing/upgrade	\$10.00
Plumbing/new system	\$25.00
Multi-Family	
Additions & Alterations	\$25.00
New Building	\$100.00
Elect/upgrade	\$25.00
Elect/new system	\$50.00
Plumbing/upgrade	\$25.00
Plumbing/new system	\$50.00
Com/Ind/Ins	
Additions & Alterations	\$50.00
New Building	\$100.00
Elect/upgrade	\$50.00
Elect/new system	\$100.00
Plumbing/upgrade	\$50.00
Plumbing/new system	\$100.00
Other	
Manufactured home	\$25.00
Demolition Permit	\$5.00

(Ord of 6/7/10)

Sec. 4-9. Modifications.

When there are practical difficulties involved in carrying out the provisions of any adopted national code, the building inspector may vary or modify such provisions, provided the spirit and intent of the law are observed and public welfare and safety are assured.

(Ord. of 10-1-90)

State Law References: Public hearing requirements, RSA 47:22.

Sec. 4-10. Additions, insertions, deletions and changes.

The following changes are made in the following codes:

(1)State Building Code (International Building Code, 2006 Edition.)

a.*Section 100.1 Title.* These regulations shall be known as the building code of the city, hereinafter referred to as this code.

b.*Section 103.4 Rehabilitation.* Buildings existing before January 1, 1991, in which there is work involving repairs, alterations, additions or changes of use shall be made to conform to the code by applying the requirements of Article 32 or the provisions of Articles 2 through 31.

c.*Section 109.1 Code official.* The code official as referred to in these codes shall mean the health officer, building inspector or their designees.

d.*Section 109.2 Appointing authority.* The code official shall be appointed by the city manager. The code official shall not be removed from office, except for cause and after full opportunity to be heard on specific charges by and before the appointing authority. (Ord of 6/7/10)

Sec. 4-11. Building Code Board of Appeals.

(a)There is hereby established a Building Code Board of Appeals which shall be made up of five (5) members appointed for staggered terms of three years each by the Mayor and Council. In the initial appointment, one member will be appointed for a one year term, two members will be appointed for a two year term and two members will be appointed for three year terms. Thereafter, all members will be appointed for three years terms continued on a staggered basis so that no more than two appointments occur in any year except to fill a vacancy. . Members of the Building Code Board of Appeals must be residents of the City of Berlin. The Building Code Board of Appeals shall have the power, upon appeal filed with it by any person aggrieved by a decision of the Building Inspector dealing with this building code, to overrule a decision of the Building Inspector where it feels that the interpretation of the Building Inspector of the Codes is incorrect. In addition, the Building Code Board of Appeals may waive a requirement of the Building Code where it deems that enforcement of the requirement would do manifest injustice and would be contrary to the spirit and purpose of the building code and the public interest or where it deems that another approach proposed will achieve the equivalent result. It is intended that the Board of Appeals shall have such powers as conferred by law. Any person aggrieved by a decision of the Board of Appeals may appeal the decision to the Coos County Superior Court as provided in RSA677:16.

(b) Any appeal to the Board of Appeals shall be taken within fifteen (15) days from the date of the decision of the Building Inspector. The time, notice and manner of hearing before the Board of Appeals shall conform to the same requirements as the hearing before the Zoning Board of Adjustment, except that no notice will be given to abutters.
(Ord. of 10-1-90 & 6/7/10)

Sec. 4-12. Fines and penalties.

Any person who violates or fails to comply with the provisions of this chapter and referenced codes herein adopted shall have up to thirty (30) days upon notification to comply. After a maximum of thirty (30) days, anyone found in violation of this chapter or the referenced codes shall be deemed guilty of a violation and shall be fined the amount of no less than one hundred dollars (\$100.00) per day per violation. Each day the violations exist shall be considered a separate offense. Absence of any required permits or lack of compliance with any referenced codes shall be prima facie evidence of a violation.
(Ord. of 10-1-90 & 6/7/10)

Chapter 6

FIRE PREVENTION AND PROTECTION*

* **Cross References:** Buildings and building regulations, Ch. 4; national building code adopted, § 4-2; fire limits, § 4-11; health, Ch. 7; housing, Ch. 8; fireworks prohibited, § 9-1; mobile homes and manufactured housing and mobile home parks, Ch. 10; streets, sidewalks and other public places, Ch. 13; subdivisions, Ch. 14; utilities, Ch. 16; zoning and land use, Ch. 17.

Art. I. In General, §§ 6-1--6-20

Art. II. Administration, §§ 6-21--6-60

Div. 1. Generally, §§ 6-21--6-40

Div. 2. Bureau of Fire Prevention, §§ 6-41--6-60

Art. III. Standards, §§ 6-61--6-103

Div. 1. Generally, §§ 6-61--6-80

Div. 2. Fire Code, §§ 6-81--6-100

Div. 3. Life Safety Code, §§ 6-101--6-103

Div 4. Blighted Vacant Buildings, §§ 6-104 - 6-124

Div. 5. Fees and Charges, §§ 6-141

ARTICLE I.

IN GENERAL

Secs. 6-1--6-20. Reserved.

ARTICLE II.

ADMINISTRATION

DIVISION 1.

EXHIBIT H



Request for a NH Natural Heritage Bureau database check

The NH Natural Heritage Bureau (NHB) maintains a database of known locations of rare species and exemplary natural communities. Federal, state, and local agencies may require a check of this database to determine whether proposed projects could impact rare species. This form should be used to request this type of database check.

NHB will send the results directly to you. It is your responsibility to provide a copy to whatever permitting agency you are dealing with. Information you provide on this form must agree with what you provide in a permit application, or else the NHB check will not be considered to be valid, resulting in delays.

Requested by: Name: _____
Organization: Androscoggin Valley Regional Refuse Disposal District (AVRRDD)
Phone number: 603 752-3342
E-mail address: sgauthier@avrrdd.org
Mailing address: 15 Mt. Forist Street, Berlin, NH 03570

Internal Project ID (if any): AVRRDD Pipeline Project

Project Name (Enter a short descriptive label): _____
Town: Success, Berlin, Gorham Address or Tax Map & Lot #(s): Gorham 116-17
Total tract acres (approximate, e.g., nearest acre for small tracts, 10 acres for large): approx. 20 acres
Short narrative description of the project (also check the appropriate descriptive category(s) on page 3):
See attached narrative.

Maximum project footprint (area disturbed during the project). Choose one.

- New footprint (no existing structure)
- Completely within an existing footprint (repairs, replacement)
- Expanding an existing footprint (additional area disturbed adjacent to a previously disturbed location)

Primary Agency/Organization to which you will be applying for a permit (choose one):

- NH Dept. of Environmental Services (Fill out "NHDES Wetland Applications" section on page 2)
- NH Dept. of Transportation
- NH Dept. of Resources and Economic Development (e.g., Trails Bureau)
- NH Dept. of Agriculture, Markets & Food (e.g., Pesticide Control Board)
- US Dept. of Energy (e.g., NEPA)
- US Environmental Protection Agency (e.g., NPDES General Permit for Stormwater Discharges)
- Town or City
- Other: _____

Name of the Permit Applicant, if different from "Requested by": _____

I affirm that the landowner, _____ (print landowner's name) knows that I am making this request and agrees that NHB should release the data.

Print your name: _____ Date: _____

A map must be provided, with the site clearly marked. Provide an outline around the maximum area that could be disturbed. Include temporary disturbance (e.g., parking for construction vehicles). Acceptable maps include GIS shapefiles (NH State Plane, NAD 83) or a copy of part of a USGS topographic map (such maps can be printed from the worldwide web, e.g., at www.topozone.com.) Tax maps cannot be used unless they include one or more clearly marked road intersections. GPS coordinates alone are not accepted.

DES Permit by Notification only: Draw the maximum disturbed area (e.g., a single-house lot). Also place a point or line at the site(s) of the permitted activity (e.g., a point at a culvert installation or a line along a utility corridor).

All requests must include a payment of \$25 (check or money order, payable to "Treasurer, State of NH"). To ensure that your payment is properly credited, please provide the following:

Check Number: 4483

Name of Account (as shown in the check's upper left corner): _____
Androscoggin Valley Regional Refuse Disposal District
Mt. Carberry Landfill Operation Account

NH Department of Environmental Services (DES) WETLAND APPLICATIONS

Expected Permit Type(s):

- Standard Dredge and Fill for Wetland Impacts
- Standard Dredge and Fill for Shoreland Impacts
- Minimum Impact Expedited
- Minimum Impact Agriculture
- Permit by Notification
- Seasonal Dock Notification for Lakes and Ponds
- Notification of Forest Management or Timber Harvest
- Notification of Routine Roadway & Railway Maintenance
- Notification of Trail Development Activities

To expedite review of possible impacts on wildlife species, please answer the following questions:

Will one or more culverts be installed on perennial streams? Yes / No / Don't Know

If "Yes", what type of culvert(s) is planned?

- Pipe with interior corrugations
- Box or elliptical
- Bridge or span
- Other or Don't know

Note: DES and the NH Fish & Game Department recommend the use of open-bottomed culverts or bridges at all perennial stream crossings.

To the best of your knowledge, is the project (see page 4 for definitions):

in a Tidal Buffer Zone	Yes / <input checked="" type="radio"/> No / Don't Know
in Sand Dunes	Yes / <input checked="" type="radio"/> No / Don't Know
in or adjacent to a town-designated Prime Wetland	Yes / <input checked="" type="radio"/> No / Don't Know
within one-quarter mile of a state-designated River	Yes / <input checked="" type="radio"/> No / Don't Know

Are there vernal pools on the property?

Yes / No / Don't Know

None within Pipeline ROW or
N&R site

Requests can be submitted by e-mail, fax, or mail:

E-mail: nhbreview@dred.state.nh.us
Fax: (603) 271-6488, Attn: NHB Review
Mail: NHB Review
PO Box 1856
172 Pembroke Road
Concord, NH 03302-1856

Requests will be processed within 5-10 business days of receipt of payment. Results will be e-mailed if an e-mail address is provided above, otherwise mailed (results will not be faxed). Call (603) 271-2215 x 323 with questions.

Note: Landowners can ask for a check of the database for their property without paying a fee, using a separate Landowner Request Form. However, the results of this type of check are limited to NHB records within property boundaries, and cannot be used for permit or regulatory requirements.

In response to this request, NHB will send you a letter reporting on any known occurrences of rare species or exemplary natural communities in the vicinity of the project. Further review of the project may be needed to assess whether impacts will actually occur, and what if any steps could be taken to reduce those impacts. This review may involve the agency or organization issuing the permit, NHB staff (consulting on rare plants and natural communities), the NH Fish & Game Department, which has jurisdiction over wildlife in NH, and/or the U.S. Fish & Wildlife Service, which has jurisdiction over federally listed species.

Choose as many categories as necessary to describe this project.

Include at least one selection that covers the full extent of the project (maximum area subject to disturbance). For example: "Buildings and Related Structures - Residential subdivision" even if only applying for a culvert crossing within the planned subdivision.

Bank Stabilization

- Bio-engineered restoration
- Repair bank erosion
- Retaining wall
- Rip-rap
- Stabilize by vegetation

Shoreland Construction / Alteration

- Beach
- Boathouse
- Boat lift
- Breakwater
- Boat launch
- Boat yard
- Breakwater/dock
- Bulkhead
- Canopy, seasonal
- Channel dredge
- Dock (permanent)
- Dock (seasonal)
- Dock (tidal)
- Boat slip
- Dam
- Marina
- Personal water craft lift
- Pilings
- Rock removal
- Steps in the bank
- Seawall

Buildings and Related Structures

- Apartment/condominium complex
- Campground
- Mobile home park
- Multiple commercial buildings
- Parking lot only
- Residential subdivision
- Single commercial building lot
- Single residential building lot

Roads, Driveways, Bridges

- Bridge
- Culvert(s)
- Driveway only
- Foot bridge
- Guardrail installation
- Road construction
- Sidewalk construction
- Temporary crossing
- Traffic signal work

Railroads, Transmission lines, Pipelines

- Pipeline
- Power station
- Railroad line
- Submarine Cable
- Transmission line
- Utility crossing

Recreation

- swim area
- Recreational facility
- Trail Bridge
- Trails
- Walkway
- Athletic fields

Forestry and Agricultural Activities

- Pasture
- Pond
- Timber harvest

Chemical and Biological Control Applications

- Aquatic weed control
- Biological control application
- Biosolid application
- Herbicide application
- Pesticide application

Tower Construction

- Telecommunications tower
- Weather station
- Wind power construction

Water/Wastewater

- Detention pond
- Ditch
- Hydro Raking
- Pond
- Sediment removal
- Septic system
- Stormwater treatment
- Stream restoration
- Treatment swale
- Wastewater facility
- Water intake
- Water storage tank
- Water supply system
- Well
- Wetland creation
- Wetland restoration

Other

- Airport improvements
- Cable
- Composting facility
- Contaminant removal
- Dry hydrant
- Geotechnical drilling
- Fish Ladder
- Gravel operation
- Landfill
- Sign installation
- Storm debris removal

Other Main: Meter Station

Other Sub: _____

AVRRDD

*Androscoggin Valley
Regional Refuse Disposal District*

ENVIRONMENTAL NARRATIVE

Prepared for

**Mt. Carberry Landfill Methane Gas and
Natural Gas Pipeline Project**

August, 2010

I. ENVIRONMENTAL NARRATIVE 2

A. PROJECT DESCRIPTION 2

 1. Beneficiaries 2

 2. Area Description 3

I. Environmental Narrative

A. Project Description

The Androscoggin Valley Regional Refuse Disposal District (AVRRDD) is proposing to construct and operate the Mt. Carberry Landfill Methane Gas and Natural Gas Pipeline Project (the Project) located in northern New Hampshire. The Project will supply the existing Fraser Paper Mill located in Gorham, New Hampshire with blended landfill gas (LFG) and natural gas, replacing the existing fuel oil currently used to power the paper mill.

These facilities will supply blended LFG/natural gas to the Fraser Paper Mill located in Gorham, New Hampshire via interconnects with the AVRRDD landfill located in Success and the tap off the existing Portland Natural Gas Transmission System (PNGTS) pipeline to be located near the M&R Station in Berlin. The Project is located in Success, Berlin, and Gorham, New Hampshire (see Figure 1).

The Project will be owned by AVRRDD and consist of the construction and operation of the following facilities:

- a LFG Processing Facility (compressor, dehydration unit, and meter) at the eastern end of the Project in Success, New Hampshire;
- an approximate 11,300-foot-long buried 8-inch-diameter High Density Poly Ethylene (HDPE) landfill gas pipeline from the AVRRDD landfill to the M&R Station in Berlin, New Hampshire;
- a natural gas metering and pressure regulation (M&R) Station;
- an approximate 350-foot-long, 2-inch diameter lateral pipeline from the existing PNGTS mainline pipeline to the M&R Station;
- an approximate 470-foot-long 8-inch-diameter HDPE mixed LFG and natural gas pipeline from the M&R Station to the Androscoggin River;
- an approximate 300-foot-long 8-inch-diameter segment of coated steel pipeline crossing the abandoned railroad bridge over the Androscoggin River; and
- an approximate 2,500-foot-long, 8-inch-diameter HDPE mixed LFG and natural gas pipeline from the west end of the Androscoggin River crossing to the Fraser Paper Mill.

1. Beneficiaries

Existing businesses or other entities located near the proposed Project that may benefit from construction and operation of the Project are listed below.

- Fraser Paper Mill
- Success, Berlin, and Gorham, New Hampshire

- All local businesses will benefit through the creation/retention of some 250 jobs directly at the mill. All vendors, contractors, and other related support service providers will benefit from continued operation of the mill.

2. Area Description

As shown on Figure 1, the Project will traverse a portion of one unincorporated area (Success, New Hampshire), cross an area in the southeast portion of the City of Berlin, New Hampshire, and terminate in the Town of Gorham, New Hampshire. The LFG Processing Facility will be installed at the east end of the Project at the existing and operating Mt. Carberry Landfill Flare site located on AVRRDD property in Success, New Hampshire. This facility will be located in an area of high year-round industrial activity associated with operation of the existing landfill including: year-round operating flare, work building/garage, truck traffic, gravel yard area, and paved road leading in and out of the site.

The proposed pipeline from the landfill to the M&R station in Berlin will be installed within and along an existing maintained gravel road and existing buried leachate pipeline running to the west from the current AVRRDD flare location. This road/corridor is approximately 20 to 30 feet wide and bounded to the south for the majority of the distance by land owned by AVRRDD and subject to a Conservation Easement and to the north by undeveloped land owned by AVRRDD.

The M&R Station will be located within a forested parcel of land owned by AVRRDD near the eastern bank of the Androscoggin River between the AVRRDD-owned (former Burgess Mill WWTP) and City of Berlin wastewater treatment plants. The site is surrounded by an abandoned railroad bed, power lines, and existing gravel and paved roads. AVRRDD will also construct a 350-foot-long, 2-inch-diameter pipeline tap to connect the M&R Station with the PNGTS pipeline.

The natural gas will blend with the landfill gas on the outlet side of the M&R Station. The blended gases will flow in a westerly direction crossing the existing wastewater treatment plant access road onto private property owned by Great Lakes Hydro. It will then follow a portion of an abandoned rail bed to the former rail bridge crossing at the Androscoggin River where the pipeline will be installed on the bridge, and then enter the Fraser rail yard on the west bank of the Androscoggin River. The M&R outlet pipe will then follow an existing gravel road and the Androscoggin River south adjacent to the existing railroad corridor into the town of Gorham, New Hampshire ending at the Fraser Mill. The surrounding area is a well developed, highly disturbed, industrial location, with significant human development.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU

**To: Linda Cushman, Chair
Androscoggin Valley Regional Refuse Disposal District (AVRRDD)**

From: NH Natural Heritage Bureau

Date: 8/16/2010 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 8/13/2010

NHB File ID: NHB10-2015

Applicant: AVRRDD

Location: Success, Berlin, Gorham

Tax Maps: 414-4, 1612-1, 116-17

Project

Description: Pipeline for landfill gas to be supplied to Fraser Paper Mill.

Your project was reviewed by staff of the NH Natural Heritage Bureau and/or the Nongame and Endangered Species Program. It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 8/13/2010, and can not be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU

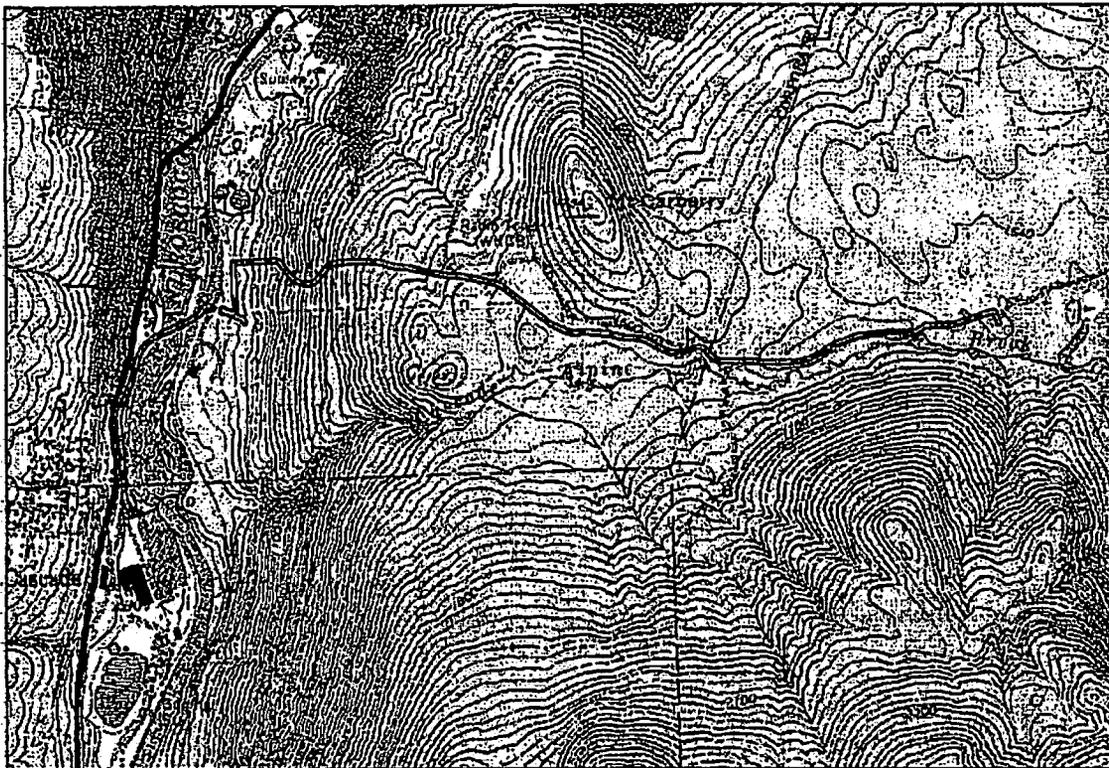
MAP OF PROJECT BOUNDARIES FOR: NHB10-2015



NH NATURAL HERITAGE BUREAU

Known locations of rare species and exemplary natural communities

Note: Mapped locations are not always exact. Occurrences that are not in the vicinity of the project are not shown.



0.5 0 0.5 1 Miles

Historical record

1:10000

Valid for one year from this date: 16 Aug 2010

Department of Resources and Economic Development
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DRED/NHB
PO Box 1856
Concord NH 03302-1856