

Thomas S. Burack, Chairman
NH Site Evaluation Committee
NH Department of Environmental Services
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

**Re: Laidlaw Berlin Biopower, LLC
Sec. Docket No. 2009-02**

January 15, 2010

Dear Chairman Burack:

Thank you for the opportunity to comment on the recently filed permit application of Laidlaw Berlin Biopower, LLC to build a 70 MW biomass facility in Berlin at the site of the former Fraser Pulp Mill. As part of Citizens Leading for Environmental Action and Responsibility, I have had an interest in the development of biomass energy in New Hampshire. That interest led to work with former Representative Jay Phinizy (Acworth) developing rules for defining biomass to assist in promoting policy that will serve the needs of New Hampshire citizens. The rule he sheperded was recently finalized and reads:

Env-A 1401.03 Definition. For purposes of this part, the following definition shall apply:

(a) "Biomass" means "biomass" as defined in RSA 125-C:2, III-a, namely "organic material used as a fuel, not including wood derived from construction and demolition debris, as defined in RSA 149-M:4, IV-a; wood which has been chemically treated; or agricultural crops or aquatic plants or byproducts from such crops or plants, which have been used to rehabilitate a contaminated or brownfields site through a process known as phytoremediation.' " The term also does not include any mixture containing the wood component of C&D or any material or mixture containing sewage sludge, industrial sludge, medical waste, hazardous waste, household or municipal waste, animal or human remains, animal or human waste, or radioactive waste.

The value of framing policy that considers the numerous aspects of moving the State forward in the arena of renewable energy production that is economically and environmentally sustainable mandates that the work of the Site Evaluation Committee be conducted in the context of gatekeeper and protector to that process. The Committee's own website states:

"These large-scale projects create the potential to directly or indirectly impact virtually every citizen in the state. The introduction of major new energy facility proposals for a site or sites in New Hampshire presents the local community, the state, and often the New England region with fundamental impacts to the environment, energy supply, economy, and the public's health and welfare which must be carefully analyzed before proceeding. The impacts may be either positive or negative, temporary or permanent, or more commonly a combination of each. Since such major changes carry with them the potential to influence so many sectors of our daily life, a comprehensive, high-level approach geared toward "balancing" these impacts has been established to ensure that these new facilities are evaluated in the public's best interests, and that they are designed, built, and

operated in a manner that will protect and preserve the high quality of life enjoyed by New Hampshire's residents and visitors alike."

Review of the current application as filed raises several areas of concern that require the Committee approach their decision prudently. In reviewing the proposal, it appears that many aspects of the project may not have been adequately examined and presented rendering the application incomplete. Citizens of Berlin who will be bearing the brunt of the impacts from the Committee's ruling have already brought attention to several points they would like scrutinized more fully before any final declaration is made. Those issues are also of concern to me.

My community has been the site of a "renewable energy" facility, Wheelabrator Claremont Company, LLC for nearly a quarter of a century. Operations at the facility have provided decades of controversy at the local level and prompted numerous appeals to the State to consider the quality of life of our community as it relates to the impacts from those operations. I feel considerable affinity with the unease expressed by Berlin residents as we have lived the realities of economically debilitating long-term power contracts and projects that promise development for a community needing such an infusion. Our story has not been a happy one. I would like to believe that had the Committee existed at the time when the Wheelabrator facility was being proposed, citizens would have had a legitimate opportunity to have their concerns addressed and that we may have concluded with a better result.

Generally speaking I wonder at the viability of such an operation in that location given potential emissions, discharges and noise impacts. It is obvious from the designation of the site as potential for Superfund remediation that past operations have come at considerable cost and threat to public and environmental health. Of particular concern is mercury contamination that exists at the site and its potential to further degrade the area and endanger health and the environment if not remediated appropriately. I would raise the question of possible dioxin contamination as well.

Because the North Country has been facing such economic challenges, it is imperative the Committee make decisions around the Laidlaw proposal from the most inclusive perspective possible. Biomass power generation presents an opportunity for New Hampshire, but it must move forward promoting the use of resources in ways that preserve and enhance what our citizens value. Any proposal should be required to obtain all permits contingent upon careful study and investigation of particulars and most certainly include careful forest management plans. Again, thank you for the opportunity to bring my concerns before the Committee. I look forward to a decision that leads New Hampshire and the citizens of Berlin and the North Country in a prosperous and sustainable direction.

Sincerely,

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