

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE
Docket No. 2009-02**

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

February 9, 2010

**ORDER AND NOTICE OF
PREHEARING CONFERENCE, SITE VISIT
AND PUBLIC INFORMATION HEARING**

The Application

On December 16, 2009, Laidlaw Berlin BioPower, LLC, (Applicant) filed an Application for a Certificate of Site and Facility (Application). The Applicant petitions the Site Evaluation Committee (Committee) for a Certificate of Site and Facility (Certificate) in order to site, construct and operate a renewable energy facility (Facility) in Berlin, Coos County, New Hampshire. The Applicant proposes to site, construct and operate a biomass fueled Facility nominally capable of generating 70 MW of electric power. On January 26, 2010, the Chairman of the Committee accepted the Application as administratively complete and appointed a Subcommittee to review the Application as provided in RSA 162-H: 6-a, III, and RSA 162-H: 4, V (Subcommittee).

Nature and Location of the Facility and Ancillary Facilities

The Facility is located at the site of the former Fraser Pulp Mill and was also sometimes referred to as the Burgess Mill. The Site contains existing structures and encompasses approximately 62 acres comprising the southern half of a 120 acre site formerly used as a pulp production facility. The Facility is proposed to be located on the northern side of Community Street, Coos Street and Hutchins Street in Berlin (Site). The Androscoggin River runs along the northwest boundary of the Site. The northeast border of the Site abuts the remaining portion of the former Fraser Mill.

The Applicant proposes to convert and upgrade the Site and to develop a biomass fueled energy generating facility nominally capable of generating 70 MW of electric power. The Facility, as proposed, will use whole tree wood chips and other low grade clean wood as fuel. The Applicant proposes to convert an existing boiler, (manufactured by Babcock and Wilcox) at the Site to a bubbling fluidized bed boiler that will use whole tree wood chips as its primary fuel, and ultra low sulfur diesel oil as auxiliary fuel. In addition to the boiler, the Facility will consist of a steam turbine generator, wood handling system, ash handling system, storm water management

systems, two re-circulating water systems for steam generation and cooling, air pollution control systems, including a flue gas recirculation system, an upgraded electrostatic precipitator, and a selective catalytic reduction system. The Applicant also proposes to renovate an existing 50,000 gallon ultra low sulfur diesel fuel tank to store ultra low sulfur diesel fuel. In addition, the Applicant seeks to construct a new switchyard adjacent to the turbine building and consisting of a step up transformer and single breaker.

The new switchyard is proposed to be connected to the existing East Side Substation 300 operated by Public Service Company of New Hampshire (PSNH). A new 115kV transmission line will be installed. Portions of the transmission line will run both underground and overhead. The underground portion of the transmission line will be installed inside an existing 18 inch diameter fiberglass reinforced pipe formerly used to transport pulp from the Site to Fraser's Paper Mill in Gorham, Coos County, New Hampshire. The underground portion of the transmission line will leave the Site near the intersection of Coos and Community Street and generally follow the route of the former rail bed from the south end of the Site to the north end of Shelby Street. The underground portion of the transmission line will then travel within an existing easement along Shelby Street and Devent Street. The transmission line will then transition to overhead conductors from the east side of Devent Street and terminating at the PSNH East Side Substation 300. The underground portion of the transmission line is proposed to run for an estimated length of 3,200 feet and the overhead portion of the transmission line is estimated to be 800 feet.

The Application contains a series of site plans, maps, figures, photographs and drawings that detail the nature and location of various aspects of the Facility.

IT IS HEREBY ORDERED that that the duly designated Subcommittee of the Site Evaluation Committee for the State of New Hampshire shall hold a Public Information Hearing, a Site Inspection Visit, and a Pre-Hearing Conference at the times and places as set forth below:

Public Information Hearing and Site Visit

Pursuant to R.S.A 162-H: 6-a, IV, R.S.A 162-H:10, I, and NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES, SITE 201.01, the Subcommittee, designated pursuant to R.S.A 162-H:4, V shall hold at least one Public Information Hearing in the county in which the proposed facility is to be located. The hearing shall be for public information on the proposed facility with the Applicant presenting the information to the Subcommittee and the public. The proceedings shall be recorded and members of the public will be permitted to submit questions and give public comment. The Public Information Hearing may be preceded by a site inspection visit as weather permits.

On **March 16, 2010 at 2:00 P.M.**, weather permitting, the members of the Subcommittee may commence a site inspection visit at various places within or adjacent to the Site and location of the proposed Facility.

The Coos County Public Information Hearing shall commence on **March 16, 2010 at 7:00 p.m.** at the Berlin Junior High School auditorium, 200 State Street, Berlin, New Hampshire.

Pre-Hearing Conference

A Pre-Hearing Conference shall commence on **March 11, 2010 at 10:00 AM.** at the office of the Public Utilities Commission, 21 South Fruit Street, Suite 10, Hearing Room A, Concord, New Hampshire. The purpose of the Pre-Hearing Conference is to consider petitions to intervene, determine contested issues, prepare a discovery schedule and discuss proposed hearing schedules for the balance of the proceedings in this docket.

Intervention

Any person who may be interested in participating as a party to the Committee's consideration of the Application shall file a Motion to Intervene on or before March 5, 2010. Motions to Intervene should be addressed to the Chairman of the Committee at the following address:

Thomas S. Burack, Chairman
New Hampshire Site Evaluation Committee
c/o New Hampshire Department of Environmental Services
29 Hazen Drive, PO Box 95,
Concord, New Hampshire 03302-0095

Petitions for intervention, pursuant to RSA 541-A: 32 and NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES, SITE 202.11, must set forth facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding, or that the petitioner qualifies as an intervenor under any provision of law; and, that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention. The Chairman of the Subcommittee will rule on all motions for intervention in accordance with RSA 541-A: 32 and NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES, SITE 202.11. Intervenors may be subject to conditions, limitations and/or consolidation with others.

Written public comment is welcome through the conclusion of the proceedings in this docket.

Counsel for the Public

Pursuant to RSA 162-H: 9, the Attorney General shall appoint an Assistant Attorney General as Counsel for the Public. Counsel for the Public shall represent the public in seeking to protect the quality of the environment and in seeking to ensure an adequate supply of energy. The appointment of Counsel for the Public does not

otherwise preclude any person from being heard or represented by counsel in this proceeding.

Inspection of the Application

The aforementioned Application and all other correspondence and records regarding this matter are available for public inspection at the Office of the Chairman, as listed above. A complete copy of the application and any documents pertaining to this proceeding is available for viewing and downloading at <http://www.nhsec.nh.gov/index.htm>.

IT IS FURTHER ORDERED that the Applicant shall cause this Order and Notice of Public Information Hearing to be published, on or before February 15, 2010, in a newspaper of general statewide circulation. The Applicant shall also cause this Order and Notice to be published in at least one newspaper of general circulation in Coos County as soon as practicable, consistent with such newspaper's publication schedules. In addition, the Applicant shall publish at least one display advertisement publicizing the public information hearing in a newspaper of general circulation in Coos County not less than ten, nor more than fourteen days, prior to the public information hearing. The Applicant shall file an affidavit attesting to said publications of notice with the Chairman of the Committee on or before March 9, 2010.

By Order of the Site Evaluation Committee this 9th day of February, 2010.



New Hampshire Site Evaluation Committee
Thomas S. Burack, Chairman
Subcommittee Chairman