

1 STATE OF NEW HAMPSHIRE  
2 SITE EVALUATION COMMITTEE

3  
4 March 16, 2010 - 7:10 p.m.  
5 Berlin Junior High School  
6 200 State Street  
7 Berlin, New Hampshire

8 In re: SITE EVALUATION COMMITTEE:  
9 SEC DOCKET NO. 2009-02:  
10 Application of Laidlaw Berlin  
11 BioPower, LLC, for a Certificate  
12 of Site and Facility for a  
13 70 MW Biomass Fueled Energy  
14 Facility in Berlin, Coos County,  
15 New Hampshire.  
16 (Public informational hearing  
17 before the NH SEC Subcommittee)

14 PRESENT:	SITE EVALUATION SUBCOMMITTEE:
15 Thomas S. Burack, Cmsr.	Dept. of Environmental Services
(Chairman of SEC - Presiding)	
16 Christopher Northrop	N. H. Office of Energy Planning
William Janelle	N. H. Dept. of Transportation
Craig Wright	N. H. DES - Air Resources Div.
17 Amy L. Ignatius, Cmsr.	N. H. Public Utilities Comm.
Michael Harrington	N. H. Public Utilities Commission
18 Donald Kent	N. H. Dept. of Resources & Economic Development
19 Elizabeth Muzzey	N. H. Dept. of Cultural Resources

20 \* \* \*

21 Counsel for the Committee: Michael J. Iacopino, Esq.  
22 (Brennan, Caron, Lenehan  
& Iacopino)

23 COURT REPORTER: Steven E. Patnaude, LCR No. 52

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1  
2 ALSO PRESENT:

3 Reptg. Laidlaw Berlin BioPower, LLC:  
4 Barry Needelman, Esq. (McLane Graf. .)

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Reptg. Counsel for the Public:  
Allen Brooks, Esq.  
Peter Roth, Esq.  
Senior Assistant Atty. General  
New Hampshire Dept. of Justice

{SEC No. 2009-02} {03-16-10}

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1  
2  
3  
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6  
7  
8  
9

I N D E X

PAGE NO.

STATEMENT BY ALLEN BROOKS (Counsel for the Public) 14

PRESENTATION BY LAIDLAW BERLIN BIOWATER BY:

Mr. Needelman 18  
Mr. Bartoszek 19

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

QUESTIONS FROM COMMITTEE MEMBERS BY:

Mr. Harrington	25, 43
Chairman Burack	27
Cmsr. Ignatius	33

QUESTIONS FROM COUNSEL FOR THE PUBLIC BY:

Mr. Brooks	37
------------	----

QUESTIONS FROM THE PUBLIC ASKED BY CHRMN. BURACK 47

{SEC No. 2009-02} {03-16-10}

I N D E X

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

STATEMENTS FROM THE PUBLIC BY:

Councilor Ray Burton	75
Lawrence Guay	76
Joe Casey	79
Larry Kelly	81
Mayor Paul Grenier	82
David Bertrand	91
Michael Durant	94
Bob Rodrigue	95
Councilor Bob Danderson	97
Bob Peters	99
Cathy Corkery	100

PAGE NO.

15	SEC-0316.txt Max Makaitis	102
16	Dick Poulin	105
17	Wannetta Collins	109
18	Jon Edwards	110
19	Roland Aube	112
20	Katie Paine	117
21	Shawn Cleary	119
22	Michael Rozak	120
23	Barry Kelley	123

24

{SEC No. 2009-02} {03-16-10}

5

1	E X H I B I T S		
2	EXHIBIT NO.	DESCRIPTION	PAGE NO.
3	1	Diagram entitled "Biomass Energy Facility, Berlin, NH Conceptual Landscape Plan (02-02-10)	43
4			
5	2	Letter entitled "NH EFSEC Presentation", signed by Paul Grenier, Mayor, for the City of Berlin (03-16-10)	89
6			
7	3	Letter from the Coos County Commissioner's Office, signed by Burnham A. Judd, Chairman (03-16-10)	89
8			
9	4	Document entitled "Enhancing and Preserving Berlin's Residential Tax Base: A Housing Revitalization Strategy Final Report (November 1999)	90
10			
11	5	The Berlin Daily Sun (Nov. 4, 2009) newspaper, containing an article entitled "Grenier wins mayoral race"	90
12			
13	6	Document entitled "NH EFSEC Presentation Tuesday March 16, 2010", signed by Paul Grenier, Mayor, for the City of Berlin	90
14			
15	7	Letter submitted by Lawrence Kelly (03-16-10)	91
16			
17	8	Document entitled "Community EFSEC Advisory Committee" (03-11-10)	105
18			
19	9	Document entitled "Former Pulp Mill Page 4	130

SEC-0316.txt

20 Property - A Conceptual Plan For  
Mixed-Use Re-Development" (03-05-08)

21

22 10 Index cards containing questions 130  
from the public (16 cards)

23 11 "Sign up to speak" sheets (5 pages) 130

24

{SEC No. 2009-02} {03-16-10}

6

1 P R O C E E D I N G

2 CHAIRMAN BURACK: Good evening, Ladies

3 and gentlemen. My name is Tom Burack, and I serve as

4 Commissioner of the New Hampshire Department of

5 Environmental Services, known as "DES", and I also serve

6 as Chair of the New Hampshire Site Evaluation Committee,

7 otherwise referred to as the "SEC". The SEC is created

8 under the auspices of RSA 162-H, and includes the

9 commissioners or directors of a number of state agencies,

10 as well as specified key personnel and designees from

11 various state agencies. In those cases where the SEC

12 considers the siting and construction of a renewable

13 energy facility, I am authorized to designate a

14 subcommittee to review the Applications, hear the

15 evidence, and eventually rule on whether a Certificate of

16 Site and Facility should be granted. In this case, I have

17 done that.

18 At this point, I would like to have the

19 members of the Subcommittee introduce themselves, starting

20 on my far left. And, I have a microphone here. And, if

21 you would just --

22 MR. NORTHRUP: Hello. My name is Chris

23 Northrup. I'm with the New Hampshire Office of Energy and

24 Planning.

1 MR. JANELLE: I'm Bill Janelle. And,  
2 I'm with the Department of Transportation of New  
3 Hampshire.

4 MR. WRIGHT: And, I'm Craig Wright,  
5 Department of Environmental Services, at the Air Resources  
6 Division.

7 MR. HARRINGTON: I'm Mike Harrington,  
8 New Hampshire Public Utilities Commission.

9 CMSR. IGNATIUS: Hello. Amy Ignatius,  
10 also from the New Hampshire Public Utilities Commission.

11 DR. KENT: Don Kent, from the Department  
12 of Resources and Economic Development.

13 DIR. MUZZEY: And, I'm Elizabeth Muzzey  
14 with the Department of Cultural Resources.

15 MR. IACOPI NO: My name is Michael  
16 Iacopino, with the law firm of Brennan, Caron, Lenehan &  
17 Iacopino, and I am the counsel for the Site Evaluation  
18 Committee.

19 CHAIRMAN BURACK: And, sir?

20 MR. BROOKS: I'm Allen Brooks, a Senior  
21 Assistant Attorney General at the Department of Justice,  
22 in the role of Counsel for the Public.

23 MR. ROTH: I am Peter Roth, also with  
24 the Department of Justice, and counsel to Counsel for the

1 Public.

2 CHAIRMAN BURACK: And, seated to  
3 Attorney Iacopino's right, in the salmon colored shirt  
Page 6

4 there, is Steve Patnaude, who is our stenographer, and  
5 whose job it is to keep a record of everything that we say  
6 here tonight. We, unfortunately, do not have with us one  
7 other member of the subcommittee, Harry Stewart, who is  
8 the Director of the DES Water Division. He was unable to  
9 be here this evening, but he will be reviewing the written  
10 transcript of this proceeding once it becomes available.

11 The Subcommittee has only one item on  
12 our agenda for this evening's meeting. We will hold a  
13 public information hearing in Docket Number 2009-02,  
14 Application of Laidlaw Berlin BioPower, LLC, for a  
15 Certificate of Site and Facility for the siting,  
16 construction and operation of a 70 megawatt biomass fueled  
17 renewable energy facility in Berlin, Coos County, New  
18 Hampshire. I'm going to provide a little history and  
19 background here first about the project.

20 On December 16, 2009, Laidlaw Berlin  
21 BioPower, LLC, known as the "Applicant", filed an  
22 Application for a Certificate of Site and Facility, known  
23 as the "Application". The Applicant petitions the Site  
24 Evaluation Committee, and, again, we will refer to

{SEC No. 2009-02} {03-16-10}

9

1 ourselves either as the "Committee" or the "SEC", for a  
2 Certificate of Site and Facility, which we'll call a  
3 "Certificate", in order to site, construct and operate a  
4 renewable energy facility, which we will often refer to as  
5 the "Facility", in Berlin, Coos County, New Hampshire.

6 The Facility is proposed to be located  
7 on the northern side of Community Street, Coos Street, and  
8 Hutchins Street, in Berlin. And, again, that area will be

9 known as the "Site". This location formally was the site  
10 of the Fraser Pulp Mill and was also sometimes referred to  
11 as the "Burgess Mill". The Site has existing structures  
12 thereon. The Applicant proposes to convert and upgrade  
13 the Site and to develop a biomass fueled energy generating  
14 facility, nominally capable of generating 70 megawatts of  
15 electric power.

16 The facility, as proposed, will use  
17 whole tree wood chips and other low grade clean wood as  
18 fuel. The Applicant proposes to convert an existing  
19 boiler, manufactured by Babcock & Wilcox at the Site to a  
20 bubbling fluidized bed boiler that will use whole tree  
21 wood chips as its primary fuel and ultra low sulfur diesel  
22 fuel as auxiliary fuel.

23 In addition to the boiler, the facility  
24 will consist of a steam turbine generator, wood handling  
{SEC No. 2009-02} {03-16-10}

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1 system, ash handling system, storm water management  
2 systems, two recirculating water systems for steam  
3 generation and cooling, air pollution control systems,  
4 including a flue gas recirculation system, an upgraded  
5 electrostatic precipitator, and a selective catalytic  
6 reduction system. The Applicant also proposes to renovate  
7 an existing 50,000 gallon ultra low sulfur diesel fuel  
8 tank to store ultra low sulfur diesel fuel.

9 In addition, the Applicant seeks to  
10 construct a new switchyard adjacent to the turbine  
11 building and consisting of a step-up transformer and  
12 single breaker. The new switchyard is proposed to be  
13 connected to the existing East Side Substation 300





19 contained sufficient information to carry out the purposes  
20 of RSA 162-H.

21                   Upon acceptance of the Application, I  
22 designated this Subcommittee for the purpose of reviewing  
23 the Application, hearing evidence on whether the  
24 Application should be granted or denied, and, ultimately,  
                  {SEC No. 2009-02}   {03-16-10}

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1 issuing -- either issuing or denying the issuance of a  
2 certificate for the site and construction and operation of  
3 the facility.

4                   Under RSA 162-H, the Subcommittee will  
5 hold adjudicatory hearings and render a decision on the  
6 Application within 240 days of the date that I accepted  
7 the Application. In this case, the deadline for a final  
8 decision is September 23, 2010, unless the Subcommittee  
9 determines that it is in the public interest to suspend  
10 deliberations and extend the time frame.

11                   Upon acceptance of the Application, I  
12 also scheduled tonight's public information hearing.  
13 Tonight's -- or, I'm sorry, notice of tonight's hearing  
14 was published in the Union Leader, a newspaper of  
15 statewide circulation on February 12, 2010, and in the  
16 Berlin Daily Sun, a newspaper of general circulation in  
17 Coos County on February 12, 2010. In addition, a display  
18 advertisement publicizing this public information hearing  
19 was published in the Berlin Daily Sun on March 4, 2010 and  
20 March 5, 2010. The Subcommittee has received an affidavit  
21 of publication of notice that is available for public  
22 review at the Committee's website or by reviewing the  
23 Committee's file in Concord. Please note that copies of

24 all submittals in this matter will be posted on the SEC's  
{SEC No. 2009-02} {03-16-10}

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1 websi te. And, we will also be making arrangements we hope  
2 to be able to have copies of filings available, either at  
3 the Berlin Public Library or at the City Offices, but we  
4 have not completed those arrangements yet, but we hope to  
5 be able to make those possible soon.

6 As you have already heard, Counsel for  
7 the Public has been appointed in this matter. When an  
8 Application for a Certificate of Site and Facility is  
9 filed, RSA 162-H provides that the Attorney General shall  
10 appoint an attorney to serve as Counsel to the public.  
11 Counsel to the Public represents the public in seeking to  
12 protect the quality of the environment and in seeking to  
13 assure an adequate supply of energy. Counsel to the  
14 Public is accorded all the rights and privileges and  
15 responsibilities of an attorney representing a party in a  
16 formal action. And, again, as we have heard, in this case  
17 the Attorney General has appointed Senior Assistant  
18 Attorney General Allen Brooks and Senior Assistant General  
19 Peter Roth to serve as Counsel to the Public. Mr. Brooks  
20 and Mr. Roth are both present here this evening.

21 And, Mr. Brooks, would you like to take  
22 a moment now to tell the assembly about your role and how  
23 you will proceed in this matter, and also how you may be  
24 contacted? Do you want to step forward here or use that

{SEC No. 2009-02} {03-16-10}

14

1 microphone there, whatever you'd like to do?

2 MR. BROOKS: Yes. Is the mike on?

3 CHAIRMAN BURACK: Yes.

4 MR. BROOKS: Thank you very much. As  
5 was just said, I am Counsel for Counsel for the Public.  
6 And, one of the things that we're going to do is to look  
7 at what the local concerns are here. So, I really  
8 encourage you tonight to let me know and let everyone know  
9 what the local perspective is. In general, Counsel for  
10 the Public will represent the public in the State of New  
11 Hampshire as a whole, and that definitely includes all of  
12 you. We basically look at two categories of things for a  
13 project like this; one is the environmental impacts and  
14 the other is the economic impacts. So, we want to know  
15 about both of those areas before we weigh in.

16 We will, throughout this process, we  
17 will cross-examine witnesses, we will ask for information,  
18 we will examine information, and we will participate very  
19 strongly in this process on your behalf.

20 That's all I have.

21 CHAIRMAN BURACK: Thank you very much,  
22 Attorney Brooks. The purpose of our hearing tonight is to  
23 provide information to the public regarding the  
24 Application of Laidlaw Berlin BioPower, LLC, and also to

{SEC No. 2009-02} {03-16-10}

15

1 take public questions and comments regarding the  
2 Application or the Application process or the proposed  
3 facility. We will start the hearing by allowing the  
4 Applicant, through its representatives, to make a public  
5 presentation about the Project. Thereafter, we will  
6 entertain questions from the Committee first, and then

7 from Counsel for the Public. When there are no more  
8 questions from the Committee or Public Counsel, we will  
9 then turn to questions raised by the public. If you wish  
10 to ask a question concerning the Application, please write  
11 your question on a card, and, again, we've already  
12 received a number of these cards, but we have cards  
13 available. Write your question on the card and identify  
14 yourself on the card and provide the card to our counsel,  
15 Attorney Iacopino, who is again standing right over there.  
16 He will bring me the cards and I will then read the  
17 questions and seek responses from the Applicant. If the  
18 question that you have posed is a question that I believe  
19 has already been raised and answered, I will not raise it  
20 again. But I will make sure that every question that has  
21 not already been asked is asked and an opportunity is  
22 provided for people to hear a response.

23 Once all of the questions have been  
24 addressed, we will entertain public comment on the

{SEC No. 2009-02} {03-16-10}

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1 Project. If you wish to speak or comment on the proposed  
2 Project, you should sign one of the sheets provided by  
3 Attorney Iacopino, and he and I will see that you have  
4 access to the microphone at an appropriate time. We would  
5 ask you to please identify yourself by name and either  
6 city or town of residence, if you can, before making your  
7 comments. I, at this point, have a list of 20 people who  
8 have asked to speak. And, Mike, where are you keeping the  
9 list for additional folks who want to speak?

10 MR. IACOPI NO: The lists are in the back  
11 corner of the room, on that podium. If you wish to speak,

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please sign the list.

CHAIRMAN BURACK: Again, please remember that everything being said here today is being recorded by our court reporter. Therefore, it is important that you identify yourself and speak both clearly and loudly, so that not only all of us can hear, but he can hear as well. It's important that we not speak on top of each other, that only one person be speaking at a time. It is also important that you be succinct in your comments and try to avoid making repetitive points or points that we've already heard other people make. Each person wishing to make public comment will be limited in the first instance to three minutes. Once everyone who wishes to speak has

{SEC No. 2009-02} {03-16-10}

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spoken, we will then return to anyone who wishes to share additional points with us. However, please understand that tonight is not the last opportunity to make a public comment on this Project. I anticipate that some of the future proceedings in this matter will occur here in Coos County. Likewise, we will take public comment after every adjudicatory session. And, finally, we will accept your written comments as part of our record until a final order has been issued. And, again, you can submit written comments to us at any time. We would ask you, if you could, to direct your written comments via email. And, we thought we might have a PowerPoint opportunity here tonight, but we don't. So, I'm just going to read this. And, again, if you can't write it all down, you can certainly catch Attorney Iacopino afterwards, and this will also be posted on our website. But the best thing to

17 do would be to address your comments to the Site  
18 Evaluation Committee, care of jane.murray, m-u-r-r-a-y,  
19 @des.nh.gov. Jane is an assistant in my office who  
20 ensures that all of these documents are properly captured  
21 and forwarded to all of the members of the Committee, as  
22 well as everyone on the service list and posted to our  
23 website promptly.

24 I would also ask you to please  
{SEC No. 2009-02} {03-16-10}

18

1 understand and respect that members of the Subcommittee  
2 have been instructed that it would be inappropriate to  
3 discuss any aspects of this matter with any party or  
4 persons outside of the established proceedings. Such what  
5 we call "ex parte communications" are prohibited by the  
6 rules under which we operate in the Site Evaluation  
7 Committee. So, again, I must ask that any questions  
8 outside of this formal process, either about the process  
9 or inquiry from the press or any questions you have about  
10 this proceeding be directed to our counsel, Attorney  
11 Iacopino, and not to individual members of the  
12 Subcommittee.

13 And, with that, unless, Attorney  
14 Iacopino, you have any other preliminaries that you think  
15 is important to be covered at this time, I am going to  
16 turn the floor over to Attorney Barry Needleman, to  
17 introduce himself and the Project and his team and to make  
18 the Applicant's presentation.

19 MR. NEEDLEMAN: Thank you, Mr. Chairman.  
20 My name is Barry Needleman, from the law firm of McLane,  
21 Graf, Raulerson & Middleton, and I represent the Applicant

22 in this matter. And, at this point, what I'm going to do  
23 is hand this over to Mike Bartoszek, who is the President  
24 of Laidlaw, and he can introduce the rest of our team and  
{SEC No. 2009-02} {03-16-10}

19

1 will give a brief presentation of the Project.

2 MR. BARTOSZEK: Good evening. My name  
3 is Michael Bartoszek, and I am President of Laidlaw Berlin  
4 BioPower, the developer of the biomass energy project to  
5 be situated here in Berlin and the Applicant, under the  
6 Application filed with the Site Evaluation Committee,  
7 which we're here to discuss this evening. I'm going to  
8 just briefly ask some of the members of our development  
9 team who are here this evening to identify themselves, who  
10 are likely probably to speak or answer some of the  
11 questions that may be asked this evening. We have a  
12 number of people here in the room, but probably just a  
13 select few will be necessary to answer some of your  
14 questions. So, with me this evening, as members of our  
15 development team, we have Lou Bravakis, maybe you can just  
16 stand up quickly, Ray Kusche, and Carl Stickler. And,  
17 then, we have with us also Dammon Frecker. Dammon is a  
18 consultant and an environmental expert with the ESS Group.  
19 We have a number of other members of our development team  
20 here also.

21 Mr. Chairman, members of the Committee,  
22 thank you. We are pleased to be here this evening to  
23 answer questions concerning our plan to develop the modern  
24 biomass energy facility at the former Burgess Mill site.

{SEC No. 2009-02} {03-16-10}

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1 As the host community, the City will have an important  
2 role in this process, and we look forward to working with  
3 Mayor Grenier, City Council members, City officials,  
4 members of the EFSEC Community Advisory Committee to make  
5 this important project a success for all concerned.

6 The mill site has been a source of pride  
7 and an integral part of Berlin's economy for many years.  
8 We're pleased that, through our project, the mill site can  
9 continue to fuel the economic engine of Berlin, but as  
10 part of the new energy economy, not as a return to the old  
11 industrial economy. And, I'm sorry, by the way, I know  
12 it's "Berlin". I'm still trying to get that right. So,  
13 if I slip up, please, please bear with me.

14 One of the key reasons our project is so  
15 important to Berlin -- Berlin, is because of the jobs that  
16 will be created and supported by our project. Our project  
17 will create and support stable jobs that pay well and that  
18 can never be outsourced like the manufacturing jobs of the  
19 old industrial economy. Specifically, our project will  
20 employ 40 people directly, and jobs with a combined annual  
21 payroll of approximately \$2 million. The 40 direct jobs  
22 at the facility are just a start. According to recent  
23 Massachusetts Department of Energy study, renewable energy  
24 projects like ours create approximately 2.1 jobs for each

{SEC No. 2009-02} {03-16-10}

21

1 megawatt of capacity. So, in the case of our project, a  
2 70 megawatt project, that's approximately 140 -- that's  
3 exactly 147 jobs. In addition, according to the same  
4 study, for each additional job -- one additional job is  
5 created for each three of those jobs. So, 147, plus 49

6 additional jobs, for a total of about 200 jobs, plus the  
7 40 direct jobs at the facility, gives us a total job count  
8 of about 240.

9 I think the point that we're trying to  
10 make is the fact that it's not just about the jobs  
11 directly at the facility. The facility itself creates a  
12 lot of indirect employment opportunities and helps support  
13 a lot of indirect employment opportunities.

14 Our project has a projected construction  
15 budget of 70 to \$90 million. The total project budget is  
16 expected to exceed 125 million, when we add additional  
17 reserve funds and financing costs to fund the project. In  
18 order to ensure that these dollars go to work in the  
19 regional economy, we've been working closely with local  
20 labor unions, with the objective that a significant  
21 portion of the construction costs go to firms -- directly  
22 to firms that employ New Hampshire workers. Peak  
23 construction employment is projected to be 300, and  
24 initial operations of the facility are projected to occur

{SEC No. 2009-02} {03-16-10}

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1 on or about the second quarter of 2013.

2 Alternative energy sources, like  
3 biomass, can reduce regional dependence on volatile and  
4 often expensive natural gas, thus helping to hold  
5 electricity costs down. Our project also helps the State  
6 of New Hampshire meet its renewable energy goal of  
7 obtaining 25 percent of its energy supply from renewable  
8 resources by 2025, and, in so doing, helps create a  
9 cleaner environment for the people of New Hampshire.

10 Our project will put to good use the  
Page 18

11 fiber -- the wood fiber resources that are abundant in the  
12 North Country, and thus help support the regional wood  
13 economy. The facility is projected to spend approximately  
14 20 to \$25 million per year on biomass fuel purchases. A  
15 large portion of which will go into the regional economy,  
16 to local loggers and truckers. It's in our interest to  
17 obtain this fuel as close to the facility as possible.

18 Our project will utilize only clean wood  
19 chips, and we are committed to voluntarily implementing a  
20 sustainable procurement policy for all of our biomass  
21 purchases. The energy value of our biomass fuel will be  
22 put to good use by allowing us to not only make clean  
23 electricity, but is also expected to allow us to provide  
24 hot water to Fraser Papers to help reduce their operating

{SEC No. 2009-02} {03-16-10}

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1 costs. We have been working closely with Fraser for more  
2 than a year, and have entered into an agreement whereby we  
3 committed capital to engineer a solution to help address  
4 Fraser's hot water needs.

5 Our facility will occupy only a small  
6 portion of the overall site. And, we believe that our  
7 efforts to redevelop the site will attract other  
8 businesses to the area, and also allow for other community  
9 benefits; such as the construction of the river walk,  
10 snowmobile and ATV trails, community parking lot. We also  
11 remain willing, ready and willing to work with the City to  
12 assist in the acquisition of the balance of the former  
13 Burgess Mill site. As you may know, we acquired about  
14 half the site when we completed that acquisition. So,  
15 there's about 65 acres remaining that could be put to use

16 for economic development. In addition, there's a large  
17 portion of our site which won't be taken up by the  
18 Project. So, there's quite a bit of the acreage available  
19 for economic development on the site.

20 In addition to the benefits I've already  
21 mentioned, the City will benefit from the tax revenue  
22 associated with our biomass energy facility, which will  
23 certainly be in excess of a million dollars per annum,  
24 making us one of the largest taxpayers in the City. Those

{SEC No. 2009-02} {03-16-10}

24

1 tax dollars will provide critical resources to help  
2 improve the city schools and provide much needed tax  
3 relief for residents.

4 We at Laidlaw Berlin BioPower look  
5 forward to continuing to be an active and constructive  
6 member of the Berlin and Coos County community. In this  
7 regard, we've spent a considerable time over the past two  
8 years meeting with business and community leaders and area  
9 residents, in order to listen and incorporate their  
10 concerns into our development plan. We fully intend to  
11 continue to do this. In speaking with members of the  
12 community, it's worth noting that, without question, the  
13 single greatest concern we've heard from residents is that  
14 of jobs and the well-being of the local economy.

15 In conclusion, the broad experience of  
16 our development team, in the areas of power, plant  
17 management, operation, construction, and financing, will  
18 help ensure that our project achieves its objectives.  
19 This experience is augmented by a world-class team of  
20 engineers, consultants, and construction professionals.

21 Sitting in the room with me this evening, members of my  
22 team represent only a very small portion of the overall  
23 development team involved in the implementation of this  
24 project. However, this group alone, sitting in the first

{SEC No. 2009-02} {03-16-10}

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1 two rows here, probably represent several decades of  
2 successful power plant development and operations  
3 experience.

4 So, in conclusion, thank you very much  
5 for listening tonight. And, we look forward to answering  
6 your questions.

7 CHAIRMAN BURACK: Thank you very much,  
8 Mr. Bartoszek. We're going to turn first to members of  
9 the Committee, to see what questions members of the  
10 Committee have, and then we will turn to Counsel for the  
11 Public. And, why don't I hand things over here first to  
12 Mr. Northrop, would you like to start? No questions at  
13 this time? All set?

14 MR. HARRINGTON: Excuse me, yes. There  
15 were a couple of things discussed at today's walk-through  
16 at this plant site that we wanted to get on the record  
17 this evening. So, I'll, at the risk of being redundant,  
18 I'll ask those questions again.

19 The existing boiler has been shut down  
20 for a number of years now. Can you tell us what steps  
21 you're doing to minimize the deterioration of the boiler  
22 such that it will be able to be used for the production of  
23 power?

24 MR. BARTOSZEK: I think that's a great

{SEC No. 2009-02} {03-16-10}

1 question. I'm going to turn that over to one of the  
2 members of my technical team. Perhaps Carl or Lou,  
3 whichever one of you would like to answer that?

4 MR. BELANGER: Since the plant -- the  
5 boiler was shut down in 2005, steps were taken to preserve  
6 the boiler in a very traditional, standard way, with a  
7 nitrogen blanket on the inside of the tubes to prevent  
8 corrosion and erosion. Also, steps have been taken to  
9 keep the building at about 50 degrees, so there's no  
10 freezing and other deterioration that can occur over time.  
11 We expect that the plant, once the changes and the  
12 conversion is completed, that the remaining part of that  
13 boiler will be preserved and fully operational.

14 MR. HARRINGTON: And, just as a quick  
15 follow-up to that question, I did have one other. Would  
16 there be -- I assume there will be some type of inspection  
17 done on the boiler tubes, to make sure that the nitrogen  
18 blanket indeed prevented the corrosion?

19 MR. BELANGER: There is a regular  
20 inspection done by on-site personnel to confirm that the  
21 methods and steps are ongoing. In addition to that, there  
22 will be an inspection of the boiler, a detailed inspection  
23 of the boiler before the conversion takes place, to make  
24 sure that there's any repairs or things of that nature

{SEC No. 2009-02} {03-16-10}

1 would have to be done prior to the conversion.

2 MR. HARRINGTON: And, one follow-up  
3 question. Can you just tell us about the changes, will

4 there be any changes and what will they be on the  
5 operating temperature and pressure of the boiler when it  
6 operates as a power boiler, rather than as it has in its  
7 previous life?

8 MR. BELANGER: Historically, that unit  
9 was built in 1993. It is a black liquor boiler, and it  
10 was installed by Babcock & Wilcox. The changes are  
11 slight, in terms of the temperature and pressure. We're  
12 going to increase the pressure slightly, and the  
13 temperature, the operating temperature of the boiler will  
14 be roughly the same. We have worked with B&W, who is the  
15 company that built the black liquor boiler, who we plan to  
16 use for the conversion. And, both their experts and our  
17 experts have confirmed that that small increase is no  
18 problem.

19 MR. HARRINGTON: Thank you. That's all  
20 the questions I had.

21 CHAIRMAN BURACK: Thank you. As you  
22 heard referenced by Mr. Harrington, there was a site visit  
23 taken this afternoon by members of the Committee, as well  
24 as members of the public, and representatives of both some

{SEC No. 2009-02} {03-16-10}

28

1 City boards, as well as the Coos County Commissioners.  
2 And, I believe there may be a future tour scheduled as  
3 well, for those who have an interest in touring the  
4 facility, but were unable to be there today. But I think  
5 it would be helpful if somebody from Laidlaw would provide  
6 a brief description of what, in fact, you showed, those of  
7 us on the tour today, and just an overview of the  
8 facility, in terms of what -- what you showed us today.

9 MR. BARTOSZEK: So, Lou Bravakis led the  
10 tour today. So, why don't I turn this over to him so he  
11 can provide that description.

12 MR. BRAVAKIS: Thank you. And, good  
13 evening. Today, we conducted a tour of the -- for the  
14 Site Evaluation Committee, the SEC Committee. And, before  
15 we -- before I go further, I'd like to apologize to  
16 anyone, anybody who was turned away at the door. There  
17 was a misunderstanding on our part. We didn't do that  
18 intentionally, and I would like to offer my apologies.  
19 And, if anybody was turned away, I would be willing to  
20 conduct an additional tour for them. So, what we did was  
21 we assembled, it was roughly a two-hour tour or so, we  
22 assembled at the scale house, I'm sure most of you know  
23 where that is. We got an overall site -- Dammon Frecker  
24 from ESS provided a site plan and a description of the

{SEC No. 2009-02} {03-16-10}

29

1 overall project. We then went out of the scale house,  
2 down to a point on Hutchins Street? Hutchins Street,  
3 where we could actually look at the area of the property  
4 that we were trying to preserve for economic development.  
5 It includes a couple of buildings that we've left as  
6 intact as we could, and the big tarmac, where most of you  
7 remember where the chip pad was. Our plant will not be  
8 situated on that part of the property. We've kept that  
9 property available for future economic development. And,  
10 behind, going up along the street, we've also made  
11 provisions for a ATV/snowmobile trail, which I pointed out  
12 to the Committee.

13 We then walked down in front of the



14 filter house to the elevation above where the rail used to  
15 come in by the boiler house, to show where the trucks and  
16 possibly, in the future, some rail would come, to dump  
17 chips, taking advantage of the grade level, to dump chips  
18 from the higher level down to the lower level.

19 Our plan calls for three truck dumpers.  
20 Two will be dumped to grade, and one will go into a  
21 reclaim system that could automatically go into the boiler  
22 house. From that point, we then walked down to the boiler  
23 complex and pointed out a couple of important factors.

24 One is, we're only building two additional buildings. One

{SEC No. 2009-02} {03-16-10}

30

1 will be to the left of the existing control building, and  
2 that will be a maintenance building and an area for the  
3 workers. And, to the left of that, going towards the  
4 recreational field, will be another building that will  
5 house the steam turbine generator. Both of those  
6 buildings are going to be built on areas that had  
7 pre-existing buildings before.

8 We then walked up, Carl Belanger, our  
9 Site Manager, Carl, I would like you to stand up and I  
10 want to say "thank you". Carl has been the one who has  
11 been keeping that boiler, it's his baby, he's been keeping  
12 it under excellent shape, and led the tour, going up into  
13 the motor control center, the control room, and then over  
14 to the boiler itself and described the preventative  
15 measures that we've been taking on an ongoing basis to  
16 make sure that that boiler is suitable for use in the  
17 future.

18 From that point, we went down and around

19 the back of the boiler building, to the point where we're  
20 going to be installing a cooling tower and pollution  
21 control equipment. This plant is going to be a Class I  
22 renewable eligible biomass power plant, which means that  
23 the emissions from this plant will be much lower than  
24 emissions from any other type of a power plant that would

{SEC No. 2009-02} {03-16-10}

31

1 not qualify for that. Therefore, we have to increase the  
2 size of the ESP, the electrostatic precipitator that's  
3 used to reduce particulate emissions. And, we also need  
4 to build a catalytic converter, called an "SCR", to  
5 control NOx. Both of those are going to be in the back  
6 side of the boiler building as you know it now.

7 And, one thing we did point out, that a  
8 lot of the pipes, the external stairways, the old siding  
9 that's on the boiler will all come off. A lot of that was  
10 associated with either another boiler that was in a  
11 building that was next to this boiler or associated with  
12 the black liquor and the recovery function of the boiler,  
13 which will no longer be needed. So, the whole appearance  
14 of the boiler house will be cleaned up considerably.

15 From that point, we continued up along  
16 the river, by the penstocks, towards the newsprint  
17 building, and then up -- and pointed out the thoughts that  
18 we had about protecting and trying to preserve that  
19 newsprint building for historical purposes.

20 From there, we pointed out the secondary  
21 fuel yard, which will be located more to the north part of  
22 the property. We have, I don't think I mentioned this, we  
23 have a primary fuel yard, which will accept wood chips

24 that will be around the boiler. The secondary fuel yard  
{SEC No. 2009-02} {03-16-10}

32

1 will accept both round wood, predominantly round wood, and  
2 wood chips, and there will also be a chip -- an enclosed  
3 chipping building. The idea there is that we know that a  
4 lot of the loggers are accustomed to moving wood in a  
5 round wood fashion. And, we don't want to exclude them  
6 from being able to take care of some of -- taking some of  
7 the potential market. So, we have created an opportunity  
8 for contractors to not only bring in chips, but those who  
9 perhaps wouldn't want to invest in a chipper, have a round  
10 wood operation, they can bring in round wood and we'll do  
11 the chipping.

12 We described the two entrances which now  
13 exist. We will maintain those. And, however, we're going  
14 to put the scales further inside the property, more  
15 towards the northwest. There will be two scales. We will  
16 not use the existing scale house. And, the reason we did  
17 that was because we heard from the folks in the community  
18 that they would prefer truckers not queue up on the  
19 street. So, we've provided a staging area, a queuing area  
20 on the property to keep that from happening on the street.

21 From there, we then, from that point, we  
22 drove down Goebel Street, and then down to the second  
23 street, what's that street?

24 FROM THE FLOOR: Shelby Street.

{SEC No. 2009-02} {03-16-10}

33

1 MR. BRAVAKIS: Shelby. Shelby, down to  
2 the point of East Street Substation, and pointed out the

3 right-of-way and where the transmission line will come  
4 underground and will emerge right by the pond there, where  
5 all the other power lines emerge and go up to the East  
6 Street Substation.

7 CHAIRMAN BURACK: Thank you very much  
8 for that description. I think it was helpful to the  
9 Subcommittee to be able to see the site and have an  
10 opportunity to have a picture in our minds of what is  
11 being contemplated.

12 We're now going to turn things to  
13 Commissioner Amy Ignatius, from the Public Utilities  
14 Commission.

15 CMSR. IGNATIUS: Thank you. A couple of  
16 other things that we talked about on the tour that might  
17 be helpful to get on the record that were of concern as we  
18 walked around and wanted an understanding better about.  
19 One was the status of any hazardous waste on-site that  
20 either are there and have to be dealt with or could be  
21 brought there as part of the operations of the biomass  
22 plant. I don't know who would like to address that?

23 MR. FRECKER: There has been an  
24 extensive amount of investigation of the site over a  
{SEC No. 2009-02} {03-16-10}

34

1 number of years by a number of different parties, most  
2 significantly going back to 2003, a very extensive study  
3 that was actually contracted by the State of New Hampshire  
4 Department of Environmental Services. There's been  
5 additional studies since that time. Essentially, three  
6 different engineering firms evaluating the conditions on  
7 the site, and all coming to the same general conclusion

8 that, although there are some low-level contaminants in  
9 some of the soils from the past industrial activities,  
10 they're consistent with a long-standing industrial site.  
11 They're manageable. We have a good understanding of what  
12 they are. And, we'll do further investigation prior to  
13 starting our construction activities, so that we make sure  
14 that we understand fully everything that's there and are  
15 fully equipped to deal with it.

16 And, we at least started a draft of a  
17 Soil Management Plan that's contained in the Application  
18 that we filed that provides some information about how the  
19 protective measures that we'll take in soil management and  
20 monitoring of the water quality and air quality, to make  
21 sure that there are no adverse impacts to the environment  
22 or the public health and safety of the community.

23 CMSR. IGNATIUS: Thank you. And, just  
24 to clarify, one question that we asked and the answer,  
{SEC No. 2009-02} {03-16-10}

35

1 just to add to that, I think, if you can confirm this, is  
2 that there is no asbestos in the plant, of any demolition  
3 that will be done on certain parts of buildings that are  
4 being taken down, there is no asbestos that will be  
5 released as a result of that demolition? Or, and  
6 "demolition" is not even the right word, because most of  
7 that is staying in place. Is that correct?

8 MR. FRECKER: That's correct. That's  
9 right.

10 CMSR. IGNATIUS: Thank you. I had one  
11 other question. There was some discussion today about  
12 noise of the operations, and what would be a reasonable

13 expectation for people in the near vicinity of the plant,  
14 in terms of noise of the operations overall? Whoever  
15 would like to address that.

16 MR. FRECKER: Laidlaw has been very  
17 concerned about the potential impacts of the Project and  
18 making sure that it doesn't create adverse noise in the  
19 community and is a nuisance of the residences or the  
20 businesses on either side of the river. My firm has done  
21 an extensive amount of modeling of the potential sources  
22 of noise, including the cooling tower, the chipping  
23 building, the truck activity, the material handling on the  
24 site, the fans that we'll use to blow air through the

{SEC No. 2009-02} {03-16-10}

36

1 boiler itself, and done multiple rounds of analysis, added  
2 additional mitigation. We've added insulation. We've  
3 modified and enhanced equipment designs and improved  
4 equipment designs over and over again, to make sure that  
5 the sound level from the Project won't create adverse  
6 impacts in the community. And, we went out and measured  
7 background levels on both sides of the river, up through  
8 the residential areas, in the downtown area, so that we  
9 know what the existing conditions are, and we've modeled  
10 the impacts of the Project to show that they would conform  
11 with the levels that the City would impose on any other  
12 industrial project in the city; 60 decibels during the  
13 nighttime and 70 decibels during the daytime. What does  
14 that mean? I'm a lot louder than 70 decibels, I can tell  
15 you that. A normal human conversation is on the order of  
16 60 decibels. So, the Project, at its property line, will  
17 be quieter than that. And, we don't believe it will cause

18 any adverse impacts, and only nominal increases above  
19 background levels right now.

20 CMSR. IGNATIUS: Thank you.

21 CHAIRMAN BURACK: Thank you. Turn  
22 things to Don Kent here.

23 DR. KENT: I have no additional comments  
24 or questions at this time. Thanks.

{SEC No. 2009-02} {03-16-10}

37

1 DIR. MUZZEY: I have no additional  
2 questions as well.

3 CHAIRMAN BURACK: Okay. I'd like now to  
4 ask Counsel for the Public if you have any questions you'd  
5 like to address at this time of the Applicant?

6 MR. BROOKS: Yes. Thank you very much,  
7 Mr. Chairman. We have just a few questions for now. The  
8 first question is, if Laidlaw does get approval for the  
9 project, do you have an estimation of when it might  
10 actually come on line?

11 MR. BARTOSZEK: Initial operations are  
12 projected in the second quarter of 2013.

13 MR. BROOKS: Okay. The next question is  
14 about the life of the Project, essentially is what do you  
15 anticipate the life of the Project being? Specifically,  
16 in those power plants that I've dealt with in the past,  
17 for instance, coal-fired power plants, every 25 years or  
18 so there has to be a pretty significant capital investment  
19 in there to upgrade them and to keep them running. So,  
20 I'm curious about your take on the life of this project?

21 MR. BARTOSZEK: Power generation assets  
22 like these are very long-lived assets. So, it's almost

23 indefinite, provided that they are maintained properly.  
24 You know, we generally have a five year overhaul plan,  
{SEC No. 2009-02} {03-16-10}

38

1 where we do major maintenance on the plant on a regular --  
2 on an ongoing basis, every year, actually. So, you know,  
3 it's hard to say specifically what the ultimate life will  
4 be, but it's projected to be quite long.

5 MR. BROOKS: What right now is the  
6 source of financing for the Project? Do you have  
7 financing that you have to obtain or is most of that in  
8 place now?

9 MR. BARTOSZEK: Yes. Projects like  
10 these are typically financed -- almost all are financed  
11 the same way. We've invested up to this point about  
12 \$10 million of capital into the site, to acquire the site  
13 and to fund the costs of development up to this point.  
14 Our total projected budget for the project is  
15 \$125 million, of which probably about \$40 million of that  
16 will be equity, will be equity from the Project sponsors  
17 and the development group, and the balance will be debt  
18 capital. Debt capital will be provided on normal  
19 commercial terms, you know, in the financial markets, as  
20 is typical for projects like this.

21 Generally, the revenues associated with  
22 -- the long-term revenue stream of the Project is what  
23 supports the long-term debt financing. Until the Project  
24 has completed its permitting and finalized all the

{SEC No. 2009-02} {03-16-10}

39



1 material permits, agreements, and approvals, it's not  
2 going to complete that, that level of financing. So,  
3 that's the next step after this process.

4 MR. BROOKS: And, the last question has  
5 to deal with the potential emissions, and I apologize if  
6 this information is already in your air permit  
7 application, I know that there's a lot of information  
8 you've already submitted.

9 MR. BARTOSZEK: It's a thousand pages.  
10 So, pretty much everything is in there, but --

11 MR. BROOKS: Right. And, of course,  
12 feel free to defer to someone who had the joy of putting  
13 together some of that thousand pages. But, in addition to  
14 the actual air -- what would qualify as an air pollutant,  
15 is there any potential for a negative impact from an odor  
16 or smell of anything coming out of the stack or other  
17 facility operation?

18 MR. BARTOSZEK: Well, I'll let my  
19 colleague, Dammon, address it in a second. But, you know,  
20 I think one of the important points to note is, there's a  
21 dramatic difference between a modern biomass energy  
22 facility like this and a pulp mill. It's just not the  
23 same thing. I recognize there historically have been some  
24 issues with odors and other sort of conditions like that

{SEC No. 2009-02} {03-16-10}

40

1 from the pulp mill, and it's just -- they're just not  
2 analogous situations. An odor -- it's in the interest of  
3 the plant to have complete combustion, and "complete  
4 combustion" means you're utilizing your fuel source in the  
5 most efficient manner, which would, you know, not result

6 in odors and things like that.

7 Dammon, do you want to add anything to  
8 that regarding --

9 MR. FRECKER: I'd only reiterate and  
10 confirm what Mike said about, you know, the  
11 state-of-the-art circulating fluidized bed technology  
12 providing very, very complete combustion. The levels of  
13 compounds that would be emitted from the stack itself,  
14 outside of normal oxygen and water vapor and nitrogen that  
15 exists in the air that we're breathing right now are on  
16 part per million type levels. It's like filling this room  
17 with tennis balls and painting a couple of them green, and  
18 saying "try to find the green ones." There are very, very  
19 low levels of those other constituents that are things  
20 that come out of the tailpipe of your vehicle. So, you  
21 won't be able to smell anything coming out of the stack.  
22 You won't be able to see particulate matter. You'll see a  
23 condensed water vapor plume under very cold conditions  
24 that is pretty normal from a lot of industrial even

{SEC No. 2009-02} {03-16-10}

41

1 gas-fired furnaces. But you won't be able to smell  
2 anything from the facility and it won't create visible  
3 emissions as well.

4 MR. BROOKS: Okay. Thank you. Just one  
5 more question. We talked a little bit today on the tour  
6 that the -- obviously, the combustion of the wood,  
7 although it's very efficient, will generate at least a  
8 small percentage of ash that will have to be dealt with.  
9 Can you just comment briefly on the way that small  
10 percentage of ash will be managed?

11

MR. BARTOSZEK: Lou, can you?

12

MR. BRAVAKIS: Ray. Ray Kusche.

13

MR. KUSCHE: Good evening. We'll be --

14

we're estimating that we're going to consume approximately

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700,000 tons of wood a year. And, with a fluidized bed

16

boiler, traditionally, which is a high-efficiency boiler,

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we'd be looking at somewhere between 2 and 3 percent of

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the wood volume that goes in will be converted to an ash,

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which is a noncombustible. About half of the weight of

20

that ash is actually -- most people would probably term it

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"gravel". It's basically dirt and rocks and other things

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that weren't removed, that were contaminants in the wood

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that went in. The other is what we call "fly ash", which

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is the noncombustible component of the wood. We will be

{SEC No. 2009-02} {03-16-10}

42

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striving to find beneficial uses for both the bottom ash

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and the fly ash. And, depending upon the state and

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different programs that are in place in the state,

4

oftentimes the bottom ash, the gravel, can be used for

5

road construction and fill and, you know, other things,

6

because there's no -- there's no metals, there's nothing

7

that's dangerous in them. And, in fact, in Maine, we have

8

a program where, the state that I've been working in in a

9

long -- for a long time, we have a program to utilize the

10

bottom ash for just those activities. The fly ash can be

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used as a soil supplement. And, we're working in Maine

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with a company called "New England Organics", where we

13

actually land spread farmers' fields with the fly ash as a

14

sort of a lime substitute.

15

And, so, those programs, we're going to

16 develop and be putting them in place, so that we can  
17 beneficially use the ash that's produced, which will about  
18 two and a half percent, let's say, percent of the wood.  
19 And, barring that, then the ash will go to a licensed  
20 landfill.

21 MR. BROOKS: Okay. And, in those areas  
22 where you have successfully reused some of that material,  
23 either in the roads or farmers' fields, is there still a  
24 component that has to go to a landfill or it very

{SEC No. 2009-02} {03-16-10}

43

1 efficient?

2 MR. KUSCHE: No, no. No. It's all  
3 beneficially reused, both the bottom ash and the fly ash.

4 MR. BROOKS: Okay. Thank you, Mr.  
5 Chairman. I have no further questions.

6 MR. IACOPI NO: Mr. Chairman?

7 CHAIRMAN BURACK: Thank you.

8 MR. IACOPI NO: With your permission, I  
9 would ask that we have the diagram that we used during the  
10 tour today marked by the court reporter as an exhibit in  
11 this proceeding.

12 CHAIRMAN BURACK: Thank you. Let's mark  
13 that as "Exhibit 1" for purposes of this evening's  
14 proceeding.

15 (The diagram, as described, was herewith  
16 marked as Exhibit 1 for identification.)

17 CHAIRMAN BURACK: Again, if there are  
18 any individuals here who have questions that you would  
19 like to pose, please get your card to Attorney Iacopino.  
20 And, I'm going to turn here very shortly to questions from

21 the public, but I know that Mr. Harrington, a member of  
22 the Subcommittee, has a follow-up question.

23 MR. HARRINGTON: Yes. Your date of  
24 operation prompted me to think of another question. Could  
{SEC No. 2009-02} {03-16-10}

44

1 you give us your status with regard to the Forward  
2 Capacity Market? Do you have a capacity supply obligation  
3 now? And, if not, when would you envision that you would  
4 be filing with the ISO to obtain one?

5 CHAIRMAN BURACK: If I could, perhaps in  
6 answering that question, maybe you could just explain a  
7 little bit of what the processes are, because some of  
8 these may be some things that we're not familiar with  
9 here.

10 MR. HARRINGTON: Good point. I spend  
11 too much time dealing with this stuff, I guess. The  
12 Forward Capacity Auction is a new way of paying generators  
13 that has come up in New England over the last three or  
14 four years. And, it provides payment to generators and to  
15 demand response providers, people who can reduce their  
16 consumption of generation during certain times, for  
17 providing capacity, for being there in case they're  
18 needed. So, it's not paying them to produce energy, in  
19 the normal sense, of how many megawatts you produce in a  
20 given hour. It's that you make a commitment that you will  
21 be there when needed or if needed during a particular  
22 year.

23 So, in order to do this, you actually  
24 enter into the ISO-New England, which is the people that

{SEC No. 2009-02} {03-16-10}

1 control the electric grid in New England. They have an  
2 auction. And, if you bid in and your price clears that  
3 auction, you obtain a capacity supply obligation. And  
4 this is usually in the amount of megawatts of most plants  
5 similar to the Laidlaw plant, it's usually pretty close to  
6 the full amount of the average capacity output of the  
7 plant.

8 If they then perform during the given  
9 year that they have that capacity supply obligation, they  
10 are given payments from that. They come from all the  
11 ratepayers in New England. And, it's a different revenue  
12 stream that can be fairly important to various generators.

13 So, I'm just wondering, from the point  
14 of view going forward, what your status is with regard to  
15 that, because it does need a commitment on the part of a  
16 generator, once they obtain that, that capacity supply  
17 obligation, they got a commitment to be able to supply it.

18 MR. BARTOSZEK: We have taken the  
19 necessary steps to make application to participate in the  
20 Forward Capacity Market to coincide with our projected  
21 operations date. And, we have also made application to  
22 become a provisional member of ISO-New England.

23 MR. HARRINGTON: So, you're in the  
24 process of doing it, but you do not yet have a capacity

{SEC No. 2009-02} {03-16-10}

1 supply obligation that's cleared the Forward Capacity  
2 Auction?

3 MR. BARTOSZEK: Well, we would be -- I  
4 mean, the project anticipated capacity is expected to be

5 sold pursuant to an off-take agreement. So, we won't  
6 expect to be actually bidding our own capacity in. But we  
7 have taken the necessary steps to --

8 MR. HARRINGTON: So, you don't have one  
9 as of yet?

10 MR. BARTOSZEK: Correct.

11 MR. HARRINGTON: It's three years in  
12 advance from the time of the auction is the time to  
13 commit?

14 MR. BARTOSZEK: Correct.

15 MR. HARRINGTON: Okay. Thank you.

16 CHAIRMAN BURACK: Thank you. Thank very  
17 much, Mr. Bartoszek and Mr. Harrington. Are there other  
18 questions at this moment from members of the Subcommittee?

19 (No verbal response)

20 CHAIRMAN BURACK: What I'm going to do  
21 now is ask some questions based upon questions we received  
22 from the public. I'm going to group some of the  
23 questions, because a number of them touch on similar  
24 topics or themes and to try to be as efficient as we can

{SEC No. 2009-02} {03-16-10}

47

1 here.

2 Mr. Bartoszek, could you provide an  
3 explanation for us of who owns the Burgess Mill site?  
4 And, the follow-up to this is going to be to ask if you  
5 could explain what the financing arrangements are and what  
6 the -- essentially, what the corporate relationship is  
7 between Laidlaw BioPower, LLC, if I have the correct legal  
8 name, and an entity called "PJPD Holdings"?

9 MR. BARTOSZEK: Okay. Well, the -- I'll  
Page 39

10 take the first part, regarding the ownership. We've  
11 financed this project pretty much the same way lots of  
12 developers finance energy projects. You put the assets  
13 into a company and you obtain financing based on the value  
14 of those assets, and also the potential cash flows that  
15 could be generated from the future performance of those  
16 assets. So, the type of arrangement that we've entered  
17 into, we are the developer and the owner of the project,  
18 and the cash flows of the project inure to us. The  
19 underlying real estate assets and the benefits associated  
20 with the real estate inure to another party. So, the  
21 physical land underlying the project is owned by another  
22 party and they get those benefits. The project cash flows  
23 flow to us. So, that's the differentiation.

24 I'm not sure to what extent I can

{SEC No. 2009-02} {03-16-10}

48

1 comment on things that might be subject to confidentiality  
2 agreements, but the Laidlaw Berlin BioPower and PJPD have  
3 a financing relationship, I guess is the best way to  
4 answer that.

5 CHAIRMAN BURACK: Thank you. And, can  
6 you describe who a Greg Whalen and a Richard Cyr are? Do  
7 you recognize those names?

8 MR. BARTOSZEK: I mean, I -- no. I do  
9 not recognize -- I do recognize the name Richard Cyr, but  
10 I don't understand, he's not part of our development  
11 group, and I wouldn't be -- think it would be appropriate  
12 for me to comment on him.

13 CHAIRMAN BURACK: Okay. Thank you. Has  
14 Laidlaw ever had an operating biomass plant operating



15 under the name of Laidlaw?

16 MR. BARTOSZEK: No. I mean, we, like  
17 many companies, are a young company. That Laidlaw Energy  
18 and Laidlaw and its affiliates have entered into a joint  
19 venture relationship with partners, and together we bring  
20 significant power plant development experience to make  
21 this project and other projects that we're developing in  
22 our portfolio a success. So, Laidlaw formed a joint  
23 venture relationship with Homel and Renewable Energy,  
24 specifically to focus on the development of this project,

{SEC No. 2009-02} {03-16-10}

49

1 as well as other biomass energy projects in the Northeast.  
2 Homel and is a successful developer of alternative energy  
3 projects, currently operates a 50 megawatt alternative  
4 energy project. And, I think really the key, when you  
5 talk about, you know, the success of the project, when you  
6 look at the management team, the Homel and/Laidlaw joint  
7 venture brings together in excess of 30 professionals,  
8 with decades of successful experience operating, building,  
9 financing power generation assets of all kinds.

10 My colleague, Ray Kusche, who spoke  
11 earlier, has successfully operated a biomass energy plant  
12 for many years. So, the entity -- But the entity that  
13 owns this project is fairly new, but the people underlying  
14 the entity are very well-experienced people.

15 CHAIRMAN BURACK: Thank you. What is  
16 the current market cap of Laidlaw and how will Laidlaw  
17 guarantee the long-term safety of the property?

18 MR. BARTOSZEK: Laidlaw Berlin BioPower,  
19 the Applicant here, doesn't have a market capitalization,

20 it's a privately held company. We have a shareholder of  
21 Laidlaw Berlin BioPower is a publicly held company.  
22 Obviously, significant steps are taken. And, I think  
23 almost the key reason we're here tonight with the -- as  
24 part of the SEC process, and we've filed our application  
{SEC No. 2009-02} {03-16-10}

50

1 containing so -- and disclosing so much information is to  
2 ensure public safety. I mean, that's almost the top point  
3 that I think is emphasized in this process. That there's  
4 no adverse impact to the health and wellbeing of the  
5 community, even the most fragile residents of the  
6 community. So, the entire process is undertaken to ensure  
7 that the public is well taken care of and that the project  
8 is ultimately a good project that doesn't have any adverse  
9 impacts.

10 So, I think that to, I mean, maybe use  
11 the word "guarantee" is a bit incorrect, but I think the  
12 assurance that the project won't cause any adverse effect  
13 on the community is the process which we're here about  
14 tonight. That the folks that are involved in the SEC  
15 process have the requisite knowledge and experience to  
16 ensure that we, as developer, take the necessary steps to  
17 protect the health and wellbeing of the community.

18 CHAIRMAN BURACK: Thank you. Concerning  
19 your affiliate, Homel and Energy, what alternative fuels do  
20 they currently use or work with?

21 MR. BARTOSZEK: Well, my colleague, Carl  
22 Strickler, is, you know, he's part of the Homel and team.  
23 So, why don't I let him answer that question.

24 MR. STRICKLER: As Mike said, Homel and  
Page 42

1 Renewable Energy is a developer, builder, constructor,  
2 financier and operator of biomass power projects through  
3 the U.S. and internationally. One of our successful or  
4 recent successful development was in Minnesota, where we  
5 developed a poultry litter to electricity project, it's 55  
6 megawatts. It's operating, it's been operating since mid  
7 2007. And, as Mike said, my company brings a wealth of  
8 both development experience, but also operations and  
9 construction, management experience and know-how to the  
10 joint venture, which is the joint venture company which is  
11 developing the Berlin project.

12 CHAIRMAN BURACK: Thank you. I want to  
13 turn now to some questions regarding construction  
14 activities on the site. First, will there be any blasting  
15 on-site for construction of new buildings or other  
16 facilities on the site? And, a related question to that  
17 is, what, in your construction process, particularly  
18 involving blasting or otherwise, would there be to ensure  
19 that any pollution from the blasting area or other  
20 construction activities are immediately captured and  
21 controlled and managed appropriately?

22 MR. BARTOSZEK: Dammon, why don't you  
23 address that question please.

24 MR. FRECKER: First and foremost, we

1 don't anticipate that construction of the project will  
2 require any blasting at all. There's a limited amount of

3 buildings that need to be newly constructed. The major  
4 piece of equipment is the boiler that's already there.  
5 There will be an adjunct building where the steam turbine  
6 generator will go, requiring about an 8-foot deep footing  
7 for spread foundations. And, there was a large industrial  
8 building that was constructed similarly in that exact area  
9 that operated as part of the mill for many years. The  
10 cooling tower over along the side of the river will only  
11 require about a 4-foot to 6-foot deep foundation. If  
12 there is any bedrock that's encountered at that location,  
13 it could be easily removed mechanically without doing any  
14 blasting.

15 The other excavation levels are on the  
16 order of about 4 feet deep. There's building foundations  
17 that are significantly deeper than that on the site right  
18 now. So, we really don't anticipate doing any blasting.  
19 All that will be confirmed prior to starting construction.  
20 But we really anticipate the minimal encountering of  
21 bedrock to be removed mechanically by hand machinery  
22 without using explosive equipment. And, we'll be doing  
23 the proper air quality and construction monitoring  
24 throughout the project, independent of whether it's just

{SEC No. 2009-02} {03-16-10}

53

1 soil movement, to make sure that there are no adverse  
2 impacts to public health and safety.

3 CHAIRMAN BURACK: Thank you. Next,  
4 we've received several questions here relating to forestry  
5 issues. And, one is, what is Laidlaw's voluntarily  
6 sustainability forestry procurement process? And, how  
7 will it be accountable to prove sustainability?

8 MR. BARTOSZEK: Well, I think it's --  
9 the first point is interesting to note, that New Hampshire  
10 does not have a sustainability policy. So, the  
11 sustainability policy that we are seeking to impose is  
12 really self-imposed, and is designed to ensure that the  
13 fuel that supplies the project is procured on a  
14 sustainable basis.

15 The first step of that is, you know, we  
16 engaged an expert to conduct a wood study, to ensure that  
17 the available fuel is available in the vicinity and can be  
18 procured on a sustainable basis. Lou, do you want to add  
19 anything to the policy itself?

20 MR. BRAVAKIS: No. We're going to get  
21 more questions on the wood, I think.

22 MR. BARTOSZEK: Well, I think that the  
23 -- I guess, to sort of put a point on that is, it's a  
24 voluntary sustainable procurement policy that we're in the

{SEC No. 2009-02} {03-16-10}

54

1 process of developing, and we've worked and sought input  
2 from numerous environmental groups in the state, it's a  
3 work-in-progress. But we hope at the end of the day it  
4 will be a policy that ensures the sustainability of the  
5 fuel supply.

6 CHAIRMAN BURACK: Thank you. Is the  
7 Applicant, Laidlaw, aware of the new effort underway  
8 through the State Foresters of New Hampshire, Maine,  
9 Vermont, and New York to ascertain a sustainable level of  
10 wood biomass fuel?

11 MR. BARTOSZEK: Well, we're aware of the  
12 number of different initiatives to address the issue of

13 sustainability in Massachusetts and in other areas. And,  
14 we certainly keep abreast of those activities.

15 CHAIRMAN BURACK: Thank you. I'm going  
16 to turn now to some questions relating to surplus hot  
17 water. I believe, in the opening presentation, that there  
18 was reference made to an expectation that there would be  
19 some surplus hot water or thermal energy from the plant.  
20 And, I think it would be helpful if you could describe  
21 what the source of that surplus hot water would be? What  
22 the anticipated volume might be? And, in addition, how  
23 much of that would you anticipate would be used by Fraser  
24 Papers and how much would be available for other uses or

{SEC No. 2009-02} {03-16-10}

55

1 users?

2 MR. BARTOSZEK: Thanks. That's a good  
3 question. I think, just to kind of reiterate the nexus of  
4 the question, we've entered into an agreement with Fraser  
5 Papers, whereby we, upon commencement of operations of the  
6 facility and thereafter, we would supply Fraser with hot  
7 water. The benefit or the good aspect of this is the fact  
8 that the biomass we use to generate power generates  
9 electricity, and then we use the residual value of that to  
10 also create the hot water for Fraser. So, we're  
11 experiencing dramatically increased efficiency by not only  
12 generating electric, but by supplying hot water.

13 If you want to provide more specifics on  
14 the plan, Carl, you want to handle that?

15 MR. BELANGER: With respect to the hot  
16 water to the Gorham mill, as Mike said, the project has  
17 made a commitment to provide them hot water through waste

18 heat that's generated through the process of producing the  
19 electricity from the biomass. We have or nearly finished  
20 our studies. But, in terms of committing, being able to  
21 commit a certain quantity of waste to energy, if you will  
22 but we think we know exactly how to do that, and we're  
23 just finalizing the numbers now. But it's pretty  
24 significant in terms of the waste heat that we can pull

{SEC No. 2009-02} {03-16-10}

56

1 out of our plant effectively, cost effectively, and  
2 provide to the Gorham mill, which can use that to minimize  
3 their cost of purchasing fossil fuels. So, we think it's  
4 a win/win from everybody's point of view.

5 CHAIRMAN BURACK: While you're there, do  
6 you anticipate that there would also be hot water  
7 available, surplus hot water available to service other  
8 potential users? For example, new facilities that might  
9 locate on the undeveloped portion of the Laidlaw property  
10 uphill from where the plant would be located?

11 MR. BELANGER: I think the intent has  
12 always been to have some energy available for use to  
13 attract other businesses and, you know, that could come  
14 onto that property that could use some additional waste  
15 heat. That's our intent. The details can't be worked out  
16 until we know exactly what kind of business might come  
17 into the property, what its energy needs might be. So,  
18 we're sort of anticipating doing something. The  
19 specifics, we can't, you know, provide much more than just  
20 our intent to try to provide them.

21 CHAIRMAN BURACK: Would you categorize  
22 or classify this plant as being a combined heat and power

23 plant?

24 MR. BELANGER: It could, if there was a  
{SEC No. 2009-02} {03-16-10}

57

1 substantially large end-user of some of the heat, as in  
2 terms of the steam that could be used, low pressure steam  
3 that could be used, that could be considered as a combined  
4 heat and power. I think, typically, it's a fairly  
5 substantial amount of heat that could come off. But it  
6 really depends on the end-user. And, again, what that  
7 end-user might be that could come into our site is -- it's  
8 impossible to say at the moment. But that's our intent.  
9 It could be available, depending on its needs.

10 CHAIRMAN BURACK: Thank you. Let's turn  
11 now to questions relating to trucking. First, how many  
12 trucks per day will be traveling through Berlin to the  
13 facility to deliver wood or other materials? And,  
14 secondly, what measures will be taken or guarantees  
15 provided to ensure that those vehicles do not contribute  
16 to other noise and air pollution in Berlin?

17 MR. FRECKER: As we stated in the  
18 Application, the level of truck activity is estimated to  
19 range between 100 to 125 trucks per day. That provides an  
20 adequate supply of fuel to run the boiler 24 hours a day,  
21 seven days a week, even though the project will only  
22 receive fuel by truck predominantly during daytime periods  
23 Monday through Saturday. So, -- And, it also includes the  
24 periodic shipping of the ash that Mr. Kusche mentioned

{SEC No. 2009-02} {03-16-10}

58

1 about once a week, the bringing of surplus raw materials,  
Page 48



2 such as aqueous solutions that are needed in the pollution  
3 control system, another approximately one truck per week.

4 Those trucks will be required to access  
5 the site via the designated truck routes coming across the  
6 James Cleveland Bridge from the south, and likewise, the  
7 designated truck route from the north. And, the level of  
8 truck activity is consistent with or slightly below what  
9 the level of truck activity was when the pulp mill was  
10 operating. So, we believe that, given the design of the  
11 roadways, given their designation as a truck route, and  
12 given the experienced and historic use consistent with our  
13 project, we don't believe there will be any adverse impact  
14 upon the health and safety of the community due to that  
15 truck activity.

16 CHAIRMAN BURACK: Do you anticipate  
17 putting any operational controls on the trucking activity,  
18 such as idling restrictions or other operational  
19 restrictions?

20 MR. FRECKER: We fully anticipate  
21 posting the state statutes that limits idling of trucks  
22 under various weather conditions. There's various  
23 limitations on how long a stationary vehicle can operate  
24 idling. And, we intend to communicate that fully to

{SEC No. 2009-02} {03-16-10}

59

1 truckers and seek their cooperation in complying with  
2 those standards.

3 CHAIRMAN BURACK: And, with respect to  
4 the noise of trucking, do you anticipate any regulations  
5 from the facility relating to use of brakes or horns or  
6 other noise-making devices from the trucks?

7 MR. FRECKER: I think, consistent with  
8 any good neighbor, we'd ask the trucks exhibit the  
9 appropriate amount of precaution and prudence in using  
10 what's commonly referred to as the "Jake brake" on trucks  
11 when passing through the residential part of the  
12 community. We'll try to minimize the amount of truck  
13 idling on the site. We've designed the truck access roads  
14 and approach-ways to the scales, so that we can keep  
15 trucks off from the roadways and on our site. We've  
16 modeled the noise associated with trucks traveling on the  
17 roadways in comparison to existing traffic levels. And,  
18 we believe that, on average, those won't create  
19 significantly different noise levels that are experienced  
20 in the community. So, we believe there are a number of  
21 protective measures in place to not only protect air  
22 quality, health and safety, but also minimize noise  
23 impacts from that activity.

24 CHAIRMAN BURACK: Thank you. What types  
{SEC No. 2009-02} {03-16-10}

60

1 of industries or businesses does Laidlaw foresee locating  
2 around the plant, that is on the currently undeveloped  
3 portion?

4 MR. BARTOSZEK: I think, as my  
5 colleague, Carl Strickler mentioned before, it's really  
6 impossible to foresee exactly who could locate there. You  
7 know, I think the key point is that a renewable energy  
8 facility and other types of development are not mutually  
9 exclusive. That the facility, at the end of the day, our  
10 facility, our project will be fairly innocuous, and will  
11 leave a lot of opportunity for other development on site.

12 There might be synergistic development opportunities, as,  
13 you know, has been pointed out, the use of waste heat to  
14 provide a combined heat and power project or to utilize  
15 hot water, or it may just be the fact that it's a large  
16 undeveloped tract of land that we can attract somebody to  
17 come in there. I think that, you know, it's worth noting  
18 that we, in the past, encouraged the City to and offered  
19 our assistance in connection with negotiating with the  
20 former owners of our site and the current owners of the  
21 balance of the site, to try to acquire that site and try  
22 to work on putting it to use for economic development.  
23 And, we stand ready to continue to work with the City in  
24 that regard. But it's really impossible to say exactly

{SEC No. 2009-02} {03-16-10}

61

1 who could situate there. I mean, it really could be  
2 anybody from an IKEA manufacturing facility, to a, you  
3 know, really anything, a greenhouse.

4 CHAIRMAN BURACK: Thank you. I have  
5 some related questions here to the -- really, the tax  
6 status of the property and the facility. It would be  
7 helpful, I think, to understand whether Laidlaw  
8 anticipates that it would be paying taxes to the community  
9 for the facility or whether you would be seeking to make a  
10 payment in lieu of taxes? And, then, beyond that  
11 question, do you have a sense at this point as to what you  
12 think the tax payment would fairly or appropriately be for  
13 this facility?

14 MR. BARTOSZEK: Well, our present tax  
15 payment is about \$170,000 a year as the facility stands  
16 right now. We certainly, as I mentioned in my opening

17 remarks, we would expect our ultimate tax payment for the  
18 fully developed facility, as the project is contemplated  
19 in our Application, to be in excess of a million dollars a  
20 year. A PILOT plan was actually, I believe, suggested to  
21 the City Council recently by the City's own energy  
22 consultant. So, we're certainly amenable to working with  
23 the City to negotiate such an arrangement. I'd just note  
24 that a PILOT arrangement is often just as beneficial to

{SEC No. 2009-02} {03-16-10}

62

1 the City, as it is for the Applicant, because it creates  
2 revenue certainty, looking many, many years into the  
3 future in terms of the tax payment.

4 CHAIRMAN BURACK: Thank you. I believe  
5 you may have largely addressed this question in your  
6 opening remarks, but it may be helpful if you would  
7 reiterate what benefits you see the Laidlaw project  
8 providing to the community. And, in that connection, it  
9 occurs to me that, when we were out on the site visit  
10 today, that people pointed to an older building down by  
11 the river that you are contemplating some kind of historic  
12 preservation work on. I'm not sure you addressed that  
13 specifically here and it would be helpful to do that as  
14 well.

15 MR. BARTOSZEK: Yes. My colleague, Lou  
16 Bravakis, touched on that a little bit. Aside from  
17 historic preservation, certainly, we have worked closely  
18 with the EFSEC Community Advisory Committee to commit to a  
19 river walk and ATV and snowmobile trails, community  
20 parking lot. And, historic preservation, certainly, the  
21 site, as I mentioned in my opening remarks, has been

22 integral part of the community for so long. There, you  
23 know, there are some structures on the property that have  
24 been there for a long time, and which we think would be a

{SEC No. 2009-02} {03-16-10}

63

1 good candidate for historical preservation. And, I think  
2 what we've started to look into is perhaps looking for  
3 some grant funding to focus specifically on the  
4 preservation of that, of that structure, and perhaps  
5 creating something that reflects the history of the site  
6 era of the community. I think we're open to ideas on  
7 that, and working either with the City or members of the  
8 community, or with the EFSEC Community Advisory Committee  
9 on that issue.

10 CHAIRMAN BURACK: Thank you. Thanks  
11 very much, Mr. Bartoszek. You can be seated at this  
12 point.

13 MR. BARTOSZEK: Thank you.

14 CHAIRMAN BURACK: I believe, for the  
15 moment anyway, that we have addressed all of the questions  
16 that are most appropriately directed to Laidlaw. There  
17 are a number of questions here relating to process. I'm  
18 going to first direct some questions to Counsel for the  
19 Public, and then I'm going to ask Attorney Iacopino if he  
20 would address some questions related to the process of the  
21 Committee itself.

22 Attorney Brooks, the first question, why  
23 are there two Public Counsels?

24 MR. BROOKS: Thank you very much, Mr.

{SEC No. 2009-02} {03-16-10}

64

1 Chairman. Two heads are always better than one. And, we  
2 are the government, so we have to have as many people  
3 doing the same thing as possible.

4 (Laughter.)

5 MR. BROOKS: Peter Roth, who hasn't  
6 spoken yet today, but is here, has a tremendous amount of  
7 experience, not only with energy projects, but with the  
8 City of Berlin and cares about this area, and cares about  
9 helping me get through this process. So, that's why we  
10 are both here today.

11 CHAIRMAN BURACK: Wonderful. And, while  
12 you're there, how does the public or members of the public  
13 properly bring to your attention, as Counsel for the  
14 Public, their points of view as to such issues as  
15 community benefits, what safety concerns, or linkages of  
16 issues of one kind or another?

17 MR. BROOKS: Thank you very much, Mr.  
18 Chairman. At any time that you see me, you can ask me.  
19 Obviously, the easiest way, I'm in Concord and you're up  
20 here, at least for me, is e-mail, if you have it, and I  
21 can, if people can write this down right now, I can do  
22 that. And, if the SEC is capable and they can put  
23 something on their website, I would be amenable to that as  
24 well. My e-mail is allen.brooks, which is a-l-l-e-n dot

{SEC No. 2009-02} {03-16-10}

65

1 b-r-o-o-k-s, @doj.nh.gov. And, again, hopefully that will  
2 be on the SEC website as well.

3 CHAIRMAN BURACK: Thank you. We will  
4 see to it, Attorney Brooks, that your contact information

5 is posted on our SEC website.

6 MR. BROOKS: Thank you. And, just so  
7 people know, Peter has volunteered his contact information  
8 as well, and it's essentially the same format, but with  
9 peter.roth, p-e-t-e-r dot r-o-t-h.

10 MR. ROTH: And, I would just -- I would  
11 also add, Allen, you can kick me for this, if you wish,  
12 you can call us and talk to us on the phone. My number is  
13 271-3679. And, Allen can also be reached at that same  
14 number or by e-mail. Or, you can arrange to come and  
15 visit us, as I have done that. And, as he said, we do  
16 come up for these things, and we can come back and visit  
17 with people, if that's necessary.

18 CHAIRMAN BURACK: Thank you very much.  
19 Those are the questions we have at this point for you.  
20 Attorney Iacopino, two questions here. The first, I think  
21 it might be helpful if you could just describe briefly for  
22 the public here this evening what the steps of this  
23 process are. We mentioned earlier, I mentioned in my  
24 opening remarks that this is a 240 day process,

{SEC No. 2009-02} {03-16-10}

66

1 approximately eight months, but it's 240 days by statute.  
2 Could you lay out the basic steps of the process, and then  
3 explain whether or not you think there's any possibility  
4 that this process could take less than that amount of  
5 time? Particularly, as the question asked, "if things go  
6 well?"

7 MR. IACOPINO: Well, let me start with  
8 the last question first. It's unlikely. It's an eight  
9 month process from the date of acceptance, the 240 days.

10 It's unlikely that it will go quicker, only because there  
11 are some static deadlines contained in there that don't  
12 involve the Site Evaluation Committee, but involve the  
13 participation by other state agencies. Five months from  
14 the date of the Application, the date the Application was  
15 accepted, the state agencies are required to provide us  
16 with progress reports. And, these are state agencies who  
17 would have jurisdiction over parts of the facility. For  
18 instance, if there's going to be construction, there's  
19 likely to be a site-specific Alteration of Terrain Permit  
20 to be issued by the Water Division of the DES.

21 Obviously, in a project like this,  
22 there's going to be a Temporary Air Permit issued by the  
23 Air Resources Division. Those agencies continue to do  
24 their job, even though the SEC is reviewing this project.

{SEC No. 2009-02} {03-16-10}

67

1 They are required to make reports. And, the first report  
2 is a progress report at five months. And, in that, they  
3 are supposed to provide the SEC with a draft set of  
4 conditions, if they believe that the project should have  
5 such conditions.

6 Their final reports are due one -- two  
7 months later, I believe it is. And, it is at that point  
8 in time that the SEC actually, once they have the final  
9 reports from the state agencies, that's when the SEC would  
10 begin its adjudicatory hearings. Although, in this  
11 particular case, we may start the adjudicatory hearings  
12 before that time, and simply make sure that we have days  
13 that occur after that -- that deadline is August 26, by  
14 the way, that we have time after August 26 to have



15 additional adjudicatory hearing days, in which we will  
16 involve the final state agency permits and conditions.

17 So, because there are those static days  
18 that are not under our control, then that sort of backs up  
19 when we can finish our hearings.

20 Now, I suppose, if we were to get all  
21 final agency permits tomorrow, we could start our  
22 adjudicatory proceedings the week after, and, then, in a  
23 time less than eight months. But that's, in my experience  
24 of representing this Committee on numerous applications

{SEC No. 2009-02} {03-16-10}

68

1 since 1998, that's not likely to occur that way. And, I  
2 would not want to get anybody's hopes up unnecessarily.  
3 That I think that you could probably anticipate that this  
4 process will end sometime around September 20, at least at  
5 this level, sometime around September 23rd.

6 CHAIRMAN BURACK: Thank you. Attorney  
7 Iacopino, could you explain how the state statute RSA  
8 162-H applies to facilities of less than 30 megawatts and  
9 how it might apply differently to facilities of greater  
10 than 30 megawatts, particularly in respect to how  
11 community concerns might be taken into consideration?

12 MR. IACOPI NO: Sure. Thirty  
13 (30) megawatts is a threshold number for the Site  
14 Evaluation Committee. Any power plant that will nominally  
15 produce an excess of 30 megawatts of power is required to  
16 go before the Site Evaluation Committee and file an  
17 Application for a Certificate of Site and Facility. And,  
18 that's regardless of whether it's a renewable facility or  
19 a more traditional facility, like a gas or a coal plant.

20 So, anything over 30 megawatts must go before the Site  
21 Evaluation Committee. Anything between 5 megawatts and  
22 30 megawatts, that is a renewable facility, can also be  
23 brought before the -- before the Site Evaluation  
24 Committee, but the Site Evaluation Committee would have  
{SEC No. 2009-02} {03-16-10}

69

1 the final say on whether or not its process should be used  
2 or whether or not that smaller plant should simply be  
3 approved through the local processes that are available in  
4 the community. So, that's sort of the difference. The 30  
5 megawatts is a threshold, is a threshold, anything over  
6 that must come before the Site Evaluation Committee.

7 Now, there is a process whereby, if an  
8 appropriate motion is made, and the Site Evaluation  
9 Committee finds that it is in the interest of the public  
10 to do so, and that there are other means to regulate the  
11 project, that a site over 30 megawatts can be exempted  
12 from the process. And, that has occurred, actually right  
13 here in Berlin several -- many years ago now, when this  
14 mill was run by Pulp & Paper of America, and they wanted  
15 to put a gas pipeline in, we actually had a hearing I  
16 believe in this very room, and that project was exempted  
17 from the process.

18 However, that's unusual. And, for the  
19 most part, 30 megawatts means you come before the Site  
20 Evaluation Committee.

21 CHAIRMAN BURACK: Thank you. Could you  
22 also describe, with respect to a 70 megawatt power plant,  
23 such as the Application that we have before us now, what  
24 is the role of the local community? That is, does the

1 local community have a vote on whether an approval or a  
2 Certificate of Site and Facility would be issued for such  
3 facility or does the state, through the Site Evaluation  
4 Committee, make the final decision on whether a  
5 Certificate of Site and Facility would be issued?

6 MR. IACOPIANO: Well, you don't have a  
7 vote. In other words, we're not going to come here on  
8 Tuesday in November and everybody make a vote on whether  
9 or not this project should be approved or not. You don't  
10 have a vote as a local community in that nature. However,  
11 the local community does have a say in what occurs in a  
12 number of ways. First of all, one of the considerations  
13 that the Site Evaluation Committee and this Subcommittee  
14 will consider is the views of regional and municipal  
15 planning bodies and organizations. In your particular  
16 case, those are the views of your City government, your  
17 City Planner, your Planning Board, your Zoning Board.  
18 Those are the views of the North Country Council, which is  
19 a regional planning committee for the North Country. And,  
20 those agencies all -- it's very typical in this process  
21 for those agencies to, in fact, make their views known to  
22 the Committee during our hearing process.

23 In this very docket, the City of Berlin  
24 has already filed a Motion to Intervene as a party, and

1 the County Commissioners has also filed a Motion to  
2 Intervene as a party. So, those are your elected  
3 representatives who will be speaking and participating in

4 this process on your behalf. So, in that way, your views  
5 are heard. And, of course, we have Counsel for the Public  
6 we've already heard from, and your views can be heard,  
7 your individual views can be heard through them as well.

8 So, no, you don't actually get a vote,  
9 but you do have representation before this Committee.

10 CHAIRMAN BURACK: Thank you. At this  
11 point, I believe we have answered all of the questions  
12 that both members of the public, as well as member of the  
13 Committee have so far. What I'm going to propose that we  
14 do is to take a short break, long enough to allow people  
15 to sort of have a seventh inning stretch, and give our  
16 reporter here an opportunity to stretch and rest his  
17 fingers a little bit. And, then, when we resume, we will  
18 take up all of the public comments. And, I will say that  
19 I at this point have, I believe, just over 20 members of  
20 the public who have asked to address the Committee or to  
21 provide comments this evening. Again, I will ask that  
22 each of those people speak for not more than three  
23 minutes, that you be as concise as you can in your  
24 remarks, if you please not be repetitive. And, what I

{SEC No. 2009-02} {03-16-10}

72

1 will do here, just before we break, is just read the names  
2 of those people who are on my list. And, if there are any  
3 folks who are not on this list -- who are on this list and  
4 have decided at this point they don't wish to make a  
5 public comment this evening, if you can let me know or let  
6 Attorney Iacopino know during the break. In addition --  
7 yes.

8 MR. IACOPIANO: Before you read the list,  
Page 60

9 can I just correct one thing? I gave two dates for the  
10 static dates that the state agency reports were due, and I  
11 think I made an error in what I said. The progress  
12 reports from state agencies are due April 26 of 2010.  
13 And, their final reports are due July 26, 2010. Sorry.

14 CHAIRMAN BURACK: Thank you for that  
15 correction. So, again, what I'm going to do is read off  
16 the names, to the extent that I can read the handwriting,  
17 of those who we believe have asked to provide public  
18 comment. And, when we do resume, what I'll do is read  
19 several names at a time, so that people know that they are  
20 on deck and can be ready to get to the microphones. We  
21 will ask members of the public to come to either the  
22 microphone at the end of either one of the aisles here to  
23 address the Committee. And, again, this will be for  
24 purposes of comment, not purpose of asking additional

{SEC No. 2009-02} {03-16-10}

73

1 questi ons.

2 So, I'll just read those who have  
3 indicated they wish to make public comment at this point:  
4 These include Joe Casey, Mark McKensie, Larry Kelly, Mayor  
5 Paul Grenier, David I believe it's Bertrand, Michael  
6 Durant, Bob Rodrigue, Bob Danderson, Spanky Cozier, and,  
7 if I'm mispronouncing anyone's name, please yell out so I  
8 can get it right, Cathy Corkery, Max Makaitis, Dick  
9 Poulin, Wannetta Collins, Jon Edwards, Roland Aube, Shawn  
10 Cleary, Ray Kusche, I believe, Mike Rozel, Ron Wedge, Greg  
11 Wedge, Lawrence Guay. And, then, on this last sheet, I  
12 will confess I have a couple names I'm having a very hard  
13 time with. One looks like it might be a Larry or Gary

14 Santore, and another Sy Coward -- I'm sorry, the writing,  
15 I'm simply not able to make it out. So, if you recognize  
16 those names, if you come forward and let me know, but,  
17 certainly, there will be an opportunity at the end.

18 Oh, I'm sorry. There we go. We have it  
19 figured out. It appears to be Councilor Ray Burton,  
20 Executive Councilor.

21 (Laughter)

22 CHAIRMAN BURACK: Is Councilor Burton  
23 here?

24 COUNCILOR BURTON: Yes.

{SEC No. 2009-02} {03-16-10}

74

1 CHAIRMAN BURACK: There he is.  
2 Wonderful. And, thank goodness we Amy here. And, because  
3 we had such a challenge there, we will allow Councilor  
4 Burton to have the first opportunity to make a public  
5 comment when we resume. I have, by my watch,  
6 approximately ten minutes of 9:00, and we will resume in  
7 approximately ten minutes.

8 (Whereupon a recess was taken at 8:48  
9 p.m. and the hearing resumed at 8:58  
10 p.m.)

11 CHAIRMAN BURACK: Ladies and gentlemen,  
12 if I could please ask people to cease their conversations  
13 and take a seat. We'd like to resume here in the hope  
14 that we are able to proceed here. Again, we're going to  
15 move into the public comment phase of this evening's  
16 public information session. And, we're going to call upon  
17 members of the public who would like to speak to share  
18 their succinct and non-repetitive comments with us. And,

19 when I call your name, if you please come up to one of the  
20 microphones at the end of the aisles and introduce  
21 yourself and share your comments with us. And, when you  
22 get to about three minutes, I will wave my hand for you to  
23 let you know that it is time to wrap up.

24 So, again, first, very pleased to call  
{SEC No. 2009-02} {03-16-10}

75

1 upon Executive Councilor Ray Burton, all the way from  
2 Bath, New Hampshire.

3 COUNCILOR BURTON: Thank you, Mr.  
4 Chairman, members of the Site Evaluation Committee. My  
5 name is Ray Burton, and I have served the First District  
6 Executive Council job now 32 years, and I've seen many  
7 projects come and go, and this is one that I appear in  
8 support of. Very simply, in my opinion, it's jobs, jobs,  
9 and jobs. It is one of those projects that is going to  
10 benefit not only the economy in this city, but also  
11 throughout this county and this region. Over the years, I  
12 know Phil Bryce and the Whittemore School at UNH and  
13 there's been another study. Yes, those studies that we  
14 have plenty of wood, but we also want to be careful. You  
15 fly over northern New Hampshire, you see lots and lots of  
16 trees. Some of those trees are not available because  
17 they're on the mountainsides, so that our tourists can  
18 come and enjoy a good clean look at a good clean  
19 environment.

20 As this project unfolds, I would beg and  
21 plead with the hopefully successful people and company, be  
22 innovative. If you've got some extra steam, think about  
23 sharing it. And, you heard a lot about the community for

24 heating. But this, overall, taking an overall look, is  
{SEC No. 2009-02} {03-16-10}

76

1 going to benefit this region. And, that's why I appear  
2 here tonight.

3 And, thank you, Tom, and your Committee,  
4 all of you, for listening. And, I hope this doesn't take  
5 forever to get a "yes" or a "no", or maybe a "maybe"  
6 button that some answers can be sought and responded to  
7 through some questions that might be raised by our friends  
8 who are representing the public through the Attorney  
9 General's Office. But, as one elected official, I will be  
10 watching this project and in support of it. Thank you.

11 CHAIRMAN BURACK: Thank you very much,  
12 Councilor Burton. Again, we would like to call next upon  
13 Lawrence Guay, and ask Joe Casey to be ready to follow  
14 him.

15 MR. GUAY: Good evening, members of the  
16 Council -- I mean, the Environmental Site Committee. My  
17 name is Lawrence Guay. I was a representative for 26  
18 years. Burton's got me by four. And, I had to quit on  
19 account of cancer, because I lost an eye. And, it was  
20 very difficult for me to drive back and forth to Concord.  
21 In this area, I was brought up in this area, I live in  
22 Gorham. And, actually, I know that when the company was  
23 here in the first place, they had these stacks that where  
24 you had to shut the windows, because it was coming in with

{SEC No. 2009-02} {03-16-10}

77

1 the dust. But a lot of things has been done. And,



2 actually, right now we need jobs. You know, like I used  
3 to say to the House, we used to be in pulp and paper, now  
4 we're getting to crimes and criminals, you know, in this  
5 area, because we're going to have the prisons and so  
6 forth.

7 But we need the jobs in Berlin and  
8 Gorham and in the area. Because the public, once they  
9 build a power project in Berlin, we're hopeful that we'll  
10 have one in Gorham, too. And, the discussion of nuclear,  
11 if it's possible, let's do it. If it is intermediate  
12 power production, let's do it. You'd have to remember  
13 that this is the North Country, and, actually, in the  
14 south, which I'm very familiar, you know, they may not  
15 think the way we do. Because here it's very serious to  
16 ask your Committee to come out as soon as possible. I'd  
17 like to see some construction going on this summer coming.  
18 And, hopefully, that somebody can decide and do the job,  
19 because I'm sure that Laidlaw is a good company. To me,  
20 Laidlaw and Bar-Scan and Brookfield Power, and Fraser, and  
21 all these companies, Hydro-Quebec, Ontario Hydro, they're  
22 all good, friendly companies. And, I had the experience  
23 mostly with all of them. And, I was on deregulation with  
24 Public Service, when they took place for six years, me,

{SEC No. 2009-02} {03-16-10}

78

1 Bradley, and Cliff Below, and we did that. So, we learned  
2 about the other side of the stack.

3 But here it is, let's be very serious,  
4 and looking at the area, and don't write tons of paper,  
5 you know? Environmental Committee is good to write stack  
6 and stack and stack of paper and more question and

7 question and question. But think about it: The jobs, the  
8 jobs, the jobs, for Berlin, for the forestry, you know,  
9 for little -- I'm sure that in the area, when it comes  
10 back, in five or ten years, that we're going to see more  
11 than that, because the power plants, you attach them with  
12 nuts and bolts. We never took that off. And, hopefully,  
13 it stays that way, so that they pay good taxes in Berlin,  
14 they can pay good taxes in Gorham. And, hopefully, I'm  
15 asking you very seriously to consider the Application that  
16 they put before you. And, let's not wait, because people  
17 are moving out. Their houses are about -- they used to  
18 sell for \$100,000, they're selling for 29 or 35. This is  
19 a really depressed area. It is, compared to the rest of  
20 the state. Since we don't have the casinos, then let's  
21 get the power. And, I would think that the group that I'm  
22 talking about, actually, they're talking about  
23 transmission, a good transmission line starting in this  
24 area, and actually going all the way to Ontario. This is

{SEC No. 2009-02} {03-16-10}

79

1 something that's coming in the future, I believe, and that  
2 would be my dream.

3 So, you want to get me off, so I'm  
4 pleased that you do.

5 CHAIRMAN BURACK: Thank you very, very  
6 much, Mr. Guay. We very much appreciate your comments  
7 this evening. Again, next we will hear from Joe Casey,  
8 and following him will be Mark McKensie. Again, if you  
9 just introduce yourself and your address please.

10 MR. CASEY: Take this off. Thank you.  
11 My name is Joe Casey. I'm from Rochester, New Hampshire.

12 And, I am currently the President of New Hampshire  
13 Building and Construction Trades. I want to make a couple  
14 of quick comments, I don't think I'll take my full three  
15 minutes. But what I -- is very important for everyone to  
16 know is, during the construction period of this project,  
17 the New Hampshire Building Trades has entered into an  
18 agreement with Laidlaw to construct a portion of this  
19 project, a major portion of this project. And, what that  
20 means is the different unions that -- the different craft  
21 unions, the labor will be referred from the craft unions  
22 right here in New Hampshire, and, specifically, the City  
23 of Berlin. And, this is in contrast to the federal prison  
24 project, where the project was almost 100 percent open

{SEC No. 2009-02} {03-16-10}

80

1 shop. The contractors had the ability to hire and bring  
2 their people in from wherever they wanted to. We, as  
3 representatives of the local area, will make sure and  
4 mandate that the workers on this project are from the  
5 Berlin area and the Groveton area and the Gorham area.  
6 And, we understand all of our contractors hire through us.  
7 And, we exhaust the local workforce. I am actually the  
8 Business Manager for the Electricians Union. Any  
9 electricians in Berlin that want to work on this project,  
10 you know, are more than welcome, they will come through  
11 me, and I will refer them out to the project.

12 Any -- You know, I'd really like to  
13 start kids off in our apprenticeship programs. And, this  
14 is very important: When they start an apprenticeship  
15 program with us, it's a lifetime deal. This isn't just  
16 during the duration of the project. They would start

17 their apprenticeship program, complete their  
18 apprenticeship program, and we'd continue to try to find  
19 work for these people for a career. And, that is -- this  
20 is an agreement that we have made with Laidlaw. They  
21 understand that the local people are the ones that should  
22 be working on this project. And, we, as representatives,  
23 also understand, and we would make that happen. Okay?

24 And, we tried to do it on the federal  
{SEC No. 2009-02} {03-16-10}

81

1 project; we were unsuccessful. But, if we're involved in  
2 this project, we guarantee people that we will exhaust the  
3 workforce from the Berlin area. Thank you.

4 CHAIRMAN BURACK: Thank you very much,  
5 Mr. Casey. Now, I'd like to call upon Mark McKenzie, and  
6 following him will be Larry Kelly. Mr. McKenzie? Is he  
7 still here?

8 (No verbal response)

9 CHAIRMAN BURACK: Apparently,  
10 Mr. McKenzie is not here. Larry Kelly, and following  
11 Larry Kelly, we'll hear from Mayor Paul Grenier.

12 MR. KELLY: Mr. Chairman, members of the  
13 Committee, and counsel, there is little in this economic  
14 climate and in this North Country location that is more  
15 important than jobs. The Laidlaw project proposes to  
16 create some jobs directly on site, and collaterally in the  
17 northern forest. This is good. But good jobs must be  
18 sustainable, and not close down and disappear after a  
19 short time, like a traveling circus. The Laidlaw project  
20 should be closely evaluated for adequate capital and  
21 sustainable planning. Creating some jobs, while

22 eliminating others in the same area is not a good formula  
23 for progress. There seem to be conflicting studies and  
24 contrary interpretations regarding the impact of the

{SEC No. 2009-02} {03-16-10}

82

1 Laidlaw project on the area's wood supply and the effect  
2 of that impact on other present and proposed  
3 wood-dependent projects and other jobs. This needs to be  
4 clarified and evaluated.

5 The Laidlaw project has a high potential  
6 value to the City of Berlin as a taxpayer, as a corporate  
7 citizen, and as an employer, based on common interest,  
8 mutual support, and trust. Unfortunately, the exactly  
9 opposite outcome is also possible. Relevant Laidlaw  
10 practices, actions and difficulties at their proposed site  
11 in Endicottville, New York should be evaluated. We should  
12 do this project not just for the sake of getting it done,  
13 but we should get it done right. Thank you very much.

14 CHAIRMAN BURACK: Thank you very much,  
15 Mr. Kelly. Again, we'll now hear from Mayor Paul Grenier,  
16 and he will be followed by David Bertrand, and he will be  
17 followed by Michael Durant.

18 MAYOR GRENIER: Mr. Chairman, I have to  
19 make a couple of presentations this evening, because the  
20 Chairman of the Coos County Commissioners lives in  
21 Pittsburgh, and he had to drive back home while it was  
22 still light out.

23 Ladies and gentlemen, this preparation  
24 I'm about to read to you is the official present -- the

{SEC No. 2009-02} {03-16-10}

83

1 official document that was voted on by the Berlin City  
2 Council last evening, and it was voted on nine to nothing  
3 unanimous vote. So, this is the official preparation of  
4 the elected body of the City of Berlin:

5 "Ladies and gentlemen of New Hampshire's  
6 Energy Facility Site Evaluation Committee, I want to  
7 warmly welcome you to our great city. I also want to  
8 thank you for the opportunity to speak this evening. My  
9 name is Paul Grenier. I reside at 492 Champlain Street  
10 here in Berlin. And, I have lived here all of my 54  
11 years. I speak to you this evening in my official  
12 capacity as Mayor and as well as a Coos County  
13 Commissioner representing Coos District 1."

14 "Let me begin by saying, as Chairman of  
15 Berlin's City Council, collectively, we are the steward of  
16 the welfare of the city, and we actively encourage all  
17 appropriate economic development here in our city. Some  
18 years ago, I was a member of the City Council under the  
19 leadership of then Mayor Danderson, when we feverishly  
20 lobbied any and all pertinent federal agencies and elected  
21 officials to secure a Medium Security Federal Corrections  
22 facility here in Berlin. As a result of the valiant  
23 efforts of Senator Judd Gregg and others in our state's  
24 delegation, within the next 12 to 16 months, 350 to 400

{SEC No. 2009-02} {03-16-10}

84

1 new jobs will be created here providing badly needed  
2 opportunities for young women -- men and woman to live,  
3 work and recreate here in our valley."

4 "All of us who were born and raised here  
5 in Berlin have long recognized how pleased we are to have

6 the vast forestry resources in our back yard, and how  
7 private ownership of these vast woodlands allowed us to  
8 recreate on these lands unimpeded and to earn a decent  
9 living to provide for our families. Whether we worked on  
10 the land harvesting timber or turning that wood to pulp  
11 and paper, for over four generations these private lands  
12 were our way of life."

13 "The City looks forward to working with  
14 Laidlaw through the regulatory review process to ensure  
15 that the project moves forward and contributes to the  
16 values and quality of life that are important to this  
17 community now and in the future. The City will, through  
18 the intervention process, participate in the community's  
19 -- in the Committee's review of the proposed project and  
20 to work to ensure that the rights and interests of our  
21 citizens will be honored and legally protected. As such,  
22 the City proposes that the EFSEC Committee give strong  
23 consideration to placing the following conditions on  
24 Laidlaw and/or its successors in return for a Site

{SEC No. 2009-02} {03-16-10}

85

1 Certificate: "

2 "(1) The Community EFSEC Advisory  
3 Committee's recommended stipulations, to the extent that  
4 they are approved and adopted by the Planning Board, be  
5 incorporated in the final document."

6 "(2) A detailed report of the financial  
7 condition of PJPD Holdings, LLC, the owner of record of  
8 the proposed site, be reviewed by the EFSEC Committee."

9 "(3) Even though the local permitting  
10 process is not required by this procedure, Berlin would

11 I like a detailed presentation to the Berlin Planning Board  
12 for their review and work with the Planning Board to  
13 implement any suggestions made by the Board to the extent  
14 possible. We are pleased and appreciative of Laidlaw's  
15 willingness to present the project to the Planning Board  
16 for review."

17 " (4) The Site Certificate shall require  
18 no on-site chipping of whole roundwood except in enclosed  
19 soundproofed buildings."

20 " (5) During the first two years of  
21 operation, officials of Laidlaw and the City Council, or  
22 its designee, shall meet every three months to review  
23 operations and to remedy any unforeseen issues that affect  
24 both parties."

{SEC No. 2009-02} {03-16-10}

86

1 " (6) Laidlaw and/or its successors  
2 shall continue to allow AVRDD, the solid waste district,  
3 to access their truck scales in the event of operational  
4 emergencies with the District."

5 " (7) Laidlaw, the City of Berlin, New  
6 Hampshire DES, and any other state and federal agency  
7 necessary, shall work jointly to identify, develop, and  
8 implement short-term and long-term plans to reclaim the  
9 property in question. The implementation plan should be a  
10 joint effort with all public and private stakeholders,  
11 including, but not limited to, the City of Berlin, the  
12 State of New Hampshire, Laidlaw, and EPA. At no time  
13 should this recommendation be interpreted to place an  
14 unfair financial burden on any one stakeholder."

15 "In closing, this project represents a  
Page 72



16 rebirth and repositioning of Berlin away from the  
17 manufacture of pulp and paper to the generation of  
18 electricity. Berlin welcomes the challenge and the  
19 opportunity and fully intends to support the conditional  
20 issuance of a Site Certificate."

21 This communication is from the Board of  
22 Coos County Commissioners. And, it says:

23 "Dear Chairman Burack: This letter is  
24 written in response to your order dated January 26, 2010  
{SEC No. 2009-02} {03-16-10}

87

1 accepting the Laidlaw BioPower, LLC Application for  
2 Certificate of Site and Facility for a 70 megawatt biomass  
3 fueled energy facility in Berlin."

4 "The Coos County Commissioners wish to  
5 notify the Committee that they are in full support of this  
6 project. Historically, Coos County's renewable forests  
7 served as the engine for a solid economy. That past  
8 economic base built on the pulp and paper industry has  
9 essentially faded away during the last few years, and, to  
10 put it simply, Coos County is hurting right now."

11 "The well paying jobs at the Laidlaw  
12 biomass facility will generate in the woods, at the new  
13 facility, and in small businesses that support the timber  
14 harvesting industry will go a long way to help revive the  
15 North Country economy. The unemployment rate in Coos  
16 County today is 9.3 percent. Certainly, retraining of  
17 former employees of the mills and the forests are ongoing,  
18 but many of our citizens have worked in timber harvesting  
19 and trucking for years; it is a way of life that they long  
20 to return to. That opportunity exists for them if the

21 Laidlaw facility is permitted and built."

22 "The project fits well with the  
23 Governor's -- with Governor Lynch's executive order which  
24 proclaimed that, by 2025, New Hampshire would be providing  
{SEC No. 2009-02} {03-16-10}

88

1 25 percent of its energy requirements from renewable  
2 resources. Additionally, Laidlaw's capital investment of  
3 millions of dollars in a generating facility will improve  
4 the property tax base in Berlin and Coos County resulting  
5 in a reduction in the property tax burden on the average  
6 home and small business owner. This, with the approval of  
7 your community [Committee?], will take place without  
8 environmental degradation and harm to our growing tourism  
9 industry."

10 "We encourage members of your designated  
11 subcommittee to approve the application expeditiously so  
12 that construction can begin at the earliest future date  
13 possible."

14 "We thank you for taking into  
15 consideration our supporting remarks on the Laidlaw  
16 project."

17 And, is signed "Burnham A. (Bing) Judd",  
18 who is Chairman of the Coos County Commissioners.

19 I have a small brief presentation that  
20 is of my own, and it was not voted on by the City Council.  
21 So, therefore, this is just my own personal presentation.

22 MR. IACOPI NO: Mr. Mayor, before you do  
23 that, I would suggest that the two official positions that  
24 you've just read be given to the reporter so that they

1 could be marked as exhibits.

2 MAYOR GRENIER: Thank you.

3 CHAIRMAN BURACK: We'll mark these as  
4 Exhibits 2 and 3, respectively.

5 (The documents, as described, were  
6 herewith marked as Exhibit 2 and Exhibit  
7 3, respectively, for identification.)

8 CHAIRMAN BURACK: If you would like to  
9 summarize your document, and then we can submit it for the  
10 record, that might be most helpful to us.

11 MAYOR GRENIER: Okay.

12 CHAIRMAN BURACK: Okay? So, you don't  
13 have to read the entire thing.

14 MAYOR GRENIER: To summarize this, I ran  
15 for office in November on the premise that I was  
16 supporting Laidlaw. There were four of us on the ticket  
17 that made Laidlaw -- when we made Laidlaw the election  
18 focus, and, you know, it was a single issue campaign. I  
19 won my mayoral race by 60 percent to 40 percent. These  
20 two gentlemen who were on the ticket also won their races.  
21 So, the public, through the election process in November,  
22 did speak, and spoke loud and clear. That the public,  
23 with some regulation, to make sure that our rights aren't  
24 trampled, are very much in support of this project.

{SEC No. 2009-02} {03-16-10}

1 Now, you're going to hear arguments this  
2 evening about the possible degradation of property values  
3 if this plant comes into operation. I would like to

4 submit another exhibit, Chairman Burack, which is a  
5 "Housing Revitalization Strategy" and study that was done  
6 by Applied Economic Research back in November of 1999,  
7 which states that Berlin, at the time, had over 500 excess  
8 multi-apartments in town. And, until the City of Berlin  
9 was able to bring the supply and demand of housing, that  
10 we would continue to struggle with property values. And,  
11 I'm sadly here to say that we've made some progress, but  
12 we're still not there. But this exhibit will detail that,  
13 and so that the Committee will understand where that comes  
14 from. And, I would like to submit this newspaper article  
15 as an exhibit also for my presentation.

16 Thank you, Mr. Chairman. Thank you for  
17 attending the walk-through as well.

18 CHAIRMAN BURACK: Very well. Thank you  
19 very much, Mayor Grenier. And, we will mark those  
20 documents I believe as Exhibits -- I think we're up to 4,  
21 5, and 6, respectively.

22 (The documents, as described, were  
23 herewith marked as Exhibit 4, Exhibit 5,  
24 and Exhibit 6, respectively, for  
{SEC No. 2009-02} {03-16-10}

91

1 i d e n t i f i c a t i o n . )

2 CHAIRMAN BURACK: Just a moment, sir.  
3 Just want to make sure that our --

4 MR. IACOPI NO: Mr. Chairman, there is  
5 also a written submission from Mr. Kelly, which would be  
6 marked as document number "7".

7 CHAIRMAN BURACK: Okay. Mr. Kelly has a  
8 written exhibit as well.

SEC-0316.txt

9 (The document, as described, was  
10 herewith marked as Exhibit 7 for  
11 identification.)

12 CHAIRMAN BURACK: Okay. If our next  
13 commenter would please introduce himself.

14 MR. BERTRAND: Commissioner Burack, the  
15 rest of the Committee, my name is David Bertrand. I'm a  
16 resident here of the citizen -- resident here of the City  
17 of Berlin. While some people have hinted that the process  
18 may be a long process, I want to stress the point that  
19 whatever decision is made by this body, the City of Berlin  
20 has to live with it for a lot longer than this decision  
21 process is going to take. As Mr. Bartoszek said earlier,  
22 you know, the extent -- the anticipated life of this plant  
23 is certainly 25, 30 years, and much more than that. So, I  
24 think I urge this Committee to keep in mind at all times

{SEC No. 2009-02} {03-16-10}

92

1 with the long-term aspects and the long-term ramifications  
2 of the decision that they're going to render.

3 We've heard from a few of the trades  
4 people here this evening, and I certainly feel for them.  
5 We're in a tough economy right now. I work in the  
6 building industry, and it's tough all around. But I don't  
7 want to lose sight of the fact that the short-term ability  
8 to provide a few jobs in the construction of this plant  
9 may, in fact, not be the ultimate long-term best interest  
10 of the City of Berlin. For the first time in our history,  
11 this city has the opportunity to define its own destiny.  
12 For generations, what has happened in this city has been  
13 dictated by what has taken place on that property over

14 there. And, we've learned, through the past practices of  
15 the last 25 to 30 years, that, you know, this -- the  
16 fortunes of this city have been dictated by what took  
17 place on that. And, I think we've learned from that that  
18 the best future for Berlin is to develop a mixed use  
19 economy. And, in my opinion, that the building of this  
20 power plant may not be in the best interest for the  
21 promulgation of a mixed use economy.

22 My second point is, I urge you to take  
23 the utmost diligence in studying the wood supply.  
24 Because, in fact, if, in fact, there is not enough wood to

{SEC No. 2009-02} {03-16-10}

93

1 sustain this plant, it's going to have long-term  
2 ramifications for a long time, my children and my  
3 grandchildren.

4 We have lots of natural beauty up here.  
5 That natural beauty can become part of a mixed use  
6 economy. And, should the wood just be depleted, it's  
7 going to have an impact on other biomass plants in the  
8 area, and it's going to have an impact across other  
9 sections of our economy. So, I can't stress enough how  
10 much you need to make sure that you make the right  
11 decision on that wood basket issue.

12 The third thing is, I feel, from the  
13 research I've done, that generating electricity from wood  
14 is not the most efficient use of burning wood. You can  
15 generate electricity, but there's got to be some synergies  
16 there. There's got to be a market for the waste heat and  
17 there's got to be a market for the waste steam. And,  
18 there's other things that have to happen. And, I would

19 urge that this Committee, you know, make sure that Laidlaw  
20 has, in fact, in hand agreements with other companies that  
21 can make this a sustainable and truly renewable resource  
22 for the North Country. Thank you.

23 CHAIRMAN BURACK: Thank you very much,  
24 Mr. Bertrand. I will next hear from Michael Durant, and  
{SEC No. 2009-02} {03-16-10}

94

1 after him Bob Rodrigue.

2 MR. DURANT: Mr. Chairman, thank you.  
3 My name is Michael Durant. And, I live at 10 Captain  
4 Lovewell Lane, in Ossipee, New Hampshire. I rise in favor  
5 of this project for several reasons. And, this is a well  
6 thought-out process. Laidlaw is a very responsible, you  
7 know, future employer in the industry up here. But I have  
8 to put my glasses on, because I can't see what I wrote.  
9 But, you know, I want to thank Laidlaw, I want to thank  
10 Mayor Grenier for their commitment to the building trades.  
11 I'm also the Business Manager for the Iron Workers Union  
12 out of Local 7. We own and operate a building and  
13 facility in Manchester, New Hampshire. I am also a  
14 taxpayer in the State of New Hampshire. I represent 350,  
15 over 350 men and woman in the iron worker industry. Six  
16 of them live here in the City of Berlin, several of them  
17 are here tonight. We need this project. We need this  
18 project now. We have way too much unemployment, way too  
19 many of our members are going without health care, losing  
20 their pensions, losing their annuities. These are good  
21 paying jobs. Not just jobs, but good paying jobs, okay?

22 And, for the last reason, and in the  
23 essence of time, I just want to make this note to you all.

24 I am also a father of two college graduate sons, okay?  
{SEC No. 2009-02} {03-16-10}

95

1 Both of my boys are unemployed, after graduating from  
2 college. My oldest son is leaving on the 28th of March  
3 for Kandahar, Afghanistan. He joined the Army on me. My  
4 second one called me tonight on the way up, he just  
5 finished his medical, he also signed a contract with the  
6 Army. Both these boys want to be public servants, either  
7 in the State of New Hampshire or anywhere in the federal  
8 system. They can not find jobs. Laidlaw is going to  
9 increase the tax base by, if my math is correct, by  
10 \$800,000 a year, okay? That will put my two boys and  
11 several other boys to work in the State of New Hampshire.  
12 Please, let them go forward with this project. Thank you.

13 CHAIRMAN BURACK: Thank you very much,  
14 Mr. Durant. Again, next Bob Rodrigue, and he'll be  
15 followed by Bob Danderson, and he'd be followed by Spanky  
16 Cozier.

17 MR. RODRIGUE: Mr. Chairman and members  
18 of the Committee, my name is Bob Rodrigue. And, I reside  
19 at 324 Main Street, in Berlin. And, I am and my wife and  
20 I are the closest residents to that boiler. So, there's  
21 impact on us personally. And, as the Advisory Committee  
22 so well pictured in their handouts this evening, the whole  
23 project sits right in the dead center of our community,  
24 and it will impact the quality of life for a lot of us. I

{SEC No. 2009-02} {03-16-10}

96

1 sympathize with the fellows, the union folks. I'm a union  
2 brother. I'm a cardholder of eight years for Local 668



3 out of Manchester. I'm a 27 year member of ASME Local  
4 1444 still presently. And, work is not an easy thing to  
5 pass up nowadays, but the quality of life in this tiny  
6 little community that we will give up in exchange for this  
7 project I think is going to be way too great.

8 Being the closest resident, my sleepless  
9 nights are not going to be compensated for by Laidlaw, LLC  
10 Power, or whoever the heck they are. And, I got a lot of  
11 relatives, friends and neighbors who are going to feel and  
12 suffer the same way.

13 Now, we tolerated the pulp and paper  
14 mills, let's say, inconveniences over the years, because  
15 of their location on the river, it was established it had  
16 to be done that way, but they gave us 2,500 jobs back  
17 then. And, we tolerated the noise, the smell, the sound,  
18 all the pollution, everything that went with it, for good  
19 paying jobs forever. And, they are our heritage. They  
20 gave it to us, and that's what made us a strong community.  
21 But that era has come to a close, and it's time to turn  
22 things around and go in another direction, I believe. As  
23 to where, in the middle of our community, where we are so  
24 close to our parks and our downtowns and all where our

{SEC No. 2009-02} {03-16-10}

97

1 kids recreate, and our people will commute and shop and  
2 gather, this is not the place for a major, big industrial  
3 development anymore. Let's get into -- I am not  
4 anti-biomass, I am not anti-energy, I am not anti-Laidlaw.  
5 I'm just location, location, location; that place, bad  
6 move.

7 So, I appreciate your time in hearing me  
Page 81

8 on this issue. Thank you very much.

9 CHAIRMAN BURACK: Thank you very much,  
10 Mr. Rodrigue. Again, we'll next hear from Mr. Bob  
11 Danderson, and he'd be followed by Spanky Cozier.

12 COUNCILOR DANDERSON: I'm Bob Danderson.  
13 I live at 300 Church Street. I am the Ward 2 Councilor in  
14 the City of Berlin, and the past mayor for eight years.  
15 I'm in support of this project. The reality is, we've  
16 talked about quality of life. What will happen if Laidlaw  
17 doesn't build that facility? We'll have a giant stack  
18 that's decaying, with no one taking care of it, many  
19 environmental problems, no one watching it. What are we  
20 going to do? I would much rather have a productive  
21 company, that pays good wages. I have worked in the  
22 utility industry for 30 years. And, I have raised my two  
23 sons, who both went to college, both have good jobs.  
24 That's what I want to see Berlin become.

{SEC No. 2009-02} {03-16-10}

98

1 I walked from my house to here, and it  
2 hurts me to see the decay of our community. Our biggest  
3 problem isn't smoke, isn't smell, it's poverty. And, it's  
4 staring us right in the face, and it affects us in every  
5 budget. This is one way to hopefully alleviate some of  
6 the poverty, to help us pay for the services. You want  
7 fire protection? Well, we're going to need some taxpayers  
8 for fire protection. You want police protection? We're  
9 going to need some taxpayers for police protection. You  
10 want to have the quality of our schools increase? Well,  
11 we're going to need some taxpayers there.

12 Two years ago, when I got defeated as  
Page 82

13 Mayor, because I was supporting this project at the time,  
14 there was a lot of bright future. I haven't seen any  
15 plans develop. I heard a lot of promises and people  
16 saying, "if that mill's eliminated, I'll get 200 jobs  
17 here?" Where are those jobs? Did they come? No, they  
18 didn't. We need to get real. And, getting real is, we  
19 need to know who we are. We have a good wood basket. We  
20 have people who are trained in industry, such as boiler  
21 makers, boiler workers, people who have worked in that  
22 type of industry.

23 The nice thing about the power industry  
24 is, they're not going to import power from Japan. They're

{SEC No. 2009-02} {03-16-10}

99

1 not going to import power from a foreign country, from  
2 China. It's one of the few things you can say "Made in  
3 America", and that's important. And, I can't stress  
4 enough the importance of your job, for the people who will  
5 detract, I'll give them -- your job is to make sure that  
6 they do their job right. I trust you. And, I think this  
7 is -- I am glad to see it does have a Site Evaluation  
8 Committee, and I wish all power plants did, because I know  
9 that you are looking out, protecting my quality of life.  
10 Thank you.

11 CHAIRMAN BURACK: Thank you very much,  
12 Mr. Danderson. Again, we'll next hear from Spanky Cozier,  
13 and he'll be followed by Cathy Corkery, and she'll be  
14 followed by Max Makaitis.

15 MR. PETERS: Hello. I'm Bob Peters,  
16 representing Spanky Lozier. It's "Spanky Lozier", by the  
17 way.

18 CHAIRMAN BURACK: Thank you.

19 MR. PETERS: I'm from Berlin also. Just  
20 representing Local 75. We're supporting Laidlaw. We need  
21 jobs here, of course. That's what we're here for, we need  
22 jobs. Thank you.

23 CHAIRMAN BURACK: Thank you very much.  
24 Our next presenter will be Cathy Corkery. And, again, she  
{SEC No. 2009-02} {03-16-10}

100

1 will be followed by Max Makaitis, and he'll be followed by  
2 Dick Poulin.

3 MS. CORKERY: Thank you for taking my  
4 testimony. My name is Cathy Corkery. I'm from New  
5 Hampshire Sierra Club. I live in Concord, New Hampshire.  
6 And, we have over 400 members in Berlin and the area  
7 around the city. And, we are concerned about this  
8 project. We have filed to intervene. We'll be sending in  
9 actual written testimony, so I'll be brief here.

10 The Sierra Club supports energy projects  
11 that support conservation, energy efficiency measures, the  
12 greatest potential to decrease global warming pollution,  
13 energy projects that contribute to a stronger economy,  
14 reduce environmental damage and harm to human health,  
15 energy projects that promote sustainability, energy  
16 projects that creates local jobs, with fair wages and  
17 health care benefits, and energy projects that buys --  
18 that only uses American products.

19 Specifically, though, for this project,  
20 we have specific concerns about global warming pollution.  
21 We would like, I know this isn't a part of a lot of  
22 permits, and it would -- this would be in addition to the

23 regular regulations of DES and DOT and everybody else  
24 involved, but we would like to see a CO2 analysis to

{SEC No. 2009-02} {03-16-10}

101

1 demonstrate an actual reduction, to show that this is a  
2 green project. And, that would include locating all of  
3 the CO2 sources from the plant, to the vehicle miles  
4 traveled to get the wood, and shipping out or trucking out  
5 the fly ash for the fly ash removal, all those things that  
6 are part of this whole project.

7                   And, that we wanted -- we would like to  
8 see -- the Sierra Club would like to see reductions -- or,  
9 I'm sorry, that this analysis include reductions from the  
10 district heating and cooling efficiencies, other energy  
11 efficiencies that the equipment would have. I know  
12 they're using, you know, pretty high-tech technology and  
13 all sorts of different pollution control equipment, and  
14 there are efficiencies in that. And, we would like to see  
15 that as part of this, to show an actual reduction of CO2.

16                   And, secondly, we'd like to see an  
17 analysis to demonstrate the sustainability of the forestry  
18 practices, and a way to enforce or have some sort of  
19 accountability for these measures. And, I know, we heard  
20 about that earlier today, and we would certainly work with  
21 the Company and, certainly, with the Committee to come up  
22 with language to help with that voluntary forestry  
23 sustainability requirement or criteria.

24                   But thank you for hearing me, and I'll

{SEC No. 2009-02} {03-16-10}

102

1 be seeing you. Thanks.

2 CHAIRMAN BURACK: Thank you very much,  
3 Ms. Corkery. Again, next we will hear from Max Makaitis,  
4 he'll be followed by Dick Poulin, and he will be followed  
5 by Wannetta Collins.

6 MR. MAKAITIS: Mr. Chairman, Committee  
7 members, a pleasure to be here and represent the Community  
8 EFSEC Advisory Committee. I am the Androscoggin Valley  
9 Economic Development Director and reside in Hale's  
10 Location. Also, I am the Chairman of the Community EFSEC  
11 Advisory Committee, and also I am the Executive Director  
12 of AVER. So, in those different capacities, I have  
13 different responsibilities. And, as the Economic  
14 Development Director, I support this project, obviously,  
15 because of the job creation, the economic creation, the  
16 fact that \$25 million of purchases for the local economy  
17 of wood would be done. It would create wealth in this  
18 community without question. It's a type of activity that  
19 brings money into the Coos and keeps it in Coos, because  
20 of the raw materials are purchased here, and keeps a lot  
21 of the wealth in the local community from an economic  
22 development perspective.

23 As the AVER Executive Director, AVER is  
24 an organization that is designed to develop economic

{SEC No. 2009-02} {03-16-10}

103

1 development and create jobs, but, at the same time, it is  
2 concerned about community development. And, it's  
3 concerned about protecting the community and benefiting  
4 the community while creating those jobs. So, what AVER  
5 did and what they have done in the past, the Androscoggin

6 Valley Economic Recovery Corporation, is that it created  
7 committees and worked on projects, such as this one. They  
8 worked on the prison project, they created a committee for  
9 the prison project, to identify the issues, to see what  
10 the solutions of those issues are, and to communicate this  
11 information to the general public.

12 We did the same thing in this situation.  
13 AVER created a subcommittee. We have passed out this  
14 document, in terms of it's also on the Site Evaluation  
15 Committee website. And, this document shows who is on  
16 that committee, and then we took and we tried to, over a  
17 nine month period, we identified all of the potential  
18 issues that people had raised as a concern, and, as a  
19 matter of fact, a lot of issues that were raised here are  
20 answered by this document, such as the Jake brake issue.

21 For example, the Jake brake issue is  
22 identified, it's a prohibited activity by the City of  
23 Berlin. And, in our document, that is -- it's the City of  
24 Berlin Code of Ordinances Chapter 10.5, Article II,

{SEC No. 2009-02} {03-16-10}

104

1 includes a prohibition on Jake brakes, and includes  
2 prohibitions of other activities by trucks that violate  
3 sound.

4 So, the recommendations that we made  
5 here and solve a lot of the issues that were asked and  
6 raised, and we feel that, by the Committee receiving this,  
7 and also by recommending that both the City of Berlin and  
8 the Coos County Commissioners adopt these, that it would  
9 identify, recognize, and solve a lot of the noise, odor,  
10 and concerns of truck traffic.

11 Also, we identified community benefits  
12 that people wanted, such as the river walk, ATV trails,  
13 such as donations supporting local events and  
14 sponsorships.

15 I don't want to go into the entire  
16 document, because it's here and it's for everyone. But I  
17 think that we recommend this job be done, that the Laidlaw  
18 project go ahead, and that it be done on a basis of the  
19 recommendation that we have that protect the community and  
20 benefit the community, and still create the great jobs  
21 that are needed, definitely needed, and the economic  
22 activity that is needed in this area desperately. Thank  
23 you.

24 CHAIRMAN BURACK: Thank you very much,  
{SEC No. 2009-02} {03-16-10}

105

1 Mr. Makaitis. We, as the Site Evaluation Committee, and  
2 the Subcommittee Committee specifically, appreciate having  
3 this document and the clearly tremendous amount of work  
4 that has gone into its creation. And, I'm going to ask  
5 that this be also marked as an exhibit as part of  
6 tonight's public hearing, public hearing record.

7 (The document, as described, was  
8 herewith marked as Exhibit 8 for  
9 identification.)

10 DR. PUBLICOVER: We'll hear next from  
11 Mr. Dick Poulin, and he will be followed by Wannetta  
12 Collins, and she will be followed by Jon Edwards.

13 MR. POULIN: Mr. Chairman and members  
14 of the Committee, I'm Dick Poulin. I've gone through a  
15 few past titles. I must be losing my voice. I have been



16 a State Rep. I've been a Chairman of the Zoning Board,  
17 Vice Chairman of the Planning Board, members of the  
18 Municipal Power Authority. Also, as a State Rep., I  
19 passed legislation in the early '70s for alternative  
20 energy, hydropower, solar power and that type of stuff. I  
21 am for biomass plants, although I have problems with this  
22 particular one. And, I have one more interesting title.  
23 I was probably -- not "probably", I was Brown Company's  
24 first pollution engineer in the early '70s, late '60s,

{SEC No. 2009-02} {03-16-10}

106

1 early '70s. So, I know a little bit about that. But it's  
2 been 40 years, so I've lost, you know, I've lost some  
3 knowledge.

4 I wasn't expecting to talk about this,  
5 but I heard it mentioned, it mentioned about sound, that  
6 sound will be at 60 decibels. A normal person talking,  
7 which it doesn't sound bad, unless you're watching a  
8 movie, you're listening to music, you want to sleep, or a  
9 number of other activities. The other thing that should  
10 be known is I believe decibel scales are like Richter  
11 scales. You have 60 degrees -- you have 60 dBs and you  
12 have 70 dBs, which was mentioned. That's ten times  
13 louder. So, imagine that. That's a whole different  
14 thing. So, I think I have some concern about the noise.  
15 That's one.

16 The other is a little bit, like I said,  
17 I'm a little rusty, it's 40 years, but this is, and  
18 there's a mention of state-of-the-art fluidized bed  
19 reactor. That may be so. But that's not a  
20 state-of-the-art plant, it's a retrofit. And, I don't

21 believe there's any model out there that will tell you  
22 exactly what your emissions are going to be. And,  
23 especially concerning maybe micro particulates, which  
24 occur with fluidized bed reactors. And, I'm not exactly

{SEC No. 2009-02} {03-16-10}

107

1 foreign to that either. I was approached in I believe the  
2 late '70s or early '80s by a man representing a German  
3 firm that wanted to put a fluidized bed reactor in this  
4 particular area to burn, of all things, garbage. And, in  
5 my research, I didn't feel comfortable with it, so I just  
6 dropped it. So, that's just for general knowledge. So, I  
7 have a little bit of that.

8 But my major concern is location, like  
9 Bob Rodrigue said. We have a chance to re-invent  
10 ourselves. We have some great natural resources. We are  
11 the playground of the south. This is where people come to  
12 ski, fish, hunt, snowmobile, hike, everything. Berlin  
13 could be the urban center to feed these people, take care  
14 of these people, to provide the recreation. And, this is  
15 where we -- I was hoping we were heading towards. And, if  
16 you have become the urban center, what happens is  
17 eventually you have restaurants, you have night clubs, you  
18 have performance art centers, you have civic centers, you  
19 have sport centers. You have not only activity that  
20 pleases the tourists and the people coming to enjoy this,  
21 but you have activities good for the people of Berlin.

22 But what's important about that is that,  
23 to me, there are people down south that would love to  
24 leave down south. They're tired of the traffic, they're

{SEC No. 2009-02} {03-16-10}

1 tired of having three locks on their doors, they're tired  
2 of not knowing their neighbors, they're worried about  
3 their kids at school and would love to move to this area.  
4 Because we have all these beautiful resources, we have a  
5 good labor force, we have a low crime rate, that type of  
6 stuff. They would love to come here, but what we're  
7 missing is we're -- socially and culturally we're lacking.  
8 And, I believe that being the urban center would lead to  
9 that, and we could have these various businesses come in.

10 If you put a mill over there, you're  
11 basically saying "we're going back to what we used to be",  
12 the gray, stinky city we used to be, and these guys are  
13 not going to be interested to come over here to become  
14 part of this thing. The guys are not going to want to go  
15 snowmobile and ski, if their forests are laid waste by  
16 excessive use. And, all of those -- all of you over here  
17 and go to Success and take a look at what happened with  
18 the fine landscaping by Millan [sic]. This would occur  
19 because, from what I gather, there's excessive demand for  
20 chips from this particular project. It's not like Clean  
21 Power.

22 So, all these things I think will  
23 prevent Berlin from progressing and having real  
24 sustainable jobs. And, for those loggers out here that

{SEC No. 2009-02} {03-16-10}

1 are concerned about their jobs, you still will have one,  
2 there is another biomass plant. And, you all will have  
3 one. So, this is not an "either/or" that type of stuff.

4 So, my concern is that we are -- this is  
Page 91

5 going to be an impediment for Berlin to be a much better  
6 city than it ever was. And, again, to repeat, we're  
7 modeling ourselves over some of the finer companies in the  
8 United States, which use day care, which use gyms, which  
9 use flexible hours, that type of stuff, bringing the  
10 amenities to bring in the finest people to create all  
11 these jobs. This is what I want for Berlin. We can do  
12 it. It's time to re-invent ourselves and to leave the  
13 19th Century behind and not go back to it. Thank you.

14 CHAIRMAN BURACK: Thank you very much,  
15 Mr. Poulin. Next, I would call on Wannetta Collins, and  
16 she'll be followed by Jon Edwards, and he will be followed  
17 by Roland Aube.

18 MS. COLLINS: Hi. I'm Wannetta Collins,  
19 and I've lived in Berlin all my life. I live up on 7th  
20 Street. And, I came in support of Laidlaw. I'd like to  
21 see jobs, and good paying jobs. And, also, Berlin has  
22 already had time for recreational and all that, and  
23 nothing's been done. I've been hearing this for a long  
24 time, and we still -- people are not going to come here if

{SEC No. 2009-02} {03-16-10}

110

1 there's nothing to do, and there is nothing to do. Look  
2 at our streets, look at our buildings. If you take a  
3 drive by, you'll see all the empty buildings of people.  
4 There's nobody here. My sons have moved out of town, they  
5 can't afford to live here. There's no jobs. So, I would  
6 like to see jobs, some good paying jobs. A lot of my  
7 friends have no jobs, because they have lost them from the  
8 mill. And, that's the reason why I came tonight. And,  
9 I've really been impressed with Laidlaw. I have been

10 following since they first came in. And, each meeting I  
11 go to I come away more impressed.

12 And, I also would like to thank the  
13 Mayor and the Council members that are working to get this  
14 to come to Berlin. Thank you.

15 CHAIRMAN BURACK: Thank you very much,  
16 Ms. Collins. Again, next, Jon Edwards, who will be  
17 followed by Roland Aube, and he will then be followed by  
18 Katie Paine.

19 MR. EDWARDS: Thank you. My name is Jon  
20 Edwards. I've petitioned hopefully to intervene with the  
21 Site Evaluation Committee. I am very much in favor of  
22 biomass. I have researched it significantly. I will say  
23 that I'm getting involved, because I have concerns  
24 regarding choice. And, I think Berlin is in a unique

{SEC No. 2009-02} {03-16-10}

111

1 position, where Berlin has a choice to make on one biomass  
2 facility that they can have in this area. I don't believe  
3 that this area will support two biomass facilities. I  
4 think the proof of that is in a number of wood studies  
5 that have also been tested by the University of New  
6 Hampshire and Plymouth State University. I think there's  
7 concern for the sustainability of the northern forest.

8 We have tonight the Sierra Club with us,  
9 showing that they have 4,000 members throughout New  
10 Hampshire, 400 in Coos County, that all share the same  
11 concern over sustainability. In their intervenor, they  
12 say they have "grave concerns for sustainability".

13 In today's Berlin Daily Sun, front page  
14 news, from the New Hampshire Fish & Game, a petition has

15 started. They're concerned about wildlife habitat in the  
16 Great North Woods due to liquidation harvesting. I would  
17 suggest, if any of you ever have time to climb up to Cates  
18 Hill, Grandview Drive, I would beg to differ that there is  
19 any more trees on the top of a lot of our mountains than  
20 there is hair on the top of my head. We have some big  
21 issues around here.

22 I would also suggest that, in terms of  
23 creating jobs, I'm very concerned about creating jobs.  
24 But, if you have to go a 100 mile radius for your loggers,

{SEC No. 2009-02} {03-16-10}

112

1 how many trips are your loggers going to be making a day?  
2 How much money are they actually going to be producing?  
3 So, when I get back to choice, we have a choice right now.  
4 We have a choice of a biomass facility that's come into  
5 this area that has produced a plant based on  
6 sustainability. And, we have another plant that has  
7 chosen to come in with 70 megawatts, and they have taken  
8 the state's LandVest Study, and they have increased what  
9 the -- what the fair amount of biomass to take out of the  
10 woods, which is 50 percent. They have increased it to  
11 70 percent to make it work.

12 I have my concerns. And, there's a  
13 number of organizations that have concerns as well. Thank  
14 you.

15 CHAIRMAN BURACK: Thank you very much,  
16 Mr. Edwards. We will next hear from Mr. Roland Aube, and  
17 he will be followed by Katie Paine, and she will be  
18 followed by Shawn Cleary.

19 MR. AUBE: Good evening and welcome to  
Page 94

20 Berlin. Nice to have you here. My name is Roland Aube,  
21 and I'm a lifelong resident of Berlin. I was a member of  
22 Governor Lynch's Climate Change Policy Task Force. And,  
23 on the task force, it was recommended that New Hampshire  
24 strive to achieve a long-term reduction in greenhouse gas

{SEC No. 2009-02} {03-16-10}

113

1 emissions of 80 percent below the 1990 levels by 2050.  
2 Some of the actions plans that were agreed to on that  
3 committee were to have a vibrant community center, lower  
4 VMTs by land use patterns, energy efficient construction,  
5 protect our natural resources. And, by as far as vibrant  
6 community center, lower VMTs, and energy efficient  
7 construction, one of those things is building energy. A  
8 lot of our buildings -- our buildings use a lot of energy.  
9 We are retrofitting a building. Will that building use  
10 more energy than it produces? And, we need to ask  
11 questions for that. Would we be better off having a  
12 brand-new facility at another site?

13 Will this facility encourage or  
14 discourage sprawl growth? Will people in this area want  
15 to move away from the noise of the plant or whatever it  
16 emits? Or, will it want to get away from the stack in the  
17 middle of the town again?

18 We need to develop a model zoning for  
19 higher-density mixed-use development, a vibrant community  
20 center and smart growth. A place where people -- the mill  
21 site would be a perfect example to reclaim downtown,  
22 reclaim Berlin, and build something that's worthwhile for  
23 everybody. And, I have something here from a gentleman  
24 I'd like to submit. It was a plan that he developed.

1 And, I'll get it for you right here. It shows some of the  
2 possibilities of different businesses and different homes  
3 in our area so we could have a center for everybody.

4 We need to protect our natural  
5 resources. Sustainably managed forests in New Hampshire  
6 provide a broad range of benefits, including the ability  
7 to absorb and store large amounts of carbon. New  
8 Hampshire's forests take up the equivalent of 25 percent  
9 of the state's man-made CO2 emissions daily. Twenty  
10 (20) percent of global man-made CO2 emissions are caused  
11 by conversion of forest land to non-forested uses. Now, I  
12 know we're talking renewable, but that has to be managed.  
13 If not, then that balance of 20 in '25, that gain is lost  
14 and we will not meet our goals.

15 Currently, New Hampshire has five  
16 biomass plants. I heard there was another -- I heard  
17 today there's another one that went on line somewhere, but  
18 I had five: Bridgewater, 15 megawatts, 32 jobs;  
19 Springfield, 13.8 megawatts, 29 jobs; Bethlehem, 15  
20 megawatts, 29 jobs; Tamworth, 20 megawatts, 32 jobs;  
21 Whitefield, 13.8 megawatts, 42 jobs. Not one of them has  
22 to be 80 to get that kind of work.

23 And, one of the concerns I have is today  
24 we're talking chips. And, I think the term used earlier

1 by Laidlaw was "turkey litter", I don't know if we'll have  
2 that in the future. My expectations are, what I hope some



3 of our expectations are, is to have a diverse community,  
4 with several economic opportunities, several jobs: Wind  
5 energy, light manufacturing, such as a biomass plant, wood  
6 pellet plants, and durable wood products, all would use  
7 the forests, as opposed to one industry using the forests.  
8 Also, relative to the site, we could offices there. Who  
9 knows, maybe Quebec Power will have an office there, in  
10 from Canada, I believe.

11 And, this, all of this would help to  
12 reduce our carbon footprint. A plant the size of 80  
13 megawatts, I believe the answer was 100 to 125 trucks per  
14 day, that's all with VMTs. And, if you diversify and put  
15 more products on one trailer, as opposed to a bunch of  
16 chips, maybe we could have less trucks and lower our VMTs.

17 This is what I had envisioned what  
18 Berlin should be like: A diverse community, a community  
19 that doesn't depend on one industry. We could re-invent  
20 ourselves. Yes, a lot of it hasn't happened yet. But, if  
21 you look around, we've got the Cornerstone building, which  
22 is new. We have the new state building next to the credit  
23 union. These are all steps in the right direction. It  
24 takes time. We have -- the prisons are coming. We have

{SEC No. 2009-02} {03-16-10}

116

1 our forest, we have tourism.

2 But what I do not want to see is a  
3 repeat of the mistakes of the past. We don't want to put  
4 all our eggs in one basket, and then have that go away  
5 again, and then have these folks come up from Concord and  
6 try to help us out of a mess. I don't want a stack in the  
7 middle of downtown. I don't want noise or dust in our

8 homes. I don't want vapor plumes or ash or poultry  
9 litter. We were once known throughout the state as the  
10 armpit of New Hampshire. Let's not become the large  
11 intestine.

12 I want to leave you with something that  
13 we've been discussing in our community: Climate change  
14 adaptation is defined as action taken to avoid or minimize  
15 the negative impact of, or take advantage of new  
16 opportunities created by a changing and increasingly  
17 variable climate. When we talked earlier, it was  
18 mentioned "environmental" and "economic". A diverse  
19 economy is good for the economy and lower CO2 is good for  
20 the environment. Thank you.

21 CHAIRMAN BURACK: Thank you very much,  
22 Mr. Aube. We will hear next from Katie Paine, she will be  
23 followed by Shawn Cleary, he will be followed by Mike  
24 Rozel. And, I believe we only have one person after that,

{SEC No. 2009-02} {03-16-10}

117

1 and that will be Barry Kelley.

2 So, again, Katie Paine.

3 MS. PAINE: Hi. I'm Katie Paine. And,  
4 three years ago I moved my job -- moved my company up  
5 here, essentially to create jobs, because I heard that  
6 there were a need for jobs. So, I've created 15 jobs. I  
7 moved myself up here two years ago. Every morning that  
8 I'm up here, I go for a run, I run around the plant. And,  
9 every morning that I pass that plant and I look at the  
10 river and I look at the air, and I look at the mountains  
11 around me, and it breaks my heart to think that you're  
12 going to turn this into Newington, because I'm from the

13 south. I know what Newington looks like. And, I know  
14 what's around it. And, it's an industrial complex, and it  
15 is not a place that I would want to run, it's not a place  
16 that I would want to live.

17 I'm in the process of buying a house.  
18 That process is going to stop, if this happens. Because  
19 I'm really not interested in living across the street from  
20 Newington.

21 And, I want to ask the Committee, I'm  
22 not opposed to biomass, I'm not opposed to Laidlaw.  
23 Again, it's a question of the location. But, if you, as a  
24 Committee, decide that you would be willing to raise your  
{SEC No. 2009-02} {03-16-10}

118

1 children next to this plant, that if you were willing to  
2 run next to this plant or exercise next to this plant, if  
3 you want to have a building or a business or buy a house  
4 next to this plant, and if you're totally comfort with all  
5 those answers, then I'm all for it. But I want to look  
6 you guys in the eye if you say "yes, I'm willing to raise  
7 my children next to this plant and I want my employees to  
8 work across from the plant", because I don't right now.  
9 And, I have no confidence whatsoever that my vision for  
10 the future of Berlin, which is mixed use, which is  
11 diversified, is going to be there.

12 And, frankly, you know, you've got to  
13 take into account the net loss of jobs. I'm not the only  
14 one who's up here with this -- with a broadband-based  
15 business that is up here because of the mountains and the  
16 rivers and the air. And, we're going to leave, because we  
17 don't want to be a part of the old armpit of the world.

18 We don't want to be in that community. We want to be up  
19 here, in a mixed use, with a creative economy.

20 I had this vision when I came up here  
21 that Berlin was going to be like Portsmouth. That it was  
22 going to have this wonderful mix of high-tech and creative  
23 and recreational businesses up here. And, this plant will  
24 cut it all out. And, so, your net job loss -- your net

{SEC No. 2009-02} {03-16-10}

119

1 job gain is going to be significantly less.

2 And, oh, by the way, for all you gents  
3 who were, you know, looking for jobs, we are hiring. We  
4 continue to hire. We continue to bring in new business.  
5 My clients are companies like Raytheon, like  
6 Georgia-Pacific, they're my clients. We're growing a  
7 business here. And, I want to grow the business here, I  
8 want to stay here, but I don't want to live and work  
9 across from an 80 megawatt power plant, because I have  
10 seen what that is like. Thank you.

11 CHAIRMAN BURACK: Thank you very much,  
12 Ms. Paine. We'll next hear from Shawn Cleary, who will be  
13 followed by Mike Rozel, and he will be followed by Barry  
14 Kelley.

15 MR. CLEARY: Hi. I'm Shawn Cleary,  
16 officer of the New Hampshire Building Trades, and also the  
17 business agent for the Iron Workers Local 7, in  
18 Manchester, New Hampshire. I just want to say, when  
19 Laidlaw came to us and asked us about supplying the labor  
20 needs for this project, we were thrilled at the job  
21 opportunity. We told them we absolutely have the skilled  
22 New Hampshire workforce which is going to be able to

23 complete this project safely and on time. And, we're  
24 looking forward, it's going to be a great project.

{SEC No. 2009-02} {03-16-10}

120

1 But, more importantly, is the  
2 conversation that I had with Mayor Grenier, and that was  
3 the promise that we were going to put local residents to  
4 work on this project, and not just people that are already  
5 in the building trades. Those people, they already have  
6 careers, while a lot of them may be unemployed right now,  
7 we're also going to be reaching out to take in new  
8 apprentices that don't have careers, and find these people  
9 a viable option to get them through their lives. And,  
10 Paul, just to let you know, March 30th, my apprentice  
11 coordinator is going up to the White Mountain Community  
12 College, I believe with Michael Pike in his welding shop,  
13 to recruit apprentices on that day. So, it's already  
14 begun. We're really looking forward to this project and  
15 we hope it goes forward without delay. Thank you very  
16 much.

17 CHAIRMAN BURACK: Thank you, Mr. Cleary.  
18 Next we'll hear from Mike Rozel, he will be followed by  
19 Barry Kelley.

20 MR. ROZAK: My name is -- thank you very  
21 much, Mr. Chairman and Committee members. My name is  
22 Michael Rozak.

23 CHAIRMAN BURACK: I'm sorry.

24 MR. ROZAK: That's okay.

{SEC No. 2009-02} {03-16-10}

121

1 CHAIRMAN BURACK: Thank for the  
Page 101

2 correction.

3 MR. ROZAK: Born and raised in the City  
4 of Berlin. I've spent the majority of my life here.  
5 Currently, a Ward 3 City Councilman. Most of my life is  
6 spent here, except for the time I spent in military  
7 service, college, and industrial jobs outside the area and  
8 outside the state. Berlin is very near and dear to me.  
9 And, from my personal view, I fully support Laidlaw. They  
10 sound like a terrific neighbor. You folks, I'm sure, are  
11 going to be reviewing everything in great detail. They  
12 want to work with the community, very important. Most of  
13 the folks I have spoken with are in support of this  
14 project. The majority are.

15 However, there are a minority of folks  
16 that have some concerns. The two concerns that  
17 continuously come up are the stack. There is a stigma  
18 associated with the stack and the old pulp mill that we  
19 need to overcome. That's going to be overcome, in fact,  
20 you addressed a lot of those issues tonight already.  
21 Hopefully, that information will get out and alleviate  
22 some of that pain.

23 The other pain that we have that we  
24 really can't do anything about, and you've heard, is

{SEC No. 2009-02} {03-16-10}

122

1 location. Location. And, as try as I might -- I lost it  
2 -- as try as I might, you look at the mill, the old mill  
3 site, and you close your eyes real tight, open them again  
4 and that mill is still there. It's not going to go  
5 anywhere. I think, if it was over the next hill and  
6 nobody could see it, nobody would complain at all.

7 However, it's not a perfect world. It is where it is, and  
8 we have to deal with that.

9 If you look around us, Berlin was a  
10 manufacturing facility for years. In fact, you look at  
11 the school, 1930s money built this facility. Berlin's got  
12 a lot of heritage, and it's primarily sawmill, pulp and  
13 paper. It's manufacturing money that built this city.  
14 Unfortunately, most of the manufacturing jobs have gone,  
15 and they have also left our great country. Well, this is  
16 a chance to put manufacturing back to work here in this  
17 city. Not everybody is going to be happy. However, the  
18 majority will.

19 Coos County is the largest county in the  
20 State of New Hampshire, more unincorporated townships than  
21 any other, in fact, I don't think there's any other  
22 unincorporated townships in any county in the state.  
23 There's a vast wilderness, the "Great North Woods" is what  
24 we're referred to.

{SEC No. 2009-02} {03-16-10}

123

1 Woods are a renewable resource. And,  
2 from a perspective of going into a forest and seeing it  
3 cut, for a lot of folks, that's hard to take. But, when  
4 they go back in 25 or 30 years, that forest has renewed  
5 itself. And, it's a great renewable resource,  
6 manufacturing process, and it's one that we're not  
7 dependent on foreign sources for oil.

8 So, again, I would like to support this  
9 project. And, thank you very much for the time.

10 CHAIRMAN BURACK: Thank you very much,  
11 Mr. Rozak. We'll now hear from Barry Kelley.

12 MR. KELLEY: Yes. I am Barry Kelley.  
13 And, I have lived here all my life. My father was born  
14 here as well, and my grandfather came here as a child in  
15 1883 to start in the paper industry here. I have run a  
16 sawmill here for 38 years. I've been buying the wood, I'm  
17 not a forester, but I've been in the market buying wood  
18 for those years. I think this is a tremendous project for  
19 the City of Berlin. The history of the Coos County  
20 resides in green energy; wood, water and wind. The wind  
21 we have, we just permitted the Granite Reliable project up  
22 in the just north of here. We've got ten hydroelectric  
23 plants on the river here. It's the best regulated river  
24 in the country. And, we have wood.

{SEC No. 2009-02} {03-16-10}

124

1 There is a question about wood, the  
2 amount of wood available. In the last nine years, we've  
3 closed three paper mills in the county. I count Gilman  
4 Paper Company as part of that, because it's right across  
5 the river from Dalton, which is part of the county. They  
6 closed in 2001. They were using 100,000 tons of firewood  
7 for fuel. In 2005, Groveton Paperboard closed. They were  
8 using 125,000 tons for paper and 100,000 tons for fuel.  
9 In 2006, next door, Fraser closed in Berlin, they were  
10 using 800,000 tons for paper and 200,000 tons for energy.  
11 That adds up to over 1.3 million tons that were available.  
12 Non of those mills closed because they couldn't get wood;  
13 they closed because of foreign competition, because paper  
14 is losing. We can't compete with the paper that's built,  
15 made in Brazil, Indonesia, and a hundred other countries.  
16 We have to capitalize on things that we can sell. We



17 can't import electricity from across the oceans, but we  
18 use electricity. There is a market here. It is something  
19 that we can produce locally. We can export it. We can  
20 bring dollars back into the community. We all talk about  
21 the efforts to "grow locally" and sell it and bring that  
22 money back to here. This is a perfect example of that.

23 Methane gas is another issue. We have  
24 the second largest landfill in the state, which is right

{SEC No. 2009-02} {03-16-10}

125

1 across the street from this site. The good thing is,  
2 we're going to be producing green energy from methane gas.  
3 But we have to be realistic about the site. This is not a  
4 pristine piece of new ground. There has been heavy  
5 industrial activity on that site for at least 120 years.  
6 It's a debris -- it's a rubble area. There are things  
7 buried, knocked over. There are some buildings left, they  
8 kept the best up. But it is not a pretty site. It is a  
9 problem site. It's adjacent to I think one of only two  
10 Superfund sites in the State of New Hampshire just on the  
11 north side. It is not a pristine site. Let's be  
12 realistic.

13 This is a great opportunity for us to  
14 redevelop the center of town, to clean it up, to put  
15 something in there who is going to put 40 people to work.  
16 Who is going to spend \$100 million on an investment. Who  
17 is going to spend \$21 million on wood at today's prices.  
18 They're going to put \$2 million in the local payroll, and  
19 another \$6 million from what they said would multiply from  
20 those jobs. And, they're going to spend over a million  
21 dollars in taxes in Berlin. That's over \$30 million.

22 Now, I'm not from the federal government, but that's a lot  
23 of money to me. And, that's a lot of money to us in Coos.  
24 This is going to be a tremendous project. Nothing

{SEC No. 2009-02} {03-16-10}

126

1 succeeds like success. When something good like that  
2 happens in the center of your town, it grows and it  
3 spreads. That's what will revitalize Main Street. We are  
4 a balanced economy. We have two prisons in town. The new  
5 one will be hiring 350 people by the end of the year. We  
6 have the largest ATV park north of Virginia, which has  
7 grown. We have two large proposed housing developments in  
8 Berlin. I've talked to the owners of both. The 84-site  
9 just before the Armory, and the big one over by Head Pond,  
10 which is 600 acres. Both of those people have told me,  
11 not only do they think that it will not affect negatively  
12 their developments, they think it is good for their  
13 developments, they think it's good for the city. There  
14 will be a big green sign on that stack saying "Berlin  
15 recycles", because we will be held up in the state as a  
16 community that resurrects itself, that turns itself  
17 around, and recycles a site that was abandoned and turned  
18 it into a green energy site. We'll be the capital of  
19 green energy for the state.

20 We've got the investors, we've got the  
21 consumers, we've got the site, we've got the boiler, we've  
22 got the people to put it together. We ask you for the  
23 permit to make this happen and make Berlin continue to be  
24 the trees -- the City that trees built, and the green

{SEC No. 2009-02} {03-16-10}

127

1 energy capital of New Hampshire. Thank you.

2 CHAIRMAN BURACK: Thank you very much,  
3 Mr. Kelley. That completes my list of people who have  
4 asked to speak. Is there any other member of the public  
5 who would like to say a few words here this evening?

6 (No verbal response)

7 CHAIRMAN BURACK: Anyone who has already  
8 spoken who has anything new that they would like to share  
9 with us?

10 (No verbal response)

11 CHAIRMAN BURACK: Okay. Very good. I  
12 see no one making such a request.

13 I'm going to ask, Mr. Bartoszek, if you  
14 have any brief comments you'd like to make, in reply or  
15 response to any of the comments that you've heard this  
16 evening?

17 MR. BARTOSZEK: Very brief, Mr.  
18 Chairman. First of all, I'd like to thank everybody for,  
19 the members of the Committee and the community, for coming  
20 out and involving yourselves in this process. It's pretty  
21 obvious to me sitting here, and probably to a lot of other  
22 people in the room, that I think every single person that  
23 spoke, maybe with the exception of maybe one person,  
24 mentioned jobs. And, we fully agree that it's not just

{SEC No. 2009-02} {03-16-10}

128

1 about bringing jobs to Berlin at any cost, it's about  
2 bringing them to Berlin in a responsible manner. And,  
3 that's what this process is about. And, that's what our  
4 1,000 page, almost a thousand page Application is about,

5 and that's what our -- the efforts of the EFSEC Community  
6 Advisory Committee and our efforts to work with them and  
7 the City are about. So, it's getting jobs, but getting  
8 them in a responsible manner.

9 Second, we recognize that not everyone  
10 -- a lot of people support this project, clearly, from  
11 what I'm hearing here tonight and what I've heard in the  
12 past. But there's obviously some people who don't, who  
13 have different ideas, and I respect and I think we respect  
14 the fact that not everyone agrees that this is the best  
15 idea. But I also think it's worth noting that we've been,  
16 for more than two years, investing real money in Berlin  
17 and in this site; not wishful thinking, real money. To  
18 get rewards, you have to take risks. And, we've been  
19 willing to take that risk and bank on the future of Berlin  
20 that this is part of the future of Berlin.

21 Lastly, or almost lastly, renewable  
22 energy is a real viable and forward-looking strategy that  
23 can help Berlin and Coos County come back. There's a  
24 reason renewable energy is on the lips of everyone, from

{SEC No. 2009-02} {03-16-10}

129

1 our President, to people in Congress, to people all around  
2 the world. This is the future, folks. And, not just this  
3 facility, but wind power, biomass, other forms of  
4 alternative energy are the future. And, this is Berlin's  
5 opportunity to jump on the coattails of this and ride it  
6 to the future to turn this area around.

7 Lastly, last, and this is really last,  
8 you know, my dad was a union machinist. I heard a lot of  
9 talk here tonight from folks in organized labor about

10 jobs, and particularly the gentleman who spoke about his  
11 sons, who had recently graduated from college and couldn't  
12 get jobs, and joined the Armed Forces. And, you know,  
13 obviously, we thank them for their service. But, you  
14 know, I think that it's -- I just want you to know, from  
15 us, that while this is, obviously, a for-profit venture,  
16 there's obviously real people underlying this venture, who  
17 have real and, to a certain extent, very solid beliefs  
18 that are in line with yours. And, I just want you to know  
19 that you have our full support in creating these jobs and  
20 hopefully bringing these jobs, because we really want to  
21 see this happen, and we really, really believe it can  
22 happen. So, thank you very much for your time.

23 CHAIRMAN BURACK: Thank you, Mr.  
24 Bartoszek. Attorney Iacopino, do you have some last

{SEC No. 2009-02} {03-16-10}

130

1 minute comments?

2 MR. IACOPI NO: Just a little bit of  
3 housekeeping. For everybody who wants to provide written  
4 comments to the Site Evaluation Committee, they should be  
5 sent to our Administrative Secretary, Jane Murray, at  
6 jane.murray, m-u-r-r-a-y, @des.nh.gov. Anybody who wants  
7 to see all of the filings in this docket, you go to the  
8 Site Evaluation Committee's website: www.nhsec.nh.gov.  
9 And, I think that Allen and Peter already gave you their  
10 e-mails, if you need to contact them as well. Thank you.

11 CHAIRMAN BURACK: Again, I'd just like  
12 to thank everyone for coming this evening. And, we're  
13 going to now close this public informational meeting.  
14 Thank you all.

15 SEC-0316.txt  
16 [Following the adjournment, three  
17 documents were herewith marked as  
18 Exhibit 9, Exhibit 10, and Exhibit 11,  
19 respectively, for identification.]  
20 (Whereupon the hearing ended at 10:18  
21 p. m.)  
22  
23  
24

{SEC No. 2009-02} {03-16-10}