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April 2, 2010

Thomas S. Burack, Chairman
Site Evaluation Committee
N.H. Department of Environmental Services
29 Hazen Drive
Concord, NH 03302

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

Dear Chairman Burack:

I enclose for filing with the Site Evaluation Committee materials pertaining to supplements for two aspects of the Laidlaw application. First, we are requesting a waiver from certain site specific soil survey requirements. Second, Laidlaw is proposing to revise the construction method for the project's electrical interconnection. The attached materials describe these two issues in depth.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry Needleman".

Barry Needleman

Enclosure

cc: Service List

April 2, 2010

Thomas S. Burack, Chairman
Site Evaluation Committee
N.H. Department of Environmental Services
29 Hazen Drive
Concord, New Hampshire 03302

**Re: *Laidlaw Berlin BioPower, LLC – SEC Docket 2009-02
Supplement to Application for Site and Facility***

Dear Chairman Burack:

On behalf of Laidlaw Berlin BioPower, LCC ("LBB"), ESS Group, Inc ("ESS") is providing this letter and attachments to revise two elements of the Application for Site and Facility ("the Application") for the Laidlaw Berlin BioPower project ("the Project"). Specifically, and as discussed further below, LBB is 1) requesting a waiver from Rule Env-Wq 1504.08(b)(2)b. requiring a complete High Intensity or Site Specific soil survey of the property, and 2) proposing to revise the construction method for the Project's electric interconnection as presented in Section (g) of the Application.

REQUESTED WAIVER

Section (d)(4) of the Application summarizes the single request for a waiver from the information requirements of any state agency or department sought at the time of filing. As presented in the attached letter to Mr. Craig Rennie of the New Hampshire Department of Environmental Services ("DES") dated March 23, 2010¹, LBB is now also seeking a waiver from Rule Env-Wq 1504.08(b)(2)b. requiring a complete High Intensity or Site Specific soil survey of the property. As presented in the letter to DES, LBB and ESS believe that the survey would require a significant effort that would not yield any meaningful impact on the stormwater system design, which considers worst case soil conditions. This waiver request is allowed by, and submitted in accordance with the provisions of Rules Env-Wq 1509.02 and 1509.03.

REVISED ELECTRIC INTERCONNECTION CONSTRUCTION METHOD

Section (g) of the Application presents information regarding the Project's associated transmission line. At the time of filing the Application, LBB proposed construction the Project's electric interconnection from the Project site to the nearby PSNH East Side Substation 300 by installing a 115 kV cable within an existing underground 18-inch diameter fiberglass reinforced pipe formerly used to transport pulp from the Pulp Mill to Fraser's Paper Mill in Gorham. The underground pipe leaves the Site near the intersection of Coos and Community Streets and generally follows the route of the former rail bed from the south end of the Site to the north end of Shelby Street. The pipe follows Shelby Street and Devent Street along a right-of-way that is currently under easement control of LBB.

¹ Although the original letter is dated March 23, 2010, the letter was submitted to DES with a response to other certain technical questions regarding the Project's Alteration of Terrain Application on April 1, 2010.

LBB has recently determined that the proposed installation method is not viable. In light of this determination, LBB is proposing to install the 115 kV cable underground in place of the existing pipe. A revised Application Section (g) and supporting figures are attached to this letter, which describe the revised proposed construction method and location of the interconnection cable route. This change results only in a revision to the construction method of the underground portion of the electric interconnection but no change in the route.

This proposed method of construction for the electric interconnection meets the provisions of a General Permit by Rule for a utility project as set forth in the Alteration of Terrain regulations at Env-Wq 1503.02(a). However, the attachments to this letter provide the information necessary to address the cable installation as a component of the Site Specific Alteration of Terrain Application included in the Application should DES determine that this is a necessary approach².

Should you have any questions regarding the information presented in this letter or attachments, please contact me at 781-489-1146, or dfrecker@essgroup.com.

Sincerely,

ESS GROUP, INC.



Dammon M. Frecker
Vice President, Energy and Industrial Services

Attachments

C: Laidlaw Berlin BioPower
B. Needleman, McLane

² Based on a telephone conversation on March 31, 2010 between Dammon Frecker of ESS and Craig Rennie of DES.

(g) ASSOCIATED TRANSMISSION LINE INFORMATION

(1) Location shown on U.S. Geological Survey Map

The regional transmission line with which the Facility will interconnect is shown in Figure (g)(1)-1. The route of the Project's electric transmission interconnection is shown in Figures (g)(1)-2. The route and transmission interconnection system is described below.

(2) Corridor width for:

a. New route

The transmission line from the Site will be a new 115kV cable installed in place of an existing underground 18-inch diameter fiberglass reinforced pipe formerly used to transport pulp from the Pulp Mill to Fraser's Paper Mill in Gorham. The underground pipe leaves the Site near the intersection of Coos and Community Streets and generally follows the route of the former rail bed from the south end of the Site to the north end of Shelby Street. The pipe follows Shelby Street and Devent Street along a private right-of-way owned by Fraser N.H. LLC. The entire route is identified as parcel 118-212 in a plan of lands prepared by York Land Services, LLC for Fraser N.H. LLC (see attached) and is currently under easement control of LBB. The overall route and estimated placement of the cable along the route is shown in the attached Figure 1 – Proposed Cable Interconnection Route. The route lies well outside of the protected shoreland of the Androscoggin River and areas identified by NH NHB as known locations of rare species in the vicinity of Berlin.

The cable will transition to overhead conductors at the east side of Devent Street to the existing PSNH East Side Substation 300. The overhead conductors will run on one or two new steel monopole towers along with the existing Smith Hydro Z177 Line to the substation a distance of approximately 800 feet including elevation change.

b. Widening along existing route

Installation of the underground cable will not require widening of the easement granted to LBB by Fraser N.H. LLC. Removal of the existing underground pipe and placement of the cable will be accomplished by excavating a trench approximately 3 feet wide and four feet deep. The trench will be covered at the conclusion of daily construction work using steel plates or other suitable substrates, and will be completely backfilled upon completion of the cable installation. There may be some clearing south of the existing Z177 line from Smith Hydro from Devent Street up the hill to the PSNH substation.

(3) Length of line

The length of the underground portion of the transmission line off from the Project Site is estimated at 3,200 feet and the portion above ground at 800 feet.

(4) Distance along new route

The distance along the new route is the underground portion of 3,200 feet.

(5) Distance along existing route

The distance along the existing route is the 800-foot long portion of the line that will be installed above ground from Devent Street to the substation. The overhead line will follow a cleared transmission corridor that includes several other existing overhead lines.

(6) Voltage (design rating)

The system is designed for 115 kV nominal.

(7) Any associated new generating unit or units

Same as application information (f) above.

(8) Type of construction (described in detail)

The 115 kV cable will be XLPE insulated single conductor installed within a trench approximately four foot deep and three feet wide. The cable will be placed in suitable materials at the bottom of the trench to meet PSNH safety and reliability specifications. Excavation of the trench will occur along a route of previously altered and or paved lands, and will be constructed in a manner that will not involve any impacts to wetlands or surface waters. Proper erosion and sedimentation controls (haybales and silt fencing) will be placed along the route to prevent silt runoff during rain events. Excavated soils will be temporarily stockpiled along the trench and used as fill material upon placement of the cable. Work will be conducted in stages to allow for covering of the trench with steel plates or other suitable substrates at the end of each work day, and to minimize the overall open trench area.

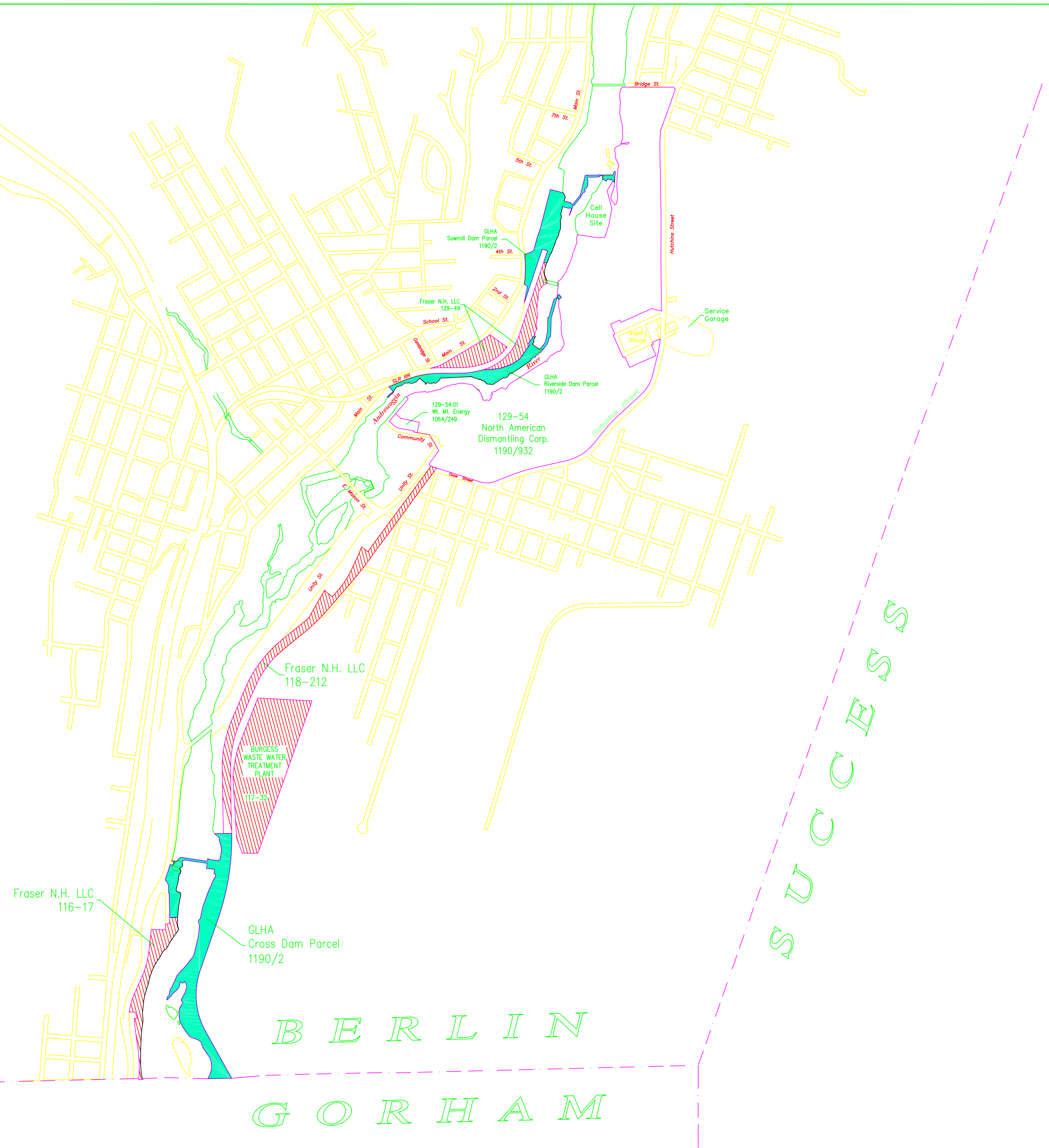
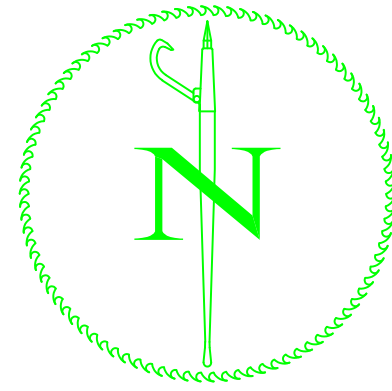
The underground cable will transition to an overhead line via the installation of two new transition towers on the west side of Devent Street. The overhead conductor will be 477 kcmil ACSR and extend to a dual circuit steel monopole that will carry this conductor and the existing Smith Hydro Z177 line on the same structure into the PSNH East Side Substation 300.

(9) Construction schedule, including start date and scheduled completion date

The construction period for the electric transmission interconnection is expected to be six months. The facilities would need to be completed in time to "backfeed" power to the facility for startup and testing. It is estimated that the work would start in August 2011 and be completed by February 2012.

(10) Impact on system stability and reliability

Please refer to section (f)(3)(e) above.



- PLAN REFERENCES:**
1. "MINOR SUBDIVISION OF FRASER N.H. LLC, COMMUNITY STREET, BERLIN, NEW HAMPSHIRE," DATED DECEMBER 30, 2002, REVISED 1-23-2003, BY YORK LAND SERVICES, RECORDED AT COOS COUNTY REGISTRY OF DEEDS AS PLAN NO. 1959. (YLS DWG# 02-082A)
 2. "ALTA/ACSM LAND TITLE SURVEY AND MINOR SUBDIVISION OF GREAT LAKES HYDRO AMERICA, LLC, CROSS POWER DAM PARCELS,, TAX MAP 116, PARCELS 14 & 24 AND TAX MAP 118, PARCEL 212, BERLIN, NEW HAMPSHIRE" DATED JULY 15, 2005, BY YORK LAND SERVICES, RECORDED AT COOS COUNTY REGISTRY OF DEEDS AS PLAN NO. 2686. (YLS DWG# 04-072.4)
 3. "ALTA/ACSM LAND TITLE SURVEY AND MINOR SUBDIVISION OF GREAT LAKES HYDRO AMERICA, LLC & FRASER NH LLC, RIVERSIDE DAM PARCEL, BERLIN, NEW HAMPSHIRE, TAX MAP 128, PARCELS 49.02 & 54," DATED JULY 18, 2005, BY YORK LAND SERVICES, RECORDED AT COOS COUNTY REGISTRY OF DEEDS AS PLAN NO. 2688. (YLS DWG# 04-072.5)
 4. "ALTA/ACSM LAND TITLE SURVEY AND MINOR SUBDIVISION OF GREAT LAKES HYDRO AMERICA, LLC & FRASER NH LLC, SAWMILL DAM PARCEL, BERLIN, NEW HAMPSHIRE, TAX MAP 128, PARCELS 49.02 & 54," DATED JULY 18, 2005, BY YORK LAND SERVICES, RECORDED AT COOS COUNTY REGISTRY OF DEEDS AS PLAN NO. 2687. (YLS DWG# 04-072.6)
 5. "MINOR SUBDIVISION FRASER NH LLC, FORMER RAILROAD, TAX MAP 118, PARCEL 212, BERLIN, NEW HAMPSHIRE," DATED SEPTEMBER 20, 2006, BY YORK LAND SERVICES, RECORDED AT COOS COUNTY REGISTRY OF DEEDS AS PLAN NO. 2786 (YLS DWG# 06-110.1)
 6. "PLAT OF PROPERTY SURVEYED FOR FRASER N.H. LLC, TAX MAP 128, PARCEL 54, BERLIN, NEW HAMPSHIRE" DATED SEPTEMBER 28, 2006, RECORDED AT COOS COUNTY REGISTRY OF DEEDS AS PLAN NO. 2796 (YLS DWG# 06-110)

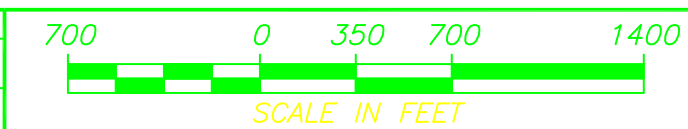
- NOTES:**
1. THIS SKETCH WAS COMPILED FROM VARIOUS EXISTING DATA AND IN NO WAY CONSTITUTES A PROPERTY SURVEY.
 - 2.

YORK LAND SERVICES, LLC
 Riverside Courtyards, 3 Twelfth Street
 Berlin, New Hampshire 03570 - (603)752-7282

Sketch Showing Parcels of Land
 prepared for
FRASER N.H. LLC
 Berlin, New Hampshire

Method	Sketch	Made by	Drawn by	Date
Precision	see note 1	Checked by	KSM	October 18, 2006
		AMY	Scale	Drawing No.
			1 inch = 700 feet	06-138

Revisions	Revisions	Revisions	



EMAILED ON 10/18/2006



Approx. Location of Cable Trench

Photo 1. Cable Route Looking North at Mason Street

Underground Cable Route Along Former Railbed

Underground Cable Route Along West Side of Shelby

Approx. Location of Cable Trench

Photo 2. Cable Route Looking South to Shelby Street

Electric Substation

Overhead Cable Route Along Existing Transmission Corridor

Approx. Location of Cable Trench

Photo 3. Cable Route Looking North Along Shelby St. (Private Way).



Engineers
Scientists
Consultants

March 23, 2010

Craig D. Rennie, CWS, CWB
Land Resource Specialist
New Hampshire Department of Environmental Services
P.O. Box 95
29 Hazen Drive
Concord, New Hampshire 03301-0095

888 Worcester Street
Suite 240
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02482
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**Re: Request for Waiver from High Intensity or Site Specific Soil Survey
Alteration of Terrain Permit Application #091216-104
Laidlaw Berlin BioPower, Berlin, New Hampshire
ESS Project L145-005.02**

Dear Mr. Rennie:

On behalf of Laidlaw Berlin BioPower LLC, ESS Group, Inc. (ESS) is requesting a waiver from Rule Env-Wq 1504.08(b)(2)b. requiring a complete High Intensity or Site Specific soil survey of the property located at 57 Hutchins Street in Berlin, New Hampshire, bordering the Androscoggin River. In accordance with Rule Env-Wq 1509.02 and 1509.03 ESS is providing this written request.

REQUIRED INFORMATION:

(1) The name, mailing address, and daytime telephone number of the requestor and, if available, a fax number and e-mail address of the requestor;

Janet Carter Bernardo, PE
ESS Group, Inc.
888 Worcester Street, Suite 240
Wellesley, MA 02482
781-489-1151
781-431-7434 fax
jbernardo@essgroup.com

(2) The name, mailing address, and daytime telephone number of the property owner, if other than the requestor and, if available, a fax number and e-mail address of the property owner;

Michael B. Bartoszek
Laidlaw Berlin BioPower, LLC
90 John Street, 4th Floor
New York, NY 10038
212-480-9884
212-480-8448 fax
mbb@laidlawenergy.com

(3) The location of the property to which the waiver request relates, if other than the mailing address of the requestor or owner, or a statement that the mailing address is the location of the property;

57 Hutchins Street, Berlin, New Hampshire
Map 129, Lot 54.01 Coos County



(4) The specific rule section or paragraph for which a waiver is being requested;

Rule Env-Wq 1504.08(b)(2)b. For proposed areas of disturbance, including lot development, soil types shall be identified in accordance with:

1. The Society of Soil Scientists of Northern New England (SSSNNE) Special Publication No. 1, High Intensity Soil Maps for New Hampshire - Standards, September 2006; or
2. SSSNNE Special Publication No. 3, Site-Specific Soil Mapping Standards for New Hampshire and Vermont, December 2006.

(5) A full explanation of why a waiver is being requested, including an explanation of the consequences of complying with the rule as written;

As stated in the Stormwater Management Report that was included in the Alteration of Terrain Application for the Project, the Site is zoned as Industrial/Business, and consists of the southern portion of the property formerly known as the Burgess Mill, Berlin Mill, and most recently the Fraser Pulp Mill. The Site abuts the remaining portion of the former Fraser Pulp Mill to the north. The accessibility of soils within or immediately adjacent to the 62 acre Site is limited due to the extensive industrial development of the Site as well as the demolition of most of the former Fraser Pulp Mill. These historical activities lead to a large portion of the site being covered by impervious surfaces, former building foundations, or building debris.

The existing 69-acre drainage area is comprised of approximately 26 acres of impervious area, 11 acres of woods, 16 acres of grass, and 16 acres of urban industrial complex; approximately 7 acres of the pervious surfaces are off-site. The urban industrial complex contains building rubble that is scattered over much of the property. ESS believes that conducting a Site-Specific Soil Mapping on a previously disturbed industrial site, more than two-thirds of which consists of impervious roadways, foundations, or building rubble, would be an extensive exercise which will have no impact on the existing weighted curve number values for the drainage area. As proposed, the Project's design will reduce the total acreage of impervious area and rubble by approximately 8 acres or to 49% of the overall drainage area.

The Natural Resources Conservation Services (NRCS) mapping currently utilized in the stormwater calculations indicates soil types that are predominately in hydrologic soil groups C and D, indicating relatively poor draining soils. A mixture of these types over the 69 acres seems highly likely, based on the historic use and our visual observations. Further clarifying these soil types by mapping them could only suggest better draining soils, which in turn would improve the proposed conditions by increasing infiltration rates and reducing the quantity of stormwater discharging into the proposed stormwater management system. Such a conclusion would only mean that the proposed stormwater management system has more than adequate capacity. ESS does not believe that the level of effort to conduct a detailed soils analysis and mapping exercise is warranted given that it would not have any meaningful impact on the stormwater system design, which considers worst case conditions.



(6) Whether the need for the waiver is temporary, and if so, the estimated length of time that the waiver will be needed;

The need for the waiver is not considered temporary.

(7) If applicable, a full explanation of the alternative that is proposed to be substituted for the requirement in the rule, including written documentation or data, or both, to support the alternative; and

The soil types were identified utilizing the NRCS county-wide web soil survey. This soil survey has been found acceptable by NHDES when evaluating all other areas that contribute runoff to a project site, per Rule Env-Wq 1504.08 (b)(2)c.

(8) A full explanation of why the applicant believes that having the waiver granted will meet the criteria in Env-Wq 1509.04.

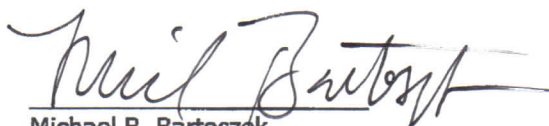
Granting the request for a waiver will not result in an adverse impact on the environment, public health, public safety, or abutting properties. The stormwater management system designed for the Project Site will mitigate stormwater runoff impacts on water quantity and quality. The stormwater management system has been designed in accordance with the NHDES Stormwater Manual, dated December 2008 and the Alteration of Terrain (AoT) Program Administrative Rules. Existing stormwater conditions were modeled and evaluated for comparison to the post-development conditions. A water quality analysis was performed to ensure that the proposed stormwater management system meets the necessary pollutant removal loads.

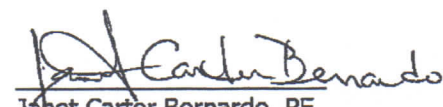
Strict compliance with the rule will provide no additional benefit to the public or the environment over that currently proposed with the stormwater design as submitted.

Thank you for your consideration in this matter. If you have any additional questions or comments please contact Janet bernardo at 781-489-1151.

The below signatures shall constitute certification that:

- (1) The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and
- (2) The signer understands that any waiver granted based on false, incomplete, or misleading information shall be subject to revocation.


Michael B. Bartoszek
Laidlaw Berlin BioPower


Janet Carter Bernardo, PE
ESS Group, Inc.

