

# Clean Power Development – Berlin Permit Status

## Berlin Zoning

In order to get approval for our site plan, we required 3 variances and 1 special exception from the city zoning requirements.

1. Maximum building height allowed was 35', so we requested a building height of 85'. Accessory buildings limited to 22', so we requested a variance of 60' for the cooling towers, 100' for the silos and 130' for the stack.
2. Required to provide 1 parking space per 600' of floor space in the building. This would have resulted in 43 spaces, so we requested a variance to only provide 19.
3. Maximum fence height allowed was 6' which would not have provided adequate safety/security, so we requested a variance to 10' for a chain link fence.
4. Renewable Energy Facilities are only allowed in the city by special exception, which is allowed following a comprehensive review of a variety of factors.

All of the requested variances and the special exception were granted on March 11, 2009

## Berlin Planning Board – Site Plan Approval

Complete site plan review actually took place over a period of months, beginning in January, 2009 and was completed March 12, 2009. Approval was given for construction, with the following conditions:

- Copies of state permits shall be provided to the City Planning Department
- A final sales agreement between CPD and the City (for purchase of the property) must be in place
- If our road improvement plan to connect Shelby and Unity streets were to fail for any reason, we would have to come back before the Planning Board with a new plan
- If there is a new owner of the plant, a rehearing would be required

## Berlin Planning Board – Subdivision

In order to acquire the parcel desired for the site of construction, a subdivision was required. That process was completed on July 7, 2009, when the Planning Board approved the minor subdivision.

*That completes all necessary permits from the city*

## Land acquisition

On November 29<sup>th</sup>, 2007, Clean Power Development entered into an option to purchase agreement with the City of Berlin for a portion of a parcel of land owned by the city.

To date, \$10,000 has been paid for the purchase option, which (IAW the agreement) is then creditable toward the final cost of the parcel.

The agreement states that the purchase price is to be established by an independent third party appraisal. That appraisal was completed on May 28<sup>th</sup>, 2009 and established the price at \$50,000.

We filed the required Exercise of Option notice with the city on Oct. 30<sup>th</sup>, including payment of an additional \$5,000 toward the purchase price.

Purchase of the property was completed on Dec. 21, 2009 and the deed was filed with the county registry on Dec. 28, 2009

#### State of NH Air Permit

Application was made March 26, 2009 (#09-0070). The issuance of the draft air permit was noticed on August 19, 2009. The public comment period closed on September 18<sup>th</sup> with no comments of any kind being made.

Temporary permit and Non-Attainment New Source Review Permit # TP-0033 was issued on September 25, 2009. Following commencement of operations and stack testing, a Title V air permit application will be filed within 18 months of start up.

#### State of NH Alteration of Terrain Permit

Application was made in May and was deemed complete by DES on June 16<sup>th</sup> (File #20090616-035). The state requested additional information on August 3<sup>rd</sup>, which was provided on August 31<sup>st</sup> and the final permit (#AOT-0030) was issued on September 3<sup>rd</sup>.

As a subset of the Alt of Terrain, an archeological study was completed on April 3, 2009 and the results filed with the NH Div. of Historical Resources.

#### State of NH Shoreland Permit

Application was made on September 24<sup>th</sup> and was acknowledged by DES on September 28<sup>th</sup>, assigning application #2009-02205. The application was judged complete and was approved on October 7<sup>th</sup>.

#### State of NH Wetland Permit

A Dredge & Fill permit application was filed with the state on September 25<sup>th</sup>, and was judged administratively complete on October 12<sup>th</sup>. The review of that application is in progress.

The major step remaining in that review is the issue of mitigation. DES, the City of Berlin and CPD, at a January 25, 2010 meeting agreed that payment of an alternative compliance payment (\$76,409.99) was appropriate. With that, the review is in its final stages, with issue of the permit anticipated within the next month.

#### State of NH Water Permit

In Berlin, no water extraction permit will be required, as we are planning to take the effluent of the waste water treatment facility for our cooling water. As such, the only requirement will be for us to report the amount taken, so that DES records can be adjusted to show that much less recharge coming from the Berlin waste water treatment facility.

*That completes the list of state permits required to construct the Berlin power project.*

#### Interconnection to the regional transmission system

An application requesting permission to interconnect to the regional transmission system was filed with the Independent System Operators of New England on October 15<sup>th</sup>, 2007. Since that time, numerous events have taken place to move the interconnection request forward.

Most recently, ISO NE completed the feasibility study regarding the interconnection of our project to the 115KV system in New Hampshire. That report was issued on September 4<sup>th</sup>, 2009 and concludes that 'No relevant thermal or voltage violations caused by the project were found . . . "and that "The addition of the 29MW biomass project in northern New Hampshire will not cause any PSNH transmission breakers to become overdutied."

A more detailed system impact study will be the next step towards granting us full permission to interconnect. That study will cost an estimated \$103,000 and is underway.