

BEFORE THE
STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2010-01

*Application of Groton Wind, LLC for a Certificate of Site and Facility
for a Renewable Energy Facility in Groton, N.H.*

OBJECTION TO MOTION TO AMEND CERTIFICATE

NOW COMES Mario Rampino, by and through Upton & Hatfield, LLP, and objects to Groton Wind, LLC's *Motion to Amend* its certificate as follows:

1. Mario Rampino objects to Groton Wind, LLC's *Motion to Amend* because RSA 162-H does not allow major changes to a certificate by motion. RSA 162-H:5, I specifically requires issuance of a new certificate "for sizeable changes or additions to existing facilities."

2. The amendment that is the subject of the motion filed by Groton Wind, LLC is a "sizeable change" from the facility approved by the Committee. The operations and maintenance building places an industrial, hazardous waste facility in a rural, residential area, and is immediately adjacent to Mr. Rampino's residence and has contaminated his well. The amendments that are the subject of Groton Wind, LLC's motion were: (a) never presented at public hearing; and (b) never approved (or even considered) by the Committee.

3. RSA 162-H:5, I requires that Groton Wind, LLC file an application for the changes to its facility. Groton Wind, LLC cannot bypass the application and hearings requirements under RSA 162-H:10, by simply describing a major amendment as a 'motion'.

4. Under RSA 162-H, an application must be reviewed for completeness by the Committee (RSA 162-H:7, III), its Chairperson (RSA 162-H:6-a) and include "information to satisfy the application requirements of *each state agency having jurisdiction, under state or*

federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms". RSA 162-H:7, III.

5. Groton Wind, LLC's motion does not include the completed application forms to locate a hazardous waste facility in the building, nor any plans required for its approval by the State Fire Marshal. This failure is significant given the issues already before the Committee.

6. In addition, Groton Wind, LLC has not presented a meaningful analysis of alternatives as required by RSA 162-H:7, V, which requires that an applicant: "Identify both the preferred choice and any other choices for the site of each major part of the proposed facility." Before it can approve an amendment, RSA 162-H:16, IV further requires that the Committee "consider[...] available alternatives and fully review [...] the environmental impact of the site". While Groton Wind, LLC has included some information pertaining to the NHDES's approval of erosion control plans, this information is insufficient to meet the requirements of RSA 162-H, and, ironically, approval of those plans resulted in contamination of Mr Rampino's well due to off-site runoff.

7. Based on the foregoing, Mario Rampino requests that the Chairperson summarily deny Groton Wind, LLC's motion because it is a 'sizeable change' which requires a new application. In addition, Groton Wind, LLC's motion does not meet the minimum requirements to begin a completeness review RSA 162-H:6-a and RSA 162-H:7 and should be denied accordingly, with or without leave to file an application as required by RSA 162-H.

Respectfully submitted,

MARIO RAMPINO

By His Counsel,

UPTON & HATFIELD, LLP

Date: December 16, 2013

By: 

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CERTIFICATION

I hereby certify that a copy of the foregoing was this day forwarded to all persons on the Committee's Service List in this proceeding.


Justin C. Richardson