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STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

November 22, 2010 - 4:02 p.m.
Berlin City Hall
168 Main Street
Berlin, New Hampshire

RE: **SEC Docket No. 2010-02**
Application of the Androscoggin
Valley Regional Refuse Disposal
District for Exemption from the
Application and Certificate
Requirements of RSA 162-H.
(Public Meeting)

PRESENT:	SITE EVALUATION SUBCOMMITTEE:
Thomas Burack, Commissioner (Presiding as Chairman)	Dept. of Environmental Services
Robert Scott, Director	Air Resources Division - DES
Harry Stewart, Director	Water Division - DES
Clifton Below, Commissioner	N.H. Public Utilities Comm.
Amy Ignatius, Commissioner	N.H. Public Utilities Comm.
Elizabeth Muzzey, Director	Div. of Historical Resources
Brad Simpkins, Director	Div. of Forests & Lands - DRED
Joanne Morin, Director	Office of Energy & Planning
Randy Knepper, Director	Safety Division - PUC

* * *

Counsel for the Committee: Michael Iacopino, Esq.
(Brennan, Caron, Lenahan...)

Counsel for the Applicant: Charles Willing, Esq.
(Rath, Young & Pignatelli)

COURT REPORTER: STEVEN E. PATNAUDE, LCR No. 52

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I N D E X

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REVIEW BY CHAIRMAN BURACK OF RSA 162-H:4, IV: 7

STATEMENTS/QUESTIONS REGARDING THE APPLICATION BY:

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Dir. Simpkins 26

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P R O C E E D I N G

CHAIRMAN BURACK: Good afternoon, ladies and gentlemen. Welcome to a public meeting of the New Hampshire Energy Facilities Site Evaluation Committee. We are here today for a public meeting in Docket Number 2010-02, the Application of the Androscoggin Valley Regional Refuse Disposal District for exemption from the application and certificate requirements of RSA 162-H. The Androscoggin Valley Regional Refuse Disposal District, the Applicant, has filed an Application seeking the exemption from the requirements of RSA 162-H pursuant to RSA 162-H:4, IV. The Applicant intends to construct and operate a blended landfill gas (LFG) and natural gas energy project, which would include (1) a landfill gas processing facility and associated compressor, dehydration unit, flares, and LFG meter at the eastern end of the Mount Carberry landfill located in Success, Coos County; (2) a natural gas metering and pressure regulation station, known as an "M&R Station", on the Applicant's property located in Berlin, Coos County, and near the existing Portland Natural Gas Transmission System, or PNGTS, pipeline; (3) an approximately 11,300 foot-long buried 8-inch diameter High Density Poly Ethylene (HDPE) LFG pipeline from the Landfill to the M&R Station in

1 Berlin, Coos County; (4) an approximately 350 foot-long
2 2-inch diameter lateral pipeline from the existing PNGTS
3 mainline pipeline to the M&R Station; (5) an approximately
4 470 foot-long buried 8-inch diameter HDPE mixed LFG and
5 natural gas pipeline from the M&R Station to the
6 Androscoggin River; (6) an approximately 300 foot-long
7 8-inch diameter segment of coated steel pipeline crossing
8 the abandoned railroad bridge over the Androscoggin River;
9 and (7) an approximately 2,500 foot-long buried 8-inch
10 diameter HDPE mixed LFG and natural gas pipeline from the
11 west end of the Androscoggin River crossing to the Gorham
12 Mill.

13 The siting, construction and operation
14 of such facilities are usually regulated by the Site
15 Evaluation Committee in an integrated fashion. However,
16 under certain circumstances, the Committee has the
17 authority to exempt a proposed project from its
18 regulation. If the Committee chooses to grant the
19 exemption, the Applicant must still comply with all state
20 and local regulations and obtain all necessary permits and
21 licenses from the appropriate federal, state and local
22 agencies.

23 Notice of this meeting was served upon
24 the public by publication in the New Hampshire Union

1 Leader on November 1, 2010, and in the Conway Daily Sun on
2 November 2, 2010. No written comments or objections have
3 been received from members of the public to date.

4 Today, the Committee took a site visit
5 of the area where the Applicant proposes to build the
6 facility. The purpose of this meeting is to allow the
7 Committee to discuss the contents of the Application, in
8 order to determine if the Application contains sufficient
9 information for us to consider the merits of the
10 Application. Public comment will not be taken at this
11 meeting. However, this evening, commencing at 6:00 p.m.,
12 we will conduct the public information hearing, at which
13 the public's questions and comments will be considered.

14 I would like to point out that this is a
15 quasi-judicial proceeding. And, therefore, I must request
16 that, in order to avoid *ex parte* communications with the
17 members of the Site Evaluation Committee, that members of
18 the public and press address all questions or comments
19 regarding this project to us here in this public session
20 or through our legal counsel at other times.

21 Before we turn to discussion of the
22 completeness of the Application, I will ask each member of
23 the Committee to introduce themselves.

24 My name is Tom Burack. I serve as

1 Commissioner of the Department of Environmental Services.
2 And, pursuant to RSA 162-H, I also serve as Chairman of
3 the Site Evaluation Committee.

4 So, I might ask, if we can start here on
5 my left, to my far left, and introduce yourselves.

6 DIR. STEWART: I am Harry Stewart, New
7 Hampshire Department of Environmental Services, Water
8 Division Director.

9 DIR. SCOTT: I'm Bob Scott, at New
10 Hampshire Department of Environmental Services, Air
11 Resources Division Director.

12 CMSR. IGNATIUS: I'm Amy Ignatius, a
13 Commissioner with the New Hampshire Public Utilities
14 Commission.

15 CMSR. BELOW: Clifton Below, a Public
16 Utilities Commissioner.

17 DIR. MUZZEY: Elizabeth Muzzey, Director
18 of the Division of Historical Resources.

19 DIR. KNEPPER: I'm Randy Knepper. I'm
20 the Director of Safety with the New Hampshire Public
21 Utilities Commission.

22 DIR. SIMPKINS: Brad Simpkins, with the
23 Division of Forests and Lands, within the Department of
24 Resources and Economic Development.

1 DIR. MORIN: And, Joanne Morin. I'm the
2 Director of the Office of Energy and Planning.

3 CHAIRMAN BURACK: To my immediate left
4 is Michael Iacopino, who serves as legal counsel to the
5 Committee for this proceeding. Before we open this up to
6 discussion among the members of the Committee, I'd just
7 like to draw everyone's attention to the provision of the
8 statute that will govern our proceeding here this evening
9 -- or, today. Specifically, RSA 162-H:4, Section IV, and
10 I'm just going to read this for the record. Those of you
11 who have copies available may wish to follow along.

12 Again, this general section of the
13 statute lays out our basic authorities and powers. And,
14 in Section IV reads as follows: "In cases where the
15 committee determines that other existing statutes provide
16 adequate protection of the objectives of RSA 162-H:1, the
17 committee may, within 60 days of acceptance of the
18 application, or filing of a request for exemption with
19 sufficient information to enable the committee to
20 determine whether the proposal meets the requirements set
21 forth below, and after holding a public informational
22 hearing in a county where the energy facility is proposed,
23 exempt the applicant from the approval and certificate
24 provisions of this chapter, provided that the following

1 requirements are met:" And, then, there is a list of four
2 requirements which I will read through here now. The
3 first is Subsection (a), which reads: "Existing state or
4 federal statutes, state or federal agency rules or
5 municipal ordinances provide adequate protection of the
6 objectives of RSA 162-H:1." Subsection (b) reads: "A
7 review of the application or request for exemption reveals
8 that consideration of the proposal by only selected
9 agencies represented on the committee is required and that
10 the objectives of RSA 162-H:1 can be met by those agencies
11 without exercising the provisions of RSA 162-H." Then,
12 Subsection (c) reads: "Response to the application or
13 request for exemption from the general public indicates
14 that the objectives of RSA 162-H:1 are met through the
15 individual review processes of participating agencies."
16 And, Subsection (d) reads: "All environmental impacts or
17 effects are adequately regulated by other federal, state,
18 or local statutes, rules, or ordinances."

19 So, again, that is the basic statutory
20 provision that applies to an application or request for
21 exemption from this -- from the requirements of RSA 162-H.

22 Attorney Iacopino, do you have any
23 further thoughts you wish to share with the Committee
24 before we open this to discussion?

1 MR. IACOPINO: Yes. I just wanted to
2 point out, first of all, to the Committee members that
3 each of you should have received a copy of the actual
4 Application for Exemption, which is dated September 3,
5 2010. You should also have received a response to a
6 written request for additional information, and that those
7 documents were dated October 13th, 2010. And, both the
8 Application and the response for -- the responses to the
9 request for additional information both came from the
10 Rath, Young law firm over Mr. Willing's signature. So you
11 should all have those two sets of documents. The purpose
12 I think of this meeting, and the reason why we set this
13 up, is to give the Committee an opportunity to discuss
14 amongst themselves, in public, as we must do, whether or
15 not this particular Application contains sufficient
16 information for you to go on and consider the factors that
17 the Chairman just reviewed. So, it's my hope that we
18 would have this session for discussion amongst the
19 Committee to determine if there is other information that
20 you might like to see or might want or might need in order
21 to make the determination under the four factors as read
22 by the Chairman.

23 So, that's why this particular hearing
24 is scheduled now. And, then, of course, we're going to

1 move into the statutorily required public hearing at
2 6:00 p.m.

3 So, all of the information is in those
4 two documents -- all the information that the Committee
5 has regarding this project is within those two documents.

6 So, Mr. Chairman, I would suggest that
7 you open the floor to the Committee members to conduct a
8 discussion of that, of that completeness issue.

9 CHAIRMAN BURACK: Very well. Thank you.
10 Mr. Scott.

11 DIR. SCOTT: I just wanted to verify
12 that, since the time of the Application and the extra
13 information they provided, is there -- are we aware of any
14 other -- any changes to what they provided to us? Are we
15 sure this is correct?

16 MR. IACOPINO: There has been no formal
17 changes to anything within the Application or the amended
18 -- or the additional information. However, Mr. Chairman,
19 we do have the representatives of the Applicant here.
20 And, I did advise them that, you know, they may be called
21 upon to answer questions during this session, as well as
22 at the 6:00 p.m. session.

23 Mr. Willing, why don't you introduce
24 yourself for the record please and state your appearance.

1 MR. WILLING: Sure. My name is Chuck
2 Willing. I am with Rath, Young & Pignatelli. And, we are
3 special counsel to the District with regard to this
4 project.

5 MR. IACOPINO: Did you hear the question
6 posed by Director Scott?

7 MR. WILLING: Have there been any other
8 significant developments since our last submittal? Yes,
9 there have been. The development of the projects has
10 continued or the planning for the project. The most
11 significant thing that has happened is that we selected a
12 contractor to construct the project, that is R.H. White,
13 whom I think representatives of R.H. White are here today.
14 And, we've been engaged in, you know, some discussions
15 about how the project might actually proceed. We are not
16 in the design phase of the project yet. So, we do not
17 have design-level details about the project. But we have
18 advanced to some extent in our planning, and can answer
19 any specific questions that you might have.

20 MR. IACOPINO: May I ask one further
21 question?

22 CHAIRMAN BURACK: Yes.

23 MR. IACOPINO: Mr. Willing, at the
24 beginning of the hearing, we heard the Chairman read the

1 major components of the project. Is it fair to say that
2 those are still the major components or has there been any
3 major modifications to any of those components?

4 MR. WILLING: No. The major components
5 remain the same as they were set forth in our Application.
6 I think, in our information submittal, we disclosed that,
7 as we have proceeded in our planning, some of the lengths
8 of pipe had been adjusted. We moved the site of the M&R
9 Station slightly. But the major components remain as they
10 were described in our Application and information
11 submitted.

12 MR. IACOPINO: Mr. Scott, did you have
13 any other questions about any changes?

14 DIR. SCOTT: Yes, if you don't mind.
15 Again, just to verify, so, in the original application, it
16 stated the only property to be used will be from the
17 District, Great Lakes Hydro or Fraser. Is that still
18 correct?

19 MR. WILLING: That's still correct.
20 There are other easements that we needed to cross,
21 Portland Natural Gas, PSNH. But those are the fee
22 interests that we have to deal with on this project.

23 MR. IACOPINO: Thank you.

24 CHAIRMAN BURACK: Director -- or,

1 Commissioner Ignatius.

2 CMSR. IGNATIUS: Thank you.

3 Mr. Willing, since the supplemental packet was submitted,
4 there's been also changes with the prospective owner of
5 the Fraser Mill.

6 MR. WILLING: Uh-huh.

7 CMSR. IGNATIUS: And, could you update
8 us on that and any indication the new owner has given you
9 of supporting this project?

10 MR. WILLING: Yes. At the time we made
11 our Application, the prospective purchaser of the mill was
12 Merchant Bank and related companies. They withdrew their
13 offer to purchase the mill in late September. The Fraser
14 bankruptcy has stayed, opened up the RFP process again and
15 ended up with a new purchaser called "M&M Consulting".
16 And, they have been -- they have entered into an agreement
17 with Fraser to proceed forward with final negotiations to
18 purchase the mill property.

19 They have indicated to us, first of all,
20 they are very supportive of what we're doing, and, in
21 fact, are depending on our project moving forward to
22 supply -- to give a new fuel supply to the mill. They
23 have also indicated to us very recently, in a very
24 preliminary way, that they might be interested in

1 installing electric generation at the facility, fired or
2 fueled in some way by either the landfill gas, natural
3 gas, or the steam that is generated from that, from the
4 boilers down at the mill. But we have not engaged in
5 direct negotiations or any detailed discussions with M&M
6 at this point.

7 CMSR. IGNATIUS: A follow-up? Do you
8 have anything in writing from the new owner expressing
9 interest in this project or has it just been conversations
10 thus far?

11 MR. WILLING: It's just been in
12 conversations. I don't think we have any correspondence
13 that we can share with you.

14 CMSR. IGNATIUS: And, one other
15 question. In your Application, the dates by which you
16 have stated you needed approval and needed to begin
17 construction have moved.

18 MR. WILLING: Uh-huh.

19 CMSR. IGNATIUS: Early correspondence
20 talked about September.

21 MR. WILLING: Yes.

22 CMSR. IGNATIUS: Then, there was, if it
23 were November, it would be -- certain things would fall,
24 and, if it were in December, certain other things. What's

1 your current projected construction dates and any
2 restrictions or deadlines that this Committee should know
3 about?

4 MR. WILLING: Sure. First of all, I
5 apologize for the changing nature of the schedule. And, I
6 know that's imposed some burden on Counsel for the
7 Committee, as well as others. I mean, it's been a bit of
8 a moving target for us. During the summer, we were
9 thinking that we would -- it was discussed that we would
10 begin construction, if we could, if we got all our
11 permits, as early as this fall. And, by the time we
12 applied to the Site Evaluation Committee it was discussed
13 that and intimated to us by the then purchaser of the mill
14 that they needed to have us in construction before winter,
15 completing construction at the end of winter.

16 The current state of the schedule is
17 that we would not plan to be out in the field in
18 construction until next spring. We would do as much work
19 as we could during the winter, in terms of designing and
20 ordering equipment, but would not actually expect to begin
21 field construction until as soon as the weather allowed us
22 to next spring.

23 So, that relieves some of the pressure
24 on our permitting process at this point. Although, we

1 would be hopeful of obtaining all of the permits that we
2 could earlier in the winter, rather than later, so that we
3 could confidently proceed forward with the design and
4 planning thereafter.

5 CMSR. IGNATIUS: And, just one last
6 piece of that. Is there any -- I take it there's no
7 financing component that's reliant on a particular date,
8 sort of drop-dead date that, if it isn't by, you know,
9 December 15th, you lose the ability to get certain pieces
10 of the financing?

11 MR. WILLING: Yes. I'm not aware of
12 that. I think all of the financing is flexible as it is
13 or flexible enough for what we're thinking of at this
14 point.

15 CMSR. IGNATIUS: Thank you.

16 CHAIRMAN BURACK: Director Scott.

17 DIR. SCOTT: One more question for the
18 Applicant. On your Application, you stated that "The
19 local community is broadly supportive of the project." I
20 was just curious, are you aware of anybody who is opposed
21 to the project?

22 MR. WILLING: We're not aware of anyone
23 who is opposed to the project.

24 DIR. SCOTT: Thank you.

1 CHAIRMAN BURACK: Other questions or
2 comments or discussion? Commissioner Below.

3 CMSR. BELOW: Well, just to be clear.
4 Thank you, Mr. Chairman. The statute used to refer to the
5 filing of an Application as a "precondition" for us making
6 an exemption determination. Now, it also provides an
7 alternative, which is -- which is now provides for "filing
8 of a request for exemption with sufficient information to
9 enable the committee to determine whether the proposal
10 meets the requirements set forth below."

11 And, so, we are acting on the basis, not
12 that there has been an Application that's complete
13 pursuant to the statute and the rules, but rather that
14 there's a request. And, after the public informational or
15 the public hearing this evening, at that point we could
16 make a determination that there -- whether there's
17 sufficient information to allow to grant the request for
18 exemption. Is that correct?

19 CHAIRMAN BURACK: That is correct.

20 CMSR. BELOW: Okay. And, so, maybe it
21 would be helpful if either the Applicant or
22 representatives of other agencies could just outline what
23 other reviews the proposal would be subject to, at DES,
24 for instance. Because part of our determination is

1 whether other agency reviews will be sufficient to meet
2 the objectives of the statute.

3 CHAIRMAN BURACK: Director Stewart.

4 DIR. STEWART: Well, there's two reviews
5 by Water Division that are required, I believe, for this
6 project. And, I actually have a question for the
7 Applicant. The two are the Wetlands Permit and Alteration
8 of Terrain, which is actually an exemption, because it's a
9 linear project, or I misspoke, it's a permit by rule, but
10 there was a request for exemption, which was approved.
11 And, the exemption was for -- to allow some areas to be
12 uncovered for more than a day at a time, provided that
13 erosion control -- proper erosion control measures were in
14 place. And, that assurance was given and that exemption
15 was provided by Gloria Andrews from our Terrain Alteration
16 Bureau.

17 On the Wetlands Permit, I can't find
18 where it was exactly in the package, but it was indicated
19 that the Wetlands Permit that would be required would be a
20 minimum impact permit, I believe.

21 MR. WILLING: Uh-huh.

22 DIR. STEWART: And, that the application
23 was waiting for the delineation of wetlands. So, I'm
24 wondering what the status is of the delineation and the

1 Wetlands Permit application is?

2 MR. WILLING: Yes. It's been quite a
3 while, I think, since we talked to the Department about
4 the Wetlands Permits. So, I apologize for the delay in
5 getting that to you. We have delineated the wetlands out
6 in the field and performed the field work, but have not
7 put the information together in the final application that
8 we would submit to you all, at least as far as I
9 understand. Do you know any different?

10 MR. SCHMIDT: I'm Paul Schmidt, with CMA
11 Engineering, representing the District. On the Wetlands
12 application, we have delineated the wetlands, and the
13 couple of anticipated small areas of wetlands impacts are
14 near the Tap Station and the M&R Station. And, we've
15 delineated the wetlands. And, again, the project at this
16 stage is we have a preliminary pipeline route, and we
17 don't have an exact final pipeline route. So, we'd like
18 to, and that will be done in the final design, to actually
19 minimize -- make sure that we minimize the wetlands
20 impacts that we do have. And, we do very much, clearly
21 based on the information we have to date, anticipate that
22 will be -- it will fall under the criteria of a minimum
23 expedited, under 3,000 square feet of impacts.

24 DIR. STEWART: Are all the impacts

1 temporary? In other words, due to the pipeline?

2 MR. SCHMIDT: Yes. All of the
3 anticipated would be temporary to the pipeline, and we
4 don't anticipate that any would be permanent.

5 DIR. STEWART: Thank you.

6 MR. SCHMIDT: Yes.

7 CHAIRMAN BURACK: Director Stewart,
8 could you describe for all of us what the Department's
9 process would be for reviewing and approving an
10 application of the pipe that's been described here?

11 DIR. STEWART: Yes. Basically, what,
12 for the Wetlands Permit, the wetlands need to be
13 delineated, as they have been at this juncture, as just
14 reported. An Application would be filed with the Wetlands
15 Bureau. Minimum impact, I don't remember the area, but
16 it's a relatively minor area that would be affected. So,
17 an application is filed; it would be reviewed. And, then,
18 just like here, there may be a request for more
19 information. Or, if the information is suitable, then a
20 decision would be rendered to permit or deny. And, for
21 this type of project, it would be more likely a permit
22 than a denial.

23 In the context of this proceeding, this
24 is certainly not a complex project for the Wetlands Bureau

1 to review and approve, you know, independent from -- it's
2 a routine project, in terms of what the Wetlands Bureau
3 would see.

4 CHAIRMAN BURACK: And, what would be the
5 anticipated time frame, if this Application were to be
6 submitted sometime before the end of the year, how long do
7 you think it would take for the Department to process an
8 application of that type?

9 DIR. STEWART: It would be 30 to 60
10 days.

11 CHAIRMAN BURACK: Okay. Thank you. Was
12 there something else you wish to add beyond what you were
13 --

14 DIR. STEWART: No. The Alteration of
15 Terrain, I think it went through the process with the
16 Alteration Terrain Bureau that it would need to go
17 through. And, those were really the two --

18 MR. IACOPINO: So, you --

19 DIR. STEWART: -- areas of concern.

20 MR. IACOPINO: I'm sorry. You would not
21 foresee, from Water Division, any further process on the
22 Alteration of Terrain Permit? It's pretty much -- they
23 have been granted the exemption, and that's pretty much
24 done already.

1 DIR. STEWART: There would be no further
2 requirement, in terms of the permitting process.

3 CHAIRMAN BURACK: If I may just ask,
4 Attorney Willing, one question of you. Was there a
5 determination made that the Comprehensive Shoreland
6 Protection Act does not apply to this project?

7 MR. WILLING: I believe so. And, I
8 will -- either it did not apply or one of the other
9 permits covered it, essentially. I can't remember which.

10 CHAIRMAN BURACK: Thank you. Does
11 anybody have any additional information on that?

12 MR. SCHMIDT: My -- And, I wasn't
13 directly involved in those discussions, that was actually
14 before CMA Engineers were retained by the District on this
15 project. But my understanding was that it was -- that
16 also it was that basically that, to the extent the
17 wetlands may be within the shoreland protection, that the
18 Wetlands Permit would also cover the impacts, in the
19 wetlands, would cover the Shoreland Protection Permit
20 coverage.

21 CHAIRMAN BURACK: Director Stewart.

22 DIR. STEWART: I think it would be
23 reviewed as part of the Wetlands Permit application
24 review.

1 MR. SCHMIDT: Right.

2 DIR. STEWART: Utility projects are not
3 a big deal under the Shoreland Protection Act.

4 CHAIRMAN BURACK: Thank you. Okay.
5 Director Scott, do you want to just talk about air
6 permitting as it would apply to this facility?

7 DIR. SCOTT: Certainly. My
8 understanding is, to date, most of the air permitting
9 activity has revolved around the potential for the
10 repowering with the natural gas pipeline at the paper mill
11 itself. As far as the project itself goes, there would be
12 a potential, depending on the size it ends up being, for
13 the compressor station or the LFG processing facility,
14 depending on the size and the emissions, there may be a
15 potential for an air permit.

16 Typically, given the public processes
17 built in and required by statute, an air permit typically
18 is a six-month process, because of the built-in time
19 frames as required. So, our biggest -- our biggest
20 concern, not "concern", but, again, if, as the Applicant
21 mentioned, there's potential for some interest in a cogen
22 facility, that type of thing, the Air Division would need
23 an application that outlines all that, obviously, before
24 we could act on it.

1 CHAIRMAN BURACK: Thank you.

2 CMSR. BELOW: Would it be fair to say
3 that, generally speaking, displacement of burning fuel oil
4 with natural gas or natural gas/landfill gas blend would
5 probably -- would tend to lessen the environmental impact,
6 in terms of emissions, for a given amount of Btu output?

7 DIR. SCOTT: That's correct. On two
8 levels. As we saw at the visit, there's the flare of the
9 methane gas right now. This would, obviously, be a
10 beneficial use for that, rather than just being absorbed
11 in the environment. So, that's definitely a benefit that
12 we're supportive of. And, you're right. Right now they
13 burn Number 6 fuel oil. And, in fact, I don't know if you
14 -- you could smell it, when we got out of the car, you
15 could smell the sulfur. That would be a significant
16 environmental benefit going to natural gas.

17 CHAIRMAN BURACK: Do you have anything
18 further on air permitting that the Committee should be
19 aware of?

20 MR. WILLING: No. I wanted to go back
21 to water, actually, for a minute, if I could. In case
22 Commissioner Stewart was not aware, we had submitted and
23 obtained an Alteration of Terrain Permit, based on an
24 earlier iteration of where the M&R Station would be

1 located. It was moved slightly off that. So, I would
2 expect we will be filing an amendment or something
3 supplemental on the Alteration of Terrain in the coming
4 weeks. Since we haven't submitted the Wetlands Permit
5 yet, that will contain correct information right from the
6 beginning.

7 DIR. STEWART: Thank you.

8 CHAIRMAN BURACK: Okay. Thank you.

9 Going forward from here, we could do this a couple
10 different ways. I think there are several other topics we
11 probably should talk about, including historic resources.
12 Do you want to address that first and then ask the
13 Applicant to speak to it or whatever way you prefer to do
14 it?

15 DIR. MUZZEY: Well, I can provide an
16 update.

17 CHAIRMAN BURACK: Okay. Director
18 Muzzey, if you would then, please review for us historic
19 resource issues here.

20 DIR. MUZZEY: Our office received and
21 reviewed materials in a request for project review from
22 the Applicant. And, our office is charged with reviewing
23 the project impacts on both historical and archeological
24 resources. And, we completed our review on July 22nd,

1 2010, with a finding of no historic properties affected.
2 Which means that, if there are historic properties
3 adjacent or in the project areas, the project, as proposed
4 at that time, would not have an effect on them.

5 As with any applicants, through our
6 office, we do request that, if plans change from the time
7 of their application, that they would come back to us with
8 those updated plans so that we can review any changes.

9 CHAIRMAN BURACK: Okay. Thank you.
10 Attorney Willing, do you have anything further on that
11 issue?

12 MR. WILLING: No.

13 CHAIRMAN BURACK: No further updates on
14 that. Do you have any issues?

15 DIR. SIMPKINS: Just kind of what
16 Director Stewart was mentioning. One of the precursors to
17 getting a Wetlands Permit is a review by our Natural
18 Heritage Bureau. And, we did complete a review back in
19 August. There was a record, a historical record found of
20 some type of rare wildlife or plant or natural community,
21 but it was, looking at the information, it was not
22 expected that this project would impact it in any way.

23 CHAIRMAN BURACK: Thank you. Okay.

24 DIR. MORIN: No permitting --

1 CHAIRMAN BURACK: You have no particular
2 issue?

3 DIR. MORIN: -- or review. I have other
4 questions.

5 CHAIRMAN BURACK: Okay. Because I think
6 another important issue here that falls within the Public
7 Utilities Commission's jurisdiction relates to pipeline
8 safety issues?

9 DIR. KNEPPER: Yes.

10 CHAIRMAN BURACK: Mr. Knepper, do you
11 want to discuss those or should we have the Applicant
12 speak to those first? What's your preference?

13 DIR. KNEPPER: Well, I can kind of
14 describe what the couple permits that they have to go
15 through. I guess we don't call them "permits". The
16 bridge crossing requires a license, and they have applied
17 for that, a petition at the Public Utilities Commission --

18 (Court reporter interruption.)

19 DIR. KNEPPER: The bridge crossing
20 itself, the crossing of public waters requires a license
21 to be issued by the Public Utilities Commission. A
22 petition has been submitted, and that is in process. But
23 a lot of the questions that were asked, we're still
24 waiting for some information back before we can look at

1 that. That's one proceeding.

2 Another one was the Applicant asked for
3 a determination, an unofficial determination, of whether
4 they were a public utility, considered a "public utility"
5 or not. They did not ask for a formal Commission ruling
6 on that. And, they were given that, based on the limited
7 information that was known at the time, the Commission did
8 not feel that they fell under the definition of a "public
9 utility".

10 For those people that don't know, the
11 Safety Division within the Public Utilities Commission
12 still regulates safety, whether or not they fall under the
13 "public utility" definition or not, because they're going
14 to be transporting of flammable gas. And, so, they would
15 still fall under the purview of the Safety Division,
16 regardless of that "public utility" designation.

17 So, in regards to that, there is no
18 "application" process that has to occur within the Public
19 Utilities Commission. But, typically, a session -- a
20 meeting session would take place between the Staff and the
21 Applicant, and that has not taken place yet.

22 CHAIRMAN BURACK: Typically, in this
23 process, when would that occur? Would that occur before
24 there's a final design? While a final design is being

1 developed? After a final design is completed?

2 DIR. KNEPPER: It's typically, we want
3 to know some of the design. It doesn't have to be a
4 completely finalized design, but right -- we need it at a
5 sufficient stage to be able to have some discussion. And,
6 typically, applicants will come in and incorporate some of
7 our comments into their final design.

8 CHAIRMAN BURACK: Do you then approve a
9 final design or is there no such approval necessary?

10 DIR. KNEPPER: There is no official
11 approval of a design that occurs. But what we do is
12 inspections and monitoring of that and see how it complies
13 with existing codes, both state and federal.

14 CHAIRMAN BURACK: Thank you. And,
15 Mr. Knepper, to what extent are the rules or processes of
16 the Federal Energy Regulatory Commission, or FERC,
17 applicable to a project of this kind?

18 DIR. KNEPPER: Well, assuming, and I'm
19 not -- at this point in time, we're not exactly sure of
20 what this measuring and regulator station that is being
21 proposed. Right now, it's being proposed that the
22 District is going to own it. That's kind of different
23 than most of the measuring and regulator stations off of
24 the Portland Natural Gas Transmission System, where those

1 are owned by the PNGTS themselves, and they typically
2 operate them and maintain them. It looks like, the way
3 this was proposed, is that the District would own that, I
4 guess design that, and then hire PNGTS to do some of the
5 operations and maintenance of that. So, we would have
6 questions on that. We would look at qualifications. We
7 would look at the design. What types of pressures and
8 components are they going to use, redundancy, things like
9 that. So that I don't believe they're at that stage yet.

10 CHAIRMAN BURACK: Attorney Willing, do
11 you have any information to share with us to address the
12 issues that have been discussed by Mr. Knepper?

13 MR. WILLING: Only to -- I think it
14 confirms what Mr. Knepper was saying. We are going to be
15 working closely with PNGTS, especially in operation, but
16 also during the design and construction phase. And, at
17 that point, we will learn more about how that structure is
18 going to be set up. And, I'm sure Mr. Knepper will be
19 part of those discussions as well.

20 DIR. KNEPPER: The only question I have
21 for it is, on the initial questions that were asked, I
22 believe it was Question -- Request Number 17 and 18, it
23 asked what safety plans had been developed, and have you
24 developed after the selection of the contractor, and

1 maintenance plans would be developed. I guess my question
2 is, has there been any progress on that at this point or
3 not?

4 MR. WILLING: No. The safety plans will
5 be developed with our contractor, who has just been
6 selected, but with whom we have not contracted yet. Those
7 will be developed with an eye toward all applicable legal
8 standards that would apply. And, we've not begun that
9 review. And, in terms of maintenance, I would expect that
10 we will make those arrangements with Portland, PNGTS, once
11 we engage with them. And, they essentially wanted us to
12 not talk to them until we were ready to go on this project
13 full-tilt. And, so, we have not gone into any substantive
14 discussions with them about any aspect.

15 DIR. KNEPPER: Are you aware if they
16 have filed with FERC for anything?

17 MR. WILLING: I don't believe they have
18 filed with FERC. They have told us that they are ready to
19 file with FERC at the appropriate time, and that it should
20 not take a long period of time to get the necessary
21 approvals from FERC.

22 CHAIRMAN BURACK: And, Attorney Willing,
23 can you just explain to us your understanding of
24 specifically what approvals would be required from FERC?

1 MR. WILLING: Yes. I don't know
2 specifically. They have to do with the tap off of the
3 line, though. And, Portland Natural Gas indicated to us
4 they know exactly what they need to do and are prepared to
5 do it.

6 CHAIRMAN BURACK: Thank you.
7 Mr. Knepper, is there any, with respect to the M&R
8 Station, is there any formal approval that's necessary
9 from the Public Utilities Commission, from your section of
10 the Public Utilities Commission?

11 DIR. KNEPPER: Well, it's a little
12 unclear to me, if the M&R Station, it sounds like it's
13 going to be owned by the District, but may not be designed
14 by the District or operated by the District. It's -- to
15 me, it sounds like almost it would be built to PNGTS
16 typical standards, which we have one in the City of
17 Berlin, there's one that exists right now. But I have no
18 idea if it will be similar in size and shape and system.
19 But we have no -- there is no formal paper petitioning
20 approval process.

21 CHAIRMAN BURACK: Okay. Thank you.
22 And, Attorney Willing, you said you didn't think it would
23 take FERC long to make the determination they have to
24 make. Do you have any sense as to what that time frame

1 would be?

2 MR. WILLING: They told us in the range
3 of less than -- 90 days or less from the, which, based on
4 what we understand our schedule to be, we believe can
5 happen during the winter, right before we need to be in
6 the field next spring.

7 CHAIRMAN BURACK: Thank you. Okay.

8 CMSR. IGNATIUS: Chairman Burack, just
9 one follow-up question, if I may. You said that --
10 Attorney Willing, you said that PNGTS didn't want to get
11 into specifics with you yet. But do you have a clear
12 representation from them that they're supportive of this
13 project, and tapping off a portion of the gas to be
14 blended?

15 MR. WILLING: Yes, we do have
16 conversation -- or, communications, correspondence with
17 PNGTS that we can share with the Committee, if you would
18 like to see it. But they are well aware of what we are
19 doing and they are supportive of it.

20 CMSR. IGNATIUS: You don't have an
21 agreement with them, anything in writing?

22 MR. WILLING: We don't have an agreement
23 with them, no. One of the issues is exactly what it would
24 cost and, you know, exact division of responsibilities.

1 We haven't gotten down to that level of detail yet. But
2 they're aware broadly of what we're doing and are
3 supportive of it.

4 MR. IACOPINO: Mr. Knepper, does the
5 ownership of the M&R Station in any way effect your
6 division's ability to inspect and enforce the safety codes
7 for the M&R Station?

8 DIR. KNEPPER: It depends, if it's going
9 to fall under interstate or intrastate jurisdiction. So,
10 yes, I think that would make a difference. The Public
11 Utilities Commission inspects the intrastate portion, and
12 the interstate is inspected and monitored, I guess, by
13 PHMSA of Washington. That's the Pipeline and Hazardous
14 Materials Safety Administration. So, it does, and that's
15 right where those two interface. So, where that interface
16 is and where the jurisdiction point is, it does make a
17 difference.

18 MR. IACOPINO: But there would be an
19 agency there to enforce the codes in either -- under
20 either ownership situation?

21 DIR. KNEPPER: Yes, except one's local
22 and one may not even be present while it's being built or
23 constructed, as they have responsibilities that cover the
24 whole country. So, whether there's all kinds of

1 activities going on, whether or not this would be done at
2 a time when they were there.

3 CHAIRMAN BURACK: So, would it be
4 correct to state that the determination of whether the
5 pipeline or portions of the pipeline are considered
6 "intrastate" or "interstate" would, first of all, would
7 determine whether the PUC or FERC would have authority
8 over?

9 DIR. KNEPPER: Yes. For instance, the
10 small section of pipeline, I think it's now, and maybe you
11 can correct me if I'm wrong, it's now 670 feet, I think
12 they represented as being a 2-inch tap off of that. That
13 would be considered interstate. Up to the point where
14 they transfer ownership to somebody else. Then, that
15 pipeline that's going from that metering station to the
16 paper mill would be considered intrastate and fall under
17 the state regulations. That pipeline coming from the
18 landfill to the metering station, that would probably fall
19 under intrastate, because --

20 CHAIRMAN BURACK: Intrastate?

21 DIR. KNEPPER: Intrastate. That would
22 fall under the Public Utilities Commission. So, we kind
23 of have a mixture of both. One possible thing is, if we
24 -- you know, one possible thing that might happen is we

1 may request from PHMSA to get some temporary inspection
2 authority, and we may do that, since it's such a small
3 section of pipeline. And, they may grant that. That has
4 happened before at the Public Utilities Commission.

5 CHAIRMAN BURACK: So that, even if a
6 portion were interstate, --

7 DIR. KNEPPER: They can give limited
8 jurisdiction on a "temporary" basis, but not over the
9 long-term operations of it.

10 CHAIRMAN BURACK: So, is it your
11 expectation then, if the M&R Station is opened by or were
12 to be opened by the District, the Applicant in this case,
13 that the M&R Station would be considered to be an
14 intrastate facility?

15 DIR. KNEPPER: Well, the question
16 becomes, whether you're talking about the land or the
17 building or the components within it. And, so, at
18 someplace there's going to be a jurisdictional point.
19 And, at this point, they have not defined that yet.

20 CHAIRMAN BURACK: Okay. Thank you.
21 Director Scott.

22 DIR. SCOTT: Just to follow up with
23 Mr. Knepper. So, I think I understood your concern. If
24 it's federal, it may or may not be looked at. But,

1 correct me if I'm wrong, if it's under federal
2 jurisdiction, the project would still be subject to meet
3 those criteria, correct?

4 DIR. KNEPPER: Yes.

5 CHAIRMAN BURACK: And, if there were to
6 be a request made to PHMSA, as you described it, would
7 that come from the PUC?

8 DIR. KNEPPER: That would come from the
9 PUC.

10 CHAIRMAN BURACK: Thank you. And, --

11 DIR. KNEPPER: I may take that, I may do
12 that, make that request. I have not at this point in
13 time.

14 CHAIRMAN BURACK: Thank you. But you
15 have made such requests and they have been granted in
16 other pipeline projects here in New Hampshire?

17 DIR. KNEPPER: That's correct. That was
18 done at the compressor station that the SEC approved for
19 Pelham on the Tennessee Gas Pipeline. The Public
20 Utilities requested and did the inspections for that
21 facility.

22 CHAIRMAN BURACK: Thank you. Attorney
23 Willing, changing subjects here a little bit. In the
24 submittal that you made, the Request for Exemption, and I

1 believe that there may have been one question in the more
2 detailed information that you provided, in response to the
3 request for additional information, there was discussion
4 of the local approvals that have been sought and/or
5 obtained.

6 MR. WILLING: Uh-huh.

7 CHAIRMAN BURACK: Could you summarize
8 those for us first, and then tell us if there are any
9 other local approvals that are still pending?

10 MR. WILLING: Yes. We have three local
11 jurisdictions that we're dealing with. The unincorporated
12 area of Success, which is where the landfill is; the City
13 of Berlin; and the Town of Gorham. The project is
14 entirely contained within those three local jurisdictions.
15 We've, I believe, and I'll say what I think, and Paul can
16 correct me if I'm wrong on anything, we've obtained all
17 the permits that we need from Success. We don't need
18 anything more, including the building permit. From the
19 City of Berlin, I think we have obtained everything but
20 the building permit. And, I believe that is also the case
21 with the Town of Gorham at this point. We have a site
22 plan review completed, right?

23 MR. SCHMIDT: Yes.

24 MR. WILLING: Okay.

1 CHAIRMAN BURACK: I'm sorry, could you
2 explain that?

3 MR. WILLING: We went through site or --
4 went through site plan review with Gorham, we've gotten
5 that. So, I believe the only thing we need from the Town
6 of Gorham is the building permit. And, the same thing is
7 true with the City of Berlin. We need nothing from
8 Success.

9 MR. SCHMIDT: And, the --

10 MR. WILLING: Go ahead.

11 MR. SCHMIDT: And, the site plan review
12 from Berlin was a conditional permit, subject to final
13 review of some of the details.

14 MR. WILLING: Okay.

15 MR. SCHMIDT: So, they did go through
16 the process, and there's some additional steps there.
17 But, I think, otherwise, that summarizes it.

18 MR. WILLING: Actually, let me add an
19 addendum, too. I'm not sure it's entirely clear that we
20 need a building permit from Gorham, actually. So, that's
21 an open question that we've got at this point.

22 MR. SCHMIDT: And, if it was, that would
23 likely be the mill.

24 MR. WILLING: Yes.

1 MR. SCHMIDT: The mill would have to get
2 a building permit. The question is, whether they need a
3 mod -- a building permit for the modifications within the
4 building, which would actually fall to the mill, not the
5 District. So, --

6 DIR. MORIN: Just as a follow-up. And,
7 just in your response to the additional information asked
8 for, you've indicated that the conditional site plan
9 review -- it was a conditional site plan review for both
10 cities?

11 MR. SCHMIDT: Yes. Yes.

12 DIR. MORIN: So, I just wanted to
13 clarify that that was true. You said it was for Berlin
14 for some details, and also for Gorham for the exact
15 location, I think, --

16 MR. SCHMIDT: Yes.

17 DIR. MORIN: -- of the gas line. So, I
18 just wanted to put that on the record.

19 MR. SCHMIDT: Yes, both of those. Yes,
20 both of those were conditional. And, the other thing is
21 that, particularly the building permit in Coos County, for
22 the work at the landfill, that was put in based on an
23 anticipated facility. And, there's a chance it's going to
24 change in a very small degree, and then we have to go back

1 and identify to them the -- it would be small changes,
2 anticipated to be small changes. So, there's a
3 possibility that we have to go back to them, and they may
4 or may not have to do a separate approval of those minor
5 changes. So, --

6 CHAIRMAN BURACK: Thank you.

7 MR. IACOPINO: Other than site plan
8 review and building permits, were there any other local
9 permits or licenses that you needed to obtain, have
10 already obtained, or are in the process?

11 MR. WILLING: No, I think that what I've
12 said captures it.

13 CHAIRMAN BURACK: Just to follow up on
14 that. Are there any other approvals that you, or reviews
15 of any kind of the project, that you have identified as
16 being necessary or applicable here that we have not
17 already discussed in this session that began at 4:00
18 today?

19 MR. WILLING: Paul, can you think of
20 any?

21 MR. SCHMIDT: Checking my list.

22 MR. WILLING: Okay.

23 MR. SCHMIDT: Oh, we do -- yes. We do
24 anticipate that there will be -- that there will be

1 necessary a permit modification to the permit for the
2 landfill. Because the landfill gas system will be
3 considered part of the landfill gas system, so there is a
4 permit modification that will be necessary for that. And,
5 that's something that we need the final details of exactly
6 what we're going to build there before we can file that
7 application. And, we wouldn't anticipate that that would
8 be a problematic issue.

9 CHAIRMAN BURACK: So, that would be a
10 permit modification under the State's solid waste rules
11 that applies to landfills?

12 MR. SCHMIDT: Yes. To the existing
13 landfill permit, yes.

14 CHAIRMAN BURACK: But you've not
15 identified what specific type of amendment that would
16 require?

17 MR. SCHMIDT: We believe it will be a
18 Type II, but that hasn't been confirmed. And, the
19 District did have some initial discussions with the
20 Department, and they kind of recognized that that was
21 necessary, and I think it was a Type II permit. We
22 anticipate it will be a Type II permit modification.

23 CHAIRMAN BURACK: And, in your
24 discussions with the staff at the Department of

1 Environmental Services, did they provide you with any
2 indication as to what, once an application was submitted,
3 what the time frame would be for consideration of that
4 application?

5 MR. SCHMIDT: I personally didn't sit in
6 on those meetings --

7 (Court reporter interruption.)

8 MR. WILLING: I personally wasn't at
9 those meetings, so I don't know, can't specifically answer
10 that question.

11 CHAIRMAN BURACK: Attorney Willing, is
12 there anyone here in the room representing the District
13 who has participated in those meetings with DES who would
14 be in a position to answer that question?

15 MR. WILLING: I don't think so. I think
16 there was -- would have been either Sharon or Tammy,
17 right?

18 MR. SCHMIDT: Yes.

19 MR. WILLING: Yes. No. No one else in
20 the room.

21 CHAIRMAN BURACK: Thank you.
22 Commissioner Ignatius.

23 CMSR. IGNATIUS: Thank you. A question
24 about municipal review.

1 MR. WILLING: Uh-huh.

2 CMSR. IGNATIUS: Did all three locations
3 conduct public hearings as part of their review? I
4 understand Success works through, if I'm right, the Coos
5 County Commissioners -- Commission, whatever it's called.
6 But has there been -- have there been public hearings in
7 all three locations on this project?

8 MR. WILLING: I know there was in
9 Gorham. I believe there would have been in the other two,
10 but I don't know for certain.

11 CMSR. IGNATIUS: Is that something that
12 you could find out before this evening's public hearing?

13 MR. WILLING: Sure.

14 CMSR. IGNATIUS: Thank you.

15 CHAIRMAN BURACK: Director Scott.

16 DIR. SCOTT: Again, for the Applicant.
17 As we look for -- potentially for an exemption from SEC,
18 when SEC does take jurisdiction, the issue of noise often
19 comes up, and that just typically is often something
20 that's not regulated otherwise. And, I'm trying, for this
21 project, I'm trying to think of anything that would be a
22 noise issue. And, I'm wondering if either the LFG
23 processing facility or the M&R Station, to your
24 understanding, would have any noise issues of the

1 compressor or anything?

2 MR. WILLING: Turn that over to Paul.

3 MR. SCHMIDT: We wouldn't anticipate
4 anything that would be of a major concern. The landfill
5 is -- the District owns over 4,000 acres surrounding the
6 landfill. And, the nearest neighbor is a long distance
7 away. And, we wouldn't anticipate that these changes
8 would be much significantly different than the noises that
9 are happening there.

10 And, the M&R Station is also quite a
11 distance from any nearby neighbor. And, we wouldn't
12 anticipate that that would be a significant noise issue
13 with the rest of the site.

14 DIR. SCOTT: You anticipated the next
15 question I had I wanted to get on the record. There's no
16 residences near any of those?

17 MR. SCHMIDT: No. I don't know the
18 nearest residence, but there's nothing -- the nearest one,
19 the pipeline going down the hill actually has some
20 residences not too far from it. So, the construction
21 noises, they might hear that. But, permanent, no. On
22 this map, here's the M&R Station [indicating], and this is
23 the nearest resident.

24 DIR. SCOTT: Okay. Great. Thank you.

1 CHAIRMAN BURACK: Director Morin.

2 DIR. MORIN: I wanted to make a comment,
3 and I did have a question. I did just want to make note
4 for the record that, of the CDFA Block Grant that was
5 received for the project on the financing, I'm on the CDFA
6 Block Grant Advisory Committee. However, I did not attend
7 the meeting where this was presented and voted on. So, I
8 just wanted to put that down for the record.

9 Relative to your schedule and your
10 permitting, there's two potential changes that could
11 happen in the area. And, I'm wondering if you can
12 accommodate them. One, you've already mentioned, if the
13 owners are interested in a combined heat and power plant.
14 So, I wondered if you could comment to how that might
15 affect your time frame or design? Whether you would wait
16 to make that decision or you have enough time to
17 incorporate that, if that happened, or it would cause
18 that, and what changes you might have to do to your
19 permitting process?

20 And, another one is a proposed biomass
21 project, Clean Power Development project in the area.
22 There was concerns during the SEC hearings of that project
23 of -- that the road having enough carrying capacity for
24 large trucks with wood. And, so, if either of those two

1 things came to fruition or were proposed, how does that --
2 how could you incorporate them or how would it affect your
3 schedule and design?

4 MR. WILLING: Let me -- I'll take the
5 first shot, and you can supplement.

6 MR. SCHMIDT: Okay.

7 MR. WILLING: And, I can't speak to the
8 road, I'll let you do that. But, on the scheduling, the
9 idea about electric generation at the project has just
10 been broached with us informally in the last week or so.
11 So, we know none of the details and don't know any of the
12 alterations that we would need to make to our project in
13 order to accommodate that. We suspect that if we -- if
14 they went forward with that and we needed to make
15 accommodations, it would be in the nature of making the
16 pipeline bigger and sizing up the M&R Station a little
17 bit. And, I would expect that what we would do with the
18 mill purchaser would be to ask them to make a decision as
19 to what they would like us to do very early on, so it can
20 be incorporated in our design this winter, and that we
21 would still be ready to proceed forward with construction
22 at the earliest point possible in the spring. They may
23 not complete their permitting process during that period.
24 I don't know how long that would take, but --

1 DIR. MORIN: Would you have to change
2 many approval processes if that happened?

3 MR. WILLING: I don't think -- I think
4 it would only affect potentially our permits that are in
5 process already. So, we could accommodate those changes
6 in our current permitting processes, or at least I can't
7 think of anything that would be upsetting. I don't think
8 it would upset any of our local permits that we've already
9 obtained. Do you have any other thoughts on that?

10 MR. SCHMIDT: I think -- I think, on the
11 timing, one of the -- on the permitting question and with
12 the schedule there, probably the biggest one would be the
13 air permit at the mill. And, it would completely depend
14 on what they propose and what the scale of it was and how
15 it might -- and that's probably the longest lead time on
16 the permitting that would be -- that I could see that
17 would be impacted in that application that hasn't been
18 filed at this point now. But, in fact, if it got into a
19 significantly larger project, I don't know. But that's
20 what comes to mind. And, in that situation, they may have
21 to go back to the Gorham Planning Board again, depending
22 on what they were proposing at the mill, for the changes
23 in the mill. But I wouldn't anticipate any further
24 changes inside the building there. But that would be -- I

1 would anticipate at least having to go back to the Gorham
2 Planning Board in that scenario.

3 An overall schedule, again, at this
4 point, the discussions are -- we don't know if and what
5 they're proposing, so it's hard to say. But we would want
6 to resolve -- we would need to resolve what they're doing
7 before we proceeded. So, potentially, it could delay our
8 schedule some, but we would work towards handling that.

9 On your question on the biomass project,
10 we will -- you raise the point, we will take into account,
11 and that road is not a public road, it's over districts
12 and other property. But we will make sure that that
13 accommodates any future truck traffic. And, that's a
14 fairly simple thing to do and depth of area on the pipe.
15 And, I don't see any other significant impacts of the
16 biomass project on this project.

17 CHAIRMAN BURACK: Okay. Do any members
18 of the Committee have any further questions or comments at
19 this time on the issue of just the materials that have
20 been submitted? Understanding that we will shortly
21 adjourn here and resume with a public information hearing,
22 and then possibly deliberations. I think we start the
23 public information hearing at 6:00 p.m.

24 Is there anything further at this time?

1 Director Muzzey.

2 DIR. MUZZEY: I had a question regarding
3 the design/build process that's being used. And, given
4 that it's design/build, there are some details that the
5 Committee doesn't have yet, because they don't exist yet.
6 Can you explain why design/build was chosen as the method
7 for this project?

8 MR. SCHMIDT: The design/build process
9 was primarily chosen due to the schedule, and the schedule
10 has been a moving target. But, under the anticipation
11 that the mill does get bought, this project is, from what
12 I understand, and all the communications from the mill, is
13 that this project is critical in their cost structure for
14 now reopening, it was initially to maintain operations.
15 So, in the design -- so, the proposed schedule, the
16 fundamental answer is, the design/build process does allow
17 a compressed schedule. And, we've had this problem
18 getting start because the mill ownership process hasn't
19 happened, and that's what's delayed the project. But, as
20 soon as we have a mill ownership transition, and they are
21 looking to restart the mill, then they want to get it on
22 line as soon as possible.

23 CHAIRMAN BURACK: Anything further at
24 this time?

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(No verbal response)

CHAIRMAN BURACK: All right. Thank you very much, Mr. Schmidt, Attorney Willing. We will stand adjourned until approximately 6:00 p.m., when we will return to conduct a public information hearing. Thank you.

**(Whereupon the public meeting was
adjourned at 5:04 p.m.)**