

'SEP 08 2015

Friends of Penobscot Bay

POB 1871, Rockland ME 04841
www.penbay.net

Mr. Kevin Beal, Esq.
City Attorney
City of Rockland
Rockland, Maine 04841

September 4, 2015

Subject: Maine Freedom of Access Act request

Dear Mr. Beal

This letter is a request pursuant to 1 M.R.S.A. 408, the Maine Freedom of Access statute, to inspect at your office and to copy as necessary the following records: Meeting notes, records, letters, faxes, emails, attachments, phone notes, phone logs, photographs and other written and electronic records **written, received or recorded by you from any source, between July 28, 2015 and September 4, 2015, inclusive, that pertain to the proposed natural gas cogeneration power plant and pipeline proposals being considered in or connecting to Rockland.**

If you choose to deny permission to physically inspect or copy any of the requested records, please state the reason for the denial, including the appropriate legal citation(s). If you need additional information to locate any of the documents requested, please call me at 691-7485 or email me at coastwatch@gmail.com

Friends of Penobscot Bay looks forward to receiving your acknowledgement within five (5) working days of your receipt of this letter, as required by 1 M.R.S.A. 409 (1).

We prefer to inspect, review and copy these requested records at the city office. However digital copies are acceptable provided they are in searchable-text pdf format except where not possible (maps or photo images). Please contact me to set an appointment to review these records. Contact by phone at 691-7485 or by email: coastwatch@gmail.com

Sincerely

Ron Huber

Ron Huber, Executive Director
Friends of Penobscot Bay

cc Brenda L. Kielty, Assistant Attorney General, Public Access

Kevin Beal

From: Kathryn Fogg <iringa67@yahoo.com>
Sent: Saturday, August 29, 2015 8:43 PM
To: Larry Pritchett; Frank Isganitis; Louse MaclellanRuf; Valli Geiger; Will Clayton
Cc: James Chaousis; Stuart Sylvester; Kevin Beal; John Root
Subject: EMI and Rockland

Until our recent forum on the matter, I was neutral on the subject other than not liking it to be at the entrance to the City. Since the forum, I have turned against the project. The length of use of such a facility is too short to inflict such a scar on the City's landscape.

EMI has built 6 gas plants and then sold them. Who would tear this plant down when it is no longer useful? Who might buy this plant and for what purpose? What other plans might evolve with the construction of this plant? Maine has a surplus of energy and no way of getting out additional sources unless additional transmission lines are built. Are the few users in the Midcoast area the real customers? Is a \$40 million dollar pipeline to be built? Is there really a plan to sell natural gas overseas? I do not see that the City is considering hiring a consultant that can make sure that the City is not being led down a road where it lacks enough knowledge of all the implications.

At a time when renewable energy technology is increasing rapidly, why are we in such a rush to implement continued carbon dioxide and methane emissions. Why are we not instead considering what technology is developing to use ocean tides.

Hawaii is going in the direction of renewables and is testing tidal power. Other countries around the world are already using tidal power. There are concerns that would need to be looked at including the protection of marine life. Tidal power is considered more consistent than either solar or wind power. We should not be building a very large plant saying it will only be transient power. Once it is here we will have problems getting rid of it further down the road, whether it is abandoned or the owner goes into bankruptcy.

Rockland, the bride, need not accept the first suitor. It is not true that residents are anti-business but do not want something forced upon them that will be a detriment to the community in a period of only 25 years.

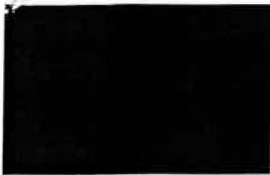
I have attached a couple of articles I have recently seen.

Kathryn Fogg Hill
84 Grace St
Rockland, Maine
596-0117

[Hawaii's Going 100 Percent Renewable, And It's Not Using Natural Gas As A 'Transition'](#)



Hawaii's Going 100 Percent Renewabl



e, And It's Not Usin...

The company aiming to buy Hawaii's utilities should probably pay attention to this.

[View on thinkprogress.org](#)

Preview by Yahoo

This 45-Ton Buoy Might Change The Way You Get Your Power



This 45-Ton Buoy Might Change The Way You Get Your ...

Hawaii is turning its greatest resource -- the ocean -- to power.

[View on thinkprogress.org](#)

Preview by Yahoo



City Of Rockland

Community Forum
**Combined Heat & Power, District Energy, And Natural Gas
Would This Benefit Rockland?**
6:30 PM Wednesday August 19th
Council Chambers At Rockland City Hall

District Energy, Combined Heat & Power (CHP): How does all of this work?

Katherine Everett: Mechanical Division Team Co-Leader SMRT

Opening Comments/Presentation (10 Minutes)

- (1) What is combined heat and power?
- (2) What are the key design aspects of a high efficiency, low emissions CHP facility?
- (3) What is District Energy?
- (4) Does the City's Industrial Park and the Tillson Waterfront Area have characteristics that suggest district energy is a concept to explore?
- (5) Universities and cities utilize CHP & District Energy to reduce greenhouse gases. What would determine whether a local facility adds to or reduces greenhouse gas emissions?

Questions & Discussion (20 Minutes)

Questions from moderator, other panelists and submitted from audience

Electricity, Natural Gas, & Long Term Contracts: What is in Maine residents' interest?

Tim Schneider: Office of the Public Advocate (OPA)

Opening Comments/Presentation (10 Minutes)

- (1) What is the current mix of energy sources used to generate electricity in Maine?
- (2) Does Maine need additional generation capacity?
- (3) What are the local grid constraints in the Rockland area?
Is additional local generation needed or beneficial here?
- (4) In both Maine and Rockland is it currently possible that by only using renewable energy sources consumers can still have access to power that is affordable?
- (5) How does OPA typically review (& historically the PUC) whether a contract for long term power meets the state's policy objectives and is fiscally in consumer's interest?
- (6) What role would the Public Utilities Commission (PUC) play in reviewing a natural gas distribution lateral (or extension) into Rockland from Windsor or Searsmont?

Questions & Discussion (20 Minutes)

Questions from moderator, other panelists and submitted from audience

Energy Costs, Natural Gas & Specialty Manufacturing: Can Rockland Stay Competitive?

Anthony Buxton: Chair of Preti Flaherty's Energy and Utilities Law Practice

Opening Comments/Presentation (10 Minutes)

- (1) Balance between energy efficiency and new sources in 2013 Energy Bill
- (2) What role does natural gas play in the determining the price of electricity?
- (3) Manufacturing is very important in Rockland. Can Rockland's industrial energy users be sustainable using renewable energy or is some mix of natural gas essential?
If natural gas is arguably essential short term, for how long would it be needed?
- (4) How would the availability of natural gas in the Rockland area potentially impact the area's economic sustainability: Net positive? Net negative? Not a significant factor?

Questions & Discussion (20 Minutes)

Questions from moderator, other panelists and submitted from audience

Air Emissions, Climate Change & Natural Gas: What is a Viable Transition?

Greg Cunningham: Conservation Law Foundation's Clean Energy and Climate Change Program

Opening Comments/Presentation (10 Minutes)

- (1) What air emissions are typically associated with a natural gas powered generation facility?
- (2) What type of review (on both the PUC/Energy side and the DEP/Air Emissions side) occurs at the state level?
- (3) How would CLF view this if the project was heavily replacing existing local sources (i.e., through the District Energy system or micro grid) vs being a new source?
- (4) What are the key points CLF looks at when considering a natural gas related project?

Questions & Discussion (20 Minutes)

Questions from moderator, other panelists and submitted from audience

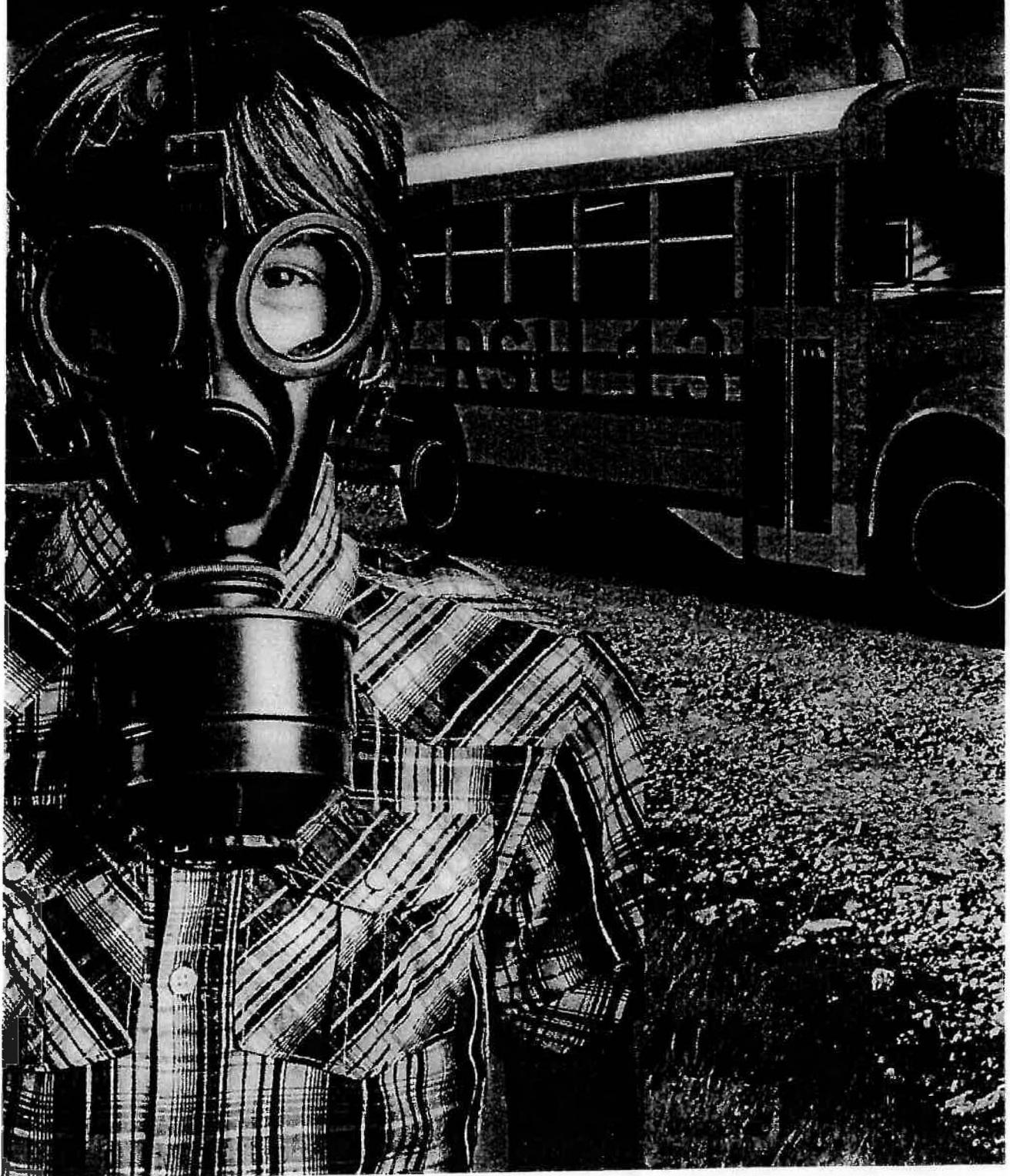
Possible Closing Questions For All Panelists

- (1) What are important questions or conversations a community like Rockland should have around expanding a natural gas distribution lateral to Rockland and hosting a natural gas powered CHP plant? What type of debate is constructive?
- (2) What are examples of CHP/District Energy the community should look to as comparisons for a possible project in Rockland?
- (3) What are the opportunities for citizens and community to follow and engage in the review of a project before the DEP and PUC? How would you recommend a community and individuals participate?

Submitting Questions To Panelists

To maximize the number of questions discussed, cards on which to submit questions are on all the seats. Write down a question (one, or one and follow-up) on a card. Raise your hand with the card and a member of the Energy Committee will collect questions throughout the evening.

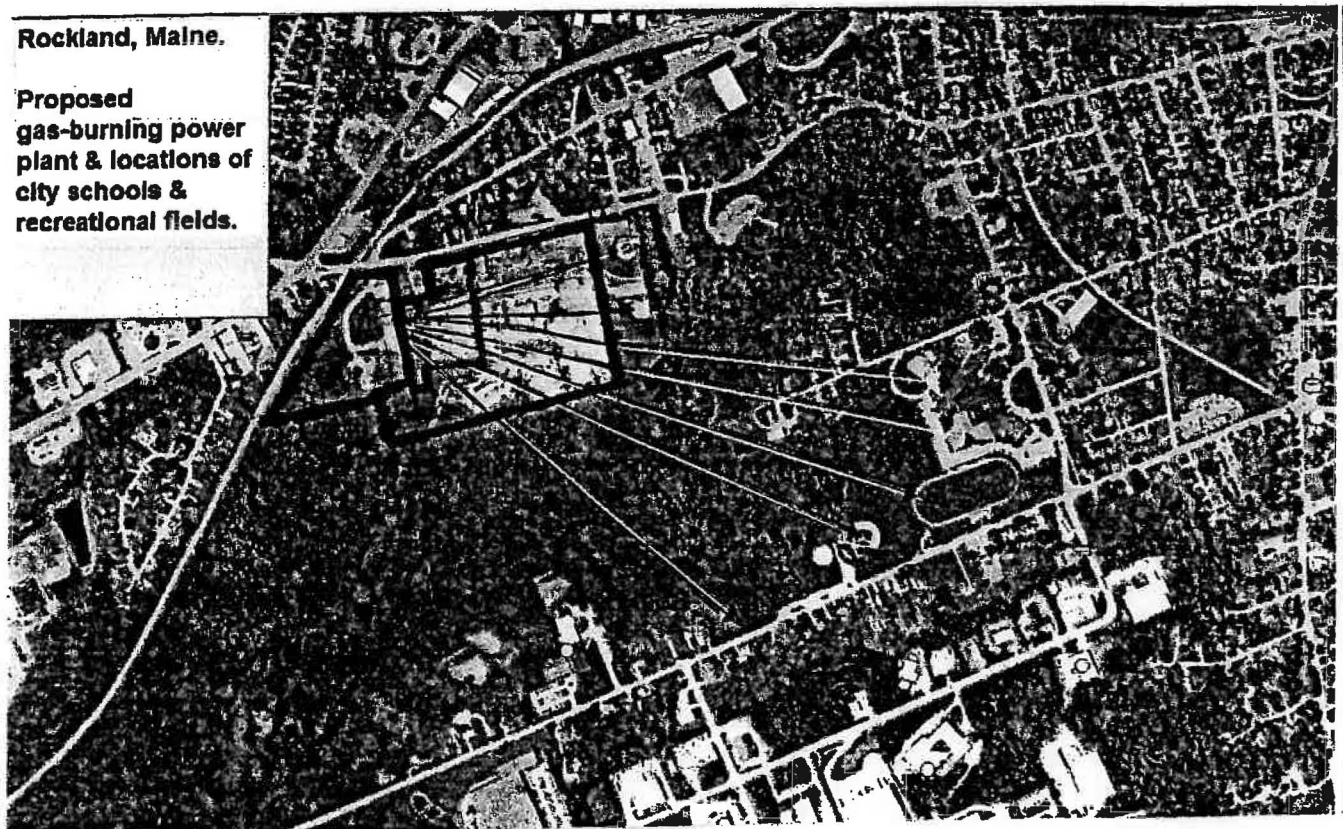
Back to school supplies for Rockland, Maine



RSU#13
South School Elementary and Middle School campus has
581 children and

1 little league ball fields 1 football field 1 running track 3 softball fields
3 soccer / field hockey fields 1 playground one vegetable garden

All the above is the close neighbor to one of the proposed Rockland sites for The Clear Energy natural gas power plant.



Rockland, Maine.

Proposed
gas-burning power
plant & locations of
city schools &
recreational fields.

This power plant is legally entitled to exhaust (over the 581 children) 1100 pounds of carbon dioxide, nitrogen oxide, sulfur dioxide, particulate matter and ammonia per hour .

The EPA (Federal Environmental Protection Agency) determined in 2009 that "emissions of carbon dioxide and other long lived greenhouse gasses that build up in the atmosphere endanger the health and welfare of current and future generations... Those most vulnerable to to climate related health effects- such as children... face disproportionate risks.

... other public health risks include increasing the range of ticks and mosquitoes, which can spread disease such as Lyme disease and West Nile Virus."

(from: US EPA /Learn about Carbon Pollution from Power plants/ carbon pollution standards.)

Is Rockland willing to agree to a gas power plant to poison the air for the elementary and middle school children?

Are fifteen jobs for computer specialists a worthwhile gain for murdering the lobster beds?

What art loving, ocean loving traveler would seek Rockland- by- the Powerplant as their tourist destination?

Incredible! Run a big gas burning power plant 100 feet from Rockland's little league fields? Increase the air pollution in Rockland while decreasing air pollution in Boston? Upwind a couple hundred yards from Rockland's elementary and middle schools and from their track, football and soccer fields?

What is Boston energy magnate James Gordon, whose bright idea this is, thinking? More jobs for respiratory therapists?

Yes, harried Cape Wind investor Gordon, owner of EMI, sick of losing money pushing windpower, has gone back to peddling fossil fuels.

This is very bad news for the people who live and breathe in Rockland, as the plant would be a net increaser of greenhouse gases there - and right next to the richest lobster grounds in New England.

Those lobsters, especially the babies, crowd the rocky shallows nearby. Those baby lobsters will be poisoned by the gas burner's acidic emissions making a gill-burning acid bath on the ocean's surface. This well known Co2 side effect is deadly both for lobsters and for the microplankton ecosystem that supports them. But nobody is talking about this!

Why risk a well managed renewable resource that brings more than half a billion- dollars a year of economic activity to the bay communities of Rockland, Owls Head, South Thomaston and Saint George?

Outlander and Energy Gambler, James Gordon, should come to this bay and this city that he proposes to foul, and explain himself. Why are the richest lobster grounds in New England being exposed to massive and long term pollution for the next 25-45 years? Mr. Gordon, explain why Rockland elementary and middle schools children are to be exposed to constant acidic air pollutants for the next 45 years every hour of the day, every day of the year for the next 45 years? Even the EPA admits this sort of pollution hurts children the most. Yet, friends, a gas plant is coming unless you help say no.

Want to volunteer to save lobster industry? Write Ron Huber @ www.penbay.net or call 593-2744.

Want to protect our school children? Call Clean Air for Rockland Children, Debby Atwell- 542-9200.

Want to safeguard Rockland's burgeoning tourist industry? Call the Chamber of Commerce-596-0376.

This is still a local issue . There is still time to stop this plant. But the time is NOW.

Written , researched and approved by: Clean Air For Rockland Children

Updated: Second public forum planned on proposed Rockland power plant

By Daniel Dunkle | Aug 11, 2015

4



ROCKLAND — The city will hold another public forum on plans for a proposed natural gas power plant Wednesday, Aug. 19, at 6:30 p.m. at City Hall.

Rockland Energy Center LLC, a subsidiary of Energy Management Inc., has proposed a natural gas-fired power plant on the site of the present City Hall and adjacent Public Works garage properties. The company has also looked at other potential sites in

the area. The plant would be fed via a natural gas pipeline.

The city hosted a public forum on the issue May 26 in which Rockland Energy Center spokesman Evan Coleman answered questions for the public about the proposal. That forum was moderated by City Councilor Larry Pritchett.

The city put out a press release on the event saying:

In an era when the goal is to reduce carbon emissions released into the air, how does a community weigh the merits of a new natural gas fired combined heat and power plant? In a community like Rockland where specialty manufacturing is key to the strength of the year-round economy, how critical is natural gas to the viability and competitive position of these businesses for the next 30 to 50 years?

On Wednesday evening, August 19th, the City of Rockland's Energy Committee and the City's Department of Community and Economic Development are cosponsoring a public forum to explore these and other critical community energy questions.

In March of this year Energy Management, Inc approached the City to explore the concept of constructing a combined heat and power (CHP) plant in Rockland. Modern high efficiency CHP facilities can be low emissions sources of cost effective energy because most of the exhaust heat from burning fuel to produce electricity is then recovered as hot water or steam which can be distributed to local businesses for heating, cooling or manufacturing purposes.

New York University in Manhattan, the Longwood Medical Area in Boston among many locations in the U.S. and as well as the majority of cities in some European countries like Denmark utilize CHP facilities to supply power to local district energy system (i.e., a local area to which heat, electricity and chilled water produced at the CHP facility is distributed to businesses and homes) to meet low climate change emissions goals and to provide more resilient sources of locally generated power.

For example, during Hurricane Sandy the CHP/District Energy system at New York University kept the lights on and virtually all aspects of the University functional when

all of lower Manhattan around the University's campus was dark for days. NYU's then new natural gas fired CHP facility had been built to meet the University's 2030 Carbon Emissions reduction goals.

However, in an era of climate change and rising sea level new facilities that utilize fossil fuels, even lower emissions fuels like natural gas, raise serious questions. Would a local CHP facility replace enough existing sources of air emissions in Rockland so that the amount of pollutants, including carbon dioxide, discharged locally decline? Would the energy produced be readily available, reliable and cost effective for local businesses?

In late May, the City's Energy Committee facilitated a public forum in which Evan Coleman from EMI presented an overview of a possible combined heat and power plant in Rockland and at which the Community asked a range of energy and environmental questions. In response to the questions raised at the May forum, the Energy Committee and City staff is organizing a follow up forum on August 19th with several individuals with decades of related experience The City's goal with the August 19th event is to provide the community with an opportunity to explore the energy, environmental and regulatory context in which a CHP plant and a district energy system is being proposed. The following people will be presenting and answering questions.

Tim Schneider: Tim is Maine's Public Advocate. It is the responsibility of Tim and his staff to represent consumers' interest in utility cases before Maine's Public Utilities Commission. Tim can speak to questions about how his office reviews the ratepayer implications of a project that goes before the PUC and how the PUC has traditionally determined whether a contract with a facility to supply power can produce electricity at a rate that is in consumer's best interest. Tim can also speak to how natural gas influences electricity prices in Maine and under what scenarios as well as in what areas of the state due to grid constraints addition local generation might be warranted.

Greg Cunningham: Greg is the director of the Conservation Law Foundation's Clean Energy and Climate Change program. Greg is based in Maine, but CLF works throughout New England. Thus, Greg brings a regional perspective to the questions. CLF has a long history of advocating for cleaner energy sources that eliminate mercury air emissions that contaminate Maine's lakes, that reduce pollutants that contribute to acid rain along the coast; and that reduce air emissions that contribute to asthma and other health problems.

Greg will talk about the environmental permitting process for a combined heat and power plant and how any potential air emissions would be reviewed. Also, in its efforts to reduce air pollution and address climate change, CLF has in some cases supported natural gas projects and in other cases opposed natural gas projects. In a complex energy world, CLF can explain how, as an environmental organization, they weigh the merits and limitations of natural gas.

Tony Buxton: Tony is the chair of Preti Flaherty's Energy and Utilities practice. Few people are better versed in Maine's utility laws and utility regulation and few are better versed in energy markets than Tony. Tony has been involved with a range of energy projects including renewable energy projects and grid expansion alternative projects.

Both Tony and Tim can explain the role natural gas currently plays, and could play, in providing energy for electricity, for heat, and for manufacturing in Maine. Part of what makes Rockland, Rockland is that specialty manufacturing still thrives and is growing here - - FMC, Fisher Plow, Lonza, Bixby & Co, etc. Tony will discuss how various energy sources impact the costs for and competitive position of business like these.

Energy is an important, complex and challenging community question. The Energy Committee, City Staff and members of Council invite all residents to participate in the August 19th forum.

*Press Contact: Larry R. Pritchett, Chair City of Rockland Energy Committee. (207) 594-8806
Audra Caller-Bell, City of Rockland Community Development Director. (207) 594-0306*

4



Comments (2)

POSTED BY: KATHRYN FOGG | Aug 11, 2015 18:58

It is very encouraging to know that the Conservation Law Foundation (CLF) will be making comment.

POSTED BY: SANDRA SCHRAMM | Aug 11, 2015 11:46

At last night's council meeting Councilor Pritchett read the list of the 3 panel members. Could you please post them with this article. Thank you.

STAFF PROFILE



Dan Dunkle
Editor
207 594-4401 ext. 122
[Email Me](#)

Daniel Dunkle is editor of The Courier-Gazette and news director for Courier Publications. He lives in Rockland with his wife, Christine, who also works for Courier Publications, and two children.

Dunkle has previously served as editor of The Republican Journal in Belfast. He has worked as a reporter and photographer in the Midcoast since 1998.

RECENT STORIES BY DAN DUNKLE

- **[Sen. Susan Collins visits Steel-Pro, VStv](#)**
Aug 11, 2015
- **[Updated: Second public forum planned on proposed Rockland power plant](#)**
Aug 11, 2015
- **[Nomination papers available for City Council, school board seats](#)**
Aug 11, 2015

Kevin Beal

From: Kevin Beal <kbeal@ci.rockland.me.us>
Sent: Monday, August 03, 2015 1:30 PM
To: 'ecoleman@clear-energy.us'
Cc: 'Audra Bell'; 'Jim Chaousis'
Subject: Rockland - Notice of Option
Attachments: Notice of Option to Purchase Real Property - Executed Eff. 08-01-15.pdf

Evan:

I attach the fully-executed Notice of Option. I have retained the original. Do you want it filed on the Registry? I see no need for that from our perspective. If yes, I'll send the original along to you.

Thanks.

Kevin Beal
City Attorney
Rockland City Hall
270 Pleasant Street
Rockland, ME 04841
kbeal@ci.rockland.me.us
(207) 594-0305

EXHIBIT C – FORM NOTICE OF OPTION TO PURCHASE REAL PROPERTY

OPTIONOR: City of Rockland, Maine, a municipal corporation duly formed and existing under the laws of the State of Maine, situated in the County of Knox, State of Maine, and having a mailing address of 270 Pleasant Street, Rockland, ME 04841.

OPTIONEE: Rockland Energy Center, LLC, a Maine limited liability company with a principal place of business at c/o Energy Management, Inc., 20 Park Plaza, Suite 320, Boston, MA 02116.

PROPERTY: The real property located in the City of Rockland, Maine, at 270 Pleasant Street (Tax Map 57-A-2) and 9 Burrows Street (Tax Map 57-A-5), as described in Exhibit A attached hereto and incorporated herein.

DATE OF EXECUTION OF OPTION AGREEMENT: August 1, 2015

The parties to the Option Agreement represent that, as of the date of this Notice of Option to Purchase Real Property, such Option Agreement is in full force and effect and shall remain in effect unless and until a Notice of Termination of Option to Purchase Real Property is recorded in the Knox County Registry of Deeds.

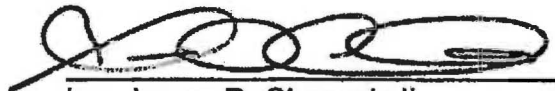
This Notice of Option shall not serve to alter or amend the right or obligations of the parties hereto under the Option Agreement by and between the parties.

Executed this 1st day of ~~July~~^{August} 2015

Attest:

CITY OF ROCKLAND, MAINE:


Stuart H. Sylvester, City Clerk


by: James D. Chaousis II
its: City Manager

As to form:


Kevin J. Beal, City Attorney

[Acknowledgement on following page.]

STATE OF MAINE
KNOX, ss.

On this 1st day of August 2015, before me, the undersigned notary public, personally appeared James D. Chaousis II, in his said capacity, and acknowledged this Notice of Option to Purchase Real Property to be his own free act and deed and the free act and deed of the said City of Rockland, Maine.

J. Elizabeth Fowler
Notary Public
Print: J. Elizabeth Fowler

My Commission Expires: 10/21/15

ROCKLAND ENERGY CENTER, LLC:

[Signature]
by: Evan C. Coleman
its: Representative

STATE OF MAINE
KNOX, ss.

On this 1st day of August 2015, before me, the undersigned notary public, personally appeared Evan C. Coleman, in his said capacity, and acknowledged this Notice of Option to Purchase Real Property to be his own free act and deed and the free act and deed of the said Rockland Energy Center, LLC.

[Signature]
Notary Public
Print: Susan J. StClair

My Commission Expires: 11/09/19