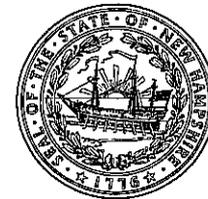




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 22, 2010

The Honorable Martha Fuller Clark, Chairman
Senate Energy, Environment, and Economic Development Committee
State House, Room 102
Concord, New Hampshire 03301

Re: HB 1239, relative to the processing of certain environmental permits and administrative fines for violations of dredge and fill requirements.

Dear Chairman Fuller Clark:

Thank you for the opportunity to comment on HB 1239, as amended by the House, relative to the processing of certain environmental permits and administrative fines for violations of dredge and fill requirements. For reasons described below, the Department of Environmental Services (DES) supports this bill.

Section 1 of HB 1239 amends RSA 482-A by the addition of a new subparagraph, RSA 482-A:3, XIV(f), that provides DES with clear authority to suspend review of an application until an applicant has corrected an "enforcement action", as defined in this new subparagraph. This would provide DES with the authority to suspend the review of a new permit application for a property until existing violations have been fully resolved. DES supports this section because it makes sense that an applicant would be required to resolve past violations before a new permit application is reviewed and potentially a new permit issued.

Section 2 of the bill increases the maximum administrative fine that DES may impose for a violation from \$2,000 to \$5,000, irrespective of the duration of the violation. DES believes that this increase is necessary if an administrative fine is to serve as a real deterrent to those who violate the law.

Thank you for this opportunity to comment on this bill. Please feel free to call me at 271-2958, or Rene Pelletier at 271-2951, if you have any questions or need additional information.

Very truly yours,

Thomas S. Burack
Commissioner

cc: Representative Gottling
Representative Sad