



**Summaries of NHDES-related Environmental Legislation
Adopted in the 2010 New Hampshire Legislative Session**

*DES requested bills. **DES priority legislation**

SSHB 1-FN Chapter 1 Effective: Multiple effective dates

Relative to costs and expenditures at the DHHS, establishing a special fund for certain civil fines collected by the department, relative to the due date for the Medicaid enhancement tax, and making certain general fund reductions and tax and revenue changes.

- Prohibits departments, except the department of environmental services for certain payments, from delaying a payment or expenditure from one fiscal year to the subsequent fiscal year solely for the purpose of generating an unexpended balance that would lapse in the preceding year.
- Makes appropriation reductions for fiscal year 2011.

**HB 681-FN Chapter 16 Effective Date: I. §§ 3, 5, 7 – 7/1/12;
II. §1 – 7/1/10 12:01am; III. Remainder – 7/1/10**

Relative to assessment for aquatic resource compensatory mitigation.

- Temporarily increases the percentage of certain administrative assessments related to aquatic resource compensatory mitigation.

**HB 1149 Chapter 123 Effective Date: I. §1 – 7/1/10;
II. Remainder – 6/9/10**

Relative to the filing of electronic documents in state agency rulemaking.

- Clarifies the procedure for an agency to file an electronic document in the rulemaking process.

HB 1153 Chapter 21 Effective Date: 5/7/10

Relative to membership of the commission to study water infrastructure sustainability funding.

- Adds a member from the Granite State Rural Water Association to the commission to study water infrastructure sustainability funding.

HB 1155 Chapter 22 Effective Date: 7/6/10

Relative to water district contracts.

- Repeals the authority of water districts to enter into contracts with **DES** for the construction, operation, or maintenance of dams.
- Permits existing contracts between a water district and **DES** for the construction, operation, and maintenance of dams to continue in effect for the term of the contract or until terminated in accordance with the terms of the contract.

HB 1184 Chapter 89 Effective Date: 7/24/10

Relative to the administration of the unused drug program.

- Allows for the temporary storage of prescriptions in the unused prescription drug program.
- Requires participants to be informed of the re-dispensing.
- Sets a date for the adoption of rules by the pharmacy board.
- Expands the limited immunity for persons and facilities participating in the program.

**HB 1239* Chapter 295 Effective Date: I. §§1-11 9/11/10;
II. §12 as provided in §13; III. §14 8/13/10**

Relative to processing certain environmental permits and administrative fines for violations of dredge & fill requirements, relative to air quality in public schools, and drinking water revolving loan funds.

- Requires the department of environmental services to approve, deny, schedule a public hearing, or extend the time for rendering a decision on wetlands permit applications.

- Removes provisions that limit transfer of oil cleanup reimbursement fund coverage under RSA 146-D, RSA 146-E and RSA 146-F.
- Makes owners of on-premise-use heating oil facilities that are eligible for cleanup cost coverage under RSA 146-E liable for the initial \$500 of cleanup costs, which is an increase of \$400 over the existing \$100 liability. Liability for facility owners with demonstrated financial need remains at \$100.

HB 1293-FN* **Chapter 94** **Effective Date: I. §§ 3 & 5 7/1/15;
II. Remainder 5/25/10**

Relative to the oil discharge cleanup fund and relative to tax exemptions for water and air pollution control installations.

- Removes the July 1, 2010 repeal date of the Motor Oil Discharge Cleanup Fund established under RSA 146-F, so the fund will be continuous in duration, and corrects rulemaking authority for collection of fund import fees by the Department of Safety.
- Clarifies that property tax exemptions for water and air pollution control facilities do not apply to certain sewage disposal systems.

HB 1294* **Chapter 102** **Effective Date: 5/26/10**

Relative to UST facility operator training.

- Establishes requirements under RSA 146-C for training underground petroleum storage facility operators.

HB 1334 **Chapter 256** **Effective Date: 9/4/10**

Relative to penalties for unpaid fines concerning hazardous materials accidents.

- Establishes a penalty for unpaid fines concerning hazardous materials accidents.

HB 1353 **Chapter 143** **Effective Date: 8/13/10**

Relative to group net energy metering.

- Modifies certain procedures and rules related to net energy metering.

HB 1377 **Chapter 229** **Effective Date: I. §§ 3-7 – 6/28/10;
II. Remainder – 8/27/10**

Permitting utilities to establish loan programs for owners of residential and business property engaging in renewable energy and energy efficiency projects.

- Permits utilities to establish loan programs for owners of residential and business property engaging in renewable energy and energy efficiency projects.
- Establishes a committee to study methods of encouraging the installation and use of small scale renewable energy resources by homeowners and businesses.

HB 1399 **Chapter 151** **Effective Date: 8/13/10**

Relative to state water pollution control and drinking water revolving loan funds, and state contributions to sewage disposal facilities.

- Permits the state to participate in federally funded grants provided under the Clean Water Act.
- Limits state contributions for certain sewage disposal facility construction costs.

HB 1422 **Chapter 73** **Effective Date: 5/19/10**

Establishing a committee to study the establishment of a dept. of natural resources.

- Establishes a committee to study the establishment of a department of natural resources.

HB 1450* **Chapter 169** **Effective Date: 5/19/10**

Relative to the designation of a portion of the Cocheco River as a protected river.

- Designates a portion of the Cocheco River as a protected river.

- Designates a portion of the Cocheco River as a rural-community river.

HB 1462 **Chapter 306** **Effective Date: I. §2 12/31/13; II. Remainder 7/13/10**
Establishing a shoreland advisory committee.

- Establishes a shoreland advisory committee that will address residential shorefront owner input and perspective relating to shoreland development regulated under the CSPA.
- Membership shall include 10 representatives appointed by the governor and who own property with the protected shoreland, and 10 representatives appointed by the commissioner of **DES**.
- The committee shall make suggestions to the commissioner of **DES** relative to the implementation of the CSPA.

HB 1487 **Chapter 179** **Effective Date: 6/21/10**
Relative to the definition of certified wetland scientists.

- Further defines certified wetland scientist.
- Also further defines the experience necessary to receive certification as a wetland scientist.

HB 1534* **Chapter 183** **Effective Date: 6/21/10**
Relative to the issuance of air permits and certain fees relative to air permits.

- Makes certain changes to air permit requirements; requested by **DES**.

HB 1542-FN* **Chapter 59** **Effective Date: I. § 1 6/17/10; II. Remainder 1/1/14**
Repealing nitrogen oxide emitting generation source requirements.

- Repeals nitrogen oxide-emitting generation source requirements and the nitrogen oxide emissions reduction fund in 2014.

HB 1554 **Chapter 215** **Effective Date: 8/27/10**
Allowing municipalities to establish energy efficiency and clean energy districts.

- Allows municipalities to establish energy efficiency and clean energy districts.

HB 1606 **Chapter 63** **Effective Date: 5/18/10**
Relative to state aid for wastewater and public water supply projects.

- Requires the commissioner of **DES** to give priority for state aid to communities with wastewater and public water supply projects that were eligible for such aid, but unfunded in fiscal years 2009, 2010, and 2011, on a first-in, first-out basis as such funds become available.

HB 1688 **Chapter 326** **Effective Date: 9/18/10**
Relative to the regulation of the installation and operation of boiler and pressure vessels.

- Requires the state building code review board to adopt certain code requirements concerning biomass burning boilers which are inspected and subject to enforcement by the department of labor.

HB 1689 **Chapter 367** **Effective Date: 7/1/10**
Exempting certain non-regulatory boards, commissions, councils, advisory committees, and task forces from repeal on June 30, 2011, extending the report date of the commission to evaluate the long-term uses of lakes region facilities in Laconia, and extending the telecommunications planning and advisory committee.

- Extends the report date of the commission to evaluate the long-term uses of the lakes region facility located in Laconia to June 30, 2011.

HB 1690 **Chapter 368** **Effective Date: 12/31/10**
Making statutory changes required by the repeal of certain non-regulatory boards, commissions, councils, advisory committees, and task forces.

- Repeals the following committees, advisory groups, etc. relevant to **DES**, and makes relevant statutory changes necessitated by such repeals: Interagency Energy Efficiency Committee; Hazardous Materials Transportation Advisory Committee; Council on the Relationship Between Public Health and the Environment; Recycling Market Development Steering Committee; Environmental Research Advisory Committee; Advisory Committee to the Commissioner of Environmental Services; Water Resources Committee; Dam Management Review Committee; Winnepesaukee River Watershed Advisory Committee; Energy Planning Advisory Board; and Asbestos Abatement Advisory Committee.

SENATE BILLS

SCR 2

Encouraging NH schools to adopt environmentally sound practices.

SB 56 **Chapter 31** **Effective Date: 5/18/10**

Expanding the duties of the commission to study issues relative to groundwater withdrawals.

- Expands the duties of the commission to study the financial responsibility to be demonstrated by a person seeking approval for a large groundwater withdrawal.
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SB 73-FN **Chapter 328** **Effective Date: 7/20/10**

Requiring the state government to reduce energy consumption in state buildings, to develop an energy conservation plan, and to make an annual report on the state's energy consumption.

- Requires the state government to reduce energy consumption in state-owned buildings on a square foot basis with a goal of reducing fossil fuel energy consumption by 25 percent by 2025 to complement the state goal of obtaining 25 percent of the state's energy use from renewable energy by 2025. Each department is required to submit data and recommendations to the commissioner of administrative services on its compliance with this reduction goal. The commissioner of administrative services shall annually submit a report on the state's energy consumption reduction efforts and, with the assistance of **DES** and the office of energy and planning, shall develop an energy conservation plan to work towards this energy reduction goal, both of which will be submitted to the energy efficiency and sustainable energy board, the governor, and the legislature.
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SB 128 **Chapter 329** **Effective Date: 7/20/10**

Relative to the community revitalization tax relief incentive, and clarifying the authority of towns to respond appropriately to the ARRA of 2009 and similar acts.

- Reauthorizes towns, village districts, or school districts to respond appropriately to the ARRA of 2009 and similar acts adopted by Congress.
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SB 166-FN* **Chapter 331** **Effective Date: 9/18/10**

Relative to mineral extraction, mining, and reclamation in NH.

- Adds definitions to the chapter on mining and reclamation.
 - Modifies mining permit application requirements to include stronger environmental review and conditions.
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SB 301 **Chapter 156** **Effective Date: 6/17/10**

Relative to combustion of untreated wood at municipal transfer stations.

- Delays the effective date of the ban on combustion of untreated wood at municipal transfer stations.
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SB 323 **Chapter 335** **Effective Date: 7/20/10**

Requiring the PUC to study certain energy policies.

- Requires the public utilities commission to contract for an independent study of certain energy policy issues and submit the results of its study to the energy efficiency and sustainable energy board.
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SB 327 **Chapter 336** **Effective Date: 10/18/10**

Relative to disclosure of electric service energy sources and environmental characteristics and relative to disciplinary actions against competitive electric suppliers.

- Establishes requirements for disclosure of electric service energy sources and environmental characteristics to customers by providers of electricity.

SB 328 **Chapter 39** **Effective Date: 7/17/10**

Relative to approval procedures on plats.

- Prohibits a planning board from treating an application as incomplete solely because it is dependent upon the issuance of permits or approvals from other governmental bodies.
- Also, modifies the requirements for conditional approval by the planning board of a plat or application.

SB 369 **Chapter 158** **Effective Date: 7/17/10**

Relative to the effect of changes in local permit status on large groundwater withdrawal permits by the **DES**.

- Permits a municipality to require the department of environmental services to decide whether a change in the status of a local permit affects the decision to issue a large groundwater withdrawal permit.

SB 370 **Chapter 342** **Effective Date: 9/18/10**

Relative to sewage disposal systems.

- Adds requirements for the renewal of septic system designer and installer permits.
- Permits expansion of structures that do not increase the load on a sewage disposal system without approval of **DES**.

SB 378 **Chapter 159** **Effective Date: 8/16/10**

Relative to the NH public works mutual aid program.

- Permits public agencies to enter into agreements for reciprocal emergency management aid and assistance and other public works programs.

SB 382 **Chapter 343** **Effective Date: 9/18/10**

Relative to the NH native plant protection act of 1987.

- Defines natural communities and exemplary natural communities.
- Replaces "rare" with "protected" throughout.
- Modifies language regarding the natural heritage bureau fund to facilitate reimbursement for certain mandated services.
- Limits the authority of the department of resources and economic development to receive and expend funds.

SB 402-FN **Chapter 241** **Effective Date: 7/1/10**

Relative to state-owned vehicles.

- Requires that each state agency reduce its combined in-state travel and fleet operations costs by 6 percent for the fiscal year ending June 30, 2011 and by an additional 6 percent for fiscal year ending June 30, 2012. This bill requires the disposal or reassignment of a state-owned vehicle if the non-business use miles traveled by the vehicle exceeds a specified percentage of total miles traveled and establishes a procedure for the purchase or lease of vehicles by state agencies.
- Also, makes motor vehicle records of accidents or collisions involving state-owned or state-leased vehicles governmental records subject to the right-to-know law.

SB 404 **Chapter 344** **Effective Date: 9/18/10**

Relative to towing and disposal of abandoned vehicles.

- Makes several technical changes to certain provisions of the law regarding the disposal of abandoned vehicles and adds provisions regarding vehicles at storage facilities.

SB 409 **Chapter 347** **Effective Date: 7/1/11**

Requiring buildings or structures constructed or renovated using state funding to adhere to certain energy efficiency and building standards.

- Requires certain buildings or structures constructed or renovated using state funding to adhere to certain energy efficiency and building standards.

SB 411 **Chapter 348** **Effective Date: 9/18/10**

Relative to permitting of large groundwater withdrawals.

- Prohibits the issuance of large groundwater withdrawal permits other than by the department of environmental services.
- Provides exemptions from the requirements for large groundwater withdrawals for emergency purposes and for certain geothermal processes.

SB 426 **Chapter 44** **Effective Date: 5/18/10**

Relative to the classification of Pleasant Lake.

- Changes the classification of Pleasant Lake to Class A.

SB 441 **Chapter 269** **Effective Date: 7/6/10**

Relative to the lakes management and protection program.

- Makes several changes to the lakes management and protection program.
- Expands the purposes of the rivers management and protection fund.

SB 442 **Chapter 352** **Effective Date: 9/18/10**

Relative to the grant program to administer exotic aquatic plant prevention

- Increases the money distributed from the lake restoration and preservation fund that is allocated to the prevention of milfoil and other exotic aquatic plants.

SB 478 **Chapter 315** **Effective Date: 7/13/10**

Relative to the appointments to the board of home inspectors, the administrative attachment of the plumbers board, and retired status of licensed architects.

- Removes the administrative attachment of the state board for the licensing and regulation of plumbers from **DES** and establishes the board as a unit of the department of safety.

SB 480* **Chapter 354** **Effective Date: 9/18/10**

Relative to appeals of decisions by the **DES**.

- Establishes a hearing officer procedure for conducting appeals of DES decisions at the Air Resources, Water, Wetlands and Waste Management Councils.

SB 495-FN **Chapter 360** **Effective Date: 7/21/10**

Establishing a task force on state procurement policies and procedures, and authorizing pilot projects using best value procurement.

- Requires **DES** to be represented on the task force.