

## Summary of 2011 Environmental and DES Related Legislation

Adopted in the 2011 New Hampshire Legislative Session

### **HB 1**                    [Chapter 223](#)                    **Effective Date: 7/1/11**

Making appropriations for the expenses of certain departments of the state for FY ending 6/30/12 and 6/30/12.

- Eliminates unfilled positions in several programs within DES.
- Reduces funding and staff levels in several programs within DES.
- Eliminates certain programs within DES.

### **HB 2-FN**                    [Chapter 224](#)                    **Effective Date: Multiple effective dates**

Relative to state fees, funds, revenues, and expenditures.

- Requires the Water Quality Testing Laboratory to be attached administratively to the Department of Health and Human Services.
- Changes the name and many substantive requirements of RSA 483-B relative to shoreland protection effective July 1, 2011.

### **HB 27**                    [Chapter 32](#)                    **Effective Date: 5/9/11**

Relative to the classification of rivers, *de minimis* impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions [under RSA 483].

- Permits the DES commissioner to approve certain permanent alterations which have *de minimis* impact to or restore a channel's geomorphic characteristics.
- Requires tributaries and segments of rivers designated for protection to be listed in the same paragraph.
- Extends the time before septage and sludge land application restrictions apply.

### **HB 35-FN**                    [Chapter 102](#)                    **Effective Date: 7/30/11**

Authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract

- Authorizes Fish & Game to acquire the Shehan Pond Dam, Pearly Terrill Dam, Mountain Pond Dam, Coon Brook Bog Dam and Round Pond Dam in the Connecticut Lakes Headwaters Tract and to transfer rights in the properties to DES for repair and maintenance.

### **HB 44**                    [Chapter 118](#)                    **Effective Date: 6/2/11**

Designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the Comprehensive Shoreland Protection Act. [Title of chaptered bill. CSPA is now the Shoreland Water Quality Protection Act, or SWQPA.]

- Designates segments of the Oyster river as a protected river, under RSA 483.
- Exempts first, second and third order portions of the Oyster River from the provisions of the SWQPA.

### **HB 55**                    [Chapter 90](#)                    **Effective Date: 5/27/11**

Adding members to the exotic aquatic weeds and species committee.

- Amends RSA 487 by adding two members of the public and a member of the NH Lakes Association to the Exotic Aquatic Weeds and Species Committee.

### **HB 63**                    [Chapter 34](#)                    **Effective Date: 5/9/11**

Extending the instream pilot program for one year.

- Extends the Instream Pilot program for one year, with a final reporting deadline of Dec. 1, 2013.

### **HB 71**                    [Chapter 63](#)                    **Effective Date: 7/1/11**

Authorizing establishment of pharmaceutical drug take-back programs.

- Requires the Department of Justice, the Pharmacy Board, the Department of Safety, and DES to establish guidelines by rule for the collection, storage and disposal of collected drugs in accordance with applicable state and federal statutes and regulations for communities and private entities to follow in establishing a pharmaceutical drug take-back program.

- Allows NH communities and private entities in conjunction with law enforcement officers to establish controlled and non-controlled pharmaceutical drug take-back programs under the rules established above.

**HB 117**      [Chapter 9](#)      **Effective Date: 1/1/12**

Allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions.

- Allows additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions.

**HB 149**      [Chapter 135](#)      **Effective Date: 6/7/11**

Designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little and Piscassic rivers as protected rivers, and exempting certain portions of the Lamprey river from the provisions of the Comprehensive Shoreland Protection Act. [Title of chaptered bill. CSPA is now the Shoreland Water Quality Protection Act, or SWQPA.]

- Repeals and reenacts RSA 483:15, I which designates segments of the Lamprey, North Branch, Pawtuckaway, North, Little and Piscassic Rivers as protected rivers.
- Exempts certain portions of the Lamprey River from the provisions of SWQPA, under RSA 483-B.

**HB 205-FN**      [Chapter 164](#)      **Effective Date: 8/13/11**

Relative to notice to owners of upstream dams.

- Amends RSA 676 which eliminates the requirements that planning board applicants identify and planning boards notify upstream dam owners.
- Modifies planning boards' requirement to notify DES of proposed structures near dams.

**HB 248**      [Chapter 263](#)      **Effective Date: I. §2 10/31/12; II. Remainder 7/14/11**

Establishing a commission to study business regulations in New Hampshire.

- Establishes a commission to review, among other things, New Hampshire's business oversights that fall under the umbrella of environmental and construction/permitting regulations; and to identify potential reforms that could be made to regulations cited above, and develop legislation for the 2012 session to accomplish those reforms.
- DES is not represented on the commission.
- Establishes a subcommittee to review environmental and construction/permitting regulations with the focus on these specific issues: air quality issues and regulations; appeals process; waste and hazardous materials management; water quality issues; energy regulations and issues; construction regulations; building and life safety codes; and permitting licensing.
- Shall solicit information from the DES and other relevant state agencies. State agencies shall cooperate with the commission, and provide data, information, reports, and testimony to the commission upon request.

**HB 336**      [Chapter 50](#)      **Effective Date: 5/9/11**

Designating segments of the Mascoma River as a protected river.

- Amends 483:15 which designates segments of the Mascoma River as a protected river.
- Does not include SWQPA exemptions in bill.

**HB 390**      [Chapter 231](#)      **Effective Dates: I. §11 & ¶s I-III of §12 effective as provided in §13; II. Remainder 6/29/11**

Relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces, and relative to the status of women.

- Repeals the Interagency Recycling and Product Purchase Committee, thereby changing agencies' purchasing and reporting requirements for recycling.

**HB 468-FN**      [Chapter 171](#)      **Effective Date: I. §§ 2, 4, 6 – 7/1/15  
II. Remainder 7/1/11**

Relative to assessments for aquatic resource compensatory mitigation.

- Modifies the percentage rate for certain administrative assessments related to aquatic resource compensatory mitigation, under RSA 482-A.

**HB 555**      [Chapter 113](#)      **Effective Date: 5/31/11**

Relative to the designation of the Lower Exeter/Squamscott River as a protected river.

- Amends 483:15 which designates the Lower Exeter/ Squamscott River as a protected river.
- Does not include SWQPA exemptions in bill.

**HB 621-FN**      [Chapter 114](#)      **Effective Date: 5/31/11**

Relative to the authority of the department of transportation.

- Provides for an excavation and dredging permit by notification for municipalities that construct and maintain structures in accordance with Best Management Practices for Routine Roadway Maintenance under RSA 482-A.
- Establishes a committee to study certain rules adopted by DES concerning stream crossings.

**SB 20**      [Chapter 141](#)      **Effective Date: 8/6/11**

Relative to shoreland protection permits.

- Amends RSA 483-B:5-b, IV to read as follows: Impacts in the protected shoreland that receive a permit in accordance with RSA 482-A *and commercial or industrial redevelopment in accordance with RSA 485-A:17* shall not require a permit under this section.

**SB 21**      [Chapter 195](#)      **Effective Date: I. §§2 & 3 as provided in §4  
II. Remainder 8/13/11**

Relative to exemptions from excavating and drainage permits [under RSA 482-A].

- Modifies the exemptions from excavating and drainage permits.

**SB 25**      [Chapter 24](#)      **Effective Date: 7/1/11**

Relative to the Connecticut River Valley resource commission.

- Requires the Connecticut River Valley resource commission to be attached administratively to DES.

**SB 32**      [Chapter 142](#)      **Effective Date: 8/6/11**

Relative to water withdrawals for snow making [under RSA 488].

- Provides for measurement of water withdrawn from any natural source of water for snowmaking.
- Requires record keeping for such withdrawals.

**SB 38**      [Chapter 143](#)      **Effective Date: 8/6/11**

Relative to extensions for wetland and shoreland permits [under RSA 482-A].

- Provides for five-year extensions of permits for excavating and dredging in wetlands and activities within the protected shoreland.

**SB 47**      [Chapter 144](#)      **Effective Date: 6/7/11**

Extending the commission to study water infrastructure sustainability funding.

- Extends the commission to study water infrastructure sustainability funding for one year.

**SB 92**      [Chapter 250](#)      **Effective Dates: I. §2 12/1/12; II. Remainder 7/13/11**

Establishing an economic strategic commission to review the relationship between business and government.

- Establishes a strategic planning commission similar to, but broader in scope than, that established under Chapter 263

**SB 144**      [Chapter 215](#)      **Effective Date: 6/27/11**

Relative to approvals for site plans and subdivision of land.

- Extends certain municipal permits and approvals for subdivision of land.

**SB 161****[Chapter 252](#)****Effective Date: 9/11/11**

Relative to procedures for adoption of agency rules under the administrative procedures act.

- Shortens the public comment period after a public hearing.
- Gives the director of Legislative Services limited discretion in the publication of rulemaking notices.
- Provides for electronic copies of the rulemaking register.
- Allows agencies to hold a second public hearing on proposed rules.
- Extends the expiration date of rules to 10 years and allows for extending rules by filing readoption of currently effective rules.
- Allows for incorporation by reference of Internet content.
- Modifies procedures for interim and emergency rulemaking.
- Requires the director of Legislative Services to develop a process for expedited readoption of rules.
- Extends the date for introduction of a joint resolution by the Joint Legislative Committee on Administrative Rules.