

Summary of 2012 Environmental and DES Related Legislation

Adopted in the 2012 New Hampshire Legislative Session

HB 256-FN [Chapter 246](#) **Effective Date: 6/18/2012**

Relative to the administrative appeals process of the Department of Environmental Services and establishing a committee to study the appeals process of DES.

Amends RSA 21 to:

- Modify the administrative appeals process of the DES.
- Establish a committee to examine the appeal process of the DES.

HB 624 [Chapter 11](#) **Effective Date: 4/23/12**

Establishing a committee to study the rulemaking authority of state agencies to establish fees.

The committee shall:

- Review statutes that authorize fees to be set in administrative rules.
- Review the frequency of changes to fees established by state agencies and boards.
- Examine whether establishing statutory or other parameters would positively impact fee changes.
- Evaluate the process of setting fees to cover agency expenses or budgets.
- Review and recommend policy changes resulting from the study committee.

HB 1233 [Chapter 55](#) **Effective Date: 1/1/2013**

Establishing a statute of limitations on wetlands filling and dredging.

- Amends RSA 482-A to establish a statute of limitations for persons who acquire property more than five years after an activity creating a violation of wetlands fill and dredge requirements has ended.

HB 1380 [Chapter 74](#) **Effective Date: 7/22/2012**

Relative to the development of wetland mitigation banks.

- Amends RSA 482-A to permit the establishment of wetland mitigation banks by any individual or public or private entity, provided such bank complies with all federal and state regulations and all requirements of the Army Corps of Engineers.

HB 1415 [Chapter 174](#) **Effective Date: 6/11/2012**

Relative to permits for repair or replacement of sewage and waste disposal system.

- Amends RSA 485-A:33 to create a permit by rule for the repair or replacement of certain sewage or waste disposal systems.

HB 1416 [Chapter 122](#) **Effective Date: 8/4/2012**

Relative to a required fluoride statement.

- Amends RSA 485 by adding a new section requiring a fluoride statement to be posted in a water system's consumer confidence report if the water supply is fluoridated.

HB 1477 [Chapter 83](#) **Effective Date: 7/22/2012**

Relative to the definition of spent materials.

- Repeals and reenacts RSA 147-A:2, XII-a, which defines "spent material."

HB 1487 [Chapter 280](#) **Effective Date: 6/21/2012**

Relative to low carbon fuel standards programs.

- Amends RSA 21-O to prohibit the state from participating in any low carbon fuel standards program requiring quotas, caps, or mandates on fuels used for transportation, industrial purposes, or home heating without prior legislative approval.

HB 1490 [Chapter 281](#) **Effective Date: I. § 1-10, 16-17 1/1/2012** **II. Remainder as provided in § 17**

Relative to New Hampshire's Regional Greenhouse Gas Initiative cap and trade program for controlling CO₂ emissions.

Amends RSA 21-I and RSA 125-O to:

- Replace the greenhouse gas emission reduction fund with the energy efficiency fund, lowers the rebate threshold for auction proceeds to \$1, and allocates the remaining proceeds received by the state from the sale of allowances to core energy efficiency programs funded by system benefits charges. The bill also requires the legislative oversight committee on electric utility restructuring to monitor and report on certain core energy efficiency programs.
- Contains a contingent repeal of New Hampshire's Regional Greenhouse Gas Initiative cap and trade program if two or more New England states withdraw or agree to withdraw from participating in the initiative or if a state which has at least 10 percent of the total load of the New England states participating in the initiative withdraws or authorizes withdrawal from participation in the initiative.

HB 1636 [Chapter 145](#) **Effective Date: 8/6/2012**

Relative to the extension of fill and dredge in wetlands permits.

- Amends RSA 482-A:3, XIV-a to provide that certain fill and dredge in wetlands permits shall expire 10 years from the date the permit was issued.

SB 19 [Chapter 235](#) **Effective Date: 8/17/2012**

Relative to the definition of "prime wetlands."

- Amends RSA 482-A to modify the process for designating prime wetlands.

SB 218-FN [Chapter 272](#) **Effective Date: 6/19/2012**

Relative to electric renewable portfolio standards.

- Amends RSA 362-F:2 to modify the electric renewable portfolio standards.

SB 241 [Chapter 148](#) **Effective Date: I. § 1 8/6/2012; II. Remainder 6/7/2012**

Relative to expiration and extension of terrain alteration permits.

Amends RSA 485-A:17 to:

- Provide that a terrain alteration permit shall be valid for five years and authorizes an extension of the permit if the applicant meets specified criteria.
- Provide an exception for a terrain alteration permit associated with the ongoing excavation or mining of materials from the earth, which shall not expire during the life of the project if the permit holder submits a written status update to the Department of Environmental Services every five years.
- Extend the final report date for the commission to study water infrastructure sustainability funding.

SB 247 [Chapter 273](#) **Effective Date: 6/19/2012**

Relative to certifying municipal culvert installers.

- Amends RSA 482-A:3 to authorize the Department of Environmental Services to develop a certification program for municipal culvert installers.

SB 265 [Chapter 132](#) **Effective Date: 8/4/2012**

Relative to the definition of stormwater.

- Amends the definition of "stormwater" in RSA 149-I:6-a, II governing stormwater utilities.

SB 340 [Chapter 108](#) **Effective Date: 7/28/2012**

Relative to locations for junkyards.

- Amend RSA 236:118, III to allow municipalities that have not adopted zoning ordinances to establish setback requirements for junk yards and automotive recycling yards.

SB 344 [Chapter 137](#) **Effective Date: 8/4/2012**

Allowing Department of Resources and Economic Development to cut vegetation in shoreland areas where public safety is of concern.

- Amends RSA 483-B:9 to permit DRED to cut vegetation within the protected shoreland when there is a public safety concern.

SB 363

[Chapter 47](#)

**Effective Date: I. § 2 12/2/2012;
II. Remainder 5/14/2012**

Establishing a commission to study the regulation and licensing of youth camps, including youth skills camps.

- Amends RSA 198 to establish a commission to study the regulation and licensing of youth camps, including youth skills camps.

SB 388

[Chapter 159](#)

Effective Date: 8/6/2012

Relative to the use of land along Silver Lake that is below the public trust boundary.

- Permits certain landowners of properties along Silver Lake that are below the public trust boundary to use such property for certain purposes.
- Prohibits construction of new structures on public trust land.
- Requires the Department of Environmental Services to reassess the high water mark of Silver Lake, and report its determination to the senate energy and natural resources committee and the house resources, recreation and development committee.