



The State of New Hampshire
Department of Environmental Service

Thomas S. Burack, Commissioner

*Celebrating 25 Years of Protecting
New Hampshire's Environment*



January 10, 2012

The Honorable Robert H. Haefner, Chairman
House Environment and Agriculture Committee
Legislative Office Building, Room 303
Concord, NH 03301

RE: HB 1435, establishing a committee to oversee the department of environmental services;
HB 1234, establishing a department of environmental services oversight and grievance committee

Dear Chairman Haefner:

Thank you for the opportunity to comment on HB 1435, establishing a committee to oversee the department of environmental services, and HB 1234, establishing a department of environmental services oversight and grievance committee. Because these bills have similar titles and contain many similar provisions, I am taking the liberty of providing a single letter of testimony addressing both bills at the same time. I respectfully request that this letter be placed in the committee's files for each of the separate bills.

The Department of Environmental Services (DES) welcomes legislative oversight of its efforts to ensure the effective implementation of the state's environmental laws. DES has been privileged over its 25 years of existence to work closely with a number of legislative committees, including particularly in recent years three committees of the House of Representatives (Environment and Agriculture; Resources, Recreation & Development; and Science, Technology & Energy), as well as one Senate committee (Energy & Natural Resources). Over the years it has been DES's experience that these committees have provided very good oversight of DES's programs and activities. Accordingly, DES urges that consideration of the creation of any additional legislative committee to oversee the department commence by obtaining a thorough understanding of the underlying issues or concerns that motivate HB 1435 and HB 1234, and a careful analysis of the existing oversight structure and its strengths and weaknesses.

It has been DES's experience that informal meetings between the DES leadership and legislative committee leadership can be a very effective communications forum. As an interim measure while the committee's assessment of these bills is underway, I would be pleased to host regular joint meetings with the chairs of all of the legislative committees that currently have oversight of DES-administered statutes. In addition, DES would welcome the opportunity to explore with existing committees the possibility of

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29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
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creating a schedule of oversight activities to ensure that each of the major statutes administered by DES is the subject of legislative oversight hearings on a regular, periodic schedule of approximately every six to ten years.

With respect to the issue of grievances, it is important to recognize that the Legislature has already created by statute four separate councils populated by volunteers who are confirmed by the Governor and Executive Council. These councils hear and decide appeals of final agency permitting decisions and are equipped to hear grievances as well. Moreover, I welcome and encourage any member of the public, the regulated community, or their elected representatives to contact me directly if they have concerns, complaints or grievances about the department's actions or activities. One of my highest priorities is to ensure that any such grievances are addressed promptly in a dignified and respectful manner.

DES would welcome the opportunity to participate in a more comprehensive consideration of the issues raised by these bills if further study is deemed appropriate by the committee.

Thank you for the opportunity to provide some initial comments on this proposed legislation. Should you have any questions or require additional information, please contact me at 271-2958.

Sincerely,



Thomas S. Burack
Commissioner

cc: Representative Andrew Renzullo
Representative Laurence Rappaport
Representative Brandon Giuda
Representative Paul LaCasse
Representative Gene Chandler
Representative Kenneth Kreis
Representative Dan McGuire
Representative John McDonnell
Representative Paul Ingbretson
Representative G. Brian Seaworth
Representative Jon Richardson
Representative Lenette Peterson
Senator Jeanie Forrester