



The State of New Hampshire
Department of Environmental Services



Thomas S. Burack, Commissioner

January 15, 2014

The Honorable Russell Prescott, Chair
Senate Energy and Natural Resources Committee
Legislative Office Building, Room 101
Concord, NH 03301

RE: SB 337, An Act relative to the Management of Hazardous Waste

Dear Chair Prescott and Members of the Committee:

Thank you for the opportunity to testify on SB 337. This bill clarifies the responsibilities and enforcement authorities of the Department of Environmental Services (DES) following the removal of submerged vehicles or containers that have been abandoned. The Department requested this bill and supports its passage.

Under RSA 485-A:14, the owner of any vehicle or petroleum container that becomes submerged in waters of the state must notify DES and promptly remove the vehicle or container. DES is required to investigate any possible contamination and ensure that the vehicle or container is safely removed. In cases where the owner fails to act, DES is authorized to contract for removal services, and the owner is strictly liable for DES's costs. Current law requires the state to impound the vehicle at the expense of the owner until all costs have been paid. This bill would provide for a more practical alternative in cases in which no owner can be identified. The bill also clarifies that DES's existing enforcement authorities under RSA 485-A:22 apply in the case of persons who fail to remove a submerged vehicle or container.

During the average year, DES is involved with approximately 15 to 20 submerged vehicle/container incidents. Many incidents involve a snowmobile or other vehicle going through the ice on a lake or pond, and an owner who takes responsibility. In rare instances, a submerged snowmobile or vehicle may be reported for which no owner can be identified. This generally involves a snowmobile in very poor condition, and of little monetary value. In these cases, the requirement to impound the vehicle until the costs have been paid is not practical, and imposes a financial and logistical burden on the state. This bill would relieve that burden by authorizing the state and its contractor(s) to deliver such a vehicle to an appropriate salvage yard after reasonable efforts to identify the owner have failed.

DES supports this bill because it clarifies and simplifies our responsibilities following removal of a submerged vehicle that is unclaimed. It will relieve the state of unnecessary costs that could be incurred to impound vehicles or containers of little value, and which are unlikely to be claimed by their owners.

www.des.nh.gov

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Thank you for your consideration in this matter. If you have questions or need additional information, please contact Rick Berry, Supervisor of the Spill Response and Complaint Investigation Section (richard.berry@des.nh.gov, 271-3440) or Mike Wimsatt, Director of the Waste Management Division (Michael.wimsatt@des.nh.gov, 271-2905).

Sincerely,

A handwritten signature in black ink that reads "Thomas S. Burack". The signature is written in a cursive style with a large, stylized initial "T".

Thomas S. Burack
Commissioner

CC: Sponsors of SB 337