

**Readopt with amendment Odb 203.12, effective 11-22-05 (Document #8490-A), to read as follows:**

Odb 203.12 Retention of Board Records of Decisions or Orders.

(a) The board shall, through the department of environmental services, maintain records of decisions or orders issued pursuant to RSA 541-A:35 for 3 years after the date of the final decision or order.

(b) The board shall, through the department of environmental services, maintain electronic records of decisions or orders issued pursuant to RSA 541-A:35 to the extent it is technically feasible and cost-effective, and in conformance with the requirements of RSA 294-E.

**APPENDIX**

<b>RULE</b>	<b>STATUTES IMPLEMENTED</b>
Odb 203.12	RSA 541-A:16, I (b); RSA 541-A:35

**Readopt with amendment Odb 209.01, effective 11-22-05 (Document #8490-B), to read as follows:**

Odb 209.01 Waiver of Import Fee Penalties And Interest.

(a) A distributor as defined in RSA 146-D:2, I, may request in writing that the board waive penalties under RSA 146-D:3, III, RSA 146-E:3, II, or RSA 146-F:3 assessed by the department of safety due to late payment of import fees.

(b) The board shall:

- (1) Approve a waiver of penalties no more than once in a 12-month reporting period upon finding a distributor filed timely reports for the past 11 months prior to a late report filing;
- (2) Approve a waiver of penalties, and interest under RSA 146-F:3, upon finding the assessment was based on department of safety error; or
- (3) Approve a waiver of penalties assessed through voluntary late reporting or department of safety audit upon finding the circumstances were beyond the reasonable knowledge or control of the distributor.

(c) The board shall provide written notice of its decision to the distributor requesting the waiver under paragraph (a) above within a reasonable time.

(d) Distributor penalties under RSA 146-D:3, III, RSA 146-E:3, II or RSA 146-F:3 reported by the department of safety totaling \$10 or less, shall be deemed waived by the board without a written request, no more than once in a 12-month distributor reporting period.

(e) A distributor that receives additional penalties totaling more than \$10 in a 12-month reporting period may seek a waiver pursuant to (a) above.

**APPENDIX**

<b>RULE</b>	<b>STATUTES IMPLEMENTED</b>
Odb 209.01	RSA 146-D:3, III; RSA 146-D:5, I (f); RSA 146-E:3, II; RSA 146-F:3, II; RSA 541-A:16, I(b); RSA 541-A:38