

**Summaries of NHDES-related Environmental Legislation
Adopted in the 2009 New Hampshire Legislative Session**

HB 36 [Chapter 149](#) **Effective: 9/6/09**

relative to the purchase of information technology by state agencies.

- Requires the Dept. of Information Technology to approve IT purchases over \$500 made by state agencies.

HB 39-FN [Chapter 170](#) **Effective: 1/1/10**

relative to the authority of the state board for the licensing and regulation of plumbers.

- Allows the Plumbers Board to grant inactive status to plumbers in military service.
- Provides for a 2-year period for licenses and certificates issues by the Board.
- Affects DES only in that the Board is administratively attached to DES.

HB 43 [Chapter 292](#) **Effective: 9/29/09**

relative to subdivision and site plan regulation waivers.

- Authorizes planning boards to waive provisions in subdivision and site plan regulations without finding that conformity would pose a hardship to the applicant.
- Requires that the basis for the waiver be recorded in the minutes of the board.

HB 45 [Chapter 227](#) **Effective: 7/16/09**

relative to the water supply land conservation program.

- Expands the eligibility for water supply land conservation grants to future sources of public drinking water to be identified by DES as favorable or high-yielding areas not constrained by existing development.
- Broadens the definition of grantees to include non-profit land trust organizations.

HB 55** [Chapter 65](#) **Effective: 8/8/09**

relative to energy facility siting construction and operation.

- Removes references to bulk power facilities from the energy facilities to be considered by the Site Evaluation Committee.
- Makes certain modifications to the membership and procedures of the committee.

HB 58** [Chapter 45](#) **Effective: 7/21/09**

designating segments of the Cocheco River as protected under the Rivers Management and Protection Program.

- Adds segments of the Cocheco River to the RMPP.

HB 61 [Chapter 171](#) **Effective: 9/11/09**

relative to definition of "sustainable energy."

- Establishes a definition of "sustainable energy" for purposes of the energy efficiency and sustainable energy board.

HB 102 [Chapter 201](#) **I. §2 7/1/10; II. Remainder 7/15/09**

relative to the Rivers Management and Protection Program, establishing the Volunteer River Assessment Program, and naming the bridge ... in Alstead

- Clarifies certain provisions of the RMPP, the membership on advisory committees, and the funding of programs.
- Establishes the New Hampshire VRAP.
- Extends certain reporting dates for the instream flow pilot program; final report shall be due December 1, 2012.

HB 115 [Chapter 120](#) **Effective: 7/1/09**

relative to licenses for the operation of motor vehicle recycling yards and junk yards.

- Changes the expiration date of licenses for the operation of motor vehicle recycling yards and junk yards from April 1 to July 1.

HB 120-FN [Chapter 46](#) **Effective: 1/1/10**

relative to the installation of carbon monoxide detectors in single and multi-family dwellings.

- Requires the installation of CO detectors in single and multi-family dwellings built or substantially rehabilitated after Jan. 1, 2010.
- No direct impact on DES.

- HB 129** [Chapter 72](#) **Effective: 6/9/09**
 establishing a committee to study the incorporation of electronic filing procedures under the administrative procedures act.
- The committee shall study: rulemaking agency incorporation by reference to Internet based documents for agency rules; allowing for automatic updating of documents without additional rulemaking procedures; allowing agencies to have electronic filing procedures under the administrative procedures act; and issues concerning the electronic filing of rules and notices with the office of legislative services.
- HB 130** [Chapter 295](#) **Effective: 9/29/09**
 relative to enforceability of publicly-owned land restrictions.
- Provides that any land restriction or covenant held by the state, or a political subdivision of the state, shall be enforceable against future owners of the land.
- HB 162** [Chapter 18](#) **Effective: 8/12/09**
 relative to recycled and rebuilt vehicles.
- Requires submission of forms for the purpose of identifying vehicles that are destroyed.
 - Requires that rebuilt vehicles be identified as such on salvage certificates.
- HB 189** [Chapter 275](#) **Effective: 9/27/09**
 enabling municipalities to establish energy commissions.
- Allows municipalities to establish energy commissions for the study, planning, and utilization of energy resources for municipal buildings and built resources of such city or town.
 - No direct impact to DES.
- HB 206** [Chapter 299](#) **Effective: 9/29/09**
 relative to retention of governmental records under the right-to-know law.
- Clarifies the retention period required for governmental records in electronic form, which shall be kept and maintained for the same retention or archival periods as their paper counterparts.
- HB 229** [Chapter 86](#) **Effective: 6/10/09**
 clarifying the eligibility requirements for class IV renewable energy generating facilities.
- Clarifies certain eligibility requirements for class IV renewable energy generating facilities.
 - Extends the expiration date of Puc 2600 from June 30, 2009 to December 31, 2009.
- HB 245** [Chapter 202](#) **Effective: 7/15/09**
 extending study committee and commissions.
- Commission to Study Automobile Recycling Issues final report due November 1, 2010.
 - Commission to Study the Production and Distribution of Biodiesel in NH final report due November 1, 2009.
 - Commission to Study Issues Related to Stormwater interim report due November 1, 2009; final report due November 1, 2010.
 - Commission to Study Issues Relating to Land Development and Land Development Regulation in NH interim report due November 1, 2009; final report due November 1, 2010.
 - Commission to Study Appointing or Contracting With a Fleet Manager for State-Owned Vehicles final report due November 1, 2010.
 - Commission to Develop Alternatives to the Disposal of Medical Sharps in Household Waste interim report due November 1, 2009; final report due November 1, 2010.
- HB 252** [Chapter 230](#) **Effective: I. §7/1/10; II. Remainder 9/14/09**
 relative to state agency rulemaking concerning expiring administrative rules and relative to electronic filing.
- Establishes a procedure for review of agency rulemaking prior to expiration of the rules.
 - Establishes a pilot program for electronic filing by rulemaking agencies.
 - Allows for electronic filing for all rulemaking agencies beginning July 1, 2010.
- HB 281-FN** [Chapt. 79](#) **Effective: 1/1/10**
 increasing the maximum amount of debt or damages for small claims actions and requiring mediation for small claims actions exceeding \$5,000 and establishing a fee for the cost of such mediation.

HB 290** [Chapter 181](#) **Effective: 7/13/09**

authorizing fluvial erosion hazard ordinances.

- Establishes procedures enabling a municipality to adopt a fluvial erosion hazard ordinance.
- Requires municipalities to submit to DES a map of all proposed fluvial erosion hazard zones and receive DES's comments prior to adopting any ordinances. DES's comments, if any, shall be advisory only.

HB 296-FN** [Chapter 231](#) **Effective: 7/16/09**

increasing fees and transferring funds related to oil discharge prevention and cleanup, and authorizing an oil fund performance audit.

- Increases fees and transfers funds related to oil discharge prevention and cleanup.
- Authorizes a performance audit of oil funds administered by the oil fund disbursement board and the related programs of DES for clean up of petroleum contamination.

HB 297 [Chapter 232](#) **Effective: 1/1/10**

relative to the adoption of agency forms under the administrative procedures act and relative to the notice of the expedited repeal of rules.

- Establishes a procedure for the expedited adoption of forms by agencies and the review by the joint legislative committee on administrative rules.
- Clarifies the notice required for the expedited repeal of rules and the non-expiration of certain rules.

HB 315 [Chapter 310](#) **Effective: 10/6/09**

Clarifying a law relative to junkyards within industrial areas.

- Amends RSA 236:103 by eliminating the language "[,the federal aid primary system,]."

HB 338 [Chapter 126](#) **Effective: 6/22/09**

relative to definitions of electronic waste.

- Adds video display media recorder/players, and computers to the list of items that may not be placed in a landfill or incinerated.

HB 350 [Chapter 282](#) **Effective: 7/1/09**

prohibiting the sale and distribution of household cleaning products containing phosphorus.

- Prohibits the sale and distribution of any household cleansing products that contain a phosphorus compound in concentrations in excess of a trace quantity.

HB 384 [Chapter 185](#) **Effective: 9/11/09**

relative to forest management permitting in and near prime wetlands, waivers for work near prime wetlands, and utility maintenance work in any wetland.

- Establishes an exemption from the permit process for utility providers for minimum impact activities in or near wetlands.
- Establishes waivers for work near prime wetlands.
- Permits the commissioner of DES to establish rules relative to the permit process for forest management in and near prime wetlands.

HB 395 [Chapter 236](#) **Effective: I. §1 11/13/09; II. Remainder 7/16/09**

requiring electric utilities to offer renewable energy source options, allowing the public utilities commission to make contingent grants and loans from the greenhouse gas emissions reduction fund, and relative to using the electricity distribution charge to fund conservation and load management.

- Requires electric utilities to offer one or more renewable energy source options.
- Allows the PUC to make agreements for implementation of greenhouse gas emissions reduction programs that are contingent upon future proceeds from budget allowance auctions within a subsequent 12-month period.
- Establishes limitations on the use of the electricity distribution charge to fund conservation, energy efficiency, and load management programs and incentives.
- Repeals certain provisions relative to limitations on the systems benefit charge.

HB 423 [Chapter 314](#) **Effective: 10/6/09**

Requiring the DES to develop an outreach campaign to disseminate information on recycling materials, including electronic waste.

- Amends RSA 149-M:4, VIII-a to include a definition of "electronic waste."

- Amends RSA 149-M:6 by inserting a new paragraph (VII-a) that requires DES to increase public awareness, using various communication tools, of the many opportunities for recycling wastes, including e-waste.

HB 452** [Chapter 208](#) **Effective: 9/13/09**

designating segments of the Ammonoosuc River into the Rivers Management and Protection Program, relative to the consideration of riparian rights in the establishment of instream flows, and relative to an exemption from terrain alternation permitting requirements.

- Designates segments of the Ammonoosuc River into the RMPP.
- Provides for consideration of riparian rights in the establishment of protected instream flows.
- Provides an exemption from terrain alteration permitting requirements for certain trail construction operations.

HB 473 [Chapter 210](#) **Effective: 1/1/10**

relative to water treatment plants and penalties for safe drinking water violations.

- Modifies certain provisions relative to the regulation of water treatment plants and water distribution systems and penalties for safe drinking water violations.

HB 502 [Chapter 187](#) **Effective: 9/11/09**

modifying the definition of "dam."

- Modifies the definition of "dam" to exclude certain ponds and small dams from the requirement to pay dam registration fees.

HB 515 [Chapter 189](#) **Effective: 7/13/09**

establishing a commission to study alternative fuel vehicles.

- Requires DES Commissioner, or designee, to be a member of the commission.
- Report of findings due November 1, 2009.

HB 537-FN [Chapter 106](#) **Effective: 1/1/10**

relative to penalties for oil spills.

- Clarifies the penalties for oil spill violations.
- Amends RSA 146-A, II to include specific language concerning oil spills/discharges into or onto surface water, groundwater or in land areas where the oil would ultimately seep into such waters.

HB 538-FN [Chapter 190](#) **Effective: 1/1/09**

relative to penalties for water pollution.

- Clarifies certain penalties for water pollution.
- Also amends RSA 485-A:15, I clarifying types of pollution as any "solid waste as defined in RSA 149-M or hazardous waste as defined in RSA 147-A."

HB 585-FN** [Chapter 212](#) **Effective: 9/13/09**

relative to outdoor lighting efficiency.

- Establishes requirements for the state and municipal purchase of outdoor lighting systems.
- Establishes the "New Hampshire dark skies" policy to encourage outdoor lighting efficiency at the municipal level.
- Requires the PUC to establish requirements for an electric utility rate for partial night use of outdoor lighting systems.
- Requires DOT to review criteria for roadway lighting to maximize efficiency and cost savings.

HB 600-FN [Chapter 163](#) **I. §11 as provided in §12; II. §12 Effective: 7/8/09; III. Remainder Effective: 9/6/09**

relative to dedicated funds maintained by the state treasurer.

- Exempts the Hampton Beach capital improvement fund, the Dam Maintenance Revolving Fund.
- Applies to Water Resources Council's accounts.

HB 654-FN [Chapter 110](#) **Effective: 8/14/09**

relative to the dam maintenance revolving fund.

- Describes the revenues that are to be deposited in the Dam Maintenance Revolving Fund.

HB 674-FN** [Chapter 112](#) **Effective: 8/14/09**

relative to eliminating the water resources council, relative to dams, and authorizing the Conn. Lakes headwaters citizens committee to advise the DES on the management of Lake Francis and associated property.

- Eliminates the Water Resources Council.
- Authorizes the Connecticut Lakes headwaters citizens committee to advise DES on the management of Lake Francis and associated property.
- Transfers title of certain dams to DES.
- Transfers contractual obligations of the Water Resources Council to DES.

SENATE BILLS

SB 22-FN** [Chapter 193](#) **Effective: 7/13/09**

relative to criminal mischief committed against natural geological formations which have been designated as natural landmarks.

- Amends RSA 634:2, VI to include "any natural geological formation, site, or rock surface located on public property that has been designated by the state or any of its political subdivisions or the federal government as a natural area or landmark [shall] be guilty of a class A misdemeanor."

SB 24 [Chapter 22](#) **Effective: 7/7/09**

relative to rulemaking by the board of natural scientists and the board of professional geologists.

- Makes technical changes to the rulemaking authority of the boards of natural scientists and of professional geologists.

SB 28 [Chapter 31](#) **Effective: 7/7/09**

relative to annual dam registration fees for non-menace dams and notification to dam owners of downstream development.

- Exempts dams classified by DES as non-menace dams from the annual dam registration fee.
- Requires notification to owners of dams and DES Dam Bureau of downstream development.

SB 29 [Chapter 194](#) **Effective: 9/11/09**

relative to review of developments of regional impact.

- Authorizes regional planning commissions to develop guidelines to assist local land use boards in determining whether a development has potential for regional impact.

SB 39 [Chapter 14](#) **Effective: I. §1 & 4, 6/17/09; II. §3 & 6, 12/31/10; III. remainder, 4/17/09**

relative to municipal and state deposits, authorizing special meetings for considering an appropriate response to the ARRA of 2009, and relative to certain administrative rules.

- Allows town treasurers and state departments or institutions to make certain deposits weekly.
- Establishes special procedures to enable towns to respond appropriately to the ARRA.
- Allows the suspension or adoption of certain administrative rules if necessary to comply with the ARRA.

SB 47 [Chapter 26](#) **Effective: 7/7/09**

relative to surface water.

- Clarifies a requirement that surface water withdrawals or diversions comply with water quality standards.

SB 48 [Chapter 27](#) **Effective: 7/7/09**

relative to preventing contamination of groundwater from certain geothermal processes.

- Allows the commissioner of DES to adopt rules under the safe drinking water act regulating geothermal systems.

SB 50 [Chapter 167](#) **Effective: 6/30/09**

relative to funds and programs of the DES and relative to the duties of the exotic weeds and species committee.

- Authorizes DES to use the publications revolving fund for additional purposes.
- Modifies and extends certain exemptions from the toxics reduction law.
- Further delays the repeal of the authorization for a pollution prevention program.
- Adds to the duties of the exotic aquatic weeds and species committee established under RSA 487:30.

SB 60** [Chapter 245](#) **Effective: 7/16/09**

establishing a commission to study water infrastructure sustainability funding.

- Requires DES Commissioner, or designee, to be a member of the commission.
- Also requires representation from NH Public Works Assoc.; NH Water Works Assoc.; NH Water Pollution Control Assoc.; NH Local Government Center; NH Assoc. of Regional Planning Commissions; American Council of Engineering Companies of NH; Business and Industry Assoc. of NH; Rivers Council; Lakes Assoc.; Piscataqua Region Estuaries Partnership; USGS; and Granite State Hydropower Assoc.
- Requires the commission to make an interim report on or before November 1, 2009, and a final report by November 1, 2010.

SB 65-FN [Chapter 303](#) **Effective: I. §6 7/1/10; II. §5 and 7 7/31/09; III. Remainder 9/29/09**

relative to the acceptance of an lieu payments for the restoration or creation of wetlands and establishing a committee to study the administrative fee percentage for such in lieu payments.

- Permits DES to accept in lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetlands, streams, rivers, and their riparian habitats.
- Establishes a committee to study the administrative fee percentage for such in lieu payments; its report will be due on or before November 1, 2009.

SB 68-FN** [Chapter 134](#) **Effective: 6/29/09**

relative to the use of state vehicles.

- Encourages more efficient use of state-owned vehicles.

SB 85 [Chapter 248](#) **Effective: 7/16/09**

relative to the commission to develop a plan for the expansion of transmission capacity in the north country.

- Extends and expands the membership and duties of the commission to develop a plan for the expansion of transmission capacity in the north country.
- Extends the deadlines for an interim report to November 1, 2009 and for the final report to November 1, 2010.

SB 97 [Chapter 94](#) **Effective: 6/12/09**

establishing a committee to study the standards and procedures by which certain information should be provided to electrical service customers.

- Establishes a study committee to study the standards and procedures by which information should be provided to electrical service customers regarding energy sources and environmental characteristics of their electric service.

SB 107-FN [Chapter 254](#) **Effective: 1/1/10**

relative to the leasing of state-owned real estate on public waters.

- Establishes a process for the leasing of state-owned real estate on public waters.
- Adds new provisions for the leasing of lands managed by the bureau of rail and transit in the DOT.
- Requires permits from DES and/or Safety if the sole purpose of the lease is for installing a dock and/or mooring.

SB 124 [Chapter 257](#) **Effective: 9/14/09**

relative to beaver dams.

- Provides conditions for the removal of beaver dams and the use of beaver pipes.
- Amends RSA 210:9, II to allow beaver dam removal without a permit if machinery does not enter the water, and filling or dredging in or adjacent to surface water, wetlands, or their banks does not occur. And that removal shall be done in a gradual manner that does not allow a sudden release of impounded water so as to cause erosion, siltation, or a safety hazard downstream.

SB 127 [Chapter 56](#) **Effective: 7/21/09**

making renewable energy facilities eligible for certain bonds issued by municipalities and business and industrial development authorities.

- Adds renewable energy facilities to the definition of business and industrial facilities for purposes of the issuance of bonds by municipalities and industrial development authorities under RSA 162-G.

SB 134-FN** [Chapter 218](#) **Effective: 9/13/09**

relative to the comprehensive shoreland protection act.

- Makes various technical changes to the CSPA.

SB 168-FN [Chapter 220](#) **Effective: 7/15/09**

establishing the Southeast Water Alliance.

- Repeals the estuary alliance for sewage treatment and replaces it with the Southeast Watershed Alliance, which authorizes 42 seacoast communities to enter into an organization (SWA), which could help facilitate intermunicipal agreements to achieve actions in these five categories:
 - Establishing intermunicipal stormwater utilities and any associate facilities.
 - Establishing intermunicipal or regional wastewater districts and facilities.
 - Establishing and coordinating common municipal regulations for nutrient reduction and water quality protection, such a stormwater, wetlands, and buffer regulations.
 - Developing and implementing, in coordination with DES, innovative means to achieve compliance with nutrient and other pollutant reductions, such as a nutrients offset or trading program.
 - Addressing water supply and water conservation measures.