

CHAPTER 148  
SB 241 – FINAL VERSION

01/25/12 0204s  
9May2012... 1953h

2012 SESSION

12-2904  
03/09

SENATE BILL        **241**

AN ACT            relative to expiration and extension of terrain alteration permits and extending the report date for the commission to study water infrastructure sustainability funding.

SPONSORS:        Sen. Odell, Dist 8; Sen. De Blois, Dist 18; Sen. Groen, Dist 6; Rep. Lovett, Sull 4; Rep. LaCasse, Sull 4

COMMITTEE:      Energy and Natural Resources

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AMENDED ANALYSIS

This bill:

I. Provides that a terrain alteration permit shall be valid for 5 years and authorizes an extension of the permit if the applicant meets specified criteria.

II. Provides 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 5 years.

III. Extends the final report date for the commission to study water infrastructure sustainability funding.

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Explanation:      Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears [~~in brackets and struckthrough.~~]  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT                   relative to expiration and extension of terrain alteration permits and extending the report date for the commission to study water infrastructure sustainability funding.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           148:1 New Paragraphs; Expiration and Extension of Terrain Alteration Permits; Expiration of  
2 Permits for Excavation, Grading, or Reclamation Projects. Amend RSA 485-A:17 by inserting after  
3 paragraph II-c the following new paragraphs:

4           II-d. All permits issued, except for projects covered by paragraph II-e, pursuant to this  
5 section shall be valid for a period of 5 years. Requests for extensions of such permits may be made to  
6 the department. The department shall grant an extension of up to 5 additional years, provided the  
7 applicant demonstrates all of the following:

8                   (a) The permit for which extension is sought has not expired prior to the date on which a  
9 written extension request from the permittee is received by the department.

10                   (b) The permit for which extension is sought has not been revoked or suspended without  
11 reinstatement.

12                   (c) Extension would not violate a condition of statute or rule.

13                   (d) Surface water quality will continue to be protected as under the original permit.

14                   (e) The project is proceeding towards completion in accordance with plans and other  
15 documentation referenced by the permit.

16                   (f) If applicable, any inspection reports have been completed and submitted as required  
17 by the permit.

18                   (g) The permit has not previously been extended, unless the subdivision plat or site plan  
19 associated with the permit has been deemed substantially complete by the governing municipal  
20 planning board in accordance with RSA 674:39, II, in which case subsequent extensions of the permit  
21 are allowed.

22           II-e. A permit issued under this section that is associated with the ongoing excavation or  
23 mining of materials from the earth shall not expire for the life of the project identified in the permit  
24 application, provided that the permit holder submits a written update of the project's status every 5  
25 years from the date of the permit issuance using a form obtained from the department as specified in  
26 department rules.

27           148:2 Commission to Study Water Infrastructure Sustainability Funding; Report. Amend 2009,

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1 245:5, as amended by 2011, 144:1, to read as follows:

2 245:5 Report. The commission shall make an interim report on or before November 1, 2009, and  
3 another on November 1, 2010, with a final report of its findings and any recommendations for  
4 proposed legislation to the president of the senate, the speaker of the house of representatives, the  
5 senate clerk, the house clerk, the governor, and the state library [~~one year from the effective date of~~  
6 ~~this act, or earlier~~] ***on or before November 1, 2012.***

7 148:3 Effective Date.

8 I. Section 1 of this act shall take effect 60 days after its passage.

9 II. The remainder of this act shall take effect upon its passage.

10 Approved: June 7, 2012

11 Effective Date: I. Section 1 shall take effect August 6, 2012.

12 II. Remainder shall take effect June 7, 2012.