

CHAPTER 147  
SB 229-FN - FINAL VERSION

03/09/2023 0659s  
06/08/2023 2124EBA

2023 SESSION

23-1051  
08/10

SENATE BILL ***229-FN***

AN ACT relative to administration of certain wetlands permits by the department of environmental services.

SPONSORS: Sen. Bradley, Dist 3

COMMITTEE: Energy and Natural Resources

---

ANALYSIS

This bill makes various changes to the administration of certain wetlands permits by the department of environmental services.

-----

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 147  
SB 229-FN - FINAL VERSION

03/09/2023 0659s  
06/08/2023 2124EBA

23-1051  
08/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT                    relative to administration of certain wetlands permits by the department of environmental services.

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

1            147:1 Terrain Alteration; Fee For Amendment Request. Amend RSA 485-A:17, II(b) to read as  
2 follows:

3                    (b) The department shall charge a non-refundable fee of \$500 plus a \$.10 ~~fee~~ per square foot  
4 [fee] ***of disturbance associated with the amendment request*** for each request to amend a permit that  
5 requires plans to be reviewed.

6            147:2 Terrain Alteration; Extension. Amend RSA 485-A:17, II-b(a) to read as follows:

7                    (a) Within 50 days of receipt of the application, the department shall request any additional  
8 information required to complete its evaluation of the application, together with any written technical  
9 comments the department deems necessary. Any request for additional information shall specify that the  
10 applicant submit such information as soon as practicable and shall notify the applicant that if all of the  
11 requested information is not received within 120 days of the request, the department shall deny the  
12 application. ***The department shall grant an extension of this 120-day time period upon the request of the***  
13 ***applicant.***

14            147:3 Excavating and Dredging Permit; Certain Exemptions. Amend RSA 482-A:3, I(a)(1) to read as  
15 follows:

16                    (1) A complete application form that has been signed by the town or city clerk of the  
17 municipality in which the ~~[property is]~~ ***impacts to jurisdiction are*** located or, if the ~~[property is]~~ ***impacts to***  
18 ***jurisdiction are*** located in more than one municipality, by the city or town clerk of each such municipality,  
19 certifying that the municipality has received 4 copies of the form and attachments as provided in  
20 subparagraph (a)(2). The town or city clerk shall send a copy of the form and attachments to the local  
21 governing body, the municipal planning board, if any, and the municipal conservation commission, if any,  
22 and shall retain one copy to be made reasonably accessible to the public. Applications and fees for  
23 projects by agencies of the state may be filed directly with the department, with 4 copies of the  
24 application, plan, and map filed at the same time with the town or city clerk.

25            147:4 Exemptions. Amend RSA 485-A:33, IV to read as follows:

26                    IV.(a) The repair or replacement in-kind of a sewage effluent disposal area shall qualify for a  
27 permit by rule, provided all of the following criteria are met:

28                    (1) The existing system receives only domestic sewage ***from a single family residence***  
29 ***and up to one associated accessory dwelling unit that is included on the approved plan.***

30                    (2) There is no increase in sewage loading proposed for the repaired or replacement  
31 system.

CHAPTER 147  
SB 229-FN - FINAL VERSION  
- Page 2 -

(3) The bottom of the bed is located no less than 24 inches above the seasonable high water table.

(4) The system is located 75 feet or more from an abutter's well unless there is a standard well release form recorded with the registry of deeds in accordance with RSA 485-A:30-b or there is an existing department waiver to the distance for the abutter's well.

(5) The system is located 75 feet or more from the owner's well unless there is an existing department waiver to the distance for the owner's well.

(6) The existing system received prior construction and operational approval from the department and the replacement or repaired system will conform to the provisions of such approval, provided the department may by rule require a minimum septic tank size of 1,000 gallons.

(7) The system is not within 75 feet of any surface water, water supply well, or very poorly drained soil unless authorized by the prior departmental approval described in subparagraph (6).

(8) No new waivers to the department's rules are requested.

(9) The system has not been previously repaired or replaced under a permit by rule in accordance with the provisions of this paragraph.

(b) Construction of the system may proceed upon the submission of an application to the department by a permitted designer under RSA 485-A:35 and receipt of the permit by rule from the department. ***A copy of the approval for construction and approval for operation and a plan matching the operational approval shall be submitted with the application.***

(c) The repaired or replacement system shall not be covered or placed in operation without final inspection and approval by an authorized agent of the department. All inspection by the department shall be accomplished within 7 business days after receipt of written notice from the installer that the system is ready for inspection. The installer shall provide the authorized agent of the department, at the time of the inspection, a copy of the previously approved plan bearing the state approval stamp and ~~[associated operational approval, and]~~ an existing conditions plan bearing the seal of the permitted designer performing work under the permit by rule. ***If the state approved plan is not available from the state or town, a copy of the approved plan from the original designer, bearing the designer's stamp, may be used.***

(d) The applicant submitting the permit by rule application shall assume all liability and responsibility for the components of the design that are part of the system being repaired or replaced under the permit by rule.

(e) The installer constructing the system shall assume all liability and responsibility for the construction of the system components repaired or replaced under the permit by rule.

(f) For purposes of this paragraph, "in-kind" shall mean a repair or replacement of the effluent disposal area in strict accordance with what is shown on the previously approved plan.

147:5 Effective Date. This act shall take effect July 1, 2023.

Approved: June 30, 2023  
Effective Date: July 01, 2023

