

CHAPTER 17  
HB 73 - FINAL VERSION

2021 SESSION

21-0045  
08/11

HOUSE BILL           **73**

AN ACT               relative to public notice requirements for certain permits issued by the department of environmental services.

SPONSORS:           Rep. Aron, Sull. 7; Rep. Pearl, Merr. 26; Rep. Potucek, Rock. 6

COMMITTEE:         Environment and Agriculture

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ANALYSIS

This bill requires public notice using electronic means for certain permits issued by the department of environmental services.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   relative to public notice requirements for certain permits issued by the department of environmental services.

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

1           17:1 Department of Environmental Services, Solid Waste Division; Rulemaking; Notice  
2 Requirements. Amend RSA 149-M:7, III to read as follows:

3           III. Administration of a permit system, including the terms, conditions, and time frames  
4 under which the department shall issue, modify, suspend, revoke, deny, approve, or transfer permits  
5 required by this chapter, ***and means of noticing the public about such permits including, but***  
6 ***not limited to, using electronic means via notice on the department's Internet website, and***  
7 ***communicating permitting information with affected municipalities.***

8           17:2 Department of Environmental Services; Solid Waste Division; Permit Required; Electronic  
9 Notice Required. Amend RSA 149-M:9, VIII to read as follows:

10           VIII. The department shall act upon each permit application within the time periods  
11 specified in rules adopted under RSA 149-M:7. For permits requiring a public hearing under rules  
12 adopted under RSA 149-M:7, once the department determines that an application is complete, in no  
13 case, without prior written agreement regarding an extension with the applicant, shall the  
14 department take longer than 180 days to issue or deny the permit. For permits that do not require a  
15 public hearing under rules adopted under RSA 149-M:7, once the department determines that the  
16 application is complete, in no case, without the prior written agreement regarding an extension with  
17 the applicant, shall the department take longer than 120 days to issue or deny the permit. Prior to  
18 such action, the department shall provide notice of the application by publication in at least one  
19 newspaper of general circulation in the community ***and on the department's Internet website,***  
20 ***and an opportunity for hearing to interested persons.*** The applicant shall notify abutters of the  
21 public hearing in writing by certified mail, return receipt requested. The requirement of public  
22 notice and hearing shall apply at the discretion of the department to facilities or activities that will  
23 have an insignificant effect on environmental quality as defined by rule under RSA 149-M:7.

17:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 06, 2021  
Effective Date: July 05, 2021