



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 23, 2024

The Honorable Andrew Renzullo
Chair, Resources, Recreation and Development Committee
State House, Room 305-307
Concord, NH 03301

RE: HB 1140 An Act relative to requirements for homeowner installations of septic systems

Dear Chairman Renzullo and Members of the Committee:

Thank you for the opportunity to testify on HB 1140. This bill would clarify when homeowners can install septic systems at their own domicile. The New Hampshire Department of Environmental Services (NHDES) supports this bill as amended.

RSA 485-A:36 allows for a homeowner to install a septic system for their own domicile without a septic system installers permit. A strict interpretation of the law would only allow repair and replacement of systems because the site would need to already have a functioning septic system to be a domicile. Yet, this interpretation excludes legitimate cases of new construction where a person is building their future domicile. This bill would explicitly allow for this activity with conditions that need to be met to ensure proper installation and clarifying that developers, who are not going to live in the dwelling, must fully utilize permitted septic system installers. Each year, NHDES receives dozens of applications for homeowner installations for properties that will be sold once constructed.

Another issue often encountered is that constructing a new septic system requires more specialized knowledge than most homeowners possess. To protect the homeowner and the environment, the bill adds a requirement for oversight by a permitted septic system installer or septic system designer. It is especially important that the preparation of the base of the effluent disposal area be observed by a professional to ensure that it is done correctly.

The clarifications in this bill will help the septic system installer industry and homeowners by allowing for flexibility within the statute that is also environmentally responsible. The septic system installer industry is affected by homeowner installations not authorized by law because they lose business to people who are not trained, do not maintain a license, and often under-cut prices. If a septic system is not installed properly, the system may fail prematurely, potentially affecting a future owner of the property and the environment. In the last four years, approximately 30% of the homeowner installations that were attempted never received operational approval from the NHDES. The proposed oversight by permitted installers or designers should result in more approvable systems.

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Thank you again for the opportunity to comment on HB 1140. Should you have questions or need additional information, please feel free to contact Philip Trowbridge, Administrator of the Land Resources Management Program (Philip.R.Trowbridge@des.nh.gov, 271-4898) or Scott Hazelton, Administrator of the Subsurface Systems Bureau (Scott.A.Hazelton@des.nh.gov, 271-2904).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Robert R. Scott
Commissioner

ec: Sponsor of HB 1140: Representative McConkey