



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

April 9, 2024

The Honorable Kevin Avard
Chairman, Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: HB 1141 - An Act relative to the requirements for approval to increase load on a sewage disposal system

Dear Chairman Avard and Members of the Committee:

Thank you for the opportunity to testify on HB 1141. This bill clarifies when someone needs to obtain state septic system approvals when modifying a structure. The New Hampshire Department of Environmental Services (NHDES) supports this bill.

RSA 485-A:38 is the statute that pertains to the requirements for approval to increase the load on sewage disposal systems. Currently, the RSA requires the owner of a structure to submit an application for approval of a sewage disposal system prior to expanding any structure, or occupying any existing structure on a full-time basis, which would increase the load on an existing septic system. However, changes in loading can occur from other activities besides expanding a structure or converting it from part-time to full-time occupancy. Adding commercial food preparation areas is another way that has become more common recently. The revised language encompasses all changes in use that increase the loads to a septic system.

RSA 485-A:38, II contains an exemption from getting a septic system permit when expanding, relocating, or replacing structures that do not increase the load to the septic system. One of the conditions for this exemption is that the lot is either served by a septic system that received state approvals less than 20 years ago, is greater than five acres in size, or is served by an off-lot effluent disposal area. This language has created a loophole for old compounds and mobile home parks that pre-date subsurface regulations. If their lot is greater than five acres in size, the owners do not need to upgrade the septic systems when replacing or moving the residences. These properties can have multiple residences with old, ineffective systems which can affect water quality. The revised language would allow this exemption only if the septic system has been state-approved.

Thank you again for the opportunity to comment on HB 1141. 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, 603-271-4898) or Scott Hazelton, Administrator of the Subsurface Systems Bureau (Scott.A.Hazelton@des.nh.gov, 603-271-2904).

Sincerely,

Robert R. Scott
Commissioner

cc: Representative McConkey