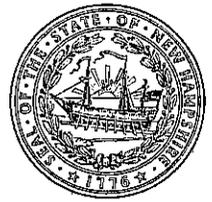




The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 7, 2010

The Honorable Judith T. Spang, Chairman  
House Resources, Recreation and Development Committee  
Legislative Office Building Room 305  
Concord, New Hampshire 03301

Re: HB1434, relative to exemptions from sewage disposal systems approval

Dear Chairman Spang and members of the Committee:

Thank you for the opportunity to testify on HB 1434, relative to exemptions from sewage disposal systems approval. The Department of Environmental Services supports the purpose of the bill, but does not believe the bill as written accomplishes that purpose.

According to the bill's analysis, it is intended to "exempt[] certain transfers of title to land from sewage disposal systems approval requirements when the owner retains title to buildings." The bill proposes to amend RSA 485-A:33 by inserting a new paragraph IV to exempt transfers of title to land when the owner retains title to the buildings thereon for the sole purpose of financing or refinancing.

It is our understanding that the intent of the bill is to facilitate an innovative type of financing by exempting the described transactions from the requirement to obtain **subdivision** approval. However, it is not clear from the proposed language that the exemption is from subdivision approval, and both the title and analysis of the bill state that the exemption is from the requirement to obtain approval for a sewage disposal system.

If the Committee supports the concept underlying the bill, the Department urges the Committee to amend the bill clarify its intent and language. A draft amendment is attached for your consideration.

Thank you again for the opportunity to comment on this bill. If you have any questions, please call me or Gretchen Hamel of my staff at 271-3137.

Sincerely,

Thomas S. Burack  
Commissioner

Enclosure

cc: Representative Dokmo  
Representative Bergin  
Representative Leishman