



The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner



*Celebrating 25 Years of Protecting
New Hampshire's Environment*

April 12, 2012

The Honorable Bob Odell, Chairman
Energy and Natural Resources Committee
Legislative Office Building, Room 102
Concord, NH 03301

RE: HB 1415 - relative to permits for repair or replacement of sewage and waste disposal system.

Dear Chairman Odell:

Thank you for the opportunity to testify on the amendment to HB 1415 as amended by the House. HB 1415 would provide a "permit-by-rule" for qualifying lots for repair and/or replacement of effluent disposal when a system failure has occurred. The Department of Environmental Services (DES) supports this amendment to HB 1415 with several minor edits which are described below.

HB 1415 would provide for a permit by rule for repair or replacement of qualifying sewage or waste disposal systems. The criteria for a qualifying system are described in the bill. These criteria include a requirement that the existing system previously received construction and operational approval from DES and that the replacement or repaired system will conform to this plan. If all the criteria are met, a detailed DES system plan review would not be required. An inspection of the replacement system by DES would still be required prior to backfilling to ensure that the system installation was done in accordance with the previously approved plan. This approach is likely to save homeowners time and money since a complete new design will not be required for qualifying sites. Significantly, HB 1415 also ensures that the homeowner will continue to have documentation that a "state approved system" exists on the site. This documentation is often required by financial institutions for consideration of mortgage financing and re-financing.

DES recommends the following minor edits:

1. In Section 2, in the first line of Section IV(a), substitute the term "sewage effluent disposal area" (EDA) for "sewage or waste disposal system." This would clarify that all components of an individual sewage disposal system other than the EDA (that is, leachfield) may still be repaired or replaced without department approval.

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2. In Section 2, amend Section IV(f) to state: “ For the 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* ~~that is of an equivalent nature and in the same location.~~
We believe that this phrase is unnecessary.

Thank you for your consideration. If you have any questions, please contact Rene Pelletier at 271-2951 or me at 271-2958.

Sincerely,



Thomas S. Burack
Commissioner

cc: Representative Warden
Senators Gallus and De Blois