



The State of New Hampshire  
**Department of Environmental Services**

**Thomas S. Burack, Commissioner**



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

February 14, 2012

The Honorable Andrew Renzullo  
Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, NH 03301

RE: HB 1721 - relative to the approval process to increase the load on a sewage disposal system

Dear Representative Renzullo:

Thank you for the opportunity to comment on HB 1721, an act relative to the approval process to increase the load on a sewage disposal system. The Department of Environmental Services (DES) opposes HB 1721. This bill would delete changes that were made during the 2010 Legislative Session by enactment of SB 370 (Chapter 342:5), which added RSA 485-A:38, II-a to Chapter RSA 485-A. Since this provision was adopted just two years ago, we believe that there should be more experience with the existing law before considering amendments.

Under the current language of RSA 485-A:38, II-a, the footprint of a structure cannot be expanded without DES approval of a new septic system design unless there is a septic system approval that has been obtained within the last 20 years. This requirement ensures that when a structure is expanded the current septic systems standards are attainable on the lot. In some cases, the existing system could date back to an approval issued 45 years ago. Since then, the technology, science and regulations have all changed considerably. For example, setback distances have become more protective for drinking water wells, surface water bodies and very poorly drained soils. These setbacks are particularly a concern on small lots with very limited area for the installation of replacement septic systems. Existing law addresses these concerns by ensuring that, at the time of expansion of the structure, an area exists on the lot where a replacement system can be located that meets current standards.

If HB 1721 were enacted, the footprint of a structure could be expanded, assuming no additional loading, without additional site evaluation and DES approval. This would weaken the protections for public health, the environment and consumers that are provided by the existing statute.

Thank you for this opportunity to comment on this bill. Please feel free to call Rene Pelletier, Assistant Water Division Director at 271-2951 or me at 271-2958, if you have any questions or need additional information.

Very truly yours,

Thomas S. Burack  
Commissioner

cc: Representatives Ritter and Groen  
Senator De Blois

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095  
(603) 271-3503 • TDD Access: Relay NH 1-800-735-2964