



The State of New Hampshire
Department of Environmental Services



Clark B. Freise, Assistant Commissioner

March 28, 2017

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

RE: HB258, *An Act relative to the submission and approval of subsurface sewage disposal system plans*

Dear Chair Avard and Members of the Committee:

Thank you for the opportunity to testify on HB 258. This bill would assist the regulated community in the preparation of, and expedite process of, individual sewage disposal system (ISDS) applications prior to submittal to the New Hampshire Department of Environmental Services (NHDES). NHDES supports this bill.

This bill simplifies the application process by removing requirements for deed references. RSA 485-A:29 Submission and Approval of Plans and Specifications, specifically RSA 485-A:29,IV currently requires permitted designers of subsurface sewage disposal systems to provide the registry of deeds volume and page numbers for each lot that relates to the septic system application to NHDES. This requirement was initially promulgated in 1991 to allow NHDES to record approvals at the applicable county registry of deeds. NHDES records indicate that the actual recordation of approvals was discontinued in 1999. Since this statute does not require NHDES to record ISDS approvals, and approvals are no longer recorded, NHDES agrees this requirement should be eliminated from statute.

This bill expedites failed ISDS replacement by exempting certain applications from the prior local approval process. RSA 485-A:32 Prior Approval; Permits, specifically RSA 485-A:32,II currently requires that any person submitting plans for an ISDS certify that he has complied with all local government requirements in those municipalities where regulations require prior local approval. The local approval process is mainly a review of plans to ensure that local setback requirements are met and is typically not a technical review of plans and specifications. In many towns in the state, the persons or boards responsible for the local review meet infrequently. In addition,

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

The Honorable Kevin Avard
Chair, Energy and Natural Resources Committee
March 28, 2017
Page 2

some towns require multiple board or commission reviews. For submissions for the replacement of failed systems, this requirement may mean that the repair or replacement of the failed system could be delayed for an extended period of time creating potential hazards to human health and the environment. This bill exempts applications for the replacement of failed systems from local approval process to ensure that those systems are replaced in the most expedient manner possible.

This bill facilitates modifications to existing structures served by off-site systems by removing the requirement that new ISDS plans and specs be submitted. RSA 485-A:38 Approval to Increase Load on a Sewage Disposal System, specifically RSA 485-A:38, II-a requires the submission of a new ISDS plan and specifications prior to expanding, relocating, or replacing any structure that does not increase the load on the ISDS provided certain conditions are met. These requirements were promulgated to ensure that prior to the modification of a structure, there is adequate area on the property for a replacement ISDS that meets all applicable requirements to the maximum extent practicable. These requirements are not applicable for structures served by off-site systems. This bill would exempt structures served by off-site from these requirements.

DES supports this bill because it streamlines the application and approval process for certain systems. In addition, this bill reduces potential hazards to human health while improving environmental protection by expediting replacement of failed systems.

Thank you again for the opportunity to comment on HB 258. Should you have further questions or need additional information, please feel free to contact either Robert Tardif, Acting Administrator, Subsurface Systems Bureau (603-271-2904, robert.tardif@des.nh.gov), or Rene Pelletier, Assistant Director, Water Division (603-271-2951, rene.pelletier@des.nh.gov).

Sincerely,

Clark B. Freise
Assistant Commissioner

cc: Sponsor of HB 258: Representative Sprague