



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

March 5, 2019

The Honorable Suzanne Smith, Chair
House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 475, AN ACT establishing a shoreland septic system study commission

Dear ChairSmith and Members of the Committee:

Thank you for the opportunity to comment on HB 475. This bill establishes a study commission to evaluate possible methods to assess certain septic systems on properties located adjacent to New Hampshire lakes, ponds, and rivers. While the New Hampshire Department of Environmental Services (NHDES) supports the intent of HB 475, we do have the following suggestions for your consideration.

On July 1, 1967, under the authority of RSA 149-M, the State of New Hampshire began approving the design and construction of septic systems on properties within 1,000 feet of a surface water. On July 1, 1971, the State extended that authority to apply to all properties within the State. The aforementioned authority under RSA 149-M is now implemented under RSA 485-A.

In Section 1, I and II of the proposed bill, the focus is on septic systems installed prior to July 1, 1967 (non-State approved). As such, we suggest that the term "inadequate" be changed to "non-State approved". These references can be found in Section 2, I (page 1, line 13), Section 2, V (a) (page 2, line 11) and Section 2, V(b) (page 2, line 12) of the bill. This minor change will keep the focus of the proposed commission to what we believe is the intent of the bill (i.e., systems constructed prior to 1967).

In addition, the proposed bill limits the study to residential septic systems. Since not all properties located on the State's surface waters are residential, we suggest that this limiting term be removed from the bill. This would then require that commercial properties, which may generate more wastewater than a typical residential property, be included in this effort. This reference can be found in Section 2, I (page 1, line 13) and Section 2, I (page 1, line 28) of the bill.

Finally, given the findings of the Coastal Risk and Hazards Commission and the audit required as part of Chaptered Law 195/SB 452, the Committee may wish to add another subject of discussion relative to climate resilience. Both of those efforts identified that there will be areas near rivers and the seacoast which are likely vulnerable to groundwater rise from high precipitation and sea level rise. The proposed commission could discuss ways to improve septic design standards in those vulnerable areas.

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Thank you again for the opportunity to comment on this proposed legislation. If you have questions or need additional information, please contact Robert Tardif, Subsurface Systems Bureau Administrator (robert.tardif@des.nh.gov or 271-2904).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott". The signature is fluid and cursive, with a large loop at the end.

Robert R. Scott
Commissioner

cc: Representatives Spang, Oxenham, Malloy, Senators Bradley, Fuller Clark, Watters and Feltes