



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



DATE: June 2, 2015, rev March, 2018
FROM: Rene Pelletier, Assistant Director, Water Division
SUBJECT: Shoreland Permitting Relative to Individual Sewage Disposal System (ISDS) Approvals
TO: Interested Parties

NHDES approval is required for all new ISDS construction on undeveloped lots, repairing or replacing an existing ISDS, and when increasing septic flow to an existing ISDS. Administrative Rule Env-Wq 1004.03 of the Subdivision and Individual Sewage Disposal System Design Rules requires the submission of copies of all other applicable NHDES approvals before the Subsurface Systems Bureau can issue an ISDS construction approval (CA). However, when no immediate construction or excavation activities are planned, and an application for an ISDS is submitted solely for the purpose of documenting that an undeveloped lot within the protected shoreland is capable of supporting the proposed sewage loading or documenting that a developed lot can support an increase in sewage loading, a waiver request may be included with the ISDS application to waive the requirement for submitting a copy of a *Shoreland Impact Permit*. In these instances, the ISDS plans must clearly state that a waiver of Env-Wq 1004.03 was requested and that a *Shoreland Impact Permit* must be obtained prior to commencing any construction or excavation activities on the subject parcel.

Suggested language for statement to be present on all ISDS plans requesting a waiver of Env-Wq 1004.03:

All new construction and construction that modifies the footprint of existing impervious surfaces, (including gravel driveways), all excavation using mechanized equipment, and filling within 250 feet of public waters requires a Shoreland Permit. The Shoreland Permit must be obtained prior to commencing any construction, excavation or filling activities.

The following activities are exempt from a shoreland permit and do not require a waiver of Env-Wq 1004.14:

- a.) Repairing or replacing an existing failed ISDS, provided there is no increase in sewage flow and the repairs occur in accordance with Env-Wq 1002.57 of the Subdivision and Individual Sewage Disposal System Design Rules.
- b.) Replacing an existing ISDS with a new, state approved ISDS provided there is no increase in sewage flow and provided the new ISDS meets all applicable requirements of RSA 483-B:9, V, to the greatest extent feasible.
- c.) Digging test pits for the purposes of determining the suitability for wastewater disposal under RSA 485-A:29 relating to subdivisions or septic systems provided there is no disruption of ground cover within 50 feet of the reference line and no test pits are dug within 75 feet of the reference line unless required in order to evaluate eligibility for a replacement system under Env-Wq 1004.18.

All other ISDS construction activities occurring within the protected shoreland are regulated by RSA 483-B, the Shoreland Water Quality Protection act and associated Administrative Rules Env-Wq 1400 Shoreland Protection and RSA 485-A and Env-Wq 1000 the Subdivision and Individual Sewage Disposal System Design Rules. Projects that propose no greater than 1,500 square feet of total impact area may qualify for a *Shoreland Permit by Notification*.

Please visit the Shoreland Program web page at: <http://des.nh.gov/organization/divisions/water/wetlands/cspa/index.htm> for additional information on the shoreland permitting process.