

## Clarification of Regulation Requirements for New Construction & Expansion of Existing Buildings

### **Env-Wq 1004.22 Expansion, Relocation, Remodeling or Replacement of Existing Structures**

No construction or operational approval from the department shall be required prior to the expansion, relocation, remodeling, or replacement of any structure that does not increase the load on a sewage disposal system as long as the following conditions are met (RSA 485-A:38, II-a):

- (1) The ISDS (individual sewage disposal system) serving the structure received construction and operational approval from the department within 20 years of the date of the issuance of a building permit for the proposed expansion, relocation, or replacement; or the lot is either 5 acres or more in size.
- (2) If the property is nonresidential, no waivers were granted in the construction or operational approval of any requirements for total wastewater lot loading, depth to groundwater, or horizontal distances to surface water, water supply systems, or very poorly drained soils; and
- (3) The proposed expansion, relocation, or replacement complies with the requirements of the Shoreland Water Quality Protection Act, RSA 483-B, if applicable.

Except as provided below, any expansion, relocation, remodeling, or replacement of a structure that does not meet the above exemption requirements shall be considered new construction, and a new application for an ISDS to serve the structure is required:

The ISDS serving the structure received construction and operational approval from the department **more than 20 years** before the date of the issuance of a building permit but otherwise meets the criteria in 1-3 above **and the footprint will not change**. (Env-Wq 1004.22 (c)).

Once approval for the sewage disposal system is received from the department, work may commence on expanding, relocating or replacing the structure.

Prior to expanding any structure or converting the structure from seasonal to full-time occupancy, the owner of such structure shall submit an application for approval of the sewage disposal system to the department.

**For Further Information**

If you have any questions concerning septic systems, contact NHDES Subsurface at (603) 271-3501, or 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095; Fax: (603) 271-6683.