



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 11, 2022

The Honorable Carol McGuire
Chair, Executive Departments and Administration Committee
Legislative Office Building, Room 306
Concord, NH 03301

RE: HB 1293, AN ACT relative to the design of sewage or waste disposal systems for a person's own domicile

Dear Chair McGuire and Members of the Committee:

Thank you for the opportunity to comment on HB 1293. This bill removes the authority in RSA 485-A:35 for a person to design a sewage or waste disposal system (septic system) for their own domicile. The New Hampshire Department of Environmental Services (NHDES) supports this proposed legislation because this provision increases the risks of drinking water contamination, is rarely used, and when used, slows down the process for all applicants for septic system approvals.

The vast majority (99.9%) of septic systems in the State are designed by licensed designers. Septic system designers are required to pass a State exam. Passing the exam, in part, demonstrates the person's knowledge of soils and its relationship to groundwater and groundwater elevations. Understanding soil types and establishing the estimated seasonal high-water table (ESHWT) from soil test pits are critical skills for licensed designers. Septic systems need to be correctly sized as well as maintain vertical separation between the effluent disposal area (leachfield) and the ESHWT to prevent contamination of groundwater. Considering the large percentage of private drinking water wells in the State of New Hampshire, protecting the groundwater is critical to the protection of human health.

Under RSA 485-A:35, (II), the only time a septic system can be designed by someone other than a licensed designer is by a homeowner for the person's own domicile. However, untrained homeowners do not have adequate knowledge to evaluate soils and the ESHWT to properly design a septic system which will protect the groundwater. During the review of applications for septic system design approval, NHDES staff trusts that all information provided is true and accurate. Staff do not visit every site to verify that the information provided in the application has been correctly reported including, but not limited to, the soils and the water table elevation.

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Therefore, the provision allowing homeowner designs of septic systems in RSA 485-A:35, (II) puts the homeowner and their neighbors at risk of illness from contaminated drinking water.

Moreover, the provision for homeowner designs of septic systems is rarely used, and when it is, diverts a disproportionate amount of NHDES staff time away from serving the rest of the public. In the past seven years since 2015, 62 applications (less than 10 per year) for septic system design approval have been submitted by the homeowner for their own domicile. Of those 62 applications, NHDES had to prepare 68 letters to obtain more information. These letters, and subsequent phone calls, are lengthy because the applications are often grossly incomplete. Obtaining all the information needed for an approval and coaching the homeowner through the process takes staff time away from the thousands of other customers that we serve. In some cases, all this effort is spent on properties which are later sold as investment properties, not long-term domiciles.

Therefore, considering the risks to public health, the very small number of homeowner-design applications received, and the amount of additional time needed to review these applications, NHDES feels that the exemption RSA 485-A:35 should no longer be allowed. This is the change that HB 1293 would make. The community of practice of licensed designers in New Hampshire has the capacity to handle all the septic system designs in the State.

Thank you again for the opportunity to comment on this very important legislation. If you have questions or need additional information, please contact Robert Tardif, Subsurface Systems Bureau Administrator (robert.a.tardif@des.nh.gov or 271-2904) or Philip Trowbridge, Land Resources Management Administrator (philip.r.trowbridge@des.nh.gov or 271-4898).

Sincerely,



Robert R. Scott
Commissioner

ec: Sponsor of HB 1293: Representative McConkey