



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 25, 2022

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

RE: HB 1312, AN ACT relative to water pollution and waste disposal rulemaking.

Dear Chair McGuire and Members of the Committee:

Thank you for the opportunity to comment on HB 1312. This bill sets forth statutory provisions regarding rule making authority relative to the International Plumbing Code in RSA 485-A:6. The New Hampshire Department of Environmental Services (NHDES) recognizes the issues being addressed but has concerns about the proposed language as being too broad with significant potential for unintended consequences.

NHDES believes this bill is related, in part, to requirements that food handling facilities have grease interceptors (grease traps) to protect sewage disposal systems. RSA 485-A:29-44 is the governing statute for individual sewage disposal systems (septic systems) in the State of New Hampshire. The rules were adopted as authorized by the statute to protect water supplies, prevent pollution in the surface and groundwaters of the state, and to prevent nuisances and potential health hazards. Requirements for grease interceptors were included in the first set of administrative rules under this section of the statute which were adopted in 1978 and have been included in guidance documents since 1974. The current version of the rules was re-adopted in October of 2016. Currently, Env-Wq 1012 Gravity Grease Interceptors and Floor Drains provides that commercial facilities and dwellings where food handling and preparation occur must have a gravity grease interceptor sized to have a minimum hydraulic detention time of 36 hours and a minimum volume of 1,000 gallons. These current design standards have been in the rules since 1990.

The provisions in the rules regarding gravity grease interceptors are necessary for the protection of the sewage disposal system, including the biological action in the septic tank needed for treatment, and the long-term function of the effluent disposal area (leach field). The cost associated with the replacement of a septic system varies depending on many different factors including, but not limited to, design flow and site characteristics. However, even the smallest sewage disposal system, without site limitations, could cost between \$10,000 and \$15,000. The addition of a grease interceptor will add approximately 15 to 20 percent to the cost of a newly designed system. A properly sized gravity grease interceptor in a system designed to accommodate food handling and preparation will help prevent pre-mature failure and alleviate the potential financial burden on the owner to replace the sewage disposal system.

Another critical function of the grease interceptor is to separate and remove as much fats, oils and grease from the septage, which are part of the residuals that must be pumped out of septic tanks. Most septage is ultimately disposed at a municipally-owned wastewater treatment plant. Restaurant wastewater is typically higher in strength than residential wastewater, due to higher levels of fats, oils, grease and foods. RSA 486.13 states: "... municipalities shall not be required to receive and treat septage in such amounts or at such times as would interfere with proper operation

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of municipal treatment and disposal facilities.” This gives wastewater treatment plants in NH the authority to reject septage loads that may disrupt the treatment at the plant. Septage loads with high levels of fats, oils, and grease can cause this type of disruption.

NHDES received a letter from Representative Aron in August of 2021 in which she discussed concerns relative to grease interceptor requirements for food handling facilities. HB 1312 would require that NHDES rules not exceed the International Plumbing Code (IPC). It should be noted that the IPC regulates the plumbing and associated fixtures, including internal grease interceptors as applicable, for plumbing systems *within a structure*. The gravity grease interceptors required by the rules are outside the structure. It is NHDES’ understanding that the current rules regarding grease traps for individual sewage disposal systems is not in conflict with the provisions of the IPC.

In the NHDES response letter to Representative Aron, it was suggested that a Legislative Study Committee be formed to obtain further input from professionals in this field. If the Study Committee is established, and it is determined that changes to current grease interceptor regulations should be made, input received during committee meetings could be used to amend those regulations. It should also be noted that HB 1043, an act establishing a committee to study regulations applicable to small businesses that sell food, also sponsored by Representative Aron, requests input from the NHDES. NHDES suggests that the concerns raised in this bill may be addressed in the committee formed by HB 1043, if passed. HB 1043 is in the House Commerce and Consumer Affairs Committee.

A potential unintended consequence of the proposed amendment, “or other plumbing components shall be no more restrictive than the International Plumbing Code”, is that it may reduce the protection of health and safety by impacting NHDES’ authority to administer the requirements associated with backflow prevention devices pursuant to RSA 485.11. These requirements establish the specifications for backflow prevention at every connection to a public water system if the facility connected may pose a hazard to the quality of water supplied by the public water system as determined by NHDES. Similarly, the proposed requirements of HB 1312 may reduce the protection of health and safety by impacting the New Hampshire Water Well Board and NHDES’ authority to administer RSA 482-B and the associated rules relative to the construction of water supply wells and installation of pumping systems.

Thank you again for the opportunity to comment on this 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) and Brandon Kernen, Drinking Water and Groundwater Bureau Administrator (brandon.m.kernen@des.nh.gov or 271-1168).

Sincerely,



Robert R. Scott
Commissioner

cc: Sponsors of HB 1312: Representatives Aron, McGuire, and McConkey