



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

March 2, 2021

The Honorable Tom Dolan
Chairman, Municipal and County Government Committee
Legislative Office Building, Room 301
Concord, NH 03301

RE: HB 588, AN ACT relative to building codes for tiny houses

Dear Chairman Dolan and Members of the Committee:

Thank you for the opportunity to comment on HB 588. This bill sets forth statutory provisions regarding the building codes for tiny houses. Should the Committee choose to move forward with this bill, the New Hampshire Department of Environmental Services (NHDES) suggests the Committee consider the changes discussed below.

RSA 674:77, III of the proposed bill indicates that tiny houses used for habitation be connected to both water systems and wastewater disposal systems approved by NHDES. This part goes on to state on page 2, line 3-4:

Alternatively, a tiny house used for habitation may include self-contained drinking water and sanitary systems.

RSA 485-A:32 states:

No person shall construct any building from which sewage or other wastes will discharge or construct a sewage or waste disposal system without prior approval of the plans and specifications of the sewage or waste disposal system by the department.

Therefore, wastewater generated from a tiny house must be discharged to a waste disposal system approved by NHDES. A self-contained sanitary system would be considered by NHDES rules to be a holding tank. NHDES does not consider a holding tank to be a practical method of sewage disposal/management due to the frequency of which the tank needs to be pumped. Fees for the disposal of septage vary throughout the state ranging from \$70 to as much as \$180 per 1,000 gallons. These costs only reflect the tipping fees charged at wastewater treatment plants across the state; they do not include the fees charged by the septage hauling company. These costs will also vary depending on the company. One company spoken with indicated that they charge, at a minimum, \$265 to pump a typical 1,250-gallon septic tank. Considering that design flows for wastewater generation assumed by NHDES for the design of septic systems is 75 gallons per day, per person it could cost approximately \$230 per week for wastewater disposal for two people living in a house using a holding tank. In

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an effort to avoid these costs, people have been known to dispose of the wastewater illegally causing harm to human health and the environment.

Due to the high potential for illegal disposal of wastewater, NHDES regulates when holding tanks can be used. Env-Wq 1022 of the Subdivision and Individual Sewage Disposal System Design Rules specifically Env-Wq 1022.03(a) states:

- (a) *Holding tanks or closed systems shall not be approved except in the following instances:*
- (1) *As a replacement for an existing system in failure when no other means of disposal is practical;*
 - (2) *When the structure proposed to be served by the holding tank will be connected to a municipal sewer within one year of approval of the holding tank application; or*
 - (3) *For an infrequent commercial use, such as a fairgrounds at which events are held less than six times per year.*

Since the use of self-contained sanitary systems for a structure intended for year-round occupancy (as proposed in the bill) will not meet any of the instances stated above, they cannot currently be approved as required by RSA 485-A:32 Prior Approval; Permits. NHDES proposes that this alternative be removed from the bill.

In addition, RSA 674:78, III of the proposed bill discusses provisions for tiny homes in group park settings. NHDES proposes that this part be amended to state that when a group park is not served by public water and sewer, all standards for water and wastewater (including lot sizing) meet all applicable minimum standards required by NHDES rules and statutes. We suggest the following language starting on page 2, line 21:

The overall lot size shall be at least 10,000 square feet, but if the park is not served by public water and sewer, then the park or units shall meet all applicable minimum design standards for drinking water and wastewater disposal, including minimum lot sizes, required by New Hampshire Department of Environmental Services administrative rules.

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 603-271-2904) Rene Pelletier, Assistant Water Division Director (rene.j.pelletier@des.nh.gov) or 603-271-2951.

Sincerely,



Robert R. Scott
Commissioner

ec: Sponsors of HB 588: Representatives Testerman, Maggiore, Mason