



The State of New Hampshire
**Department of Environmental
Services**



Robert R. Scott, Commissioner

February 7, 2022

The Honorable Kevin Avard
Chairman, Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: SB 257, AN ACT enabling municipalities to incorporate sewage disposal systems as part of their stormwater utility

Dear Chairman Avard and Members of the Committee:

Thank you for the opportunity to comment on Senate Bill 257 which legislation proposes to enable municipalities to incorporate sewage disposal systems as part of their stormwater utility. The New Hampshire Department of Environmental Services (NHDES) supports this bill.

To accomplish this goal the proposed bill:

- Amends RSA 31:135; definition of "water and/or sewer utility" to: an entity established for the acquisition, operation, and management of **sewage disposal systems, as defined in 485-A:2, and other** water and sewer infrastructure.
- Amends RSA 149-I:6-c by inserting after paragraph VI the following new paragraph:
VII. Municipalities subject to federal storm water regulation may incorporate sewage disposal systems, as defined in 485-A:2, as part of their stormwater utility.

About half of all New Hampshire residents dispose of their sewage in a septic system, also known as a "sewage disposal system." Septic systems can be very effective at treating waste for pathogens and any number of organic chemicals. However, they are not effective at treating for nutrients, especially nitrogen, and, when located in close proximity to lakes, can contribute to algal blooms. Because of this, many communities are now exploring ways to improve septic system treatment, maintenance, and management. Creation of a utility is one potential tool to improve the efficacy of septic systems across a community or part of a community.

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There are other benefits to this proposed legislation. First, expanding the definition of “water and/or sewer utility” to include private sewage disposal and treatment systems allows for inclusion of private septic systems in a water and/or sewer utility. This means that municipalities will be able to incorporate private sewage disposal systems who indirectly discharge to a public sewer system (septage hauled to WWTP) in addition to those properties that have a direct connection to a municipal sewer system in their utility.

Second, the establishment of such a utility could help municipalities subject to federal stormwater regulations be able to incorporate properties that have private sewage disposal systems as part of their stormwater utility. This is especially important for integrating advanced treatment technologies across a broad scale. The technologies can be a cost-effective way to meet water quality regulations and allow for “trading” between types of pollution sources. Advanced technologies are only as good as the maintenance regime which keeps them running. A consolidated maintenance approach is best served by a utility and not individual homeowners.

Municipal wastewater systems and on-site septic systems are central to public health and safety in the State of New Hampshire. As NH’s municipalities continue to face increased federal regulations, they need the option to be able to locally regulate all systems that contribute to their regulated utilities. The ability of municipalities to be able to include sewage disposal systems as part of their water and/or sewer utility and/or stormwater utility is an important tool for the cost-effective protection of public health and the environment, as well as for conformance with federal stormwater regulations, as applicable.

Thank you again for the opportunity to comment on SB 257. Should you have questions or need additional information, please feel free to contact Tracy Wood, Administrator, Wastewater Engineering Bureau tracy.l.wood@des.nh.gov or (603) 271-2001 or Rene Pelletier, Water Division Director, at rene.pelletier@des.nh.gov or (603) 271-2951.

Sincerely,



Robert R. Scott
Commissioner

ec: Sponsors of SB 257: Senators Watters, Avard, Reagan, Sherman, Perkins Kwoka, and Hennessey; and Representatives Edgar, Spang, Bernardy, and Oxaal.