



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Robert R. Scott, Commissioner**

January 16, 2024

The Honorable Andrew Renzullo  
Chair, Resources, Recreation and Development Committee  
State House, Room 305-307  
Concord, NH 03301

**RE: HB 1113 An Act relative to shoreland septic systems**

Dear Chair Renzullo and Members of the Committee:

Thank you for the opportunity to comment on HB 1113. This bill strengthens the requirements for assessments regarding shoreland septic systems during real estate transactions. The New Hampshire Department of Environmental Services (NHDES) takes no position on this bill but offers the following information for the Committee.

RSA 485-A:39 requires a site assessment for waterfront properties served by a septic system as part of a real estate transaction. Currently, the site assessment solely determines how much wastewater could be treated by the soils on the lot, so the parties understand the development potential for the lot. HB 1113 would add a detailed evaluation of the existing septic system for properties where the septic system either does not have a state approval or the state approval is more than 20 years old. The purpose of such an evaluation would be to help identify septic systems that are not functioning properly or are in failure.

Overall, the water quality of New Hampshire's lakes is declining. Harmful algal blooms have become more frequent. In the 2023 monitoring season, 47 lakes had cyanobacteria advisories issued, with some lakes having multiple advisories. Four waterbodies had advisories issued for more than 100 days and 10 waterbodies had advisories longer than 50 days.

Septic systems that are failing, not functioning properly, or not designed properly are a significant contributor of excess nutrients to lakes. As described in the *New Hampshire's Cyanobacteria Plan: A Statewide Strategy*, watershed sources on average contribute 60% of the phosphorus load to a waterbody. A review of 37 watershed plans for New Hampshire waterbodies completed between 2010 and 2022 indicated that septic systems, where evaluated in the watershed plan, contribute 11% on average (ranging up to 22%) to the total external phosphorus load. Further, based on the 2020/2022 Surface Water Quality Report, 21% of New Hampshire's impaired waterbodies (which includes 175 lakes) are impaired by nutrients, such as ammonia, total nitrogen, and total phosphorus; nutrient influenced parameters, such as cyanobacteria, excess algal growth, dissolved oxygen and chlorophyll-a; or, some combination of both. Detecting and fixing malfunctioning or failing septic systems adjacent to lakes and rivers would improve water quality.

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Thank you again for the opportunity to comment on this legislation. If you have questions or need additional information, please contact Philip Trowbridge, Land Resources Program Manager ([Philip.R.Trowbridge@des.nh.gov](mailto:Philip.R.Trowbridge@des.nh.gov) - 603-271-4898) or Rene Pelletier, Water Division Director ([rene.j.pelletier@des.nh.gov](mailto:rene.j.pelletier@des.nh.gov) - 603-271-2951).

Sincerely

A handwritten signature in black ink, appearing to read "Robert R. Scott". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert R. Scott  
Commissioner

cc: Sponsors of HB 1113: Representatives Rung, Coker, Rochefort, Ebel; Senator Watters