



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

April 23, 2024

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

RE: HB 1139 - An Act relative to the location of conventional septic systems relative to the seasonal high water table

Dear Chairman Avard and Members of the Committee:

Thank you for the opportunity to testify on HB 1139. This bill would allow for conventional septic systems for residential properties to be constructed 24 inches above the seasonal high water table (SHWT). It was developed by the Special Committee on Housing to facilitate the development of more housing in New Hampshire. The New Hampshire Department of Environmental Services (NHDES) supports this bill.

RSA 485-A:29, II is the statute that pertains to the requirements for individual sewage disposal systems (septic systems). Currently, the bed bottom of a conventional septic system effluent disposal area (a.k.a. leach field) must be 48 inches above the SHWT. This requirement has been in place for decades and has proven effective at treating onsite wastewater; however, it can result in significant costs to property owners when constructing a septic system that needs to be raised above ground to achieve this vertical separation.

Onsite wastewater treatment technology has evolved significantly over the last 50 years. NHDES has gained valuable knowledge and experience with conventional systems being installed 24 inches above the SHWT as they are allowed when a failed system is replaced. In our experience, these systems have been effective at treating the wastewater. HB 1139 would add another level of protection by requiring a six-inch sand layer below the leach field, which has better treatment properties than native soil. It also requires that the distance above the seasonal high water table be maximized to the extent practicable.

U.S. Environmental Protection Agency (USEPA) design standards for conventional stone and pipe systems allow 24 inches of separation above the SHWT, as do many other New England states. The USEPA manual states that 24 inches of separation from the SHWT has been proven adequate in removing most fecal coliform bacteria in septic tank effluent. The State of Maine allows 12 to 24 inches of separation to SHWT, Vermont allows 24 to 36 inches, and Connecticut allows 18 to 24 inches. Additionally, the NHDES has approved many innovative technologies for onsite wastewater treatment where the leach field is 24 inches above the SHWT and/or that allow for smaller leach field footprints than conventional systems.

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The NHDES is confident that passage of this bill will continue to result with adequate treatment of onsite wastewater for conventional systems. It will give developers more options for onsite wastewater treatment.

Thank you again for the opportunity to comment on HB 1139. Should you have questions or need additional information, please feel free to contact Philip Trowbridge, Administrator of the Land Resources Management Program (Philip.R.Trowbridge@des.nh.gov, 271-4898) or Scott Hazelton, Administrator of the Subsurface Systems Bureau (Scott.A.Hazelton@des.nh.gov, 271-2904).

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

ec: Sponsors of HB 1139: Representatives McConkey, J. Smith, Avellani, Milz, and Wallace