CHAPTER 111
HB 1139 - FINAL VERSION

2024 SESSION

24-2806
08/05

HOUSE BILL *1139*

AN ACT relative to location of conventional septic systems relative to the seasonal high water table.

SPONSORS: Rep. McConkey, Carr. 8; Rep. Jonathan Smith, Carr. 5; Rep. Avellani, Carr. 4; Rep. Milz, Rock. 13; Rep. Wallace, Rock. 8

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill allows the use of stone and pipe and concrete chamber septic systems to be used on properties with seasonal high water tables.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to location of conventional septic systems relative to the seasonal high water table.

Be it Enacted by the Senate and House of Representatives in General Court convened:

111:1 Submission and Approval of Plans and Specifications; Sewage and Waste Disposal Systems. Amend RSA 485-A:29, I to read as follows:

I.*(a)* Any person proposing either to subdivide land, except as provided in RSA 485-A:33, or to construct a sewage or waste disposal system, shall submit 2 copies of such locally approved plans as are required by the local planning board or other local body having authority for the approval of any such subdivision of land, which is subject to department approval, and 2 copies of plans and specifications for any sewage or waste disposal systems which will be constructed on any subdivision or lot for approval in accordance with the requirements of the department as provided in this paragraph. In the event that such subdivision plans which receive final local approval differ from the plans which are reviewed by the department, the person proposing the subdivision shall resubmit those plans to the department for reapproval. The planning board or other local body having final local approval authority shall submit one copy of such plans which receive final local approval to the department for informational purposes within 30 days of granting such final approval.

(b) The department shall adopt rules, pursuant to RSA 541-A, relative to the submission of plans and specifications as necessary to effect the purposes of this subdivision. The rules shall specify when and where the plans and specifications are to be submitted, what details, data and information are to be contained in the plans and specifications, including the location of known burial sites or cemeteries within or adjacent to the property on which the proposed sewage or waste disposal system is to be located, what tests are to be required, what standards, guidelines, procedures, and criteria are to be applied and followed in constructing any sewage or waste disposal system, and other related matters. The rules shall also establish the methodology and review process for approval of innovative/alternative wastewater treatment systems and for approval of a plan for operation, maintenance, and financial responsibility for such operations.

(c) For any part or parts of the subdivisions where construction or waste disposal is not contemplated, only the lot lines, property boundaries drawn to scale, and general soil and related data shall be required. The constructed sewage or waste disposal systems shall be in strict accordance with approved plans, and the facilities shall not be covered or placed in operation without final inspection and approval by an authorized agent of the department. All inspections by the department shall be accomplished within 7 business days after receipt of written notification from the builder that the system is ready for inspection. Plans and specifications need not be submitted for subdivision approval for subdivisions consisting of the division of a tract or parcel of land exclusively in lots of 5 or more acres in area. The presence of hydric soils on lots of 5 or more acres in area shall be insufficient, without

additional supporting data, to classify these lots as wetlands, or to make such lots unsuitable for sewage or waste disposal systems designed for poorly drained soils. This exemption in no way relieves any person from responsibility for obtaining approval under this chapter for construction of individual or other sewage or waste disposal systems or both in any exempted lots. In such cases, it shall be the responsibility of the subdivider to provide to the lot purchasers satisfactory assurance as the purchasers may require at the time of sale that lots sold shall be adequate to support individual sewage or waste disposal systems or both in accordance with rules adopted by the department and the requirements of this subdivision.

(d) The department shall permit stone and pipe and concrete chamber systems for residential use to be designed and constructed 24 inches above the seasonal high water table, providing that there is a minimum of 6 inches of sand meeting the ASTM C-33 specification under the stone and pipe system and that the distance above the seasonal high water table is maximized to the extent practicable.

111:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 03, 2024
Effective Date: September 01, 2024