STATE OF NEW HAMPSHIRE

OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES
STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Rulemaking Notice Form

Notice Number: 2026-159

Rule Number: Env-Wq 1000 various

1. **Agency:** Department of Environmental Services Water Quality and Quantity Programs
   Agency Address: 29 Hazen Dr.
   P.O. Box 95
   Concord, NH 03302-0095

2. **RSA Authority:** RSA 485-A:29, I(b); RSA 485-A:30-b, IV; RSA 485-A:31, IV; RSA 485-A:39, III; RSA 485-A:41, IV and V; RSA 485-A:43, V

3. **Federal Authority:** N/A

4. **Action(s):** Adoption, Readopt w/Amendment

5. **Short Title:** Subdivisions; Individual Sewage Disposal Systems

6. **(a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:**

   The existing rules implement RSA 485-A:29-44 relative to subdivisions and septic systems (individual sewage disposal systems, or ISDS) by establishing the procedural and substantive requirements for obtaining state approval of a proposed subdivision or ISDS, establishing standards for operating and maintaining septic systems, establishing criteria and procedures for obtaining approval of innovative/alternative technology, implementing RSA 485-A:39 relative to site assessment studies for developed waterfront property, and establishing a schedule of fines for violations of RSA 485-A:29-45 or Env-Wq 1000.

   The department of environmental services (department) is proposing to readopt with amendment various sections of Env-Wq 1000 and adopt one additional new section. The proposed changes are mainly meant to make corrections and add clarifications to the existing requirements. Due to DoIT changes to the website, the weblinks for forms need updating to ensure the public has the correct link to find the required forms. The department is developing a new online e-submission system and database known as NHEnviro. Two forms in Env-Wq 1000 will be available for submission

through NHEnviro, so there are proposed changes to the rules to allow the addition of the option of submission through NHEnviro.

Additionally, Senate Bill 445 from the 2026 legislative session made many changes to how certain department actions are appealed, including administrative fines imposed by the department pursuant to RSA 485-A:43, V. This requires proposed changes to the administrative fine rules in Env-Wq 1000.

The following is a summary of the proposed changes:

- Due to DoIT changes to the website, the weblinks for forms need updating to ensure the public has the correct link to find the required forms. Amendments have been made to Env-Wq 1001.03, Env-Wq 1003.06, Env-Wq 1003.12, Env-Wq 1004.06, Env-Wq 1004.15, Env-Wq 1004.17, Env-Wq 1025.02, and Env-Wq 1025.03;

- Amendments to forms so that all of the forms are better aligned in the information being requested and the signatories on forms in Env-Wq 1001.03, Env-Wq 1003.06, Env-Wq 1003.12, and Env-Wq 1004.17;

- Corrections and clarifications in Env-Wq 1003.13 about what is required to be on submitted ISDS plans based on feedback from designers and staff on implementation of the Feb. 1, 2026 rules;

- Adoption of Env-Wq 1003.16, which ensures that any submitted design plan has sufficient detail so that the reviewers can determine if the proposed ISDS meets the requirements and is approvable;

- Amendments to Env-Wq 1004.03 to allow another option for applicants who are submitting an ISDS application for replacement of an ISDS but do not plan to actually replace the existing system unless it fails, rather than requesting a waiver for Env-Wq 1004.03(a);

- The currently adopted form for an ISDS application requires that applicants submit proof of local approval if the proposed ISDS is to be installed in a municipality that requires local approval. Env-Wq 1004.03(c) is proposed to be added to ensure this requirement is also stated in the rules;

- Changes to Env-Wq 1004.06 to allow for more instances when partial inspection is allowed and to specify that the homeowner installation form needs to be submitted prior to requesting an inspection of the installed ISDS;

- Clarifications to the language in Env-Wq 1004.07 for situations where a plan needs amendment after a construction approval has been issued and before approval to operate has been issued, along with proposed changes for situations when an amended plan is submitted due to the relocation of the septic tank or any structure on the site to clarify the require tie points;

- Amendments to Env-Wq 1004.10 to specify the department’s expectations for permitted installers to meet the requirements of RSA 485-A:36;

- A correction to Env-Wq 1004.12 to remove a reference to failed systems, which are covered by Env-Wq 1004.19;

- Due to changes to the appeal process pursuant to SB 445 (2026), amendments to Env-Wq 1004.16 to change the language that refers to the appeal process in instances when the department pursues a license action to suspend or revoke an approval. Instead of holding an administrative hearing, the department issues notice of the suspension or revocation, which can then be appealed to the Water Council;

- The word “other” in Env-Wq 1005.03(i) is a typo and is proposed for removal;

- An incorrect cross-reference in Env-Wq 1008.02(d) is revised;

- The addition of a receptor for minimum separation distances is proposed in Table 1008-2 in Env-Wq 1008.05;

- An incorrect cross-reference in Env-Wq 1008.08(b) is revised;

- Amendments to Env-Wq 1010.01 to clarify how to calculate minimum septic tank capacity for larger residences;

- The title to Env-Wq 1010.02 is proposed for correction, because the rule does not address metered flows;

- An amendment to the language in Env-Wq 1010.08(c) to clarify that the rule applies to both the pipes leading into and exiting from the tank;

- An amendment to clarify the baffle requirement in Env-Wq 1010.11;

- An editorial amendment to the incorrect lettering in Env-Wq 1014.08;

- Changes to Env-Wq 1016.01 and Env-Wq 1016.02 after staff found that the February 2026 rule changes resulted in an unintended increase in bed sizing for senior housing and that the rule could be misinterpreted for other residential structures;

- Corrections to the approved septic stone sieve analysis specifications in Table 1016-2 of Env-Wq 1016.06;

- Amendments to Env-Wq 1017.05 to create consistency in language;

- Amendment to Env-Wq 1017.06 to specify what is meant by rigid pipe;

- Amendment to Env-Wq 1018.01 to specify the use of septic stone;

- Due to changes to the appeal process resulting from SB 445 (2026), amendments to Env-Wq 1024.16 to change the language that refers to the appeal process in

instances when the department pursues a license action to suspend or revoke an innovative technology approval;

- Changes to Env-Wq 1025.02 and Env-Wq 1025.03 due to amendments to the forms referenced in those sections, along with the availability of submission of those forms through NHEnviro as of November 2026; and

- Amendments to Env-Wq 1026.02, Env-Wq 1026.03, and Env-Wq 1026.04 due to changes to the appeal process resulting from SB 445 (2026).

This proposal contains rules that will implement SB 445 (2026) for the first time.

6. **(b) Brief description of the groups affected:**

Groups affected include (1) designers permitted pursuant to RSA 485-A:35 and installers permitted pursuant to RSA 485-A:36; (2) people, entities, or governmental units who own property that is served or will be served by sewage or waste disposal systems; (2) people, entities, or governmental units that wish to subdivide property and any consultants hired by such persons; (3) people, entities, or governmental units who own developed waterfront property and wish to sell the property; and (4) any person who violates the provisions in RSA 485-A:29-44 or any rule in Env-Wq 1000.

6. **(c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:**

Rule Section(s)	Specific Statute(s) Implemented
Env-Wq 1001.03	RSA 541-A:22, IV
Env-Wq 1003.06	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1003.12	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1003.13	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1003.16	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1004.03	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1004.06	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1004.07	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1004.10	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1004.12	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1004.15 – Env-Wq 1004.17	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1005.03	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1008.02	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1008.05	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1008.08	RSA 485-A:1; RSA 485-A:29-44

Env-Wq 1010.01	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1010.02	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1010.08	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1010.11	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1014.08	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1016.01	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1016.02	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1016.06	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1017.05	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1017.06	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1018.01	RSA 485-A:1; RSA 485-A:29-44
Env-Wq 1024.16	RSA 485-A:1; RSA 485-A:4, IX; RSA 485-A:29-44
Env-Wq 1025.02	RSA 485-A:39
Env-Wq 1025.03	RSA 485-A:39
Env-Wq 1026.02 – Env-Wq 1026.04	RSA 485-A:43, V

7. **Contact person for copies and questions including requests to accommodate persons with disabilities:**

Name: Aron Johnson	**Title:** Legal Coordinator
Address: 29 Hazen Dr., P.O. Box 95 Concord, NH 03302-0095	**Phone Number:** (603) 271-2464
	FAX Number:
	Email: aron.b.johnson@des.nh.gov

8. **Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:**

   Tuesday, September 8, 2026

   _ **Fax**
   X **Email** nhdesrules@des.nh.gov
   X **Other:** Online submission at NH Online Forms System - NHDES Administrative Rules Public Comment Form

9. **Public hearing scheduled for:**
Date: Monday, August 31, 2026
Time: 2:00 PM
Place: Room 208C, DES Offices,
29 Hazen Drive, Concord, NH

NOTE: NHDES security procedures require all visitors to sign in and present photo identification (such as a driver's license). If you plan to attend the public hearing in person, please bring photo identification with you.

Electronic Access, if applicable:
Electronic Access, if applicable:
Link for Public Hearing via Teams
Meeting number (access code): 258 718 513 453 867
Meeting password: sY97aK7T

You also may join the meeting by phone:
Call in Number: 1-603-931-4944
Access Code: 920 407 623#

10. **Fiscal Impact Statement (Prepared by Legislative Budget Assistant):**

FIS #: 26:142, dated: Friday, July 24, 2026

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in costs when comparing the proposed rules to the existing rules. Not applicable to Env-Wq 1003.16 as this is a new rule.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

Proposed Env-Wq 1003.16 is a new rule that specifies the information required to be submitted with an individual sewage disposal system plan for Department review and does not result in a fiscal impact.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

1. **Statement Relative to Part I, Article 28-a of the N.H. Constitution:**

While the proposed rules modify an existing program or responsibility, they do not mandate any additional expenditure on the political subdivisions of the state. Therefore, they do not violate Part I, Article 28-a of the N.H. Constitution.