



Amendment to HB 1415

1 Amend the bill by replacing the title with the following:

2

3 AN ACT relative to permits for repair or replacement of sewage and waste disposal system.

4

5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 Permit by Rule Submissions. Amend RSA 485-A:30, I and I-a to read as follows:

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9 I. Any person submitting plans and specifications for a subdivision of land shall pay to the
10 department a fee of \$300 per lot. Said fee shall be for reviewing such plans and specifications and
11 making site inspections. Any person submitting plans and specifications *or an application for a*
12 *permit by rule as provided in RSA 485-A:33, IV* for sewage or waste disposal systems shall pay to
13 the department a fee of \$290 for each system. Said fee shall be for reviewing such plans and
14 specifications *or application for permit by rule*, making site inspections, the administration of
15 sludge and septage management programs, and [for] establishing a system for electronic permitting
16 for waste disposal systems, subdivision plans, [and for] permits and approvals under the
17 department's land regulation authority. The fees required by this paragraph shall be paid at the
18 time said plans and specifications *or application for permit by rule* are submitted and shall be
19 deposited in the subsurface systems fund established in paragraph I-b. For the purposes of this
20 paragraph, the term "lot" shall not include tent sites or travel trailer sites in recreational parks
21 which are operated on a seasonal basis for not more than 9 months per year.

22 I-a. In addition to fees required under paragraph I, any person submitting plans and
23 specifications *or an application for a permit by rule as provided in RSA 485-A:33, IV* for
24 sewage or waste disposal systems shall pay to the department a fee of \$10 for each system for use in
25 the septage handling and treatment facilities grant program to municipalities under RSA 486:3, III.
26 [~~Until July 1, 2010, the fees required by this paragraph shall be paid at the time said plans and~~
27 ~~specifications are submitted and shall be deposited in the subsurface systems fund established in~~
28 ~~paragraph I-b. After July 1, 2010,]~~ The fees required by this paragraph shall be paid at the time
29 said plans and specifications *or application for permit by rule* are submitted and shall be
30 deposited in the septage management fund established in paragraph I-c.

31 2 New Paragraph; Permit by Rule Submissions. Amend RSA 485-A:33 by inserting after
32 paragraph III the following new paragraph:

IV.(a) The repair or replacement in-kind of a sewage or waste disposal system shall qualify



1 for a permit by rule, provided all of the following criteria are met:

2 (1) The existing system receives only domestic sewage.

3 (2) There is no increase in sewage loading proposed for the repaired or replacement
4 system.

5 (3) The bottom of the bed is located no less than 24 inches above the seasonable high
6 water table.

7 (4) The system is located 75 feet or more from an abutter's well unless there is a
8 standard well release form recorded with the registry of deeds in accordance with RSA 485-A:30-b or
9 there is an existing department waiver to the distance for the abutter's well.

10 (5) The system is located 75 feet or more from the owner's well unless there is an
11 existing department waiver to the distance for the owner's well.

12 (6) The existing system received prior construction and operational approval from
13 the department and the replacement or repaired system will conform to the provisions of such
14 approval, provided the department may by rule require a minimum septic tank size of 1,000 gallons.

15 (7) The system is not within 75 feet of any surface water, water supply well, or very
16 poorly drained soil unless authorized by the prior departmental approval described in subparagraph
17 (6).

18 (8) No new waivers to the department's rules are requested.

19 (9) The system has not been previously repaired or replaced under a permit by rule
20 in accordance with the provisions of this paragraph.

21 (b) Construction of the system may proceed upon the submission of an application to the
22 department by a permitted designer under RSA 485-A:35 and receipt of the permit by rule from the
23 department.

24 (c) The repaired or replacement system shall not be covered or placed in operation
25 without final inspection and approval by an authorized agent of the department. All inspection by
26 the department shall be accomplished within 7 business days after receipt of written notice from the
27 installer that the system is ready for inspection. The installer shall provide the authorized agent of
28 the department, at the time of the inspection, a copy of the previously approved plan bearing the
29 state approval stamp and associated operational approval, and an existing conditions plan bearing
30 the seal of the permitted designer performing work under the permit by rule.

31 (d) The applicant submitting the permit by rule application shall assume all liability and
32 responsibility for the components of the design that are part of the system being repaired or replaced
33 under the permit by rule.

34 (e) The installer constructing the system shall assume all liability and responsibility for
35 the construction of the system components repaired or replaced under the permit by rule.

36 (f) For purposes of this paragraph, "in-kind" shall mean a repair or replacement that is
37 of an equivalent nature and in the same location.



1 3 New Paragraph; Rulemaking. Amend RSA 485-A:41 by inserting after paragraph IV the
2 following new paragraph:

3 V. Adopt rules relative to the application for and granting of permits by rule for repair or
4 replacement of certain sewage or waste disposal systems under RSA 485-A:33, IV.

5 4 Effective Date. This act shall take effect upon its passage.



2012-0934h

AMENDED ANALYSIS

This bill creates a permit for the repair or replacement of certain sewage or waste disposal systems.