

N.H. Lakes Management Advisory Committee

[N.H. Lakes Management and Protection Program](https://www.lmac.des.nh.gov/)

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May 7, 2024

The Honorable Kevin Avard, Chair
Senate Energy and Natural Resources Committee
Statehouse, Room 103
Concord, NH 03301

RE: HB 1113 - AN ACT relative to shoreland septic systems.

Dear Chair Avard and Members of the Committee:

The Lakes Management Advisory Committee (LMAC) is writing to express its **support of House Bill 1113**, which will strengthen the requirements for septic system evaluations at the time of property sale.

This bill implements recommendations of the Cyanobacteria Plan Advisory Committee. Outdated or improperly functioning septic systems are a significant source of nutrient pollution in New Hampshire lakes, and some waterbodies cannot meet their water quality goals without replacing improperly functioning septic systems. Cyanobacteria blooms threaten public health and decrease revenues for businesses dependent on clean water and/or lake-related tourism. Recurrent cyanobacteria blooms can also decrease property values by 10 to 33 percent, making it in a buyer's long-term interest to ensure their property has a properly functioning septic system.

The existing site evaluation requirement is poorly understood by buyers and sellers. It is minimally informative to buyers, as it does not determine the current location, age, and condition of a property's septic system. This means the current requirement is a burden on sellers while still leaving buyers open to surprises about the condition of their septic system.

Site assessment results are not reported to the town or state unless there is active discharge of raw sewage. If a buyer voluntarily contracts a full septic inspection, those results also are not reported to the state and municipality. This makes it difficult or impossible for lake associations or other local stakeholders to accurately determine the current age and function of septic systems around their waterbody, which is one of the steps in determining what actions are needed to reduce nutrient pollution and protect water quality. The notification requirement in this bill would ease the work of lake associations and local stakeholders in determining how to protect or restore New Hampshire lakes.

A properly functioning septic system can remove over 90 percent of the phosphorus in household wastewater. Improperly installed, maintained, or outdated septic systems (including the holding tanks

LMAC VOTING MEMBERS: Andrea LaMoreaux, Chair NH LAKES • Ryan Cardella, Marine Trades Association • Tiffany Grade, Conservation Community • Janet Kidder, Planning Boards • Frank Lemay, NH Business & Industry Assoc. • Joanie McIntire, NH Association of Realtors • Amanda McQuaid, Scientific Community • Lisa Morin, State Conservation Committee • Susan Price, NH Fish & Game Commission • Dick Smith, Fishing Interests • Steve Wingate, Conservation Commissions • Vacant, Municipal Official • Vacant, NH Travel Council

LMAC NON-VOTING MEMBERS: Garret Graaskamp, Vice Chair, NH Fish & Game Dept. • Capt. Tim Dunleavy, NH Dept. of Safety • Eric Feldbaum, NH Dept. of Natural and Cultural Resources • Mark Hemmerlein, NH Dept. of Trans. • Heather Shank, NH Dept. of Business and Economic Affairs • Allen Wyman, NH Dept. of Ag, Markets & Food

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and other ad hoc systems still found in many lake communities in New Hampshire) may not function effectively, thereby leading to a high nutrient load into surface waters.

Finally, this bill's change to the area where site evaluations are required makes that area the same as the buffers in the Shoreland Water Quality Protection Act (RSA 483-B). Having a consistent buffer distance would eliminate another current source of confusion.

The LMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483-A, the Lakes Management and Protection Program. The Governor and Council appointed Committee is comprised of 19 members representing academia, business, conservation organizations, lake associations, tourism, fish and game commission, marine trades, realtors, municipal government as well as several state agencies.

In conclusion, the LMAC supports HB 1113 for the reasons stated above. Thank you for the opportunity to comment. Should you have questions, please feel free to contact me at (603) 569-3114 or stevewingate@roadrunner.com.

Respectfully,



Steve Wingate, LMAC Legislation Subcommittee

cc: Representative Rung
Senator Watters
LMAC Representatives
Robert R. Scott, Commissioner, NHDES