



LRM Updates for Realtors: Septic System Evaluations

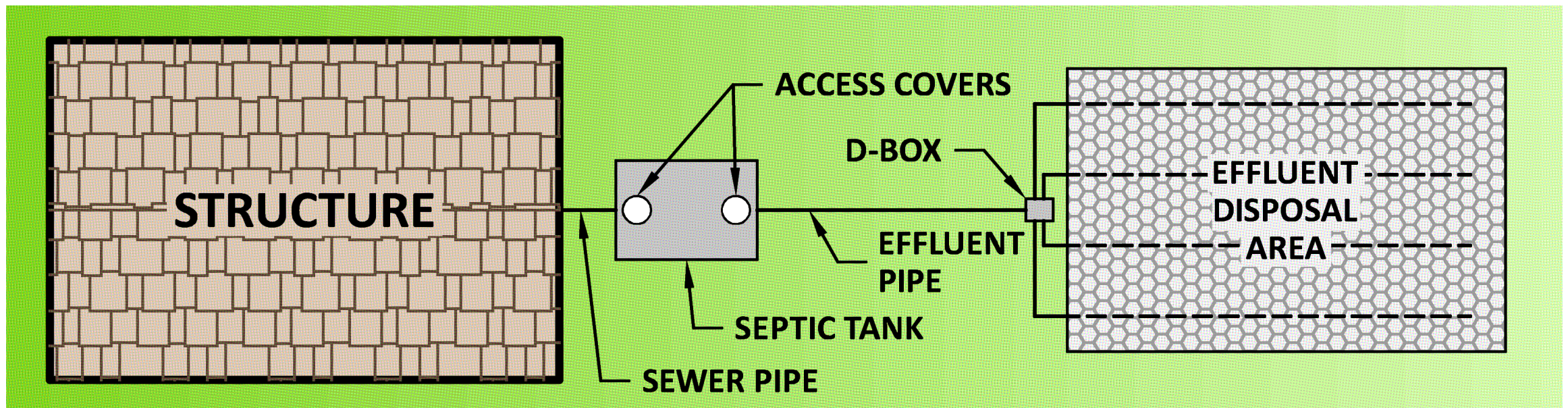
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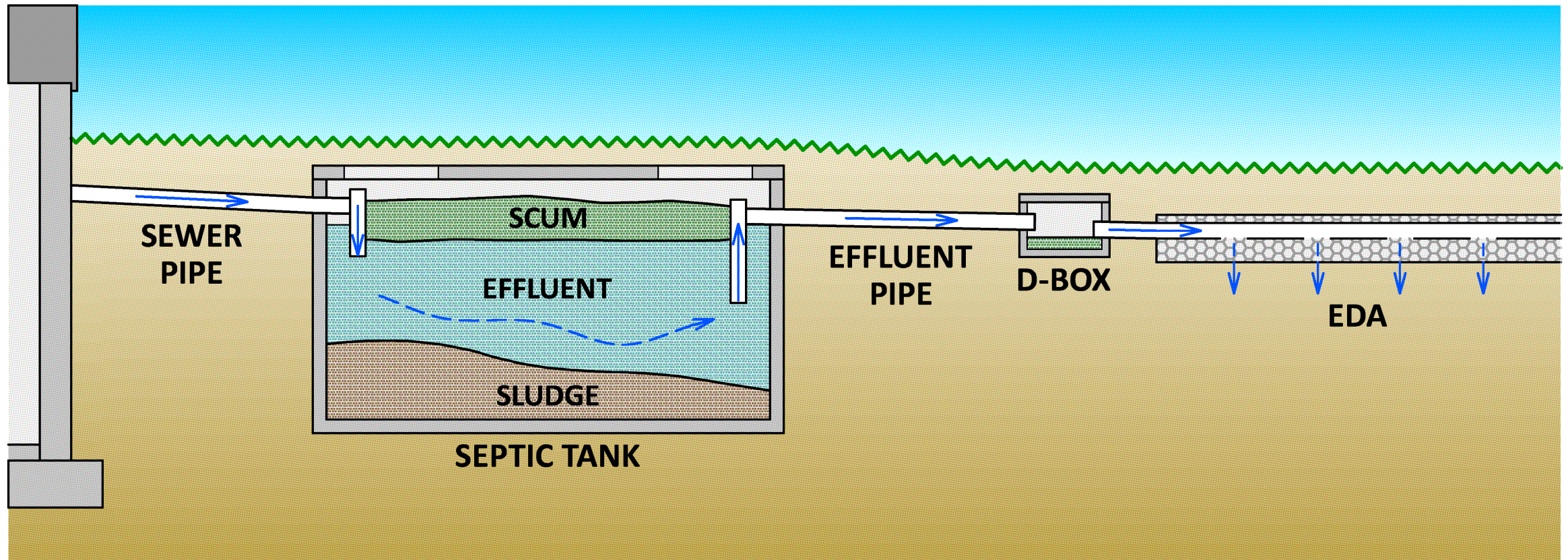


What is a septic system?

- A wastewater disposal or treatment system that receives **domestic** sewage.
- For the purposes of permitting, NHDES refers to septic systems as individual sewage disposal systems or ISDS.
- NHDES authority comes from [NH RSA 485-A:29-44-a](#) and [NH Env-Wq 1000](#)



How does a septic system work?



NHDES septic approvals

- New Hampshire has required state-issued septic system approvals:
 - Since 1967 for areas within 1,000 feet of surface waters; and
 - Since 1971 for the remainder of the state.
- The NHDES SSB approval process has two steps:
 - An Approval for Construction (CA) issued by Review Staff after review of an ISDS plan and application; and
 - An Approval for Operation (OA) issued by SSB Inspection Staff after an inspection of completed ISDS installation.
- **Both approvals are required before an ISDS can be put into use.**
- Approvals for Operation are linked to an Approval for Construction and share the same approval number.

Septic systems maintenance

- Owners are required to maintain septic systems, including replacing it when it fails ([RSA 485-A:37](#)).
- Septic systems are designed for **domestic wastewater** only, so users need to be mindful of what is flushed or poured in drains.
- Water softening devices should not be directed to the septic system unless designed for it ([Env-Wq 1022.04](#)), but most systems are not.
- Septic systems typically require getting the septic tank pumped by a licensed septage hauler every two to five years.
- If present, pre-treatment systems require regular maintenance by certified technicians as required by the manufacturer.

Transfers of developed waterfront property with on-site septic systems - 1



- [NH RSA 485-A:39](#) went into effect on 9/1/2024.
- The law replaced the waterfront site assessment with a septic system evaluation for real estate transfers of developed waterfront properties.
- To be subject to the law, the property must be:
 1. Currently developed;
 2. Located within the [protected shoreland](#); and
 3. Served by a septic system at least partially sited within 250 feet of the [reference line](#).



Transfers of developed waterfront property with on-site septic systems - 2



- Buyers can avoid evaluations by agreeing to replace the system within 180 days after the property transfer. Buyers doing this need to submit the [Individual Sewage Disposal System Buyer's Declaration for Septic System Repair or Replacement](#) to NHDES **and** the local Health Officer **before** the property transfer.
- Otherwise, the buyer must have a septic system evaluation performed by a [licensed septic system evaluator](#).



Transfers of developed waterfront property with on-site septic systems - 3

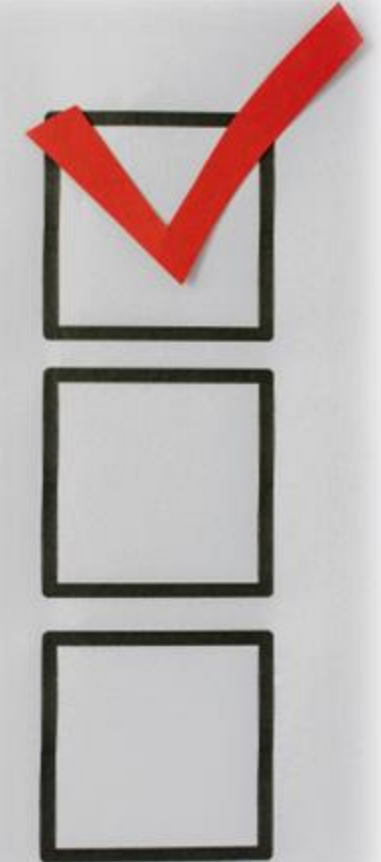


- For systems approved before 9/1/1989 or without a state approved system, the buyer must also engage a [permitted designer](#) to confirm that the separation distance between the EDA bed bottom and the seasonal high water table.
- The Seller can have an evaluation done in preparation for the transfer, but it must be done within 180 days of the transfer and the Buyer is not obligated to accept it.



Pre-evaluation questions for the owner

- Do they know anything about the existing septic system, including if it is state approved?
 - If the owner does not have information, search on [NHDES SSB OneStop](#) and town offices.
 - May require research through the town and Registry.
- Does the approved use match the current use?
- Is any part of the system in the limits of the Protected Shoreland (within 250 feet of the protected waterbody)?



What is a septic evaluation?

- To meet the requirements of RSA 485-A:39, the evaluation needs to be performed by a **Licensed Septic Evaluator**.
- The evaluation needs to meet the requirements of [RSA 310-A:202-221](#) and [Sep 100–700](#).
- Prior to the inspection, the Evaluator may request information about the system including the septic plan, pump records and building fixtures.
- The on-site evaluation will require access to the basement (if possible), septic tank and leach field. The leach field may be probed with hand tools.



What is the designer determination?

- The bed bottom determination needs to be done by a **Permitted ISDS Designer**.
- The Designer needs to determine if the leach field meets the required separation distance between the bed bottom and the seasonal high water table.
- The determination will require access to the leach field and the surrounding area, likely by excavation equipment.
- When heavy equipment is required, there may be some ground disturbance to and around the test pit area.



What happens if there are no issues?

- If there are no signs of failure, the RSA does not require anyone to be notified.
- Evaluators should check with the municipality to confirm that there are additional local requirements.
- Buyers may want to retain a copy of reports in case there are any questions in the future.



What happens if there is a failure?

- If they choose to proceed with the sale, the Buyer has 180 days from the transfer of property to repair or replace the septic system.
- If there are **circumstances beyond the control of the buyer**, they may request a 180-day extension.
- If the Designer has determined that the leach field has failed, it may not be used until the repair or replacement has been made. ([NH RSA 485-A:37](#))
- At the discretion of the local Health Officer, the septic tank can be pumped instead of vacating the structure or disconnecting from the septic system.



What is the notification process?

- If the buyer is avoiding the evaluation and determination, they complete the [ISDS Buyer's Declaration for Septic System Repair or Replacement](#).
- Otherwise, the Buyer authorizes the Evaluator to notify NHDES and the [local Health Officer](#).
- Evaluator will complete the [Licensed Septic System Evaluator Report of Observations for Septic System Evaluation](#).
- Forms can be mailed to NHDES or email to SSBCompliance@des.nh.gov.

Where can I find more information?

- The NH General Court website: [RSA 485-A:39](#).
- NHDES fact sheet: [SSB-14: Transfers of Waterfront Properties with Septic Systems in the Protected Shoreland](#).
- The NHDES Subsurface Bureau has revised [Env-Wq 1000](#) to address some situations that are not clearly defined in the law.
- If you have suggestions for revisions or feedback, please send them to david.r.aiton@des.nh.gov.





Thank you!

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