



SEPTIC SYSTEMS

PUBLIC HEALTH ISSUE

Subsurface wastewater disposal systems provide a cost-effective and efficient way to dispose of domestic waste. According to the EPA, New England states have the highest proportion of homes served by septic systems. However, improperly designed, installed, or maintained systems may result in the release of poorly treated or untreated effluent. Raw sewage can contain pathogens including E. coli, as well as nitrates, toxins, and pesticides. This release may contaminate adjacent ground and surface waters, endanger public health, and threaten the environment.

Applicable Laws

[RSA 147: Nuisances](#)

[Env-Wq 1000. Subdivision and Individual Sewage Disposal Systems Design Rules](#)

[RSA 485-A Water Pollution and Waste Disposal](#)

[RSA 48A Housing Standards](#)

HEALTH OFFICER INSPECTION AND ENFORCEMENT AUTHORITY:

- **Shall:** Enforce local septic regulations (approval, construction, maintenance, etc.)
- **Shall:** Investigate concerns of septic system failure or discharge of untreated waste.
- **Shall:** Order septic systems posing a hazard to the public to be put in sanitary condition.
- **Shall:** Ensure rental housing has adequate and functioning waste disposal systems.
- **Shall:** Ensure occupied buildings have readily accessible waste facilities in proper condition.

Some towns require health officers to witness test pits or sign off on septic plans before they are reviewed by the NH DES.

Be familiar with any local codes that may give you additional authority and responsibilities.

For more information

Email: healthofficer@dhhs.nh.gov or Visit: dhhs.nh.gov/HealthOfficer



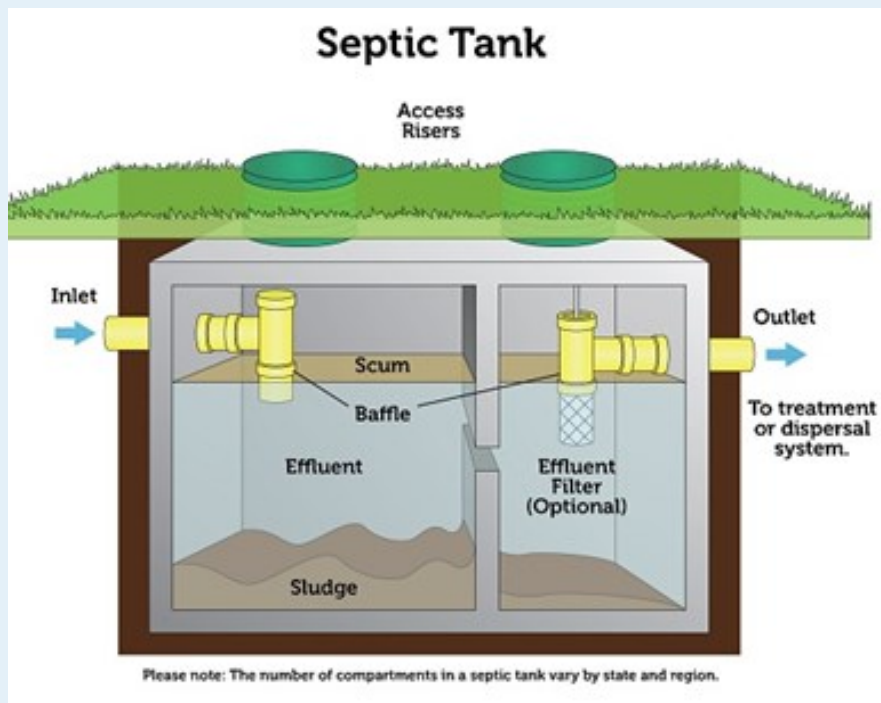
SEPTIC SYSTEM OVERVIEW

The EPA describes septic systems as “underground wastewater treatment structures that use a combination of natural and technological processes to treat wastewater from household plumbing.” The design and size of the system can vary due to factors including household size, soil type, lot size, and proximity to water bodies.

Household sewage (wastewater from sinks, toilets, showers, washing machines, etc.) runs out of the home into one main drainpipe into the septic tank. The tank

holds wastewater to allow the solids to settle to the bottom while the oil and grease float to the top.

The compartment’s shape prevents sludge and scum from leaving the tank. The liquid wastewater (effluent) exits the tank into the drain field. The drain field is shallow and constructed on unsaturated soil. Wastewater filters through the soil. As it percolates, harmful bacteria, viruses, and other contaminants are removed from the wastewater. Ultimately, the waste is discharged into the groundwater.



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PERMITTING

Before a system is installed, replaced, or expanded, written approval must be granted by the NH DES Subsurface Systems Bureau. Approvals and plans, when requested by the municipality, are sent to the town or city. During this process, the resident must first certify in writing that he or she complied with local government requirements. Therefore, **municipalities, can locally regulate** septic construction or expansion in accordance with RSA 485-A. Any person submitting a plan to NHDES for construction approval to replace a septic system in-kind is EXEMPT from local approval as long as the system is being replaced/repared and the final product will conform to the provisions of the original approval. More information can be found in RSA 495-A:33.

SEPTIC FAILURE DEFINED

RSA 485-A-2:IV defines septic failure as: *“The condition produced when a subsurface sewage or waste disposal system does not properly contain or treat sewage or causes or threatens to cause the discharge of sewage on the ground surface or into adjacent surface or groundwaters.”*

Signs of a failing septic system include:

- ⇒ Water and sewage backing up into the home’s plumbing.
- ⇒ Slow draining or gurgling sounds in the plumbing system.
- ⇒ Standing water or damp spots near or over the septic tank or drain field.
- ⇒ Sewage odors around the septic area
- ⇒ Pipe discharging untreated wastewater.
- ⇒ Bright green, lush grass over septic area



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ROLE OF THE LOCAL HEALTH OFFICER

SEPTIC SYSTEMS IN FAILURE

Health officers have direct enforcement authority over septic system failures as defined in RSA 147. The health officer can determine if a septic system or other waste removal system is a nuisance or is injurious to the public health and order it repaired.

Upon receiving a concern for a failed septic system, you are encouraged to:

- ⇒ Attempt to call the property owner or send a letter stating the concern and requesting an inspection date. If you expect to encounter an uncooperative or aggressive person, bring a witness (deputy health officer or a police officer).
- ⇒ During your inspection, document the date, time, location of the home, location of the septic system, and your detailed observations.
- ⇒ If you find evidence of failure, notify in writing, the homeowner, the town, and NH DES, by sending a copy of the Letter of Deficiency, stating the failure, and steps necessary to correct the situation.
- ⇒ Pumping is not a permanent solution. When the system is in failure and must be corrected a permanent solution must be reached.

SEPTIC SYSTEM FAILURE REMEDIES

The following are some examples of choices for the health officer in correcting septic problems:

- ⇒ Require pumping of septic tank be performed immediately, or at set intervals (i.e. once a week) so that overflow ceases. This should be paid for by the owner of the building, or pumping may be performed at town expense and a lien put on the property. Copies of pumping receipts need to be submitted to the health officer weekly or depending on how often pumping. *{This is a temporary solution.}*
- ⇒ Eviction of the occupants if the dwelling is found to be unsafe and pumping cannot or will not be done by owner.
- ⇒ Issue a cease-and-desist order. If this order is issued prior to sale of a property and attached to the deed the new owner must correct the situation before occupying the property.
- ⇒ Place lien on property replace the septic system at town expense.
- ⇒ Contact your town attorney before issuing a cease-and-desist order, eviction notice, or a lien on the property.

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ENFORCEMENT OPTIONS

After verbal notification, a Letter of Deficiency (LoD) should be issued (sent certified mail) or handed to the property owner. You can issue a pump order to temporarily address the situation or issue a cease and desist order effective within 48 hours or less. If after the specified interval, no improvements have been made or attempted voluntarily, the next step would be for the health officer to order the owner to comply. This is called an Administrative Order, ordering an owner to comply and references penalties for failure to do so. An Administrative Order is enforceable by the courts. Failure to obey an order is handled by the town attorney. A copy of any order written should be sent to DES, and to the town's attorney.

*The NH DES and the Health Officer Liaison program have sample letters of deficiency you can use.



ROLE OF NH DEPARTMENT OF ENVIRONMENTAL SERVICES

The NH Department of Environmental Services (DES) is given statutory authority to regulate and oversee septic system design, construction, and installation. They are responsible for:

Reviewing and approving proposed construction and operational design for all new, replacement, and expanded subsurface sewage disposal systems.

Issuing approvals for construction and for operation.

Exercising general supervision of administration of RSA 485-A

Learn more here: [NH DES Subsurface Systems Bureau](#)

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FREQUENTLY ASKED QUESTIONS

What are the requirements around portable toilets? A portable toilet can be an acceptable means of *temporary* waste disposal. A portable toilet is an independent, self-contained structure, compared to an outhouse/privy, which disposes of waste in the ground. Generally, a portable toilet may be rented from a company with an agreement that it be properly maintained. A lessee may negotiate a period of up to 30 days use of the toilet. See [NH DES Administrative Rules Chapter Env-Wq 1600 Septage Management](#).

Are privies permitted? According to [RSA 147:8](#), privies (outhouses not conveying sewage by water), are permitted as long as they have the approval of the local health officials as to the location and construction of the facilities. They can be used in situations where there is NO electricity or running water supply. Privies must be constructed so that the waste is contained and will not impact groundwater. According to [RSA 147:11](#), if a privy is located 100 feet from a public sewer, the health officer may order the discontinuance of the privy and the construction of a toilet connected to the sewer.

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