

Town of Chesterfield Health Regulation

Regulations pertaining to wastewater disposal systems in the Spofford Lake District.

Purpose and authority - To protect water quality, prevent nuisances, health hazards, and pollution in the Spofford Lake District. NH RSA 147:10 grants municipal health officers, with the approval of the Board of Selectmen (NH RSA 147:1), authority to adopt regulations that will ensure that wastewater disposal systems shall not be a nuisance or injurious to public health. NHDES has required approved plans, inspection and operational approval for all subsurface systems since 1971 and since 1967 within 1000' of a lake.

Background – Spofford Lake is a prime recreation area with many benefits and uses including seasonal cottage water supplies, swimming, and fishing. Water quality is extremely important for all lake users. Due to the age of development of the lake properties, there are many old, unapproved septic systems. Given that the last septic system installed prior to the requirement of state approval is now over 50 years old, it is time to start updating those systems to current standards and to ensure that all Lake District systems are maintained to protect water quality and health.

Applicability – These regulations apply to all wastewater disposal systems (i.e. septic systems, holding tanks) located within the Spofford Lake District as defined by the town of Chesterfield Zoning regulations 203.6.

This regulation is administered by the Chesterfield Health officer.

Wastewater System Evaluation and Certification Requirements

In instances where there is no valid subsurface system operational approval on file with NH DES, owners shall certify to the Health Officer that the existing system is not in failure (RSA 485-A:2 IV) and adequate by providing a current complete written evaluation and certification signed by a NH certified or licensed septic system evaluator. The evaluation must verify and at minimum, include all of the information on the Town of Chesterfield septic evaluation and certification report. This includes verifying that all wastewater sources are connected to the system and the system is adequate for the use. This certification must be completed within 2 years of the enactment of this regulation. Systems that do not have a current certification after this date shall not be used. Certifications are current for 4 years from the initial date of certification and must be renewed within the final year of each 4 year period thereafter for continued use of the system.

Ongoing maintenance requirements

Any NH DES approved system with ongoing inspection and pumping requirements as part of the system's approval must follow those requirements. The administrative authority may request proof of compliance from the property owner. Submittal of required test results and proof of completion of any actions required for continued operation shall be prima facie evidence that this requirement has been met.

All other systems must have tanks pumped at least once every three (3) years. The administrative authority will receive proof of pumping from the property owner. A copy of a receipt from any qualified septic tank pumping service shall be prima facie evidence that this requirement has been met.

Installation of a replacement NH DES approved wastewater disposal systems is required by any of the following conditions.

1. **Where the System is in failure** (RSA 485-A:2 IV) with or without a valid subsurface approval on file.
2. **Where there is a valid** subsurface operational approval on file with NH DES and a new Building permit application to increase the number of bedrooms beyond the operational approval limits on file with NH DES.
3. **Where there is no Valid** subsurface operational approval and existing system does not meet system evaluation and certification requirements.
4. **Where there is no Valid** subsurface operational approval and upon sale or transfer of property, operating approval of a replacement system is required prior to occupancy. Temporary occupancy for up to 120 days may be authorized (but is not required to be) by the administrative authority while a new system is being actively designed and installed if the current system meets system evaluation and certification requirements.

NH DES Operational approval corresponding to the existing number of bedrooms is required before an occupancy permit is issued.

Fees:

\$25 to be paid to the town with each Septic evaluation and certification report.

Violation and Penalties

There shall be a penalty of \$100 for each month a required Septic evaluation and certification report is late unless property use is discontinued.

Any property owner found to be in violation of any other provision of these regulations shall be served by the Health Office with written notice stating the nature of the violation and providing a reasonable time limit (up to but not more than 180 days) for the satisfactory correction thereof. Systems in failure require immediate corrective action approved by the health officer before further use.

Violations of these regulations may result in an assessment of a civil penalty of \$100 per day for each day the violation continues after notification and the town may petition the Superior court for an injunction and an award of attorney fees.

Town of Chesterfield Septic evaluation and certification report.

Septic Failure definition: 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 (RSA 485-A-2:IV).

Note: Containment is not achieved if septage is released into or upon surrounding soils or groundwater.

Cesspools, by definition, are systems in failure.

Attach system sketch. Show pipe diameters, tank and field sizes.

Attach Photos with flags indicating the tank and field limits.

Size and Condition of tank(s). _____

Sludge depth. _____

Pumping required? _____

Condition of field(s). _____

Condition of D Box _____

Condition of plumbing. _____

Is the system in failure? _____

Are all waste water sources connected to the system? _____

Recommended pumping interval (not to exceed 3 years) _____

It is my opinion that the system located at _____ is not in failure, is properly connected to all wastewater sources and adequately meets the requirements of the dwelling(s).

Date: _____

Signature: _____ NH licensed septic system evaluator /installer Lic# _____

Printed: _____

Property owner

Signature: _____

Printed: _____