

REGULAR CALENDAR

October 26, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred HB 1312,

AN ACT relative to water pollution and waste disposal rulemaking. Having considered the same, report the same: NOT RECOMMENDED FOR FUTURE LEGISLATION.

Rep. Tony Lekas

FOR THE COMMITTEE

COMMITTEE REPORT

| | |
|--------------------------|---|
| Committee: | Executive Departments and Administration |
| Bill Number: | HB 1312 |
| Title: | relative to water pollution and waste disposal rulemaking. |
| Date: | October 26, 2022 |
| Consent Calendar: | REGULAR |
| Recommendation: | NOT RECOMMENDED FOR FUTURE LEGISLATION |

STATEMENT OF INTENT

This bill came to us because of a situation where a very small business that started just selling ice cream wanted to add a few menu items. The NH Department of Environmental Services (DES) became aware of this and required that they install a 1,000 gallon grease trap that seemed to some unreasonable for that business. Representatives from DES and the Building Code Review Board (BCRB) attended the subcommittee meetings. It came out that there appeared to be some overlap and conflict between DES rules and the International Plumbing Code (IPC). There was also concern that DES rules did not deal well with certain small operations. Also, the process for getting a waiver was not clear and was not well known by applicants. DES and the BCRB agreed to meet and come up with proposed solutions. The people at DES and BCRB put a lot of work into this. They will propose rule changes to resolve the conflicts and to make the rules more flexible. They have also committed to improved training for DES inspectors concerning the rule changes and the waiver process which will be made clearer. Both the prime sponsor of this bill and the owner's of the business that was the initial subject are happy with this outcome.

Vote 13-0.

Rep. Tony Lekas
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Executive Departments and Administration

HB 1312, relative to water pollution and waste disposal rulemaking.**NOT RECOMMENDED FOR FUTURE LEGISLATION .**

Rep. Tony Lekas for Executive Departments and Administration. This bill came to us because of a situation where a very small business that started just selling ice cream wanted to add a few menu items. The NH Department of Environmental Services (DES) became aware of this and required that they install a 1,000 gallon grease trap that seemed to some unreasonable for that business. Representatives from DES and the Building Code Review Board (BCRB) attended the subcommittee meetings. It came out that there appeared to be some overlap and conflict between DES rules and the International Plumbing Code (IPC). There was also concern that DES rules did not deal well with certain small operations. Also, the process for getting a waiver was not clear and was not well known by applicants. DES and the BCRB agreed to meet and come up with proposed solutions. The people at DES and BCRB put a lot of work into this. They will propose rule changes to resolve the conflicts and to make the rules more flexible. They have also committed to improved training for DES inspectors concerning the rule changes and the waiver process which will be made clearer. Both the prime sponsor of this bill and the owner's of the business that was the initial subject are happy with this outcome. **Vote 13-0.**

Original: House Clerk

Cc: Committee Bill File

CONSENT CALENDAR

March 7, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred HB 1312,

AN ACT relative to water pollution and waste disposal rulemaking. Having considered the same, report the same with the recommendation that the bill be REFERRED FOR INTERIM STUDY.

Rep. Glenn Bailey

FOR THE COMMITTEE

COMMITTEE REPORT

| | |
|-------------------|---|
| Committee: | Executive Departments and Administration |
| Bill Number: | HB 1312 |
| Title: | relative to water pollution and waste disposal rulemaking. |
| Date: | March 7, 2022 |
| Consent Calendar: | CONSENT |
| Recommendation: | REFER FOR INTERIM STUDY |

STATEMENT OF INTENT

This bill requires that grease traps required for commercial (restaurant) septic systems not exceed those specified by the state plumbing code, rather than the 1,000 gallon minimum required by Department of Environmental Services (DES) rules. While the committee agreed that the DES rules were arbitrary and inflexible, we were concerned that following the plumbing code was not necessarily the correct approach. The building code review board testified that adapting the plumbing code to DES requirements needed their support, and everyone agreed that modern systems dump less grease into the septic system than old ones – not least because used grease has become a valuable resource! Referring the bill for Interim Study will allow the committee to bring these disparate elements together into a more sensible standard.

Vote 19-0.

Rep. Glenn Bailey
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

HB 1312, relative to water pollution and waste disposal rulemaking. **REFER FOR INTERIM STUDY.**

Rep. Glenn Bailey for Executive Departments and Administration. This bill requires that grease traps required for commercial (restaurant) septic systems not exceed those specified by the state plumbing code, rather than the 1,000 gallon minimum required by Department of Environmental Services (DES) rules. While the committee agreed that the DES rules were arbitrary and inflexible, we were concerned that following the plumbing code was not necessarily the correct approach. The building code review board testified that adapting the plumbing code to DES requirements needed their support, and everyone agreed that modern systems dump less grease into the septic system than old ones – not least because used grease has become a valuable resource! Referring the bill for Interim Study will allow the committee to bring these disparate elements together into a more sensible standard. **Vote 19-0.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1312

BILL TITLE: relative to water pollution and waste disposal rulemaking.

DATE: October 5, 2022

LOB ROOM: 302 - 304

MOTION:

Interim Study (2nd yr) Not Recommended for Future Legislation

Moved by Rep. T. Lekas

Seconded by Rep. Schuett

Vote: 13-0

Respectfully submitted,

Rep John Sytek, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1312

BILL TITLE: relative to water pollution and waste disposal rulemaking.

DATE: 10-5-22

LOB ROOM: 302 - 304

MOTION: Recommended for Future Legislation

Not Recommended for Future Legislation

Moved by Rep. T. LEKAS Seconded by Rep. SCHWETT Vote: 130

Respectfully submitted,

Rep. 
Committee Clerk



2022 SESSION

Executive Departments and Administration

Bill #: HB 1312 Motion: Not Recommended AM #: _____ Exec Session Date: 10-5-22

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|--|-------------|-------------|-----------|
| McGuire, Carol M. Chairman | A | | |
| Rhodes, Jennifer M. Vice Chairman | X | | |
| Sytek, John Clerk | X | | |
| Pearson, Stephen C. <u>LASCELLES</u> | X | | |
| Yakubovich, Michael <u>DAWN JOHNSON</u> | X | | |
| Lekas, Tony | X | | |
| Alliegro, Mark C. | X | | |
| Bailey, Glenn | X | | |
| Lanzara, Tom E. | | | |
| Santonastaso, Matthew | | | |
| Goley, Jeffrey P. | X | | |
| Schuett, Dianne E. | X | | |
| Jeudy, Jean L. | | | |
| Schmidt, Peter B. | | | |
| Marsh, William M. | X | | |
| Fellows, Sallie D. | X | | |
| Fontneau, Timothy J. | | | |
| Grote, Jaci L. | X | | |
| O'Brien, Michael B. | | | |
| TOTAL VOTE: | | | |

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1312

BILL TITLE: relative to water pollution and waste disposal rulemaking.

DATE: March 7, 2022

LOB ROOM: 302-304

MOTIONS: REFER FOR INTERIM STUDY

Moved by Rep. Bailey

Seconded by Rep. Goley

Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS & ADMINISTRATION

EXECUTIVE SESSION on Bill # HB 1312

BILL TITLE: FEEL TO WATER POLL'N AND ~~GROUNDWATER PROTECTION OF STATE AGENCIES~~ WASTE DISPOSAL RULEMAKING

DATE: 3-7-22

LOB ROOM: Boat 302

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) *(if offered)*

Moved by Rep. BAILEY Seconded by Rep. GOLEY Vote: 18-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) *(if offered)*

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) *(if offered)*

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) *(if offered)*

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: *John Sytek*
Rep. John Sytek, Clerk



²²
2021 SESSION

Ball
Go!

Executive Departments and Administration

Bill #: HB 1312 Motion: INT STUDY AM #: _____ Exec Session Date: 3-7-22

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|-----------------------------------|-------------|-------------|-----------|
| McGuire, Carol M. Chairman | X | | |
| Rhodes, Jennifer M. Vice Chairman | X | | |
| Sytek, John Clerk | X | | |
| Pearson, Stephen C. | X | | |
| Yakubovich, Michael | X | | |
| Lekas, Tony | X | | |
| Alliegro, Mark C. | X | | |
| Bailey, Glenn | X | | |
| Lanzara, Tom E. | X | | |
| Santonastaso, Matthew | X | | |
| Goley, Jeffrey P. | X | | |
| Schuett, Dianne E. | X | | |
| Jeudy, Jean L. | X | | |
| Schmidt, Peter B. <i>HERRIGAN</i> | X | | |
| Schultz, Kristina M. <i>MARSH</i> | X | | |
| Fellows, Sallie D. | X | | |
| Fontneau, Timothy J. | X | | |
| Grote, Jaci L. | X | | |
| O'Brien, Michael B. | X | | |
| TOTAL VOTE: | | | |

19-0

cc

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION on HB 1312

BILL TITLE: relative to water pollution and waste disposal rulemaking.

DATE: September 28, 2022

Subcommittee Members: Reps. T. Lekas, Rhodes and Fellows

Comments and Recommendations: The proposed rulemaking and training proposed in the AD HOC Committee is accepted.

MOTION:

Interim Study (2nd yr) Not Recommended for Future Legislation

Moved by Rep. T. Lekas

Seconded by Rep. Fellows

Vote: 3-0

Respectfully submitted,

Rep. Tony Lekas
Subcommittee Chairman

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION on HB 1312

BILL TITLE: relative to water pollution and waste disposal rulemaking.

DATE: September 28, 2022

Subcommittee Members: Reps. T. Lekas, Rhodes and Fellows

Comments and Recommendations:

THE PROPOSED RULEMAKING AND TRAINING
PROPOSED IN THE AD HOC COMMITTEE IS ACCEPTED.

MOTION: Recommended for Future Legislation
 Not Recommended for Future Legislation

Moved by Rep. T. LEKAS Seconded by Rep. FELLOWS Vote: 3-0

Respectfully submitted,

Rep. Taylor
Subcommittee Chairman/Clerk

memo

To: Representative Tony Lekas
From: 2022 HB1312 Ad Hoc Committee
Date: September 2, 2022
Re: Resolution of 2022 HB1312 issues

At an HB1312 Study Committee meeting on June 15, 2022, the New Hampshire Department of Environmental Services (NHDES) and the Building Code Review Board (BCRB) were asked to work together to resolve issues brought up at the meeting. These issues include the minimum 1,000 gallon grease interceptor size required by NHDES, and the potential conflict between NHDES rules and RSA 155-A:2,X.

Philip R. Trowbridge, P.E., Land Resources Management Program manager from NHDES, and Philip R. Sherman, P.E., Chair of the Building Code Review Board formed an ad hoc committee, ultimately consisting of Mr. Trowbridge who managed the committee administratively, Mr. Sherman, Representative Peter Schmidt, Representative Carol McGuire, Dawn Buker and Raymond Gordon from NHDES, Colleen Smith from DHHS, Tedd Evans and Roger Maynard from the BCRB, Mitchell Cady from the State Fire Marshal's Office and William McKinney, president of the New Hampshire Building Officials Association (NHBOA) and Code Official in Nashua.

The committee met on June 27 and July 26, 2022. During the discussions, an additional technical issue was identified related to indirect drainage from sinks, as discussed below.

This memo will set forth the factual background, a summary of the issues, and proposed action steps resulting from the committee's review.

Factual basis

1. The scope of the 2018 International Plumbing Code (IPC) extends to the public sewer, private sewer, individual sewage disposal system or other point of disposal (see 2018 IPC 202 definition of building sewer). The IPC therefore applies to systems connected both to public and private disposal systems
2. Plumbing licensing extends to the first fitting beyond the foundation wall of the building or 5 feet of pipe from the building. (RSA 153:27 XIV)
3. NHDES grease interceptor requirements apply to any commercial facility in which food handling and preparation occurs that is connected to an individual sewage disposal system. (Env-Wq 1012)

4. Public sewage authorities regulate the pretreatment of waste being discharged to their systems. (RSA 485-A:5)

Summary of the issues

1. The scope of the plumbing code and the scope of NHDES regulatory authority overlap with regard to grease interceptors.
2. The plumbing code permits either a hydromechanical (interior) or gravity type (exterior) grease interceptor to prevent the discharge of grease to any system, while NHDES requires a gravity type interceptor if connected to an individual sewage disposal system.
3. NHDES currently requires a minimum gravity tank size of 1,000 gallons and requires a minimum hydraulic detention time of 36 hours (Env-Wq 1012). The plumbing code defines a gravity grease interceptor as a plumbing appurtenance of not less than 500 gallons (2018 IPC 202). The plumbing code requires a gravity grease interceptor to have a minimum retention time of 30-minutes based on the peak drain flow (2018 IPC 1003.3). The HB1312 study committee requested an evaluation of whether smaller external gravity grease traps or internal hydromechanical devices could be used for small facilities.
4. The 1,000-gallon tank size for gravity grease interceptors in New Hampshire is similar to requirements in Maine, Vermont, Massachusetts, and Rhode Island. See Table 1 for summaries of the regulations in all New England states.
5. NHDES currently approves waivers to use hydromechanical systems to capture grease for some small occupancies, and the points of approval are common to these occupancies. NHDES has the authority to approve waivers for other reasons provided they meet the waiver criteria in Env-Wq 1001.03. The availability of waivers may not be well understood by those being regulated.
6. The plumbing code currently requires wash, rinse and sanitizing sinks to be equipped with indirect drains. NHDES grease interceptor regulations and DHHS food regulations assume that only the sanitizing sink might be used for food preparation, resulting in the technical need for an indirect drain for this sink only. If a hydromechanical grease interceptor is installed downstream from an indirect drain, insufficient head pressure is developed to operate the grease interceptor correctly, and spillage can result, unless the interceptor is significantly oversized.

Action steps

Representatives of the BCRB and NHDES propose proceeding with the following steps, through the respective code amendment and rulemaking processes.

1. Amend the IPC definition of the limits of the building sewer, to align with the plumbing license, which per RSA 153:27 XIV is the first pipe fitting beyond the foundation wall of the building or 5 feet of pipe from the building.
 - a. This puts exterior gravity type grease interceptors, manholes, pump stations, etc. and exterior piping that serves septic tanks, under NHDES regulation, and those that serve municipal systems, under local jurisdiction.
 - b. Leave the permissive requirement for gravity interceptors and exterior sewer piping in the plumbing code, as some municipalities may want to simply reference the plumbing code for specifications related to connections to their systems.

2. Amend the IPC to state that in occupancies served by a NHDES approved septic system, and where a grease interceptor is required, and a hydromechanical grease interceptor is the only grease interceptor that is provided, NHDES approval is required.
3. Amend NHDES rules to permit, in occupancies served by a NHDES approved septic system, a hydromechanical system, per the NH Plumbing Code, instead of an external gravity grease interceptor in cases where:
 - a. There is no mechanical dishwasher;
 - b. There is no deep fryer;
 - c. There is no in-sink garbage disposal;
 - d. The facility uses paper service only;
 - e. The facility does not have dine-in seating and is take-out only; and
 - f. The flow from the facility will be less than 150 gallons per day (GPD). The flow from the facility can be determined from:
 - i. The unit flows table in Env-Wq 1008.03 such as:
 - 3 GPD per meal + 20 GPD per employee
 - 100 GPD per dipper + 20 GPD per employee for ice cream stands
 - ii. Metered flows per Env-Wq 1008.03
4. Amend the NHDES rules regarding waivers to add criteria for approval of a waiver regarding grease interceptors. For example, if an establishment did not meet the criteria in #3, above, it could still apply for a waiver from the external grease interceptor requirement if it could meet the following criteria:
 - a. Applicant has an alternative Fats, Oils, and Grease (FOG) management plan that is approved by the department which demonstrates that:
 - i. The Applicant will discharge less than 0.05 pounds of grease to the septic system per day; and (equivalent to 10 meals of low grease food); and
 - ii. Applicant has procedural safeguards and training for employees to ensure the alternative management plan will be followed.
 - b. The septic system has been designed by a permitted septic system designer to treat the wastewater from the proposed food service use and is approved by the department for construction and operation.
 - c. A permitted septic system designer has confirmed that the design and installation manual for the type of septic system does not require a gravity grease interceptor tank.
5. Amend the NHDES rules to reduce the minimum tank size for external gravity grease interceptors to 500 gallons to match the IPC. The NHDES rules would continue to require that the tank have a 36-hour detention time, which would make this tank size useable for flows up to 300 GPD. For food service establishments with flows greater than 300 GPD, larger tanks (typically 1,000

gallons) would need to be used. Some of the benefits of the larger tank size are listed below:

- a. The 1,000-gallon tank provides a margin of safety to account for variations in the types of food served, the strength of the wastewater, and type of establishment. For example, a fast-food restaurant that does most of its business by drive-through is still evaluated based on the number of physical seats for dining in. This margin of safety provides flexibility to the restaurant regarding their menu and service type under one state approval.
 - b. The 1,000-gallon tank size reduces pump out costs because fewer service calls are needed. The cost of a service call is high. The 1,000-gallon tanks can store more grease such that they can be pumped quarterly for most restaurants. The larger size allows for pump outs to be on a routine schedule, which is less expensive than emergency calls.
 - c. The 1,000-gallon tanks are better at protecting the septic system and the groundwater. The size of the tank reduces the chance of contamination of septage due to grease pass through which would result in more costly septage disposal and leach field failure.
6. The plumbing code Section 802.1.7 will be amended to permit either a direct or indirect drain from washing and rinsing sinks.
 7. NHDES will review the design and testing requirements for external gravity grease interceptors cited in the NHDES rules (ASTM C1644 and C1613, IAPMO/ANZI Z1000) and the Plumbing Code (IAPMO/ANZI Z1001) and will identify and work with BCRB to make amendments to either the IPC or the NHDES rules to resolve any inconsistencies.
 8. NHDES, NHBOA and the Mechanical Safety and Licensing Board, which regulates plumbers, will work to educate the appropriate parties on the jurisdictional limits resulting from these changes, including code requirements for the type of pipe entering the building.

Conclusions

We believe that the above steps will achieve the objectives of the HB1312 Study Committee as they will:

- Eliminate the conflict between the NHDES grease interceptor rules and RSA 155-A:2,X; and
- Provide more flexibility regarding the type of grease interceptor that may be used by small food service establishments. First, small establishments meeting the criteria in #3 above will be eligible to use an internal hydromechanical device instead of an external gravity grease interceptor. Second, establishments that do not meet the criteria in #3 but have procedures in place to avoid grease discharges could apply for a waiver of the grease interceptor rules. And third, a 500-gallon external grease interceptor tank will be allowed for establishments with flows less than 300 GPD.

Some of the changes proposed in this report will require approval by the Legislature or the Joint Legislative Committee on Administrative Rules. The time to prepare the proposals and to obtain official approvals will likely be 9-12 months.

Further review is necessary to determine what other New Hampshire state agency administrative rules result in additional conflicts and consideration of the needs of all parties will be needed to determine how best to correct the situation. BCRB will proceed to work on this issue in the coming year.

Table

Table 1: Comparison of regulations regarding gravity grease interceptors in New England states

| State | Min Grease Interceptor Tank Size (gal) | Minimum Hydraulic Detention Time (hours) | Notes |
|---------------|---|---|---|
| New Hampshire | 1,000 | 36 | Hydraulic detention time is based on kitchen waste flow only. |
| Vermont | 1,000 | NA | |
| Maine | 750 | NA | |
| Massachusetts | 1,000 | 24 | Hydraulic detention time is based on kitchen waste flow only. |
| Rhode Island | 1,000 | 24 | Hydraulic detention time is based on 50% of design flow for the whole septic system. |
| Connecticut | NA | NA | Connecticut requires the septic tank to be increased by a minimum of 50% if a grease interceptor cannot be installed. |

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1312

BILL TITLE: relative to water pollution and waste disposal rulemaking.

DATE: January 31, 2022

LOB ROOM: 302-304 **Time Public Hearing Called to Order:** 2:25 p.m.

Time Adjourned: 3:50 p.m.

Committee Members: Reps. McGuire, Rhodes, Sytek, Alliegro, Bailey, Lanzara, Santonastaso, Goley, P. Schmidt, Schuett, Fellows, Grote, O'Brien and Marsh

Bill Sponsors:

Rep. Aron

Rep. McGuire

Rep. McConkey

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Aron, prime sponsor, introduced the bill and spoke in support. She said this was a request of a constituent who was licensed (small eatery) but then shut down by DES. She noted that they were inspected the day after their business had been featured on NH Chronicle. She said that she was not an expert in grease traps and waste water but she said that her constituents felt that DES requirements were exceeded industry requirements. She also referred to IPC being adopted by NH and that should be used here. She took Committee questions.

Rep. McGuire, co-sponsor, spoke in support. She cited her personal experience and said that one size should not fit all.

Joe Nash, Denron Hall Plumbing in Manchester but representing himself spoke in support. He cited personal experience and also said that one size does not fit all. He took Committee questions.

Rene Pelletier, Director of Water Division DES, spoke for information. He said that the IPC did not address on-site waste water and applied only inside. He described DES perspective in licensing food establishments and noted change of use. He also noted circumstances where someone leasing a property could cause damage to the owner of the property by improper disposal of grease. Mr. Pelletier asked to bring up Ray Gordon, also of DES, to provide details about waste water disposal.

Ray Gordon, DES, cited his experience in waste water disposal. He gave a "primer" on waste water disposal and grease interceptors. He took Committee questions. These questions devolved into just how much grease the subject establishment was producing, was DES working with establishments in requirements.

Philip Sherman, NH Building Code Review Board, spoke. He said he disagreed with the bill but respected its intentions. He pointed out that the bill violates current law and that there were various definitions of where the plumbing code begins and ends. He said there may be a problem in how the various codes "sew themselves together." He felt that this bill would allow bypass of the state building code without proper procedure. He took Committee questions.

Troy and Karen Berriault, establishment (Balthazar's) owner, described his background and how their situation developed. He described the DES requirements as over engineered. He took Committee questions.

Good Afternoon Members of the Executive Departments and Administration Committee,

I am introducing this bill, HB1312 to you today with regard to grease traps mandated by DES to small businesses and other plumbing components.

This past summer, constituents of mine who are owners of Balthazar's Ice Shack was featured on the WMUR TV news spot, "NH Chronicles". It is a small local popular little eatery on Route 31 in Goshen, NH. The very next day DES sent an inspector down to the establishment to do an inspection and they subsequently closed them down because the DES inspector said they did not have a 1000 gallon grease trap. Mind you, this establishment had already had a license in place and had gone through necessary inspections to obtain that. They had no grease issues with the system they had already in place. In any case, they had to cease selling food until the DES was satisfied that the issue they cited was corrected, and this was at the height of Baltazar's season.

I am not an expert in waste water or plumbing, nor do I know all of the licensing requirements of DES when it comes to plumbing, septic design or installation. What I do know is that some of my constituents have complained to me that some of the rules and requirements that DES has in place are over and above what the industry requires for these systems. One such measure of the industry requirements is the International Plumbers Code (IPC). NH adopted use of the IPC in our building code statutes (RSA 155-A:1. IV). The IPC establishes minimum, and right sized, requirements for providing safe water to buildings as well as a safe manner in which liquid borne wastes are carried out of a building. Many states use the IPC as their state plumbing code. I don't see any problem in using the IPC as rules or standards for plumbing and septic here in NH as it relates to DES rules, especially since we use the IPC in our building codes. And I don't think anyone here today is advocating for plumbing systems that will cause damage or harm to people, businesses, or the environment be they "within a structure" or "outside of a structure".

We all want clean water, and proper disposal of waste, including and especially grease. No one desires to damage their own septic system, or cause sewage haulers and sewage processing plants problems. But we should also be cognizant of what makes sense for the size of the operation that smaller systems like Balthazar's may require. We shouldn't be telling small businesses that operate out of a 10x18 foot trailer that they have to meet the same standards as full sized restaurants. They are totally different operations. I believe that DES rules need to better assess and accommodate small sized businesses and work with those businesses towards "right sizing" their plumbing and septic needs. This is why I think that IPC rules make more sense. Instead of a one size fits all minimum of 1000 gallon grease trap, they should be assessing things like water usage, size of the sink, usage of the sink, size of the kitchen space, and how grease is created and/or handled by the establishment. Clearly smaller businesses have different needs and operations than those of larger ones. In my recent conversations with representatives from DES they even agree with me on that point!

Balthazars has fryolators that are self contained. They don't put that grease down their system. Their patrons are given disposable food containers, plates, and utensils so there isn't a need to wash customer dishes in a commercial dishwasher. Nonetheless, Balthazars was threatened through revocation of their license to contract and expend for the cost of a 1000 gallon grease trap which their own plumbers and septic designers said was oversized. Based on the fact that Balthazars doesn't generate enough water usage in their system to keep the grease trap from going stagnant, that means the system will be prone

to breed unhealthy bacteria, odor, and other problems. I can only imagine other small businesses that had this huge expense thrust upon them and then had problems going forward from it with regard to maintenance. Then there are the businesses that were forced to close, or never even opened, because their establishment couldn't do enough business to ever repay back this sort of investment. I know of a dairy farm that wanted to scoop some ice cream out of a shed and the septic and food licensing rules that DES and DHHS have in place were so onerous for this simple operation that the dairy farmer backed off because the investment was just unreasonable for them. Is this how we encourage entrepreneurship? We need to take a serious look at what we are asking of our small entrepreneurs and whether some of these rules even make sense.

In any case, something needs to be done and this issue needs to be addressed. A small 10'x18' shack should not have to install a grease trap that is almost as big as the shack from which they serve their customers. And please know this is not just about Balthazars. This is about overall inequity, and illogical and inflexible rules, that hurt small business across NH. There also seems to be an issue with other businesses being allowed to have under the sink grease traps, and others not. Perhaps DES inspectors are not being consistent with rules. Even though some people may think this, I sure hope that certain small businesses are not being targeted. I also know some business owners, and plumbing professionals that did not wish to come and testify today because of fear of reprisals. I don't think that's a healthy environment for our small businesses either.

One last point: I had written the commissioner of DES on August 29, 2021 requesting their rules be changed to accommodate small businesses like Balthazars, and to include flexibility for small businesses. The response on October 8th was "we'll look at it" and that small businesses are already differentiated by allowing a minimum of 1000 gallon grease trap in this instance. It's the end of January and they apparently are still looking at it. In the meantime, small businesses like Balthazars must comply to costly and over sized rules.

So I hope that you will consider what I have presented today, listen to some of the people affected by these rules have to say, and pass this bill out of your committee. It is time that we adopt the IPC as our own rules and help our small businesses be able to install systems that make sense to the type of operation they run.

Thank You,
Judy Aron
NH State Representative
Sullivan County District 7
Acworth, Goshen. Langdon, Lempster, Washington
266 Forest Rd., South Acworth, NH 03607
603-843-5908

**TITLE XII
PUBLIC SAFETY AND WELFARE**

**CHAPTER 155-A
NEW HAMPSHIRE BUILDING CODE**

Section 155-A:1

155-A:1 Definitions. –

In this chapter:

- I. "Building" means building as defined and interpreted by the International Code Council's International Building Code 2015, as amended by the state building code review board and ratified by the legislature in accordance with RSA 155-A:10.
- II. "County" means the local legislative body of a county in which there are unincorporated towns or unorganized places.
- III. "Local enforcement agency" means for a municipality that has adopted enforcement provisions or additional regulations under RSA 674:51 or RSA 47:22, the building inspector, code official, or other local government official qualified and authorized to make inspections and to enforce the laws, ordinances, and rules enacted by the state and by local government that establish standards and requirements applicable to the construction, alteration, or repair of buildings. For the purpose of enforcement of the state fire code for buildings and structures not owned by the state, the local enforcement agency means the municipal fire chief or his or her representative, pursuant to RSA 154:2, II.
- IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code 2015, the International Existing Building Code 2015, **the International Plumbing Code 2015**, the International Mechanical Code 2015, the International Energy Conservation Code 2015, the International Swimming Pool and Spa Code 2015, and the International Residential Code 2015, as published by the International Code Council, and the National Electrical Code 2017, as amended by the state building code review board and ratified by the legislature in accordance with RSA 155-A:10. The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.
- IV-a. "New Hampshire fire code" or "state fire code" means the state fire code as defined in RSA 153:1 and as amended by rules adopted pursuant to RSA 153:5.
- V. "Person" means any individual or organized group of any kind, including partnerships, corporations, limited liability partnerships, limited liability companies, and other forms of association, as well as federal, state or local instrumentalities, political subdivisions, or officers.
- VI. "Structure" means structure as defined and interpreted by the International Code Council's International Building Code 2015, as amended by the state building code review board and ratified by the legislature in accordance with RSA 155-A:10.

Source. 2002, 8:3. 2003, 245:1. 2006, 112:1. 2007, 187:1-3. 2009, 41:2. 2012, 242:7-10, eff. June 18, 2012. 2014, 314:4, eff. Jan. 1, 2015. 2017, 201:3, eff. Jan. 1, 2018. 2019, 250:1-3, eff. Sept. 15, 2019.

No grease in their prior system.



The size of the Grease Trap Balthazar's had to install



The 1000 gallon grease trap installed in their yard for their 10'x18' foot shack.

DES Rules on Grease Traps:

PART Env-Wq 1012 GRAVITY GREASE INTERCEPTORS AND FLOOR DRAINS

Env-Wq 1012.01 Gravity Grease Interceptors Required. A gravity grease interceptor shall be used for kitchen waste only in the ISDS serving:

- (a) Any commercial facility in which any food handling and preparation occurs; and
- (b) Any dwelling where food handling and preparation is undertaken for any business purpose.

Env-Wq 1012.02 Gravity Grease Interceptor Design Requirements.

(a) The gravity grease interceptor shall be sized to have a minimum hydraulic detention time of 36 hours and minimum tank size of 1,000 gallons.

(b) The outlet of the gravity grease interceptor shall be protected with a baffle that extends downward and terminates 6 to 12 inches from the inside bottom of the gravity grease interceptor.

(c) A gravity grease interceptor shall meet the requirements of:

(1) Env-Wq 1010.03 relative to being water-tight, provided that “septic tank” shall be replaced with “gravity grease interceptor”; and

(2) Env-Wq 1010.06 relative to design, provided that “septic tank” shall be replaced with “gravity grease interceptor”.

(d) All connections between a gravity grease interceptor and the pipes leading to and exiting from the tank shall be sealed with a watertight, flexible connector that:

(1) Will accommodate normal movement of the tank without leaking or breaking; and

(2) Is certified by the manufacturer or distributor as conforming to ASTM C1644.

(e) Any precast concrete gravity grease interceptor shall be certified by its manufacturer or distributor as meeting the applicable requirements of ASTM C1613.

(f) Fiber-reinforced polyester used for manufacturing gravity grease interceptors and components shall be certified by its manufacturer or distributor as meeting the applicable requirements of section 6 of IAPMO/ANSI Z1000.

(g) Thermoplastic gravity grease interceptors and components shall be certified by its manufacturer or distributor as meeting the applicable requirements of section 7 of IAPMO/ANSI Z1000.

2018 International Plumbing Code (IPC)

CHAPTER 10 TRAPS, INTERCEPTORS AND SEPARATORS

About this chapter: Chapter 10 regulates the design of fixture traps, methods for preventing evaporation of trap seals in traps and the required locations for interceptors and separators. The trap seal of a trap is an essential feature of a drainage system to prevent odors from the drainage piping from entering the building. The discharge of various processes, such as cooking and laundry, creates the need for equipment to retain detrimental greases and solids from entering the drainage systems.

SECTION 1001 GENERAL

1001.1 Scope

This chapter shall govern the material and installation of traps, interceptors and separators.

SECTION 1002 TRAP REQUIREMENTS

1002.1 Fixture traps.

Each plumbing fixture shall be separately trapped by a liquid-seal trap, except as otherwise permitted by this code. The vertical distance from the fixture outlet to the trap weir shall not exceed 24 inches (610 mm), and the horizontal distance shall not exceed 30 inches (610 mm) measured from the centerline of the fixture outlet to the centerline of the inlet of the trap. The height of a clothes washer standpipe above a trap shall conform to Section 802.3.3. A fixture shall not be double trapped.

Exceptions:

1. This section shall not apply to fixtures with integral traps.
2. A combination plumbing fixture is permitted to be installed on one trap, provided that one compartment is not more than 6 inches (152 mm) deeper than the other compartment and the waste outlets are not more than 30 inches (762 mm) apart.
3. A grease interceptor intended to serve as a fixture trap in accordance with the manufacturer's installation instructions shall be permitted to serve as the trap for a single fixture or a combination sink of not more than three compartments where the vertical distance from the fixture outlet to the inlet of the interceptor does not exceed 30 inches (762 mm) and the developed length of the waste pipe from the most upstream fixture outlet to the inlet of the interceptor does not exceed 60 inches (1524 mm).
4. Floor drains in multilevel parking structures that discharge to a building storm sewer shall not be required to be individually trapped. Where floor drains in multilevel parking structures are required to discharge to a combined building sewer system, the floor drains shall not be required to be individually trapped provided that they are connected to a main trap in accordance with Section 1103.1.

1002.2 Design of traps.

Fixture traps shall be self-scouring. Fixture traps shall not have interior partitions, except where such traps are integral with the fixture or where such traps are constructed of an approved material that is resistant to corrosion and degradation. Slip joints shall be made with an approved elastomeric gasket and shall be installed only on the trap inlet, trap outlet and within the trap seal.

1002.3 Prohibited traps.

The following types of traps are prohibited:

1. Traps that depend on moving parts to maintain the seal.
2. Bell traps.
3. Crown-vented traps.

4. 4. Traps not integral with a fixture and that depend on interior partitions for the seal, except those traps constructed of an approved material that is resistant to corrosion and degradation.
5. 5. "S" traps.
6. 6. Drum traps.

Exception: Drum traps used as solids interceptors and drum traps serving chemical waste systems shall not be prohibited.

1002.4 Trap seals.

Each fixture trap shall have a liquid seal of not less than 2 inches (51 mm) and not more than 4 inches (102 mm), or deeper for special designs relating to accessible fixtures.

1002.4.1 Trap seal protection.

Trap seals of emergency floor drain traps and trap seals subject to evaporation shall be protected by one of the methods in Sections 1002.4.1.1 through 1002.4.1.4.

1002.4.1.1 Potable water-supplied trap seal primer valve.

A potable water-supplied trap seal primer valve shall supply water to the trap. Water-supplied trap seal primer valves shall conform to ASSE 1018. The discharge pipe from the trap seal primer valve shall connect to the trap above the trap seal on the inlet side of the trap.

1002.4.1.2 Reclaimed or gray water-supplied trap seal primer valve.

A reclaimed or gray water-supplied trap seal primer valve shall supply water to the trap. Water-supplied trap seal primer valves shall conform to ASSE 1018. The quality of reclaimed or gray water supplied to trap seal primer valves shall be in accordance with the requirements of the manufacturer of the trap seal primer valve. The discharge pipe from the trap seal primer valve shall connect to the trap above the trap seal, on the inlet side of the trap.

1002.4.1.3 Waste water-supplied trap primer device.

A waste water-supplied trap primer device shall supply water to the trap. Waste water-supplied trap primer devices shall conform to ASSE 1044. The discharge pipe from the trap seal primer device shall connect to the trap above the trap seal on the inlet side of the trap.

1002.4.1.4 Barrier-type trap seal protection device.

A barrier-type trap seal protection device shall protect the floor drain trap seal from evaporation. Barrier-type floor drain trap seal protection devices shall conform to ASSE 1072. The devices shall be installed in accordance with the manufacturer's instructions.

1002.5 Size of fixture traps.

Fixture trap size shall be sufficient to drain the fixture rapidly and not less than the size indicated in Table 709.1. A trap shall not be larger than the drainage pipe into which the trap discharges.

1002.6 Building traps.

Building (house) traps shall be prohibited.

1002.7 Trap setting and protection.

Traps shall be set level with respect to the trap seal and, where necessary, shall be protected from freezing.

1002.8 Recess for trap connection.

A recess provided for connection of the underground trap, such as one serving a bathtub in slab-type construction, shall have sides and a bottom of corrosion-resistant, insect- and verminproof construction.

1002.9 Acid-resisting traps.

Where a vitrified clay or other brittleware, acid-resisting trap is installed underground, such trap shall be embedded in concrete extending 6 inches (152 mm) beyond the bottom and sides of the trap.

1002.10 Plumbing in mental health centers.

In mental health centers, pipes and traps shall not be exposed.

SECTION 1003 INTERCEPTORS AND SEPARATORS

1003.1 Where required.

Interceptors and separators shall be provided to prevent the discharge of oil, grease, sand and other substances harmful or hazardous to the public sewer, the private sewage system or the sewage treatment plant or processes.

1003.2 Approval.

The size, type and location of each interceptor and of each separator shall be designed and installed in accordance with the manufacturer's instructions and the requirements of this section based on the anticipated conditions of use. Wastes that do not require treatment or separation shall not be discharged into any interceptor or separator.

1003.3 Grease interceptors.

Grease interceptors shall comply with the requirements of Sections 1003.3.1 through 1003.3.8.

1003.3.1 Grease interceptors and automatic grease removal devices required.

A grease interceptor or automatic grease removal device shall be required to receive the drainage from fixtures and equipment with grease-laden waste located in food preparation areas, such as in restaurants, hotel kitchens, hospitals, school kitchens, bars, factory cafeterias and clubs. Fixtures and equipment shall include pot sinks, prerinse sinks; soup kettles or similar devices; wok stations; floor drains or sinks into which kettles are drained; automatic hood wash units and dishwashers without prerinse sinks. Grease interceptors and automatic grease removal devices shall receive waste only from fixtures and equipment that allow fats, oils or grease to be discharged. Where lack of space or other constraints prevent the installation or replacement of a grease interceptor, one or more grease interceptors shall be permitted to be installed on or above the floor and upstream of an existing grease interceptor.

1003.3.2 Food waste disposers restriction.

A food waste disposer shall not discharge to a grease interceptor.

1003.3.3 Additives to grease interceptors.

Dispensing systems that dispense interceptor performance additives to grease interceptors shall not be installed except where such systems dispense microbes for the enhancement of aerobic bioremediation of grease and other organic material, or for inhibiting growth of pathogenic organisms by anaerobic methods. Such microbial dispensing systems shall be installed only where the grease interceptor manufacturer's instructions allow such systems and the systems conform to ASME A112.14.6. Systems that discharge emulsifiers, chemicals or enzymes to grease interceptors shall be prohibited.

1003.3.4 Grease interceptors and automatic grease removal devices not required.

A grease interceptor or an automatic grease removal device shall not be required for individual dwelling units or any private living quarters.

1003.3.5 Hydromechanical grease interceptors, fats, oils and greases disposal systems and automatic grease removal devices.

Hydromechanical grease interceptors; fats, oils, and greases disposal systems and automatic grease removal devices shall be sized in accordance with ASME A112.14.3, ASME A112.14.4, ASME A112.14.6, CSA B481.3 or PDI G101. Hydromechanical grease interceptors; fats, oils, and greases disposal systems and automatic grease removal devices shall be designed and tested in accordance with ASME A112.14.3, ASME A112.14.4, CSA B481.1, PDI G101 or PDI G102. Hydromechanical grease interceptors; fats, oils, and greases disposal systems and automatic grease removal devices shall be installed in accordance with the manufacturer's instructions. Where manufacturer's instructions are not provided, hydromechanical grease interceptors; fats, oils, and greases disposal systems and automatic grease removal devices shall be installed in compliance with ASME A112.14.3, ASME A112.14.4, ASME A112.14.6, CSA B481.3 or PDI G101.

1003.3.5.1 Grease interceptor capacity.

Grease interceptors shall have the grease retention capacity indicated in Table 1003.3.5.1 for the flow-through rates indicated.

TABLE 1003.3.5.1

CAPACITY OF GREASE INTERCEPTORS^a

TOTAL FLOW-THROUGH RATING (gpm) GREASE RETENTION CAPACITY (pounds)

| | |
|-----|-----|
| 4 | 8 |
| 6 | 12 |
| 7 | 14 |
| 9 | 18 |
| 10 | 20 |
| 12 | 24 |
| 14 | 28 |
| 15 | 30 |
| 18 | 36 |
| 20 | 40 |
| 25 | 50 |
| 35 | 70 |
| 50 | 100 |
| 75 | 150 |
| 100 | 200 |

For SI: 1 gallon per minute = 3.785 L/m, 1 pound = 0.454 kg.

1. a. For total flow-through ratings greater than 100 (gpm), double the flow-through rating to determine the grease retention capacity (pounds).

1003.3.5.2 Rate of flow controls.

Grease interceptors shall be equipped with devices to control the rate of water flow so that the water flow does not exceed the rated flow. The flow-control device shall be vented and terminate not less than 6 inches (152 mm) above the flood rim level or be installed in accordance with the manufacturer's instructions.

1003.3.6 Automatic grease removal devices.

Where automatic grease removal devices are installed, such devices shall be located downstream of each fixture or multiple fixtures in accordance with the manufacturer's instructions. The automatic grease removal device shall be sized to pretreat the measured or calculated flows for all connected fixtures or equipment. Ready access shall be provided for inspection and maintenance.

1003.3.7 Gravity grease interceptors and gravity grease interceptors with fats, oils, and greases disposal systems.

The required capacity of gravity grease interceptors and gravity grease interceptors with fats, oils, and greases disposal systems shall be determined by multiplying the peak drain flow into the interceptor in gallons per minute by a retention time of 30 minutes. Gravity grease interceptors shall be designed and tested in accordance with IAPMO/ANSI Z1001. Gravity grease interceptors with fats, oils, and greases disposal systems shall be designed and tested in accordance with ASME A112.14.6 and IAPMO/ANSI Z1001. Gravity grease interceptors and gravity grease interceptors with fats, oils, and greases disposal systems shall be installed in accordance with manufacturer's instructions. Where manufacturer's instructions are not provided, gravity grease interceptors and gravity grease interceptors with fats, oils, and greases disposal systems shall be installed in compliance with ASME A112.14.6 and IAPMO/ANSI Z1001.

1003.3.8 Direct connection.

The discharge piping from a grease interceptor shall be directly connected to the sanitary drainage system.

1003.4 Oil separators required.

At repair garages where floor or trench drains are provided, car washing facilities, factories where oily and flammable liquid wastes are produced and hydraulic elevator pits, oil separators shall be installed into which oil-bearing, grease-bearing or flammable wastes shall be discharged before emptying into the building drainage system or other point of disposal.

Exception: An oil separator is not required in hydraulic elevator pits where an approved alarm system is installed. Such alarm systems shall not terminate the operation of pumps utilized to maintain emergency operation of the elevator by fire fighters.

1003.4.1 Separation of liquids.

A mixture of treated or untreated light and heavy liquids with various specific gravities shall be separated in an approved receptacle.

1003.4.2 Oil separator design.

Oil separators shall be listed and labeled, or designed in accordance with Sections 1003.4.2.1 and 1003.4.2.2.

1003.4.2.1 General design requirements.

Oil separators shall have a depth of not less than 2 feet (610 mm) below the invert of the discharge drain. The outlet opening of the separator shall have not less than an 18-inch (457 mm) water seal.

1003.4.2.2 Garages and service stations.

Where automobiles are serviced, greased, repaired or washed or where gasoline is dispensed, oil separators shall have a capacity of not less than 6 cubic feet (0.168 m³) for the first 100 square feet (9.3 m²) of area to be drained, plus 1 cubic foot (0.028 m³) for each additional 100 square feet (9.3 m²) of area to be drained into the separator. Parking garages in which servicing, repairing or washing is not conducted, and in which gasoline is not dispensed, shall not require a separator. Areas of commercial garages utilized only for storage of automobiles are not required to be drained through a separator.

1003.5 Sand interceptors in commercial establishments.

Sand and similar interceptors for heavy solids shall be designed and located so as to be provided with ready access for cleaning, and shall have a water seal of not less than 6 inches (152 mm).

1003.6 Clothes washer discharge interceptor.

Clothes washers shall discharge through an interceptor that is provided with a wire basket or similar device, removable for cleaning, that prevents passage into the drainage system of solids ¹/₂ inch (12.7 mm) or larger in size, string, rags, buttons or other materials detrimental to the public sewage system.

Exception:

1. Clothes washers in individual dwelling units shall not be required to discharge through an interceptor.
2. A single clothes washer designed for use in individual dwelling units and installed in a location other than an individual dwelling unit shall not be required to discharge through an interceptor.

1003.7 Bottling establishments.

Bottling plants shall discharge process wastes into an interceptor that will provide for the separation of broken glass or other solids before discharging waste into the drainage system.

1003.8 Slaughterhouses.

Slaughtering room and dressing room drains shall be equipped with approved separators. The separator shall prevent the discharge into the drainage system of feathers, entrails and other materials that cause clogging.

1003.9 Venting of interceptors and separators.

Interceptors and separators shall be designed so as not to become air bound. Interceptors and separators shall be vented in accordance with one of the methods in Chapter 9.

1003.10 Access and maintenance of interceptors and separators.

Access shall be provided to each interceptor and separator for service and maintenance. Interceptors and separators shall be maintained by periodic removal of accumulated grease, scum, oil, or other floating substances and solids deposited in the interceptor or separator.

Archived: Thursday, May 19, 2022 9:57:05 AM
From: Philip Sherman
Sent: Monday, February 14, 2022 9:41:49 AM
To: ~House Executive Departments and Administration
Cc: DOS: Bldgcodebrd
Subject: HB1312 0 Building Code Review Board comments
Importance: Normal

Chair McGuire and members of the committee: Thank you for the opportunity to speak at the January 31 hearing on HB1312. My apologies, I was unable to locate an email address for Representatives Aron and McConkey. Speaking as chair of the Building Code Review Board, this email will set forth my original position, as well as the impact this bill might have on other issues, based on statements made by others at the hearing.

Our original position stands, which is in opposition to this bill as it is written. While the reason for the bill appears to have been to restrict DES requirements for grease interceptors, the resulting language of the bill itself conflicts with RSA 155-A:2,X, which states in part:

No state agency, authority, board, or commission shall vary, modify, or waive the requirements of the state building code or state fire code, unless approved by the state building code review board pursuant to RSA 155-A relative to the state building code or the state fire marshal pursuant to RSA 153:8-a, I(c) for the state fire code.

This bill appears to permit DES to adopt regulations for grease traps and other plumbing components independently of the BCRB provided the regulation was no more restrictive than the plumbing code.

The larger issue, as you heard at the hearing, is that there appears to be disagreement as to whether the DES regulations on exterior grease traps amend or conflict with the plumbing code, or if the plumbing code even applies outside of a building. I have reviewed this issue with several individuals involved with the BCRB that are more experienced with the plumbing code than I am, and all agree that the plumbing code clearly extends outside the building. This is not aligned with DES opinion, or even with the scope of plumbing licensure. At the least, there is a need to resolve the disagreement.

Further, a quick look at some other state regulations shows other cases where regulations may or may not be deemed amendments to the building code, and these have not come before the BCRB.

Given the desire for a somewhat uniform statewide building code, I request that HB1312 be held, and that we be given a year to work with other departments in order to try and reach agreement on how this should play out. Thank you for your consideration and I'm happy to discuss this further if it would be helpful.

Philip R. Sherman, P.E.
P.O. Box 216
444 Wilmot Center Road
Elkins, NH 03233
603-526-6190 – Office
603-731-9533 - Cell

HB 1312 - AS INTRODUCED

2022 SESSION

22-2452
05/08

HOUSE BILL **1312**

AN ACT relative to water pollution and waste disposal rulemaking.

SPONSORS: Rep. Aron, Sull. 7; Rep. McGuire, Merr. 29; Rep. McConkey, Carr. 3

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill provides that department of environmental services rules regarding grease traps or other plumbing components shall be no more restrictive than the International Plumbing Code, as adopted in the state building code.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to water pollution and waste disposal rulemaking.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 New Section; Water Pollution and Waste Disposal; Rulemaking Regarding Plumbing Code.
- 2 Amend RSA 485-A by inserting after section 6 the following new section:
- 3 485-A:6-a Rulemaking Regarding Plumbing Code. Any specification in department rules regarding
- 4 grease traps or other plumbing components shall be no more restrictive than the International
- 5 Plumbing Code, as adopted in RSA 155-A:1, IV.
- 6 2 Effective Date. This act shall take effect 60 days after its passage.