



New Hampshire Health Officers Association

- *Executive Board Minutes*
 - September 17, 2024
 - **9:30 am –11:00 am**
 - Zoom Meeting Format

- Call to Order - Wayne Whitford, President

- Attendance
 - Wayne Whitford, President – present
 - Brian Lockard, VP & Chair for Advocacy Subcommittee – present
 - Rene Beaudoin, Treasurer Pro Tempore; Chair for Data Subcommittee – present
 - Liam Ehrenzweig, Secretary; Chair for Communication/Marketing Subcommittee – present
 - Courtney Bogaert – present
 - Lisa Bechok - absent
 - Nancy Kilbride, Events Your Way – present
 - Sophia Johnson, DPHS Health Officer Liaison Unit – present
 - Joanne Cotton, DHHS staff – present
 - Madison Bailey, -- present
 - David Aiton; NHDES Subsurface, -- present

- NHDES Subsurface Compliance & Outreach – Dave Aiton
 - Wayne welcomed Dave to the meeting.
 - Dave introduced himself as Compliance and Outreach Specialist for the Subsurface Bureau with the stated goal to assist health and code officers with anything having to do with septic system concerns. Wayne asked about personnel turnover in the Subsurface Bureau and Dave elaborated on the turnover and reassignment as well as vacancies within that department. A new inspection administrator came on board May 2024. There are still inspectors who have been with the department for a long time but some have been reassigned to different territories. Dave gave his intention to speak about the legislation related to septic that was passed in the previous session, and promised to distribute slides to Sophia for the NHLHO list serve to elaborate on the new legislation.
 - HB 247 deals with changes to protection of well radii at residential property, and new change is the radius ends at the property line.
 - SB 229 changes the rules for approvals for repair/replacement to require documentation of the existing system, including loading for an ADU, if repair/replacement approval is sought. Wayne asked if this new law applies to air B&Bs, and Dave stated that Air

B&Bs are not specifically stated in the law and the property would be evaluated based on its traditional use as a home.

- HB 1113 requires septic evaluations by a NH permitted septic assessor when real estate transactions occur within the protected shoreland. Systems installed prior to 9/1/1989 or without prior NHDES approval also need evaluation of the leach field. Brian asked who enforces this law? Dave said it is based on the honor system with realtors. Dave hoping to update a fact sheet about this soon and post to the DES website.
- HB 1139 reduces the clearance of stone and pipe residential leach fields from 48 inches to 24. Dave stated this aligns with EPA design standards, and emphasized the law still requires separation distance to be as much as possible. Ren asked for the scientific basis of this new law, and Dave said he was not part of those deliberations. Ren asked if a municipality has a stricter ordinance will that be enforceable for a failed system. Dave said the designer should still adhere to local rules even for failed systems. Brian said there was no way to enforce that, since failed systems do not require municipal approval. Dave said any enforcement would have to be at the local level. Ren asked if the state could archive and reference local ordinances before granting approval for failed systems. Dave said he didn't think the state could enforce local rules legally. Dave explained the rules for failed septic systems were established to expedite the approval process in order to reduce expensive pumping costs. Ren asked if a checkbox could be added to DES design submittal forms to include affirmation by the designer that the design conforms to local rules. Dave thought that was a good question, and he will check if that is possible.
- HB 1140 deals with homeowner installations. The new law continues exception for homeowner installations only, and new designs must be from a NH permitted designer. However, replacement of existing systems remain excluded from DES inspection approvals. The law applies to new installations only. Brian said a conflict is created by the new law because local governments can require permits for failed and repair/replacement systems while at the same time DES does not. Dave explained DES process, and said from their usage "permits" are similar to licensure, and "approvals" are similar to permits.
- HB 1141 changes rules for increased loading of septic system. If a home has construction and operational approval it can use the existing system until it fails, but must have an approved design in hand in the event of failure. HB 1141 distinguishes between increases in load versus increases in flow. Dave said this distinction applies mostly to commercial use.
- Dave said he is trying to get more resources to Local Health Officers. He acknowledged when it comes to enforcement DES has limited resources and it is a time consuming process, therefore most enforcement is local. Brian stressed that since most enforcement is local he requests LHO be included in the process of legislative development to enable our input and perspective. Dave promised to contact Sophia in the future when he is aware of new legislation development. He wants to be a pipeline to Sophia moving forward, and doesn't expect much new legislation in 2025 but will attempt to do better to convey new developments if he is aware of them.

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- Approval of August minutes
 - The August 20, 2024 minutes were approved.

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- Treasurer's Report – Nancy Kilbride

- Nancy was paid for the previous three months work in August, and the lump payment was due to a cash flow issue.
 - 198 members currently in NHHOA.
 - \$6309 currently available.
- Fall Conference Update - Nancy Kilbride
 - 60 registrations have been received so far. This includes three vendors, and it is hoped that 10 vendors will register. Some Board members have not registered yet.
 - Nancy and Sophia met with Public Health Laboratories personnel to prepare and assist with public presentation and attendee interaction skills.
 - Nancy has created and shared with the Board a draft of the agenda that includes roles of Board members during the conference.
 - An emphasis on NHHOA cash flow issues was especially concerning because the Holiday Inn bill is due in full prior to the conference. Nancy asked how this \$3000-\$4000 bill could be paid in a way that does not include a personal loan from Nancy to cover the cost until compensation was received from DHHS. Wayne asked for suggestions, but none were offered. Sophia will discuss with Beverly to see if payment could be expedited. Brian asked if the money market account could cover the cost, but Nancy reported there were not enough funds there either. Ren asked if there was a higher cost from the hotel compared to Spring, but Nancy said the total cost relates to food cost and is based on the number of attendees.
- Health Officer Liaison Updates – Sophia Johnson & Joanne Cotton
 - Sophia said the Readiness Report was finished and would be shared with the LHO today. She thanked the Board members who responded to her email requesting information for the Report. She asked the Board to share insight on the content when data was compiled. Sophia expects to present data to the Board in early October.
- Leadership Review of Bylaws
 - Nancy reported this project is a work in progress.
- Committee Reports
 - Communication Subcommittee – Did not meet in September, next meeting Oct. 2.
 - Other subcommittees had not met. Brian reported he did reach out to Natch at NHMA, and he invited Dave Aiton to attend today’s meeting.
- New Business
 - No new business was offered.
- Next virtual meeting is scheduled for November 18, 2024, at 9:30-11:00AM. October meeting will not occur due to the Fall Conference.
- Adjournment – Wayne Whitford, President, 10:48 am.