



1           (5) Cesspools, as well as failed and poorly functioning septic systems degrade water  
2 quality and have been identified as a source of pollution in such environmentally sensitive areas  
3 as Greenwich Bay, the coastal salt ponds, and other water resources by not adequately treating  
4 domestic wastewater.

5           (6) Appropriate treatment of domestic wastewater reduces contamination risks to the  
6 groundwater and therefore risks to public health and the environment and restoration costs  
7 associated with groundwater contamination.

8           (7) Appropriate treatment of domestic wastewater is essential to the protection of  
9 groundwater, from which drinking water is derived, and, reduces the risks associated with the  
10 degradation of the state's coastal ponds and other water bodies where groundwater is the primary  
11 source of freshwater for these waterbodies.

12           (8) Advanced treatment of domestic wastewater, such as nitrogen-removal septic  
13 systems, further protects drinking water and groundwater and reduces the risks associated with  
14 the degradation of the state's coastal ponds and other water bodies where groundwater is the  
15 primary source of freshwater for these waterbodies, and also aides in the reduction of  
16 contamination risks to groundwater and restoration costs associated with groundwater  
17 contamination.

18           (9) Risks associated with cesspools have been acknowledged at the federal level  
19 including the facts that: (i) cesspools do not treat sanitary sewage and the effluent contains  
20 nitrates, total suspended solids and coliform bacteria; (ii) the effluent may contain other  
21 constituents of concern such as phosphates, chlorides, grease, viruses and chemicals used to clean  
22 cesspools (e.g. trichloroethane and methylene chloride); (iii) the wastewaters from cesspools  
23 frequently exceed drinking water health standards for certain contaminants; and (iv) areas that  
24 rely on cesspools are more likely to rely on groundwater for their drinking water supplies.

25           (10) A fund exists to assist homeowners with the costs of replacing cesspools and  
26 inadequate septic systems with an ISDS if the community in which the homeowner resides has  
27 created a wastewater management district in accordance with Rhode Island general laws section  
28 45-24.5-1 et seq.

29           **23-19.15-3. Declaration of purpose.** -- The purpose of this chapter is to phase out use of  
30 all cesspools within the state.

31           **23-19.15-4. Definitions.** -- (a) Cesspool. Cesspool is defined as "any buried chamber,"  
32 including, but not limited to, any metal tank, perforated concrete vault or covered hollow or  
33 excavation, which receives, discharges of sanitary sewage from a building sewer for the purpose  
34 of collecting solids and discharging liquids to the surrounding soil.

1           (b) Individual sewage disposal system ("ISDS"). ISDS is defined as any of piping, tanks,  
2 disposal areas, alternative toilets or other facilities designed to function as a unit to convey, store,  
3 treat and/or dispose of sanitary sewage, by means other than discharge into a public sewer  
4 system, that is approved by the Rhode Island department of environmental management.

5           (c) Watercourse. Watercourse is defined as Narragansett Bay and its tributaries, coastal  
6 and freshwater ponds, perennial and intermittent streams, vernal pools, coastal and freshwater  
7 wetlands.

8           **23-19.15-5. Cesspool removal. --** All cesspools shall be removed and replaced with an  
9 ISDS or tied into a public sewer system within twelve (12) months from the date of sale of  
10 property, or in accordance with the following risk based schedule, whichever event occurs  
11 sooner;

12           (1) All cesspools within two hundred feet (200') of any watercourse, or drain that is likely  
13 to intercept groundwater flow from the location of the cesspool must be removed by December of  
14 2007.

15           (2) All cesspools within one hundred feet (100') of any drinking water well, whether on  
16 the same lot as the cesspool or a lot adjacent to a cesspool must be removed by December of  
17 2012.

18           (3) All cesspools in the state shall be removed by December of 2017.

19           **23-19.15-6. Waiver. --** The director of DEM may provide for a waiver from the 2012  
20 deadline in financial hardship cases where there is adequate separation between the bottom of the  
21 cesspool and water table and the cesspool is not within two hundred feet (200') of a watercourse.

22           **23-19.15-7. Exemption. --** This chapter shall not apply to any cesspool located in a  
23 community that has adopted an on-site wastewater management ordinance that requires the risk  
24 based phased-in removal of cesspools by 2020.

25           **23-19.15-8. Notice to remove cesspools. --** The director of the department of  
26 environmental management shall require the removal of cesspools as set forth in this chapter.

27           SECTION 2. This act shall take effect upon passage.

=====  
LC01762  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY -- RHODE ISLAND CESSPOOL PHASE OUT ACT  
OF 2002

\*\*\*

- 1           This act would create a new chapter designed to phase out the use of all cesspools
- 2 throughout the state.
- 3           This act would take effect upon passage.

=====  
LC01762  
=====

