LC01762

### STATE OF RHODE ISLAND

#### IN GENERAL ASSEMBLY

#### JANUARY SESSION, A.D. 2002

#### AN ACT

## RELATING TO HEALTH AND SAFETY -- RHODE ISLAND CESSPOOL PHASE OUT ACT OF 2002

Introduced By: Senators Walsh, Paiva-Weed, Parella, Sheehan, and Breene

Date Introduced: February 05, 2002

Referred To: Joint Environment & Energy

It is enacted by the General Assembly as follows:

SECTION 1. Title 23 of the General Laws entitled "Health and Safety" is hereby
 amended by adding thereto the following chapter:
 <u>CHAPTER 19.15</u>

#### THE RHODE ISLAND CESSPOOL PHASE OUT ACT OF 2002

- 5 23-19.15-1. Short title. -- This chapter shall be known and may be cited as the "Rhode
- 6 Island Cesspool Phase Out Act of 2002."
- 7 <u>23-19.15-2. Legislative findings. --</u> The general assembly hereby recognizes and
  8 declares that:
- 9 (1) there exists within the state the need to construct, maintain and repair facilities and
- 10 projects for the abatement of pollution caused by domestic wastewater discharges, including but
- 11 not limited to, cesspools and septic systems.

12 (2) It is estimated that there are currently fifty thousand (50,000) cesspools within the

13 <u>state.</u>

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- 14 (3) Cesspools, as well as failed and poorly functioning septic systems, are a substandard
- 15 and inadequate means of on-site sewage treatment because they overload the capacity of the soil
- 16 to treat pollutants and frequently fail hydraulically.
- 17 (4) Cesspools, as well as failed and poorly functioning septic systems, contribute directly
- 18 to ground and surface water contamination, contributing among other contaminants nutrients and
- 19 pathogens to the waters of the state.

(5) Cesspools, as well as failed and poorly functioning septic systems degrade water
quality and have been identified as a source of pollution in such environmentally sensitive areas
as Greenwich Bay, the coastal salt ponds, and other water resources by not adequately treating
domestic wastewater.
(6) Appropriate treatment of domestic wastewater reduces contamination risks to the
groundwater and therefore risks to public health and the environment and restoration costs
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 nitrates, total suspended solids and coliform bacteria; (ii) the effluent may contain other 20 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

<u>inadequate septic systems with an ISDS if the community in which the homeowner resides has</u>
 <u>created a wastewater management district in accordance with Rhode Island general laws section</u>
 <u>45-24.5-1 et seq.</u>

- 29 <u>23-19.15-3. Declaration of purpose. --</u> The purpose of this chapter is to phase out use of
   30 <u>all cesspools within the state.</u>
- 23-19.15-4. Definitions. -- (a) Cesspool. Cesspool is defined as "any buried chamber,"
   including, but not limited to, any metal tank, perforated concrete vault or covered hollow or
   excavation, which receives, discharges of sanitary sewage from a building sewer for the purpose
   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	<u>2007.</u>
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	<u>2012.</u>
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.

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#### **EXPLANATION**

#### BY THE LEGISLATIVE COUNCIL

#### OF

#### AN ACT

# RELATING TO HEALTH AND SAFETY -- RHODE ISLAND CESSPOOL PHASE OUT ACT OF 2002

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

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3 This act would take effect upon passage.

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