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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO HEALTH AND SAFETY - CESSPOOL REMOVAL AND REPLACEMENT

Introduced By: Representatives Tanzi, Walsh, Valencia, Ferri, and Handy

Date Introduced: February 28, 2013

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-19.15-6 of the General Laws in Chapter 23-19.15 entitled "The  
2 Rhode Island Cesspool Act of 2007" is hereby amended to read as follows:

3 **23-19.15-6. Cesspool removal and replacement.** – (a) All cesspools shall be removed  
4 and replaced with an ISDS system or connected to a public sewer system within twelve (12)  
5 months from the date of the sale of the property, or in accordance with the following schedule,  
6 whichever event occurs sooner:

7 (b)(a) Cesspools found to be located within the areas identified in subsection 23-19.15-  
8 5(a) above shall cease to be used for sewage disposal and shall be properly abandoned in  
9 accordance with the following schedule:

10 (1) Tier 1. - Any cesspool deemed by the department or a system inspector to be failed in  
11 accordance with this chapter shall be properly abandoned within one year of discovery unless an  
12 immediate public health hazard is identified, in which case the director may require a shorter  
13 period of time.

14 (2) Tier 2. - Any cesspool located on a property which has a sewer stub enabling  
15 connection to a public sewer shall be properly abandoned, and the building served by the cesspool  
16 shall be connected into the sewer system of such premises with such sewer and fill up and destroy  
17 any cesspool, privy vault, drain or other arrangement on such land for the reception of sewage,  
18 excluding any Rhode Island department of environmental management ISDS approved system,  
19 prior to the one year anniversary of the sale in ownership. If such abutting owner or occupant of

1 land who is required to connect to the sewage system fails to do so in prescribed time period, then  
2 such abutting owner or occupant of land shall be required to pay usage fees as if such abutting  
3 owner or occupant of land were connected to the sewage system.

4 (3) Tier 3. - Any cesspool within two hundred feet (200') of a public drinking water well,  
5 or within two hundred feet (200') of the inland edge of a shoreline feature bordering a tidal water  
6 area [corresponding to the jurisdiction of the RI Coastal Resources Management Council] or  
7 within two hundred feet (200) of a surface drinking water supply [specifically, the impoundment  
8 from which water is drawn via the intake] shall be properly abandoned by January 1, 2013,  
9 excluding those properties subject to subsection (a)(2) above.

10 ~~(c)~~ Any cesspool required to be abandoned pursuant to this chapter shall be replaced  
11 with an approved ISDS, or the building served by the cesspool shall be connected to a public  
12 sewer, prior to the applicable deadlines contained in subsection 23-19.15-6(a).

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would require cesspools to be removed and replaced with an ISDS system or  
2 connected to a public sewer system within twelve (12) months from the date of the sale of the  
3 property or in accordance with a schedule set forth therein.

4           This act would take effect upon passage.

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