

2011 -- H 6005

LC02314

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO HEALTH AND SAFETY -- CESSPOOLS

Introduced By: Representatives Ferri, Ehrhardt, Morgan, Edwards, and Guthrie

Date Introduced: March 30, 2011

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

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

10 (2) Tier 2. - Any cesspool located on a property which has a sewer stub enabling
11 connection to a public sewer shall be properly abandoned, and the building served by the cesspool
12 shall be connected into the sewer system of such premises with such sewer and fill up and destroy
13 any cesspool, privy vault, drain or other arrangement on such land for the reception of sewage,
14 excluding any Rhode Island department of environmental management ISDS approved system,
15 prior to the one year anniversary of the sale in ownership. If such abutting owner or occupant of
16 land who is required to connect to the sewage system fails to do so in prescribed time period, then
17 such abutting owner or occupant of land shall be required to pay usage fees as if such abutting
18 owner or occupant of land were connected to the sewage system.

19 (3) Tier 3. - Any cesspool within two hundred feet (200') of a public drinking water well,

1 or within two hundred feet (200') of the inland edge of a shoreline feature bordering a tidal water
2 area [corresponding to the jurisdiction of the RI Coastal Resources Management Council] or
3 within two hundred feet (200) of a surface drinking water supply [specifically, the impoundment
4 from which water is drawn via the intake] shall be properly abandoned by January 1, ~~2013~~ [2018](#),
5 excluding those properties subject to subsection (a)(2) above.

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY -- CESSPOOLS

1 This act would extend the date a cesspool must be abandoned under the Rhode Island
2 cesspool act from January 1, 2013 to January 1, 2018.

3 This act would take effect upon passage.

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