

2021 -- H 5276

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO HEALTH AND SAFETY - THE RHODE ISLAND CESSPOOL ACT OF 2007

Introduced By: Representative John G. Edwards

Date Introduced: January 29, 2021

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-19.15-8 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 **23-19.15-8. Exemption.**

4 (a) The provisions of §§ 23-19.15-5, 23-19.15-6(a) and 23-19.15-12(a) shall not apply to  
5 any cesspool located in an area of a community covered by municipal, on-site wastewater  
6 management ordinance that requires the risk-based phase out of cesspools on an alternative  
7 schedule that meets the purposes of this act.

8 (b) The provisions of §§ 23-19.15-6(b)(2) and 23-19.15-12 shall not apply to any cesspool  
9 located on a property that is properly designated to be sewered no later than six (6) years after the  
10 applicable deadlines provided in § 23-19.15-6(b)(3) provided: (1) The sewerage project is identified  
11 in the city, town, or sewer district's wastewater facilities plan as approved by DEM prior to January  
12 1, 2013; (2) The municipality, acting through its city or town council, states in writing to the director  
13 of the department of environmental management by January 1, 2013, that the municipality will  
14 complete construction of the sewerage project on or before January 1, 2020; and (3) The property  
15 owner certifies, in writing, that the dwelling/building will be connected to the sewer system within  
16 six (6) months of receipt of the notification to connect to the sewer system and that no increase in  
17 the design sewage flow or number of bedrooms in the building will occur until the connection is  
18 made.

19 (c) In addition to subdivision (b)(2) of this section, the municipality must demonstrate by

1 December 31, 2014, that it has bond authorization or some other dedicated financial surety for  
2 expansion of sewers to the area of the building served by the cesspool. If the municipality fails to  
3 demonstrate such surety, this exemption shall terminate and the cesspool shall be replaced by June  
4 30, 2015.

5 [\(d\) For properties subject to §§ 23-19.15-6\(b\)\(3\) and 23-19.15-12\(a\), the department may](#)  
6 [develop regulations to extend the deadlines in subsections \(b\) and \(c\) of this section for good cause](#)  
7 [shown, provided the deadline to complete sewer construction does not exceed January 1, 2026.](#)

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO HEALTH AND SAFETY - THE RHODE ISLAND CESSPOOL ACT OF 2007

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1           This act would allow DEM to extend certain deadlines for required sewer construction in  
2 the replacement of cesspools, which deadlines would not extend beyond January 1, 2026.

3           This act would take effect upon passage.

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