

2018 -- H 7842

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

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

Introduced By: Representatives Price, and Handy

Date Introduced: February 28, 2018

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 23-19.15-4, 23-19.15-6, 23-19.15-8 and 23-19.15-9 of the General  
2 Laws in Chapter 23-19.15 entitled "The Rhode Island Cesspool Act of 2007" are hereby amended  
3 to read as follows:

4           **23-19.15-4. Definitions.**

5           For the purposes of this chapter the following terms shall mean:

6           (1) "Cesspool" means any buried chamber other than an onsite wastewater treatment  
7 system (OWTS), including, but not limited to, any metal tank, perforated concrete vault, or  
8 covered hollow or excavation, that receives discharges of sanitary sewage from a building for the  
9 purpose of collecting solids and discharging liquids to the surrounding soil.

10          (2) "Department" means the department of environmental management as established in  
11 chapter 17.1 of title 42.

12          (3) "Director" means the director of the department of environmental management or his  
13 or her designee.

14          (4) "Failed cesspool" means a cesspool where one or more of the following conditions  
15 exist: (i) The cesspool fails to accept or dispose of sewage, as evidenced by sewage at the ground  
16 surface above or adjacent to the cesspool, or in the building served; (ii) The liquid depth in a  
17 cesspool is less than six (6) inches from the inlet pipe invert; (iii) Pumping is required more than  
18 two (2) times a year; (iv) The cesspool is shown to have contaminated a drinking water well or

1 watercourse; or (v) There is shown to be direct contact between the bottom of the cesspool and  
2 the groundwater table.

3 (5) "Onsite wastewater treatment system" or "OWTS" means any system of piping, tanks,  
4 disposal areas, alternative toilets, or other facilities designed to function as a unit to convey, store,  
5 treat, and/or dispose of sanitary sewage, by means other than discharge into a public sewer  
6 system. A cesspool is not an OWTS.

7 (6) "Outhouse" means any outdoor, enclosed structure that is separated from the main  
8 residence or other building that has one or more holes in a seat built over a pit that is designed to,  
9 or is otherwise used as a toilet.

10 ~~(6)~~(7) "System inspector" means a person who is registered as an inspector and capable  
11 of properly assessing the condition of an OWTS.

12 ~~(7)~~(8) "Transfer" means a transfer of real property except between the following  
13 relationships:

14 (i) Between current spouses;

15 (ii) Between parents and their children;

16 (iii) Between full siblings; or

17 (iv) Where the grantor transfers the real property to be held in a revocable or irrevocable  
18 trust, where at least one of the designated beneficiaries is of the first degree of relationship to the  
19 grantor.

20 ~~(8)~~(9) "Wastewater" means human or animal excremental liquid or substance, putrescible  
21 animal or vegetable garbage or filth, including, but not limited to, waste discharged from toilets,  
22 bath tubs, showers, laundry tubs, washing machines, sinks, and dishwashers.

23 **23-19.15-6. Cesspool removal and replacement Cesspool and outhouse removal and**  
24 **replacement.**

25 (a) Any cesspool located in close proximity to tidal water areas and public drinking water  
26 supplies and required to be abandoned pursuant to this chapter shall be replaced with an approved  
27 OWTS, or the building served by the cesspool shall be connected to a public sewer, prior to the  
28 applicable deadlines contained in subsection (b) of this section.

29 (b) Cesspools found to be located within the areas identified in § 23-19.15-5(a) shall  
30 cease to be used for sewage disposal and shall be properly abandoned in accordance with the  
31 following schedule:

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

1 period of time.

2 (2) Tier 2. Any cesspool located on a property that has a sewer stub enabling connection  
3 to a public sewer shall be properly abandoned, and the building served by the cesspool shall be  
4 connected into the sewer system of such premises with such sewer and fill up and destroy any  
5 cesspool, privy vault, drain, or other arrangement on such land for the reception of sewage,  
6 excluding any Rhode Island department of environmental management OWTS-approved system,  
7 prior to January 1, 2014.

8 (3) Tier 3. Any cesspool within two hundred feet (200') of a public drinking water well,  
9 or within two hundred feet (200') of the inland edge of a shoreline feature bordering a tidal water  
10 area [corresponding to the jurisdiction of the RI Coastal Resources Management Council], or  
11 within two hundred feet (200) of a surface drinking water supply [specifically, the impoundment  
12 from which water is drawn via the intake], shall be properly abandoned by January 1, 2014..

13 (4) Tier 4. Any outhouse that is in use or that is otherwise in existence as of January 1,  
14 2019, shall be required to be properly abandoned, filled up and destroyed within one year from  
15 said date unless an immediate public health hazard is identified, in which case the director may  
16 require a shorter period of time.

17 **23-19.15-8. Exemption.**

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

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

33 (c) The provisions of § 23-19.15-6(b)(4) shall not apply to any nonworking outhouse for  
34 historic structures which are not functioning as an outhouse but is present on the property for

1 [historic or display purposes only.](#)

2 ~~(e)~~(d) In addition to subdivision (b)(2) of this section, the municipality must demonstrate  
3 by December 31, 2014, that it has bond authorization or some other dedicated financial surety for  
4 expansion of sewers to the area of the building served by the cesspool. If the municipality fails to  
5 demonstrate such surety, this exemption shall terminate and the cesspool shall be replaced by  
6 June 30, 2015.

7 **23-19.15-9. Notice to remove and replace cesspools.**

8 (a) The owner of any cesspool who or that has not complied with the requirements  
9 pursuant to this chapter shall be in violation of this chapter and subject to enforcement action by  
10 the department in accordance with chapters 17.1 and 17.6 of title 42 of the general laws.

11 (b) Notwithstanding the above provisions, the director may require the abandonment and  
12 replacement of any cesspool with an approved OWTS prior to the dates specified in § 23-19.15-  
13 6(b) if the cesspool is a large capacity cesspool as defined pursuant to applicable federal  
14 regulations governing underground injection control (UIC) facilities.

15 [\(c\) The owner of any outhouse that has not complied with the requirements of this](#)  
16 [chapter shall be in violation of this chapter and subject to enforcement action by the department](#)  
17 [in accordance with chapters 17.1 and 17.6 of title 42.](#)

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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2007

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1           This act would require that any outhouse in use or in existence on any land in the state be  
2 properly abandoned within one year of January 1, 2019. Outhouses in existence not in use and on  
3 historic lands for historical purposes or display would be exempt.

4           This act would take effect upon passage.

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