

# Rhode Island Cesspool Act of 2007

## Homeowner Fact Sheet

This fact sheet was generated by staff at the Narragansett Bay Research Reserve to provide basic information regarding recent legislation that may significantly impact Prudence Island property owners. Property owners are encouraged to review the full content of the Rhode Island Cesspool Act of 2007 to ensure that they are aware of their obligations under the law. Relevant documents which are included in the informational packet which is available for review at island stores may also be accessed through the NBRR website ([www.nbnerr.org](http://www.nbnerr.org)) or directly at these web addresses: <http://www.rilin.state.ri.us/BillText07/HouseText07/H5037Baa.pdf> and <http://www.dem.ri.gov/programs/benviron/water/permits/isds/pdfs/cessfaqs.pdf>

### Basic Facts

**Effective Date:** June 1, 2008

**Purpose:** *“to phase-out use of cesspools that present the highest risk to public health and/or the environment - namely, cesspools located in close proximity to tidal water areas and public drinking waters.”*

**Cesspool Inspection:** Cesspools will be required to be inspected under one of two possible conditions. If **(a)** they exist in one of the following areas:

- (i) within two hundred feet (200’) of the shore;
- (ii) within two hundred feet (200’) of a public drinking water well; and
- (iii) with two hundred feet (200’) of a surface drinking water supply

or **(b)** before becoming obligated under a contract for the purchase and sale of real estate which is or may be served by a private cesspool, potential purchasers must be permitted a ten (10) day period to conduct an inspection (unless the parties mutually agree upon a different period of time).

Inspection of cesspools within the areas described in (a) above must be performed in accordance with a schedule established by the Department of Environmental Management, but no later than January 1, 2012.

**Cesspool Removal and Replacement:** All cesspools located in the areas described in Cesspool Inspection, section (a) must be abandoned by January 1, 2013. Cesspools in these areas may be required to be replaced earlier than January 1, 2013 according to the following conditions and schedule:

- (1) Within one year of the inspection date if the cesspool fails inspection.
- (2) Prior to the one year anniversary of the sale of property if a connection to a public sewer is available.

Abandoned cesspools must be replaced with an approved ISDS (“Individual sewage disposal system”), or connected to a public sewer system, prior to the applicable deadlines.

**Inspection Failure:** A cesspool will fail inspection if one of the following conditions exist:

- (i) *the cesspool fails to accept or dispose of sewage, as evidenced by sewage at the ground surface above or adjacent to the cesspool, or in the building served;*
- (ii) *the liquid depth in a cesspool is less than six (6) inches from the inlet pipe invert;*
- (iii) *pumping is required more than two (2) times a year;*
- (iv) *the cesspool is shown to have contaminated a drinking water well or watercourse; or*
- (v) *there is shown to be direct contact between the bottom of the cesspool and the groundwater table.*

**Cesspool Inspection and Replacement Costs:** Property owners will be required to bear cesspool inspection and replacement costs. Estimated costs for an average inspection are \$75 to \$250, plus additional cost if the cesspool needs to be pumped prior to inspection. Costs for the installation of a conventional ISDS are approximately \$10,000. Replacing a cesspool on lots with constraints due to lot size, or proximity to wells or water sources may require non-conventional septic systems which can cost significantly more to install (\$20,000 to \$40,000). Advanced ISDS treatment systems may also have associated annual costs for electricity and/or maintenance.

Funding assistance is not currently available for homeowners which do not live in communities with an established wastewater management district. Assistance via homeowner loans or grants may become available through bond funds at a later date.

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To access ISDS rules, locate registered inspectors and licensed ISDS installers, or review innovative/alternative ISDS technologies, please visit  
<http://www.dem.ri.gov/programs/benviron/water/permits/isds/index.htm>.

Additional information pertaining to waivers and exemptions, as well as real estate seller disclosure requirements, is included in the language of the Rhode Island Cesspool Act of 2007.