

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES

**Clarification on the
Applicability of the Denitrification Requirement in the OWTS Rules to
Repairs in the Critical Resource Areas**

October 16, 2008

The Rhode Island Department of Environmental Management issued new Rules for Onsite Wastewater Treatment Systems (OWTS) on January 1, 2008. This clarification statement is in response to questions regarding the applicability of Rule 39.2 requiring nitrogen reducing technology (also known as a “denitrification system”) for Repair Applications.

Rule Language:

**RULE 39. REQUIREMENTS IN THE SALT POND AND NARROW RIVER
CRITICAL RESOURCE AREAS**

39.2 Nitrogen Reducing Technology- Nitrogen reducing technology shall be required for all OWTS Applications for New Building Construction, all OWTS Applications for Alteration to a Structure, and OWTS Applications for Repair that include leachfield expansion or replacement in the Salt Pond and Narrow River critical resource areas. Applicants must still meet all CRMC established density and other requirements where applicable.

Clarification on Applicability to Repairs:

- Nitrogen reducing technology shall be required for OWTS Applications for Repair that include leachfield alteration, expansion or replacement.**
- Repair to any other part of the system, e.g., septic tank, building sewer, distribution box, etc., does not automatically trigger an upgrade requirement to a system utilizing nitrogen reducing technology.**
- For repairs not proposing a leachfield alteration, expansion or replacement, applicants must demonstrate that the leachfield is not failed based on the 10 criteria in the “Failed OWTS” definition in OWTS Rule 7. If any of the failure criteria are met, the system must be upgraded to utilize nitrogen reducing technology.**
- Nitrogen reducing technology shall be required for any cesspool replacement.**