

Accepted
Minutes from the Individual Sewage Disposal System (ISDS) Task Force –
Regulatory Working Group Meeting of May 9, 2001

The meeting was held in Conference Room 280, DEM Office of Water Resources, 235 Promenade Street and began at approximately 8:00 AM.

In attendance:

Russ Chateaufneuf, George Loomis, Tom Getz, Eugenia Marks, Monica Staaf, Alison Walsh, Tom D'Angelo, Kendra Beaver, Joe Frisella, Scott Moorehead, Ernie Panciera, Deb Knauss

Review of minutes from April 27, 2001

Minutes were accepted with the following addition to Issues Requiring Further Attention under Expansion of Critical Resource Areas Requiring De-Nitrification Systems: Alison Walsh will research further federal sources of funding for the project.

Monica Staff: Report on RIAR Board of Directors Comments on Options for Removing Cesspools

The Board of Directors opposed option number 1 (point of sale), were not opposed to the deadline (option #2) and supported options 3 and 4, modifying the SSD trigger and risk-based approach respectively. They expressed the importance of availability of funding incentives and were particularly supportive of a staggered incentive (interest rate which increases as time to deadline decreases). Their concern with the point of sale option is that it would tend to result in the seller being required to remove the cesspool; they cautioned that the seller would tend to be more concerned about cost and time than quality. A deadline option would provide a greater number of options for arranging for removal of cesspools, including cost negotiation.

Monica discussed the issue of disclosure in real estate sales; issues requiring disclosure by the seller are classified as known defects which would affect a property's value, such as planned construction of a highway. She stated that sale of property for money, through a broker, requires disclosure, but that foreclosure sales are exempt from the disclosure requirement. Disclosure is governed by RI general law, which dictates the *minimum* content of disclosure forms. The mandatory real estate disclosure forms, one for developed property and one for undeveloped property, include questions relating to the issue of sewage disposal for the property. A lengthy brainstorming-discussion of issues associated with requiring cesspool removal followed.

It was agreed that DEM would develop a risk-based proposal for requiring removal of cesspools, considering the topics discussed thus far and expand the review audience to include attorneys with expertise in the area of land conveyance, for a meeting following the one scheduled for May 22.

Denitrification Requirements for Areas with ISDS and Wells

Russ distributed a draft document describing a requirement for de-nitrification in welled areas, which involves a sewage flow/area/day trigger. If a lot is less than 20,000 SF and the proposed system is designed with a loading rate exceeding 350 gallons per day and the lot will be served by a well or a lot which is not served by public water is located within 500 feet of the center of the proposed leachfield, the applicant must conduct a build-out analysis to determine if adequate dilution is provided within the area analyzed, under build-out at current zoning, to exempt the proposed system from the denitrification requirement. It was observed that there was mention of large systems in the document and that since systems with design flows greater than 10,000 gallons per day must receive a groundwater quality certification, that they should not be included in this document. This draft proposal will be discussed at the meeting scheduled for May 22.

Adjournment

The meeting adjourned at approximately 10:10.

Next Meeting: Tuesday, May 22, 2001 - 8 AM to 10:00 AM

in Conference Room 280, DEM Office of Water Resources, 235 Promenade Street.