

## **Draft**

### **Minutes from the Individual Sewage Disposal System (ISDS) Task Force – Regulatory Working Group Meeting of June 20, 2001**

The meeting was held in Conference Room 280, DEM Office of Water Resources, 235 Promenade Street and began at approximately 8:15 AM.

In attendance:

Russ Chateaufneuf, Rob Adler, Eugenia Marks, Monica Staaf, Joe Frisella, Scott Moorehead, Kendra Beaver, Tom Getz, Ernie Panciera, Deb Knauss

#### Review of minutes from May 22, 2001

Minutes were accepted as submitted.

#### Cesspool Removal

Possible modifications to the June 1, 2001 Draft Strategy for Cesspool Removal

- Include water table wells in Category 1;
- Reverse Categories 1 and 2, ie. cesspools within 100 feet of wells would be Category 1;
- Include Category 2 with Category 1, such that there are only 2 categories;
- Provide relief from the removal requirement in Category 3, in areas where the cesspool is not near any sensitive receptors and there is adequate separation between the bottom of the cesspool and the watertable and other criteria are met;
- Provide relief from the removal requirement in hardship cases in Category 3;
- Reduce the five year deadline extensions for Municipalities with Wastewater Management Plans to a shorter length of time;
- Change the deadlines to September, since April is early in the construction season.

Although Point of Sale (POS) was not an element of the Draft Strategy for Cesspool Removal presented, and had been previously discussed, the topic was raised again. The pros and cons of incorporating POS into a removal strategy were discussed:

- Rhode Island Association of Realtors objects to point of sale, as there is no legally defensible justification for requiring removal of a cesspool at the time property is sold and POS will suppress discretionary sales;
- POS is not risk-based and requiring replacement of cesspools is inconsistent with other systems covered by standards and codes, such as electrical wiring, which is not required to be brought up to current code at point of transfer;
- Capture properties which change ownership with out being sold: point of *transfer*;
- If a point of transfer element were to be incorporated, provide an exemption for properties which are inherited, unless a suitable amount of time is provided for removal of the cesspool following transfer (2 years?);
- Impose a point of transfer removal requirement if a cesspool remains in service after the applicable deadline has passed;
- Include a point of transfer element, to ease the burden on the designers, installers and DEM and aid enforcement;
- In Category 3 require removal at point of transfer or by the prescribed deadline, which ever is later.

Although there was some recollection that the group had agreed that assessing cesspools is not money well spent, the concept of requiring removal of cesspools only when they fail (or fail an inspection) was again proposed. A standardized form listing parameters of interest concerning the ability of a cesspool to adequately protect public health and the environment would be used. The system would be ranked numerically for each parameter.

It was inquired as to whether fines paid by owners of non-compliant cesspools could be deposited in a fund for cesspool removal hardship cases.

### System Suitability Determination/Imminent Sewer Exemption

Draft language was distributed, which eliminates the application for a System Suitability Determination.

#### Potential changes

- Increase in footprint of living area should be 100 feet, which is consistent with the current bedroom definition in the rules;
- Increase in footprint of living area should be 200 feet;
- Change the increase in footprint of living area to anything greater than 1 square foot;
- Include garages or other permanent structures;
- Remove windows and electrical;

### Adjournment

The meeting adjourned at approximately 10:15.

### Next Meetings:

- Tuesday, July 10, 2001 – 8:00 AM to 10:00 AM  
Conference Room 280, DEM Office of Water Resources,  
235 Promenade Street.
- Tuesday, July 17, 2001 – 8:00 AM to 10:00 AM  
Conference Room 280, DEM Office of Water Resources,  
235 Promenade Street.