

## **Summary of RIDEM Onsite Wastewater Treatment System Rule Changes June 27, 2016**

The Rhode Island Department of Environmental Management's Office of Water Resources is proposing a number of changes to the Onsite Wastewater Treatment System (OWTS) Rules. The primary purpose of these amendments is to incorporate revisions made to the R.I. Cesspool Act of 2007 (R.I. Gen. Laws § 23-19.15) by the R.I. General Assembly in the 2015 session. The Cesspool Act is incorporated into the OWTS Rules in the administrative findings, definitions, and in Rule 53. Under the proposed Rule 53, cesspools must be removed from service when the property served by the cesspool is sold or transferred. These amendments also make several clarifications and minor technical changes:

### **Changes due to the revised Cesspool Act-**

- Rule 6.7- Modified administrative findings to reflect changes to R.I.G.L. § 23-19.15
- Rule 7- Added definition of "Transfer" consistent with § 23-19.15.
- Rule 53.3-Modified to require removal of cesspools serving properties subject to sale or transfer.

### **Clarifications:**

- 11.2.4: Designer license renewal requirements;
- 15.1: Soil evaluation required for all applications for New Building, all Alterations, and all Repair applications serving non-residential uses;
- 17.4: Engineering analysis allowed for OWTS Suitability Determination if no other records available.
- 17.4.1: Removes "sunset date" for 600-square foot exemption for building expansions without applicant being required to upgrade OWTS to include nitrogen reducing technology.
- 18.2: Plan requirements for redesign of previously approved applications.
- 18.5: Submittal requirements for transfer of approved OWTS application.
- 19.2.2, 47.3.5: Variance applications within the jurisdiction of the Coastal Resources Management Council must include a Preliminary Determination from CRMC.
- Tables 22.1-22.4: Clarify when variance requests are required.
- 36.1: Clarify performance standards for composting toilets.
- 37.7.4: Alternative/Experimental technology applicants must hold training events for Licensed Designers before DEM will place technology on approved list.
- 44.2: Licensed Designers required to submit copy of operations and maintenance agreement with Certificate of Construction where such agreement is required.

### **Technical Changes:**

- 16.4, 32.2: Deleted percolation test provisions. Systems may no longer be designed based on percolation test data.

- Rule 17.4.1: Modified renovation threshold where OWTS upgrade to nitrogen reducing technology to cover projects affecting more than 50% of the area of the structure and apply this standard throughout the Salt Pond and Narrow River Critical Resource Areas.
- Table 22.1: Setback to side-gradient drain reduced from 50 feet to 25 feet for leachfield and 25 to 15 feet for other system components. Establishes 25 foot setback from any system component to any part of a geothermal well system. 10 foot setback required between any tank and edge of leachfield.
- Table 31.4.2: Distribution boxes- separate outlet required for each distribution line.
- Rule 34.8.1: 2" drop required from distribution box to concrete chamber leachfield.
- Table 50.2 (Fees): Established \$200 fee for modification of terms of approval for Alternative/Experimental technologies.
- Figures: Figures have been amended to reflect proposed changes listed above.