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DEM temporarily eases up on its OWTS regulations

September 13, 2012 - Rhode Island

In response to calls by the Rhode Island Builders Association, state legislators and local officials in South County, the Dept. of Environmental Management (DEM) has temporarily eased up on several of its onsite wastewater treatment system (OWTS) regulations.

One amendment in particular is expected to boost the residential construction and remodeling industries in coastal areas by allowing expansion of up to 600 s/f of floor space without triggering a review of an older, non-failing OWTS and a possible upgrade or replacement. The amendment does not apply if the expansion includes new living space that would affect the system, such as a new bedroom or bathroom.

Public officials, especially in Westerly, Charlestown and South Kingstown, report that many homeowners had been unable to launch even modest expansion projects out of fear of the \$25,000 to \$30,000 cost of replacing or upgrading their OWTS with expensive new de-nitrification systems.

Before the amendment took effect in July, any expansion of floor space would trigger a review. The rule reverts to its original form on Nov. 1, 2014.

"The reason for this rule is that we must have some trigger to let us go in and find outdated systems, especially cesspools, that need to be replaced before they fail," Russell Chateauneuf, DEM's chief of Groundwater and Wetlands Protection, told The Rhode Island Builder Report.

"As it stands, the rule will revert to zero square feet in November 2014, but we would support an alternative such as Massachusetts has adopted: sale of the property triggering the review," Chateauneuf added. "Our goal is to get as many systems upgraded as soon as possible so we can prevent the nitrogen they produce from entering the groundwater."

Another amendment extends the deadline for replacing non-failing cesspools near the coastline or other tidal waters to Jan. 1, 2014. In addition, there is an extension until 2020 for replacing non-failing cesspools in areas where sewer extension projects are planned, consistent with the revised Cesspool Phase-out Act of 2007. Most cesspools in those areas may remain in service until the sewers become available.

While DEM has long-term plans to eliminate cesspools statewide, the rules and amendments referred to here apply only in coastal areas covered by special area management plans (SAMPS), notably the Salt Pond and Narrow River Critical Resource Areas.

In the meantime, DEM also hopes to see lower costs for alternative OWTS technologies, according to Chateauneuf.

"The amendments create additional mechanisms to streamline the state's approval process for nitrogen-reducing technologies in Rhode Island. Vendors may use the streamlined approval process if they can demonstrate their technology is certified under the NSF/ANSI Standard 245, or if the technology is approved in another state with an equivalent review process and nitrogen reduction standard," said Chateauneuf.

Further, manufacturers of innovative systems are invited to test them on actual installations in Rhode Island, he added.

The amendments resulted from a series of meetings organized late last year by Rep. Donna M. Walsh (D-Charlestown, New Shoreham, South Kingstown, Westerly) after the Charlestown Town Council passed a resolution calling for them, and was joined by the Westerly and South Kingstown Town Councils. DEM officials, including Director Janet Coit and Chateauneuf, joined the discussions.

Also involved were Reps. Teresa Ann Tanzi (D-Narragansett, South Kingstown) and Samuel A. Azzinaro (D-Westerly). Participating in the discussions as well were members of RIBA's Environmental Committee, particularly chairman Thomas D'Angelo of The Terry Lane Corp., Timothy Stasiunas of The Stasiunas Companies, and RIBA executive director John Marcantonio.

"The Rhode Island Builders Association is glad to see DEM provide a temporary reprieve on a regulation that was hindering property owners from making alterations to their homes," said Marcantonio. "Before the regulation reverts back in 2014, we hope a more permanent solution can be found. We thank DEM and all active parties for working on this issue and look forward to continuing to work on that solution."

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