



## House Committee on Corporations

March 2, 2021

### H 5276 – An Act Relating to Health and Safety - RI Cesspool Act of 2007

*Sponsor: Edwards*

#### Jed Thorp, Advocacy Coordinator, Save The Bay

Save The Bay appreciates the opportunity to provide testimony regarding H. 5276, which would change some of the requirements of the Rhode Island Cesspool Act (the Act.) Save The Bay remains very concerned about the negative impacts of cesspools on the water quality of Narragansett Bay, and we **oppose** this bill.

The purpose of the Cesspool Act of 2007, as stated in R.I. Gen Laws § § 23-19.15-3, was to phase out use of cesspools beginning with those that pose the greatest risk to the environment: those located in close proximity to tidal water areas and public drinking water supplies. Priority was given to removing cesspools within 200 feet of public wells and coastal features based on specific legislative findings that including the following:

- Cesspools contribute directly to groundwater and surface water contamination and environmental impacts will be exacerbated by increased precipitation, storm frequency, and sea level rise.
- Wastewater disposed from cesspools contains bacteria, viruses, ammonium, and other pollutants, and may also include phosphates, chlorides, grease, and chemicals used to clean cesspools.
- Wastewater disposed from cesspools violates drinking water health standards for certain contaminants.
- Wastewater disposed from cesspools can pose significant health threats to people who come into contact with, or consume, contaminated surface waters or groundwaters.
- Appropriate treatment of sewage disposed into the ground is essential to the protection of public health and the environment, particularly in relation to Narragansett Bay and the rest of the state's coastal region, and public drinking water resources.

- Replacement of cesspools with onsite wastewater treatment systems (OWTS) technology reduces risks to public health and the environment.

Save The Bay recognizes that this issue is challenging, particularly for homeowners faced with making a substantial investment in septic treatment when connection to public sewage treatment may soon be an option. The General Assembly understood the challenges faced by homeowners and communities when the law was passed and provided reasonable exemptions for properties designated to be sewered by 2020, provided other specified requirements were met. The proposed amendment, giving the Department of Environmental Management the authority to develop regulations to extend the deadlines for cesspool replacement at point of sale and for cesspools in critical areas, delays removal of cesspools and kicks the issue down the road. Delaying the mandate to remove cesspools is contrary to existing law and undermines the compromises made when initial exemptions were passed.

The Rhode Island Cesspool Act reflects the will of the voters of Rhode Island who overwhelmingly support efforts to clean up and protect our environment, particularly Narragansett Bay. The impacts of climate change, rising sea-levels and groundwater, erosion, and increased frequency and intensity of storms have heightened our need to protect our environment and we should not be turning the clock back.

Thank you for your consideration of our comments.