

Town of South Kingstown Public Services Department



Regulations Governing On-Site Wastewater Management

REGULATIONS GOVERNING
THE SOUTH KINGSTOWN ONSTIE WASTEWATER MANAGEMENT DISTRICT
October 15, 2001 (Rev. October 30, 2001; June 2004; March 10, 2005)

SECTION 1.0 FINDINGS AND PURPOSE

South Kingstown Comprehensive Plan recognizes septic systems as a source of ground and surface water contamination in the Town, and states that the "Town shall adopt a town-wide Wastewater Management District." The South Kingstown Onsite Wastewater Management Plan approved by the Town in June of 1999 and RIDEM in October 1999 outlines a town-wide program to ensure the proper design, inspection and management of onsite sewage treatment systems. The Onsite Wastewater Management Ordinance adopted by the Town Council on October 15, 2001 provides a framework for the efficient inspection, repair and maintenance of ISDS in South Kingstown. These regulations provide the technical and administrative procedures governing implementation of the Onsite Wastewater Management Ordinance.

SECTION 2.0 DEFINITIONS

- 2.1 Any term not defined herein shall be governed by the definition as it appears in the current RIDEM Rules and Regulations Establishing Minimum Standards Relating to the Location, Design, Construction and Maintenance of Individual Sewage Disposal Systems (hereinafter ISDS Regulations) and the South Kingstown Onsite Wastewater Management Ordinance. Any other term not defined therein shall be governed by the definition as in appears in the South Kingstown Zoning Ordinance.
- 2.2 Access Riser: A structurally sound and water-tight inspection port or manhole, which at its lowest point attaches to a septic tank or other component of an ISDS and extends upward to the ground's surface, allowing visual inspection and where necessary physical access to the ISDS for the purposes of maintenance and repair.
- 2.3 Contaminant: Any physical, chemical, biological, or radiological substance which enters the hydrological cycle through human action and may cause a deleterious effect on ground and/or surface water resources; it shall include but not be limited to hazardous waste, nutrients, pathogens and sanitary sewage.
- 2.4 RIDEM: The State of Rhode Island, Department of Environmental Management or its successor organization.
- 2.5 Director: The Director of the RI Department of Environmental Management or any subordinate(s) to whom the Director has delegated the powers and duties vested in her/him pursuant to RI General Laws, Chapters 46-12 and 42-17.1, as amended, or any other duly authorized agent.
- 2.6 Effluent: Sewage, water or other liquid, partially or completely treated or in its natural state, flowing out of any component of an ISDS or flowing over the ground's surface or beneath the ground in groundwater.
- 2.7 Enhanced Treatment Systems: Onsite wastewater treatment that uses advanced treatment technologies, which provide for enhanced removal of one or more

contaminants (e.g., nutrients, microorganisms, BOD, TSS) as compared to conventional septic systems.

- 2.8 Groundwater Protection Overlay District (GPOD): The area defined by lots or record which are indicated as the GPOD on the official zoning map of the town of South Kingstown. The GPOD is superimposed over any other zoning district established under the Zoning Ordinance or the Town of South Kingstown. The GPOD is governed by Article 20, section 2010 Establishment of District, South Kingstown Zoning Ordinance Nov 7, 1994, as amended.
- 2.9 Handbook: The Rhode Island Department of Environmental Management's Septic System Check-Up: The Rhode Island Handbook for Inspection as may be amended from time to time.
- 2.10 Hazardous Waste: (1) Wastes which include, but are not limited to, those which are toxic, corrosive, flammable, or reactive; and/or (2) Wastes as defined in the RI Hazardous Waste Management Act, Section 23-19.1-4 or in any regulation or amendment adopted pursuant thereto; and/or (3) as defined under section 3.25 of the RI Department of Environmental Management "Rules and Regulations for Hazardous Waste Generation, Transportation, Treatment, Storage and Disposal."
- 2.11 ISDS Commission: The Commission established to assist the Program Administrator or his/her designee in matters concerning the implementation and administration of this ordinance and the Onsite Wastewater Management Program.
- 2.12 ISDS Inspections: One of two types of ISDS inspections that may be undertaken to gather baseline information, assess maintenance needs, determine the condition of an ISDS at the point of home sale, or determine the cause of ISDS failure.
 - a) First Maintenance (Baseline) Inspection: The initial inspection performed on an ISDS and site to gather baseline information. All cesspools and tanks for those ISDS installed prior to 1970 are pumped as part of this inspection to better evaluate the existing condition of the system. First Maintenance Inspections involve the location of system components and more detailed data gathering that is not usually necessary for subsequent routine inspections.
 - b) Routine Maintenance Inspection: An inspection of an ISDS and system site to determine the need for pumping, establish future inspection schedules and to assess whether any repairs are necessary.
- 2.13 Maintenance: The periodic cleaning of any leaching chamber, cesspool, septic tank, building sewer, distribution lines, or any other component of an ISDS for the purpose of removing any accumulated liquid scum and/or sludge. The term "maintenance" shall also mean any regularly required servicing or replacement of related mechanical, electrical or other equipment.
- 2.14 Onsite Wastewater Management Program (OWMP) A town-wide program of various zoning and subdivision regulations, ordinances, educational programs, management practices and financial incentives that are designed to help protect the integrity of South Kingstown's ground and surface water through the proper management, design, siting, maintenance and installation of ISDS.

- 2.15 Package Treatment Plant: A modular treatment facility of State approved design and construction. For purposes of the Onsite Wastewater Management Ordinance, package treatment plans are considered ISDS.
- 2.16 Person: Any individual, group of individuals, firm, corporation, association, partnership, or private entity, including a district, county, city, town, or other government unit or agent thereof, and in the case of a corporation, any individual having active and general supervision of the properties of such corporation.
- 2.17 Wastewater: Any human or animal excremental liquid or substance, putrescible animal or vegetable matter, garbage, or filth, including the discharge of toilets, laundry tubs, washing machines, sinks, dishwashers, and the contents of septic tanks, cesspools, or privies.
- 2.18 Wellhead Protection Area: The critical portion of a three dimensional zone surrounding a public well or well field, through which water will move towards and reach such well or well field as designated by the Director of RIDEM or as adopted by the Town.

SECTION 3.0 ADMINISTRATION AND PROCEDURES

3.1 Program Administrator and Onsite Wastewater Specialist:

- a) The Onsite Wastewater Management District shall be overseen by the Public Services Director who shall serve as Program Administrator. The Onsite Wastewater Specialist may serve as the Program Administrator's designee and is responsible for the day to day operation of the program. The duties of the Onsite Wastewater Specialist shall be in conformance with the Onsite Wastewater Management Ordinance, these regulations and the attached job description.
- b) At a minimum, the person should have a demonstrated competency in the area of soils, ISDS functioning, inspection and repair procedures, including innovative and alternative technology. The Town Manager shall be responsible for hiring said individual.
- c) The Onsite Wastewater Specialist shall prepare a monthly report for the Program Administrator and ISDS Commission regarding program implementation including progress and any problematic situations. It shall include such items as the status of any associated grants, consent agreements, notice of violations, number of inspections, number of retrofits, septic system repairs, and other pertinent information.

3.2 ISDS Commission

- a) The ISDS Commission shall hold a meeting at the call of the chair, vice-chair, secretary, or by the vote of a majority of its members. The ISDS Commission shall comply with the procedures of the Conservation Commission by-laws.
- b) The ISDS Commission will provide guidance in the implementation of the Onsite Wastewater Management Program and associated grant and loan programs.

- c) The ISDS Commission will carry out its responsibilities as detailed in the Onsite Wastewater Management Ordinance.
- d) The ISDS Commission will meet with ISDS owners to provide assistance on issues of onsite wastewater management including repairs to failed systems.

SECTION 4.0 INSPECTIONS

- 4.1 Inspection Types: The WWM Ordinance requires two types of inspections as described in the Handbook: First Maintenance (Baseline) Inspection and Routine Maintenance Inspection.
 - a) A First Maintenance (Baseline) Inspection of each ISDS in Town shall be conducted in order to obtain baseline information and to determine a routine maintenance schedule and potential upgrade requirements. All cesspools and those septic tanks for all ISDS installed prior to 1970 shall be pumped as part of this inspection to better evaluate the condition of the system. First Maintenance Inspections involve some data gathering and location of system components that is not usually necessary for subsequent Routine Maintenance Inspections.
 - b) Routine Maintenance Inspections are generally conducted after the First Maintenance (Baseline) Inspection and may occur between septic tank pump-outs. The frequency of Routine Maintenance Inspections are determined by the conditions found at the First Maintenance (Baseline) inspection. Where appropriate, Routine Maintenance Inspections for any given ISDS may be limited to sludge and scum measurements within a septic tank. A property owner, with proper training through the University of Rhode Island's Onsite Wastewater Training Center or other program approved by the ISDS Commission, may conduct Routine Maintenance Inspections on their own ISDS.
- 4.2 Inspection Frequency and Notification: The Wastewater Specialist shall send written notice to ISDS owners of the need to schedule the First Maintenance Inspection as well as subsequent Routine Maintenance Inspections. The owner must have his/her on-site system inspection by an approved inspector within forty-five (45) days of the date of notice. In general, inspection frequency for Routine Maintenance Inspections shall be based on the results of the First Maintenance Inspection, subsequent Routine Maintenance Inspections and procedures outlines in The Handbook. These include, but are not limited to, system age, household occupancy, tank size, sludge and scum measurements and when the system was last pumped. The Program Administrator shall send written notice to ISDS owners of the need to schedule an inspection of their septic system. This inspection must be completed within forty-five (45) days of the date of notice. After a system has been inspected the owner will receive notification of the maintenance requirements and the time frame for the next inspection. The Program Administrator may send a reminder notice to the owner as the date for the next Routine Maintenance Inspection approaches (Rev. 3-10-05).
- 4.3 Inspection Reports: Standard inspection forms shall be those used in The Handbook. These forms may be modified by the Program Administrator as needed to meet the technical and administrative needs of the program. The property owner shall provide the ISDS inspector with any available pertinent information, including but not limited to, the use, age, location, maintenance history and design of the ISDS. The completed inspection report shall detail the results of the inspection, pumping or other maintenance requirements, the time frame for the next inspection and/or upgrade requirements for the

ISDS. The inspector shall give the property owner and the Program Administrator an inspection report that details the condition of the ISDS, including but not limited to, system components, required maintenance and the date for the next Routine Maintenance Inspection, inspection schedule and maintenance requirements. The ISDS inspector shall provide the Program Administrator and the property owner with a written copy of the inspection report with five (5) business days of the inspection. The Program Administrator shall be responsible for maintaining ISDS inspection, maintenance and upgrade records (Rev 6-4-04).

- 4.4 ISDS Maintenance and Owner's Responsibility: The ISDS owner(s) shall assume all responsibility for hiring a septage hauler or maintenance contractor to complete the maintenance and inspection requirements contained in the ISDS inspection report within the time frame required. As proof of compliance, the property owner shall submit a receipt for pumping and other system maintenance to the Program Administrator within thirty (30) days of the date stipulated in the ISDS inspection report.
- 4.5 Failed ISDS: If an inspection reveals a malfunctioning or failed ISDS, the Town-approved inspector shall immediately notify the Program Administrator and the ISDS owner and send a copy of the inspection report to both parties. In the event that frequent pumping records indicate a failed system, the Program Administrator shall notify the owner in writing of a potential problem and the need for a system inspection. Technologies selected to replace failed systems shall be consistent with Town policy regarding treatment standards. At the owner's request, and in order to facilitate the ISDS repair application with RIDEM, the Program Administrator or his/her designee will meet with the owner to provide technical and administrative assistance regarding ISDS repairs. The Program Administrator may request advisory recommendations from the ISDS Commission. Such assistance shall be designed to help the owner through the application process, to understand technical issues and appropriate system choices and to solve the problem in a fair and expeditious manner. It does not preclude the owner's responsibility to hire needed professional assistance.

The Program Administrator shall give the owner of a failed system a written Notice of Violation (NOV) to repair the system. A copy of said notice shall also be sent to the Department of Environmental Management. The owner shall be given thirty (30) days to contact RIDEM and apply for a permit to repair or replace the system as necessary. A copy of the application to RIDEM shall be provided to the Program Administrator. Notification of RIDEM by the Program Administrator or his designee does not replace or preclude the obligation of the owner to notify RIDEM. The property owner shall notify the Town as to the expected timetable for repairs to be completed.

SECTION 5.0 PHASING:

The implementation of Section 7.0 of the WWM Ordinance shall occur over a period of seven years in accordance with the map titled 'Wastewater Management Inspection Schedule', dated 6-15-01. Phasing shall begin in the Green Hill Pond watershed, and then proceed in order to the watersheds of the other coastal ponds and Narrow River, the Groundwater Protection Overlay District (GPOD) and lastly to the remainder of the Town.

The Program Administrator shall have the authority to alter the phased inspection schedule by ordering the inspection of any ISDS when it has been determined that the ISDS is in need of immediate improvements.

SECTION 6.0 EDUCATION AND TECHNICAL ASSISTANCE

6.1 Education: The Conservation Commission serving in its capacity as the ISDS Commission shall develop and oversee an annual education strategy that is designed to facilitate the effect implementation of the Onsite Wastewater Management Plan, the Onsite Wastewater Management Ordinance and related zoning and subdivision regulations. The education plan shall inform people about the findings, benefits and goals of onsite wastewater management in South Kingstown and will be on file in the Planning Department and Public Services Department. It shall include, but not be limited to the following:

- Proper inspection, operation and maintenance of ISDS.
- Operation and management framework of the program.
- Proper disposal of hazardous waste, including household hazardous waste.
- Water conservation.
- Protection of sensitive resources.
- Use of environmentally sensitive cleaning products.
- Use of alternative and innovative septic systems and associated technologies.
- Availability of financial assistance.
- Costs to homeowners to ensure compliance with WWMO provisions.

The plan must be developed by May 31st each year for implementation the following fiscal year.

6.2 Technical Assistance: All persons applying to RIDEM for new ISDS installations, repairs or alterations are encouraged to meet with the Program Administrator Onsite Wastewater Specialist or the ISDS Commission prior to beginning system design in order to ensure that the design is consistent with Town policy regarding treatment standards.

SECTION 7.0 MISCELLANEOUS REGULATIONS FOR ISDS OPERATION AND SITING

7.1 Septage Disposal: Septage or contents pumped from an ISDS shall be discharged at the South Kingstown Wastewater Treatment Facility or other State-approved septage receiving facility.

7.2 Septic Tank Additives and Improper Discharges to ISDS: The use of septic tank additives shall follow RIDEM's policy, which prohibits the use of chemical additives. There is no evidence that biological additives provide any benefit to the functioning and maintenance of an ISDS. The use of biological additives does not relieve a property owner from the obligations of this ordinance. The disposal of hazardous wastes, to an ISDS shall be prohibited. Backwash from a water filtration system into a septic tank is harmful to the operation of the ISDS and is best discharged to a separate infiltration line. There shall be no discharge of rainspouts, basement sumps, floor drains, or any other drains, other than those carrying household wastewater, to an ISDS.

- 7.3 Garbage Disposal: Garbage disposal discharges to a new ISDS shall be permitted only on systems that are equipped with an oversized tank, capable of handling the excess solids, and with an effluent filter located on the tank's outlet. ISDS with existing garbage disposals may require more frequent pumping.
- 7.4 Water Saving Devices: Water saving devices shall be required on all appropriate fixtures as per the RI State Building Code, including 1.5 gallon flush toilets on new or remodeled construction.
- 7.5 Occupancy and Use: In order to ensure proper treatment of effluent functioning of an ISDS must be sized to handle the number of persons living in the house the occupancy or use of the house should not exceed the capacity of the system as calculated using the RIDEM standards. This includes properties that are rented in excess of 1 week per year.
- 7.6 Accessibility, Effluent Filters and Inspection Ports: It is recommended that all ISDS that presently have no access risers be equipped with three access risers to grade located at the inlet, center and outlet of the septic tank and an effluent filter be installed at the outlet end of the septic tank. It is recommended that all ISDS that have only an existing center access riser be equipped with access risers at the inlet and outlet ends of the septic tank and an effluent filter be installed at the outlet end of the septic tank. Access risers shall be watertight and should be consistent with State standards. These measures will help located ISDS, facilitate the inspection and pumping of a septic tank and ultimately the longevity of the ISDS. The ISDS Commission and Program Administrator will provide technical information and support regarding the installation of these structures on both new and existing ISDS.
- 7.7 Watertight Septic Tanks: Per RIDEM regulations, any existing tank that leaks may be declared as a failed system. All septic tanks installed after the effective date of the ordinance shall be certified watertight in accordance with ASTM minimum standards or those developed by the ISDS Commission. Tank installation must be done in accordance with manufacturer's requirements. In addition, tanks installed after the effective date of the ordinance must be site tested to ensure that they are watertight. The accepted procedure(s) for site testing tanks as watertight shall be available from the South Kingstown Public Services Department.
- 7.8 Cesspools: Cesspools are a sub-standard and inadequate means of on-site wastewater treatment. All cesspools are considered to be malfunctioning systems and shall be replaced within 12 months after the sale of the property or within five years of the date of the First Maintenance (Baseline) Inspection, whichever date comes first.

A property owner may request, in writing, a review by the Public Services Director for an alternative to replacing a cesspool. Upon receipt of the request, the Public Services Director shall endeavor to work out with the property owner an economically feasible plan to bring the onsite wastewater system into compliance with state and local standards, which alternative may include an extension of time in which to comply with this section, the imposition of interim measures that ensures the protection of the environment and the public health, safety and welfare, and/or a remediation plan. The

Public Services Director may request an advisory opinion from the ISDS Commission regarding these matters. The Public Services Director may request an advisory opinion from the ISDS Commission regarding these matters. The Public Services Director may allow an alternative to replacing a cesspool upon a finding that all of the following standards are satisfied:

- (a) requiring the replacement of the cesspool in strict conformance with this section would be economically infeasible considering all the relevant facts and circumstances of the individual case; and,
- (b) the system does not present an immediate public health and/or environmental threat; and,
- (c) the alternative system provides a level of environmental protection that is at least equivalent to that required by RIDEM.

The decision of the Public Services Director shall be in writing and shall state specific reasons for the denial or approval.