

250-RICR-150-20-6

## **TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 150 – WATER RESOURCES**

#### **SUBCHAPTER 20 - FINANCIAL ASSISTANCE**

PART 6 – Rules and Regulations Governing the Establishment of a Uniform Septage Disposal Fee

##### **6.1 Purpose**

To establish a Uniform Septage Disposal Fee to support the Bays, Rivers and Watersheds Fund.

##### **6.2 Legal Authority**

These Rules and Regulations are promulgated pursuant to the requirements and provisions of R.I. Gen. Laws Chapters 46-12.11 “Uniform Septage Disposal Fee”, 46-31 “The Rhode Island Bays, Rivers and Watersheds Coordination Team”, 42-17.1 “Environmental Management”, and 42-35 “Administrative Procedures Act”.

##### **6.3 Liberal Application**

The terms and provisions of these Rules and Regulations shall be liberally construed to allow the Department to effectuate the purpose of the state laws, goals and policies.

##### **6.4 Severability**

If any provisions of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected hereby.

##### **6.5 Applicability**

These rules apply to the disposal of all septage in Rhode Island including all septage disposal facility owners and operators and septage transporters operating in Rhode Island.

## **6.6 Administrative Findings**

- A. Discharges of wastewater from wastewater treatment facilities, despite careful regulation and monitoring, are known sources of pollution that affect the quality of the bays and rivers of Rhode Island.
- B. Wastewater treatment facilities collect wastewater from users of sewer systems, who pay fees for the utilization of the system, and from septage transporters, who collect septage from users of onsite sewage disposal systems.
- C. All persons or entities generating pollutants that affect Rhode Island's bays, rivers and watersheds, including those using onsite sewage disposal systems, should be required to contribute to the costs of providing effective pollution control, mitigating environmental degradation of ecosystems, restoring impaired ecosystems, and monitoring the environment to characterize the impacts of the pollutant loadings, including changes that may occur as the level of treatment is improved.

## **6.7 Definitions**

- A. As used in these Rules, the following terms, shall as the context permits, be construed as follows:
  - 1. "Director" means the Director of Department of Environmental Management.
  - 2. "Disposal facility" means any wastewater treatment facility, or portion thereof, or any other facility that receives septage from septage transporters, pursuant to authorization by the Department of Environmental Management.
  - 3. "Disposal facility operator" means the person responsible for operating an approved Disposal Facility in the State of Rhode Island and who has authority to charge fees for receipt of septage.
  - 4. "Person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, the federal government, or any agency or subdivision thereof, a state, municipality, commission, political subdivision of the state, or any interstate body.
  - 5. "Septage" means any solid, liquid or semi-solid removed from a septic tank, cesspool, privy, domestic or other wastewater holding tank, including those used in vehicles, or similar onsite sewage disposal system.

6. "Septage transporter" means any person lawfully authorized to transport septage.

## 6.8 Uniform Septage Fee

- A. **Fee System.** Effective April 1, 2008, the Director hereby establishes a system for assessing a uniform septage disposal fee on all septage disposed of in Rhode Island. The fee shall be assessed by the disposal facility operator upon all septage transporters delivering septage to the disposal facility. Said fee shall not apply to discharge from vehicles that are not licensed septage transporters, such as recreational vehicles.
- B. **Fee Amount.** The uniform septage disposal fee shall be \$1.00 for each 100 gallons of septage received at a disposal facility, or likewise \$10.00 for every 1,000 gallons of septage received at the disposal facility.
- C. **Identification of the Fee.** Disposal facility operators shall identify the uniform septage fee separately from all other fees on any invoices or billing statements directed to septage transporters. Septage transporters shall identify the uniform septage disposal fee separately from all other fees on any invoice or billing statement directed to those persons owning or operating property from which the septage is collected.
- D. **Septage Volumes.** The fee shall be assessed and collected by the disposal facility operator on all septage transporters delivering septage and shall be based on the volume of septage delivered to the disposal facility. Volumes shall be determined by using information such as the capacity of the vehicle used to transport septage, professionally accepted flow metering methodologies or other means acceptable to the Director.
- E. **Schedule for Remittance of Fees.** The fees collected by the disposal facility operator shall be remitted four times per year to the RIDEM in accordance with the following schedule in Table 1. The septage transporter shall be liable for the fee until it has been paid to the state, except that payment to the applicable disposal facility shall be sufficient to relieve the septage transporter from further liability for the fee.

<b>Table 1. Schedule for Remittance of Fees</b>		
<b>Quarterly Period</b>	<b>Applicable Dates</b>	<b>Due Date for Remittance to DEM</b>
1	July 1- September 30	December 1 <sup>st</sup> of same year

2	October 1- December 31	March 1 <sup>st</sup> of the following year
3	January 1 – March 31	June 1 <sup>st</sup> of same year
4	April 1 – June 30	September 1 <sup>st</sup> of same year

- F. Deposit of Fees. All fees collected pursuant these regulations shall be deposited in the Bays, Rivers and Watersheds Fund as prescribed by section R.I. Gen. Laws Chapter 46-12.11.

## 6.9 Payment of Fees

- A. Checks shall be made payable to the “General Treasurer of Rhode Island”.
- B. Fees shall be remitted to the Rhode Island Department of Environmental Management, Office of Management Services with reporting forms provided by the Department.
- C. Failure of the disposal facility to remit fees which have been received in accordance with the required schedule shall be considered a violation of these regulations and shall be subject to administrative enforcement actions, and/or civil and/or criminal penalties pursuant to R.I. Gen. Laws Chapters 46-12, 46-17.1 and 42-17.6.
- D. Failure of the septage transporter to pay fees to the disposal facility in a timely manner shall constitute a violation of these regulations and the septage transporter shall be subject to administrative enforcement actions, and/or civil and/or criminal penalties pursuant to R.I. Gen. Laws Chapters 46-12, 46-17.1 and 42-17.6.

## 6.10 Accessibility and Retention of Records

- A. Fiscal Records. The disposal facility shall account for and maintain fiscal records relating to the collection of the uniform septage fee in a manner that segregates the fees from other revenues or funds. The disposal facility shall at a minimum maintain records that identify the septage transporter or person delivering septage, the date and volume of each delivery, acceptance of septage for disposal, fee amounts and proof of payment of such fees.
- B. Access to Records. Upon request, the disposal facility shall make accessible fiscal records related to the uniform disposal fee to the State of Rhode Island or its agents for the purpose of auditing, monitoring or evaluating fee collection procedures.

C. Retention of Records. Records pertaining to activities performed will be retained for audit purposes for a period of seven (7) years following the date of final payment for the agreement.

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