

Town of

# Tyngsborough, MA

## TYNGSBOROUGH SEWER COMMISSION

*Sewer Assessments and User Charge System*

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**SEWER ASSESSMENT AND USER CHARGE SYSTEM  
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Related Documents

First Amended and Restated Sewer Use Regulations  
Technical Specifications

## Section 1.0 User Charge System

### 1.1 General

#### 1.1.1 Authority

Section 204 (b) of the Water Pollution Control Act Amendments of 1972 authorizes the Environmental Protection Agency (EPA) to enforce guidelines specifically relating to the implementation of a user charge system for wastewater services. Grantees seeking Federal assistance funds for the construction of wastewater treatment works, which shall consist of all facilities used for the collection, transmission, storage, treatment, and disposal of wastewater, must satisfy the related rules and regulations adopted by EPA and incorporated in Part 35 of Title 40, Code of Federal Regulations (CFR). These rules and regulations provide for a fair and equitable cost allocation system, which is designed to offset those operation, maintenance and replacement costs associated with the treatment works. For Tyngsborough, the costs paid by user fees also includes the costs for purchasing treatment system capacity.

#### 1.1.2 Definitions

1.1.2.1 "Approval" shall mean written approval by the Tyngsborough Sewer Commission (Commission).

1.1.2.2 "Authorized Sewer Personnel" shall mean the authorized deputy, agent, or representative of the Town of Tyngsborough Sewer Department.

1.1.2.3 "Available" A public sewer shall be considered available when the property upon which a building is situated abuts a street, alley, easement or right of way in which a Public Sewer is located. If the property line of the subject parcel is more than one hundred (100) feet (30.5 meters) from the nearest Public Sewer, application may be made in writing to the Commission to declare the Public Sewer "Not Available".

1.1.2.4 "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20<sup>0</sup> C, expressed in milligrams per liter.

1.1.2.5 "Building Sewer" shall mean the extension from the building to the public sewer or other place of disposal, also called house connection. which is generally a 6-inch diameter pipe.

1.1.2.6 "Chelmsford" shall mean the Town of Chelmsford, an incorporated township of the Commonwealth of Massachusetts.

1.1.2.7 "City" shall refer to the City of Lowell, a municipal corporation in the Commonwealth of Massachusetts.

1.1.2.8 "Non-residential" use shall mean all non-residential improved properties that are for "Business Uses" as defined in Section 2.11.44 and "Industrial Uses" as defined in Section 2.11.45 of the Town of Tyngsborough Zoning By-law.

1.1.2.9 "Commission" shall mean the elected or appointed Tyngsborough Sewer Commission of the Town of Tyngsborough.

1.1.2.10 "Development" shall mean either; (1) the construction of two (2) or more single-family dwellings or (2) any multi-family dwelling: multi-family meaning a building containing two (2) or more families, or any commercial or industrial building or any combination, thereof.

1.1.2.11 "Dracut" shall mean the Town of Dracut, an incorporated township of the Commonwealth of Massachusetts.

1.1.2.12 "Equivalent Dwelling Unit - EDU" shall be equal to a single-family residence as described in MGL Ch. 83 Section 15 and also defined as Equivalent Residential Unit— ERU".

1.1.2.13 "Excessive" shall mean amounts or concentrations of a constituent of sewage, which, in the judgment of the Executive Director, will cause damage to any sewage works, which will be harmful to a sewage treatment process. which cannot be removed in the sewage treatment plant to the degree required to meet the limits set forth in the plant's discharge permit, and/or which can otherwise endanger life, limb, or public property, and/or which can constitute a nuisance.

1.1.2.14 "Executive Director" is the Executive Director of the Lowell Regional Wastewater Utility, or its duly authorized representative.

1.1.2.15 "Facility" is any real property (including any abutting real property) and any buildings thereon, which is served, is proposed to be served, or could in the future be served, by a system, where:

1.1.2.15.1 legal title is held or controlled by a single owner; or

1.1.2.15.2 the local approving authority or the Massachusetts Department of Environmental Protection otherwise determines such real property is in single ownership or control pursuant to 31 0 CMR 15.011 (aggregation).

1.1.2.16 "Industrial User" shall mean any non-governmental user of Tyngsborough's sewerage works, which discharges into a POT W from any non-domestic source regulated under section 307 (b), (c) or (d) of the Act.

1.1.2.17 "Industrial Wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic (sanitary) wastes.

1.1.2.18 "Infiltration" shall mean water other than wastewater that enters a sewer (including building drains and fountain drains) from ground through means which include, but are not limited to defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from inflow.

1.1.2.19 "Infiltration and Inflow" (1/1) shall mean the quantity of water from both infiltration and inflow.

1.1.2.20 "Inflow" shall mean water other than wastewater that enters a sewer (including building sewers) from sources which include, but are not limited to, roof leaders, cellar drains, yard drains, area drains, sump pumps, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

1.1.2.21 "In-Law Apartment" shall be a separate household area of a single-family home as defined in the Tyngsborough Zoning Regulations under "Temporary Independent Living

Quarters" and as determined by the Tyngsborough Building Commissioner.

1.1.2.22 "Lowell" shall mean the City of Lowell, County of Middlesex, Commonwealth of Massachusetts.

1.1.2.23 "May" is permissive (see "Shall", 1.1.2.43)

1.1.2.24 "Multi-Family Dwelling" shall be a dwelling attached or detached designed for the residence of two or more families. This shall include, but not be limited to, duplexes (2 units), triplexes (3 units), condominiums, and apartments.

1.1.2.25 "Non-Residential" shall mean all uses other than Residential units including but not limited to commercial, industrial, churches, schools, hotels, motels and parcels as defined by the Massachusetts State Land Use Code. "Owner" is a person owning a facility discharging to the sewerage system.

1.1.2.26 "Person" shall mean any individual(s), firm, company, association, society, corporation, or group, or any political subdivision of the Commonwealth of Massachusetts.

1.1.2.27 "Pollutant" is any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological material, radioactive material, heat, wrecked or discharged equipment, rock, sand, cellar dirt, or industrial, municipal or agricultural waste discharged into water.

1.1.2.28 "Pretreatment or treatment" is the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants to the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other than the above means, except as prohibited by 40 CFR Section 403.6 (d).

1.1.2.29 "Pretreatment requirements" are any substantive or procedural requirements related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

1.1.2.30 "Public Sewer" shall mean a common sewer controlled by a governmental agency or public utility.

1.1.2.31 "POTW" (denoting Publicly Owned Treatment Works) shall mean the treatment works owned by the City of Lowell, as defined in Section 212 of the Act (33 USC 1292). This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purpose of this agreement, POTW shall also include any sewers that convey wastewater to the POTW from persons outside the city of Lowell who are, by direct or indirect agreement with the city of Lowell, users of the POTW.

1.1.2.32 "POTW treatment plant" shall mean that portion of the POTW designed to provide treatment to wastewater.

1.1.2.33 "Receiving Waters" shall mean the body of water to which the sewage treatment plant discharges its effluent.

1.1.2.34 "Residential Unit" shall mean each single family dwelling as being one unit: or each dwelling unit in a multiple family dwelling as being one unit. For the purpose of this section, multiple family dwellings shall be deemed to include, but not be limited to, more than single family dwellings, apartment houses, apartment complexes, townhouses, condominiums, motels, hotels or as determined by the Commission.

1.1.2.35 "Sanitary Sewage" shall mean sewage discharging from sanitary conveniences such as toilets, washrooms, urinals, sinks, showers, drinking fountains, small laundries, kitchens, cafeterias and floor drains essentially free of industrial wastes or toxic materials.

1.1.2.36 "Sanitary Sewer" shall mean a conduit that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

1.1.2.37 "Sewage" is the used water of a community. The preferred term is "wastewater".

1.1.2.38 "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating Sewage.

1.1.2.39 "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of Sewage.

1.1.2.40 "Sewer" shall mean a pipe or conduit that carries wastewater.

1.1.2.41 "Sewer System" a system of manholes, pipes, conduits, pumps, and other structures designed to transport wastewater.

1.1.2.42 "Shall" is mandatory (see "May", 1.1.2.23).

1.1.2.43 "Single Family Residence" shall mean a detached dwelling unit designed as the residence of one family for year-round or seasonal use.

1.1.2.44 "Town" shall mean the Town of Tyngsborough, Massachusetts or any duly authorized officer, agent, or representative of the Town of Tyngsborough.

1.1.2.45 "Treatment Facilities" shall mean all facilities for conveying, treating, and disposing of sanitary sewage and/or industrial wastes within the City of Lowell.

1.1.2.46 "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sewers and wastewater treatment facilities provided.

1.1.2.47 "User Charge" shall mean a charge levied on a user of sewage works for the cost of operation and maintenance, including replacement costs, of such works (EPA definition).

1.1.2.48 "Wastes" shall mean the sanitary sewage, industrial wastes and infiltration from Tyngsborough's sewerage system(s).

1.1.2.49 "Wastewater" shall mean the used water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater infiltration, surface water, and stormwater that may be present.

1.1.2.50 "Wastewater Facilities" shall mean the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and dispose of the effluent.

1.1.2.51 "Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge, sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

### 1.1.3 Basis of User Charge System

A property receiving wastewater services shall be allocated a user charge based upon its proportionate share of the loading imposed upon the collection system and treatment works. Loadings are characterized by equivalent dwelling units or wastewater volumes, domestic wastewater strengths (i.e. Biochemical Oxygen Demand, Suspended Solids) and any additional pollutants so designated within the pretreatment program of the City of Lowell wastewater treatment facility.

### 1.1.4 Identification of Users

User charges as described herein shall be collected from all users within the Town of Tyngsborough receiving wastewater services from collection and/or treatment works operated and maintained by the Tyngsborough Sewer Department, and those collection and treatment works owned, operated, and maintained by the Town of Chelmsford, Town of Dracut, and/or City of Lowell, all in accordance with the most recent executed version of the applicable Intermunicipal Agreement.

### 1.1.5 Authority within the Town

The authority to supplement, rescind, or revise any methodologies related to this user charge system and to make final judgment in any disputes, public or private, in this regard shall rest with the Town of Tyngsborough Sewer Commission.

## 1.2 EPA User Charge Provisions

The Town of Tyngsborough User Charge System shall adhere to specific provisions established by EPA in accordance with 40 CFR 35.2122, 35.2140 et. al. These provisions allow for a fair and equitable user charge rate to cover costs for purchasing treatment system capacity and to cover costs associated with the operation, maintenance and replacement related to the wastewater treatment works. They are summarized as follows:

- The User Charge System must include a financial management system, which accounts for revenues and expenditures.

- Rates must result in the distribution of the costs for purchasing treatment system capacity, and costs of operation, maintenance and replacement of all treatment works within the Town's jurisdiction. Distribution must be in proportion to each user or user class contribution to the total wastewater loading of the treatment works.
- Rates must generate sufficient revenues to offset the costs for purchasing treatment system capacity and the cost of all treatment works operation, maintenance and replacement.
- Each user who discharges pollutants to the treatment works causing increased costs will pay for such increased costs.
- The Town must apportion operation, maintenance and replacement costs associated with the identification and mitigation of Infiltration and Inflow (I/I) per 314 CMR 12.04. In accordance with the requirements of 314 CMR 12.04, all new users connected to the Tyngsborough wastewater system will address I/I as follows:
- New users assessed on the basis of the Town's Sewer Connection Fee of \$9,900 will have \$1,000 of the \$9,900 allocated towards I/I in the Capital Budget Plan.

All new users with design flows greater than 15,000 Gallons Per Day (GPD) on a Title 5 Maximum Day basis shall pay a fee towards I/I, that is in addition to the Sewer Connection Fee, for every gallon over 15,000 GPD on a 4:1 ratio per 314 CMR 12.04(2)(d) that amounts to \$4 for every 1 gallon over 15,000 GPD. This I/I fee will be assessed and is due at the time of the connection payment and will be added to I/I in the Capital Budget Plan. The Tyngsborough Sewer Commission reserves the right to set an alternative payment schedule on a case by case basis.

- The user charge system must be incorporated by municipal legislative enactment in order to be approved by the appropriate state and/or federal agency.
- User charge regulations must provide that each user will be notified at least annually of the user charge rate.

### 1.3 User Charge Methodology

#### 1.3.1 General

The user charge system for the Town of Tyngsborough shall be a hybrid system. Non-residential properties shall be billed based upon actual use (metered flow) and residential properties shall be billed based upon a flat rate per home (equivalent dwelling units). Under this methodology a user shall pay an annual rate proportionate to the loadings imposed upon the treatment works by the characteristic wastewater flows or equivalent dwelling units introduced by that particular user. The specific system to be adopted by the Town of Tyngsborough is comprised of the following.

- o A Non-residential rate based on the volume of wastewater introduced into the treatment works. Said volume shall be dependent upon water usage. The minimum Non-residential rate shall be equivalent to the then current residential equivalent dwelling unit rate.
- o A residential rate based on the number of equivalent dwelling units (or fraction thereof) introducing wastewater into the treatment works. Equivalent dwelling units are established as follows:

REVISED TABLE 1

| <u>DESCRIPTION</u>   | <u>EQUIVALENT DWELLING UNIT</u> |
|--|---------------------------------|
| Single Family Residence                                    | 1                               |
| Multi Family Dwellings<br>(per apartment or dwelling unit) | 1                               |
| In-Law apartment *   | .5                              |
| Attached ADU *   | .5                              |
| Detached ADU *   | 1                               |

\* EDUs are in addition to primary residence

A surcharge based on wastewater strength parameters, which shall include excessive domestic wastewater strengths and/or high concentrations of additional pollutants as defined within the pretreatment program adopted by the receiving treatment facility.

### 1.3.2 User Classification

Most existing and potential users of the Town of Tyngsborough's existing and proposed sewer system are not metered for water use. To adequately determine the wastewater volumes introduced by each user, a system of user classification must be established. Within the Town of Tyngsborough all users shall be distinguished within two user classes. They are as follows:

Non-Residential -: All Non-residential properties are required to be metered for water use and shall be responsible for a wastewater volume equivalent to 100 percent of the volume of water use as recorded by water meter readings.

Residential: This class shall include single and multi-family dwellings.

### 1.3.3 Wastewater Strength Parameters

#### Domestic Wastewater Strengths

Wastewater strengths (concentrations) covered under this category shall pertain to biochemical oxygen demand (BOD) and suspended solids (SS). Acceptable strengths of these wastewater

components have been established as 500 mg/l by standards contained within the pretreatment program of the Lowell Regional Wastewater Utility (LRWWU). Users who introduce wastewater into the treatment works exhibiting wastewater strength levels in excess of the adopted standards shall notify the treatment facility in accordance with an Agreement or Contract or any other authoritative document related thereto, between the treatment works users and the treatment facility. These users shall be assessed a surcharge rate as described in Section 1.4.4 of these regulations.

#### Additional Pollutants

Excessive wastewater strengths covered under this category shall pertain to those pollutants as described within the pretreatment program of the LRWWU. All rules and regulations related to notification of the treatment facility as described above under "Domestic Wastewater Strengths" shall apply. Users found to introduce wastewater into the treatment works exhibiting concentrations termed "excessive" by said program shall pay a surcharge rate as described in Section 1.4.4 of these regulations.

### 1.4 User Charge Rates

#### 1.4.1 General

User charge rates shall be as described in Section 1.3 of these regulations. All rates shall be on a basis of dollars per thousand gallons of wastewater produced in Tyngsborough and treated at the LRWWU. The total allocable costs to the user charge system shall include costs associated with operation, maintenance and replacement related to the collection system and treatment works as well as costs for purchasing treatment system capacity as outlined in Section 1.1.1 of these regulations.

Operation and maintenance costs shall be those expenditures incurred during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the facilities in order to achieve the capacity and performance for which it was designed and constructed. Replacement costs shall reflect expenditures related to obtaining and installing equipment, accessories or appurtenances necessary to maintain the functional capacities of the treatment works during the useful life. Costs for purchasing treatment system capacity shall include any payments to the Town of Chelmsford, the Town of Dracut,

and/or the City of Lowell for the rights to the use of collection and/or treatment works within these communities and as detailed in the specific Intermunicipal Agreements for each individual community.

#### 1.4.2 System Costs

Previously described in Section 1.3.1 , non-residential properties shall be billed based upon actual use (metered flow) and residential properties shall be billed based upon a flat rate per home (equivalent dwelling units). Actual user charges for non-residential properties will be based on actual water meter readings.

A minimum charge is set to cover administrative costs for billing and all fixed costs to operate and maintain the system. The minimum user charge for all properties shall be equal to the then current equivalent dwelling unit user charge. The Tyngsborough Sewer Commission is required to review and, if necessary, adjust the rates at least every two years.

#### 1.4.3 User Charge Rate

Current Non-Residential rate = \$7.58/1,000 gal (FY24)

= \$7.96/1,000 gal (FY25)

= \$8.36/1,000 gal (FY26)

Current Residential rate (annual) = \$520.80 (FY24)

= \$546.84 (FY25)

= \$574.18 (FY26)

#### 1.4.4 Surcharge Rate

The surcharge rate shall be allocated to those users as described in Section 1.3.4 of these regulations. The actual rate shall be based upon the added costs associated with treating wastewater exhibiting excessive strengths determined in accordance with the pretreatment program of the City of Lowell treatment facility.

Said surcharge rate shall apply to that volume of wastewater introduced into the treatment works which has been analytically proven to exhibit excessive domestic and/or industrial wastewater strengths.

Due to the type of non-residential businesses in Tyngsborough, waste characteristics of these businesses are not expected to vary considerably from domestic waste. Therefore, allocation by waste volume would be approximately equal to allocation by constituent loading rates.

#### 1.4.5 Notification and Approval of User Charge Rate

Users shall be notified on an annual basis as to what rate they shall be charged within the limits of the Tyngsborough User Charge System. This notification will be included in the User Charge Billing.

#### 1.4.6 Abatement of Rates

Users shall have the right to apply for an abatement of the user charges by filing a petition with the Tyngsborough Sewer Commission in accordance with the provisions of MGL Ch83 Section 16E.

#### 1.4.7 Deferral of User Charges

Upon the vote of Tyngsborough Town Meeting to adopt MGL Ch83 Section 16G, the Tyngsborough Sewer Commission shall defer charges for use of common sewers in accordance with this section of the Massachusetts General Laws.

### 1.5 Implementation of User Charge System

#### 1.5.1 Coordination with Water Districts

Coordination between the Tyngsborough Sewer Commission, the Tyngsborough Water District, N. Chelmsford Water District and the Dracut Water District must be achieved to properly implement the Non-residential user charge system described herein. The Commission must utilize the existing water metering system for purposes of estimating wastewater volumes.

### 1.5.2 Billing of User Charge

The procedures associated with billing of the user charge shall be the responsibility of the Tyngsborough Sewer Commission. Utilization of a computerized database in conjunction with the compilation of data regarding all users shall facilitate the task of billing.

That portion of the revenue generated through user charges, which is due to treatment services provided by the LRWWU, shall be paid in accordance with the provisions of the aforementioned Intermunicipal Agreements.

### Section 2.0 Sewer Connections and Sewer Assessments

All sewer connections are covered under the following categories. The fees discussed within this document are subject to review and adjustment by the Tyngsborough Sewer Commission on an annual basis.

#### Sewer System Extensions & Sewer Connections

No person shall start construction of a sewer system or connection without first obtaining approval from the Tyngsborough Sewer Commission for such a sewer system or sewer connection. Any person proposing a new connection, disconnection, reconnection, discharge, or change in the volume or pollutant character shall notify the Commission in writing thirty (30) days in advance of the proposed change. In all cases, the owner or the owner's agent shall complete and submit a sewer application to the Sewer Department for approval. The sewer application shall be supplemented by drawings, specifications, and other information deemed pertinent in the judgment of the Authorized Sewer Personnel. Drawings shall include sewer plan and profiles. The Sewer Department may require a professional certification (registered engineer and/or registered land surveyor) on all project submissions.

All Connections shall be assessed a Connection Fee and an Application/Inspection Fee with the exception of connections connecting directly or indirectly to the Phase I West and/or Phase 2 Sewer Project areas which were funded through Betterment Assessments and are not charged a Connection Fee. Said connections may be subject to a Sewer Privilege Fee in lieu of a connection

fee as defined in Section 6 of the Betterment Assessment and Sewer Privilege Fees Regulations, current revision.

Application/Inspection Fees shall be as follows:

The Application/Inspection fees shall be as follows:

|   |       |
|---|-------|
| Residential Property Activation or Reactivation       | \$250 |
| Non-residential Property Activation or Reactivation   | \$500 |
| Residential or Non-residential Property Disconnection | \$100 |

Sewer Application/Inspection Fees will cover administrative costs of reviewing and processing the sewer application request, costs associated with review of the submittal, and inspection costs for Town personnel to oversee the actual installation. When more than two hours of inspection time are required, an additional charge of \$75 per hour will be charged for any portion of an hour beyond two hours. In addition, an escrow account shall be required at the discretion of the Commission to cover the costs of a third party engineering review, anticipated inspection time in excess of two hours and / or for new sewer main and pump station construction.

2.1 Privately Constructed Sewer System Extensions

All applicants for sewer extensions must appear before the TSC for discussion and approval of all fees and requirements related to the sewer extension.

2.2 Publicly Constructed Sewer System Extensions

As of 9/25/25, Municipal funded new construction connection fees will be \$9,900 per residential unit, and \$30 per gallon for non-residential units, based on their estimated daily wastewater volume. An additional “special connection fee” or “supplemental connection fee” will be determined on a project by project basis based upon the size, scope, cost, funding source and capital cost recovery program for each individual project, according to the formula set forth in Appendix A. All Sewer Connections and/or expansion of said connections connecting directly or indirectly to the Phase I West and/or Phase 2 Sewer Projects are subject to a Sewer Privilege

Fee in lieu of a connection fee as defined in Section 6 of the Betterment Assessment and Sewer Privilege Fees Regulations, current revision. All applicants should contact the Sewer Department to determine if any fees apply.

### 2.3 Sewer System Connection Fees

2.3.1 Residential: The residential connection fee is \$9,900 per residential unit. For ADU connection fees refer to Table 1 for ratio of ERU's.

REVISED TABLE 1

| <u>DESCRIPTION</u>   | <u>EQUIVALENT DWELLING UNIT</u> |
|--|---------------------------------|
| Single Family Residence                                    | 1                               |
| Multi Family Dwellings<br>(per apartment or dwelling unit) | 1                               |
| In-Law apartment *   | .5                              |
| Attached ADU *   | .5                              |
| Detached ADU *   | 1                               |

\* EDUs are in addition to primary residence

### 2.3.2 Non-residential

Non-residential: All non-residential properties connecting to the sewer systems shall be charged a connection fee of \$30 per gallon based upon their estimated daily wastewater volume. Wastewater daily volumes will be estimated based upon Title 5 and / or the industrial user permit with a minimum fee equivalent to that of a residential connection fee. Any non-residential properties that have multiple units or bays, will be charged in the above manner except if those units or bays will be sold or leased out to separate businesses. In that case, each unit or bay will be charged a separate connection fee (with a minimum equivalent to that of a residential tie-in fee).

### 2.3.3 Sewer Covenants:

The Tyngsborough Sewer Commission offers sewer covenants (for both residential and nonresidential properties) in lieu of paying the connection fees up front. These covenants offer a 20 year financing opportunity at a minimum interest rate of 5% subject to change based on market conditions.

**SEE APPENDIX A ON FOLLOWING PAGES**

## APPENDIX A

### QUANTITATIVE PROCESS TO DETERMINE A SPECIAL CONNECTION FEE PER ERU FOR NON-BETTERMENT PROJECTS

#### Overview of process:

1. Determine final all-inclusive cost of sewer expansion project.
2. Subtract the amount of grant or principal forgiveness funds provided to the Town for the project from the final all-inclusive cost of sewer expansion project to determine the adjusted cost of the project.
3. Escalate the prior ERU fee from the most recent sewer expansion betterment project using an industry standard construction cost index to account for the escalation of construction costs (i.e. Engineering News Review (ENR) Construction Cost Index). This will serve as the basis for a fair and reasonable fee per ERU.
4. Multiply the total ERUs of benefited users for the project by the escalated ERU fee to determine the total portion of the adjusted cost of the project to be paid via special connection fee by the benefited users.
5. If the total proposed special connection fee charges for all benefited users is less than the adjusted cost of the sewer project, the difference shall be supplemented by Town of Tyngsborough Sewer Commission reserve funds.

#### Variable Definition:

- $C_{total}$  = Final all-inclusive cost of the sewer expansion project
- $G$  = Total grant funds
- $PF$  = Principal Forgiveness Amount
- $C_{adjusted}$  = Adjusted cost of the project after grants and forgiveness
- $F_{prior}$  = Prior ERU fee from the most recent traditional betterment project
- $I_{current}$  = Current ENR Construction Cost Index
- $I_{prior}$  = ENR Index from the time of most recent traditional betterment project
- $F_{escalated}$  = Escalated ERU fee
- $N_{ERU}$  = Number of benefited ERU's
- $C_{user}$  = Total cost to be paid by users
- $R$  = Reserve funds required (if any)

#### Formulas:

##### 1. Adjusted Project Cost:

$$C_{adjusted} = C_{total} - (G + PF)$$

##### 2. Escalated ERU Fee:

$$F_{escalated} = F_{prior} \times (I_{current} - I_{prior} / I_{prior})$$

**3. Total Cost to be Paid by Users:**

$$C_{user} = F_{escalated} \times NERU$$

**4. Reserve Funds Required (if any):**

$$R = \max(0, C_{adjusted} - C_{user})$$

**5. Final Special Connection Fee per ERU:**

$$\text{Fee per ERU} = F_{escalated}$$

$C_{user}$

NOTE: If  $C_{user} \geq C_{adjusted}$ , then no reserve funds are needed. If  $C_{user} < C_{adjusted}$ , then the Town of Tyngsborough Sewer Commission must supplement the difference using reserve funds.

An example of implementing this proposed Special Connection Fee is as follows:

**Overview:**

Total project cost - \$2,300,000

Total Loan Funds available for the project - \$2,300,000

Principal forgiveness available - \$200,000

Total grant funds available for the project - \$500,000

Total project cost less principal forgiveness, grants, reserve funds - \$1,600,000

Number of benefited ERUs – 65

**Inputs:**

- $C_{total} = \$2,300,000$
- $G = \$500,000$
- $PF = \$200,000$
- $F_{prior} = \$18,000$
- $I_{current} = 18697$  (ENR CCI July 2025)
- $I_{prior} = 14725.06$  (ENR CCI January 2019)
- $NERU = 65$

**Calculations:**

- **Adjusted Project Cost:**

$$C_{\text{adjusted}}: \$2,300,000 - (\$500,000 + \$200,000) = \$1,600,000$$

- **Escalated ERU Fee:**

$$F_{\text{escalated}}: \$18,000 \times (18697 - 14725.06 / 14725.06) = -\$22,855$$

- **Total Cost to be Paid by Users:**

$$C_{\text{user}}: \$22,855 \times 65 = \$1,485,575$$

- **Reserve Funds Required (if any):**

$$R: \$1,600,000 - \$1,485,575 = \$114,425$$

- **Final Special Connection Fee per ERU:**

$$\text{Fee per ERU} = \$22,855$$