

# **Town of Chelmsford**

## **Sewer Capacity Credit Transfer Policy**

### **1.0 Wastewater Treatment and Disposal Capacity Limitation**

The Town of Chelmsford has an intermunicipal agreement with the City of Lowell for the period of July 1, 2012 through June 30, 2037 for the treatment and disposal of wastewater for an allocated daily flow of 3.01 million gallons per day at the Lowell Regional Wastewater Utility Sewerage System (LRWWU) and Wastewater Treatment Facility. The Town of Chelmsford has an intermunicipal agreement with the Town of Tyngsborough for the period of July 1, 2012 through June 30, 2037 that assigns 0.35 million gallons per day of its wastewater treatment and disposal to the Town of Tyngsborough. This results in the Town of Chelmsford having a balance 2.66 million gallons per day of wastewater treatment and disposal capacity. Under the terms of the intermunicipal agreement, if the Town’s average daily flow exceeds its allocated daily flow, the Town shall be liable for any and all damages, penalties and fines incurred by the City of Lowell and/or LRWWU or claims brought against Lowell and/or LRWWU as a result of that Town’s exceedance of the limitation.

#### **1.1 Recent Wastewater Flow**

The Town of Chelmsford’s wastewater flow during the past four fiscal years has been between 2.54 million gallons per day and 2.87 million gallons per day. The Town’s actual flows are influenced by weather and economic conditions. The Town’s actual wastewater flows are near or at its permitted capacity.

### **2.0 Exemptions from Policy on Sewer Connections**

The following new sewer connections or changes in use shall be exempt from the policy on sewer connections:

- a.) Connections to existing premises where the Chelmsford Board of Health declares it necessary to abate an imminent hazard to the public health, safety, or the environment.
- b.) Sewer connections authorized by the Chelmsford Department of Public Works pursuant to the terms of the Sewer Capacity Credit Transfer Policy described in Paragraph 3 below.

### **3.0 Sewer Credit**

There is established herein, a sewer capacity credit transfer arrangement (hereinafter referred to as the “Sewer Credit”) as described below. The Sewer Credit allows a non-residential property owner to increase the allocated flow into the sewer system provided one of the following occurs:

- a.) a sufficient amount of extraneous infiltration or inflow as determined by the Chelmsford DPW has been permanently removed from the Town’s sewer system;

- b.) a deeded conveyance of allocated sewer flow from one or more non-residential properties to another non-residential property;

### 3.1 Infiltration or Inflow Sewer Credits

A property owner may earn sewer credits, expressed in gallons per day, for new flow into the sewer system by removing extraneous inflow and infiltration (“I/I”) from the Town’s sewer system. A property owner may accrue one gallon per day (GPD) of new flow credit for every two gallons per day of legally permissible I/I removed, provided that the Department of Public Works approves the amount of new sewer flow credit accrued.

Prior to conducting any I/I removal from the system, the property owner shall obtain written approval from the DPW. DPW’s approval includes assessing that the system can accommodate the increased flow. If determined necessary by the DPW, the property owner may be required to conduct a baseline flow study at their own expense over a 7-day period to estimate the existing baseline flows in the system in the vicinity of the project area.

To obtain sewer capacity credits, a property owner shall submit to the Department of Public Works for its approval:

- (1) The developer/property owner shall request a specified number of sump pumps needed in writing to accrue the necessary GPD. One GPD of new flow credit is given for every two GPD of approved I/I removed from the system.
- (2) DPW/Engineering Division will assign next available properties and contact information from the a developed amnesty list.
- (3) The developer/property owner will be required to redirect each property they are assigned, regardless of the difficulty or cost of the work.
- (4) The developer/property owner will agree to follow the DPW/Engineering sump pump connection design criteria.
- (5) DPW may provide notice to proceed with project as long as the property owner agrees to a participate in the I/I removal program and complete necessary work prior to issuance of certificate of occupancy. A Certificate of Occupancy will not be issued until agreed I/I removal work has been completed and approved by the DPW.

### 3.2 Deeded Conveyance of Allocated Sewer Flow Credit

A property owner may transfer flow that have been assigned to a property under the sewer unit determinations described under the Town’s Betterment Assessments and Sewer Privilege Fees.

#### Sewer Unit Determinations

*a. Residential Properties are not eligible to provide sewer credits.*

*b. Non-Residential, Developed Properties*

- (i.) Non-residential buildings shall include all industrial, commercial and

municipal properties.

(ii.) Non-residential buildings which are metered for water use shall be based upon an average of the past ten (10) years of water use while the building is occupied. If less than ten years of metered water consumption records are available, the number of sewer units shall be determined in accordance with Paragraph (iii) below.

(iii.) Non-residential buildings not metered for water use shall be assigned a water consumption volume based on Title 5 of the State Environmental Code, 310 CMR 15.203, System Sewage Flow Design Criteria.

*c. Non-Residential, Undeveloped Properties*

Undeveloped lots shall be converted into a maximum anticipated water consumption on the basis of the Zoning By-Laws. An equivalent number of sewer flow shall then be determined utilizing the formula described for nonresidential, developed properties.

*e. Dual Use Properties*

Properties having both residential and non-residential uses shall be assessed based on a total number of sewer flow, as calculated under the provisions of Section 3.2(a) (Residential, Developed Properties) and Section 3.2(b) (Non-Residential, Developed Properties), respectively. If dual-use areas are not separately metered for water, a deduction shall be made for an estimated residential water use in determining non-residential water use for the calculation of non-residential sewer flow.

Transferring of Sewer Units

- a. A property owner seeking to convey sewer flow must record a permanent restriction on the deed to the property.
- b. The permanent deed restriction shall include language that permanently reduces the right to convey sewer flow from the property into the Town's sewer system. If the Town has expanded sewer capacity at a future time, the Town would have the ability to vacate the permanent deed restriction.
- c. A property owner receiving sewer units must record a permanent restriction on the deed to the property.

**4.0 Using Credits in the Sewer Bank for Increases in the Allocated Flow**

A property owner shall provide documentation to the Chelmsford Department of Public Works that it has accumulated sufficient flow credits prior to the proposed connection to the sewer system or the proposed increase in the allocated flow into the sewer system.

Prior to the approval of the use of sewer bank credits, the Chelmsford Department of Public Works shall determine that the proposed allocation of sewer bank credits shall not have any adverse impact to the downstream portion of the Town's sewerage system due to inadequate sewer pipeline, pump station, or other capacity. The Chelmsford Department of Public Works reserves the right to require sewer flow metering at the Property Owner's expense for a proposed development.

Sewer bank credits may only be used for economic development purposes in the Community Enhancement and Investment Overlay and the Village Center Overlay Districts.

The Department of Public Works shall monitor and enforce sewer flow limitations and impose penalties for violations thereof in accordance with the Town's sewer policy.