



Procedures for Privately Financed Sewer Main Extensions (For Developers)

Effective Date

This policy is effective upon approval until another policy is enacted.

Approval

This policy has been approved by the Tiverton Wastewater District (TWWD) Board at their regular meeting on August 25, 2025. A draft version of this policy has been in place since 2016 in the form of internal memos and communications.

Background

Construction of sewer main extensions is often done by the public utility that maintains and operates the public system. As public financing becomes available, existing houses and businesses are provided with sewer service to improve public health, provide environmental benefits, and to encourage economic growth. Since public funding is typically not available to extend sewers to serve undeveloped/underdeveloped land, a private developer may propose construction of sewer infrastructure at their own expense. Occasionally, public utilities assume ownership of all or a portion of privately constructed infrastructure (private entities are not permitted to own utilities installed in public rights of way). Additionally, the impacts from a new group of users must be assessed and considered by the utility before they issue a permit for any connections to the publicly owned system. Due to these and other factors, procedures need to be in place to ensure that the utility's interests are protected. Any short or long-term effects on the public system need to be carefully weighed before any connection permit is issued. Authority for such permitting processes lies with the TWWD in collaboration with the City of Fall River who owns the treatment plant that receives TWWD sewage.

Privately funded sewer extensions must be consistent with the DEM approved TWWD Wastewater Facilities Plan. It is the goal of TWWD to ensure that whenever possible privately financed sewer main extensions are designed and constructed to maximize public benefits by including but not limited to providing service lateral connection points on the edge of public rights of ways for other properties along the sewer main.

Applicability

This policy applies to any land development project which seeks to connect privately financed sewer infrastructure to the existing sewer mains owned and operated by TWWD (including those that will connect via other privately owned sewer systems). Policies for individual connections to the TWWD system are described in detail in other policy documents.

Definitions

Affordable Housing credit: The TWWD Board of Directors may reduce the Sewer Privilege Fee at their discretion for each Low to Moderate income (LMI) unit by the percentage of LMI Units (i.e. if 50% of project is LMI, the fee for the LMI units may be reduced to 50%). This process is described in detail in the "privilege fee policy" posted on the TWWD website (TWWD.org).

Developer: Any individual or corporation that intends to build sewer infrastructure using private funds and is seeking to connect that system to the public system owned or maintained by TWWD.

Fall River Impact Fee: A one-time impact fee of \$1.00/gallon of estimated wastewater generation to the City of Fall River. Estimates of wastewater generation applicable to each application shall be based on Appendix A of the March 31, 2015, Agreement for Wastewater Treatment Agreement between the City of Fall River and the TWWD, as amended.

Peer Review Consultant: TWWD reserves the right to hire outside consultants to conduct peer review of private development plans and other aspects of engineering regardless of the project size

Peer review fee: When TWWD hires outside consultants to conduct peer review of plans and other aspects of the development plan, the developer will be required to put funds in an escrow account to cover estimated costs of the review. The developer will be charged the actual cost of this review when TWWD receives an invoice from the Peer Review Consultant. There is a 10% markup on the invoiced amount to cover TWWD staff time to manage communication and oversight of the review. Any excess funds in escrow will be refunded to the Developer or applied to other fees where appropriate.

Sewer Connection Application fee: A fixed fee for the connection of the private sewer system to the public sewer system. This fee is updated annually and posted on the TWWD website (TWWD.org) "Schedule of Fees."

Sewer Connection Inspection fee: A fixed fee for the inspection of a new connection of a private sewer system to the public sewer system. This fee is updated annually and posted on TWWD "Schedule of Fees." TWWD reserves the right to charge developers actual inspection fees in place of this fixed fee if TWWD staff is unable to conduct the inspections for any reason. In such cases TWWD will require the applicant to fund an escrow account to charge actual costs of Peer Review consultant to provide inspection services for TWWD.

Sewer Privilege fee: Fee charged to the Developer for connection of each EDU to TWWD public sewer system. The fee is intended to recover costs associated with the impact of the addition of new customers to the existing system and provide TWWD with resources to meet those costs. This fee is defined and described in TWWD Privilege Fee Policy (2022). This fee is updated annually and posted on the TWWD website (TWWD.org) "Schedule of Fees."

TWWD Staff Review retainer: A developer wishing to connect to TWWD sewer infrastructure will pay a fixed amount to an escrow account to be used as a retainer against which staff time working on the administrative aspects of the development will be charged. This fee is described in the TWWD Sewer Privilege fee Policy. In the event the retainer is fully utilized, an additional retainer will be required. The fee schedule for staff is updated annually and posted on the TWWD website (TWWD.org) "Schedule of Fees."

Fees

Developers are required to pay all applicable TWWD fees including, but not limited to, application, inspection, and privilege fees which are subject to change by vote of the District Board of Directors and all City of Fall River charges, policies, rules and regulations are subject to change by vote of the Fall River City Council.

Request for Letter of Sewer Availability

The Town of Tiverton Planning Board requires written confirmation from TWWD that it can/is able to provide the connection and meet the sewer demand for the proposed development or subdivision prior to approval of a Minor Subdivision preliminary plan or a Major Land Development/Major Subdivision preliminary Plan or Master Plan. This written confirmation is also known as a letter of sewer availability.

The following items are required to request a letter of sewer availability.

1. Completed Privately Financed Sewer Extension Project Information Sheet.

2. Conceptual plans for the proposed development and sewer system.
3. Sanitary sewer flow calculations consistent with the RI DEM Flow Estimation Policy for the Design of Sanitary Sewers.
<https://dem.ri.gov/sites/g/files/xkgbur861/files/programs/benviron/water/permits/wtf/pdfs/flo west.pdf>

Upon review, TWWD will issue a written decision regarding the availability of sewers for the proposed project. The availability of sewers may be predicated on achieving certain conditions. A letter of sewer availability will be valid for a period of period of 3 years and the developer may request renewal prior to expiration. A determination that sewers are available does not authorize commencement of sewer construction.

Required Approvals

Privately financed sewer extensions require the following three major approvals: 1) TWWD Letter of Plan Approval (which constitutes the technical review of the proposed wastewater infrastructure but does not authorize initiation of construction), 2) TWWD/Developer Agreement for Privately Financed Sewer Extension, and 3) a TWWD Sewer Extension Construction Permit (issued by TWWD approval of the Sewer Extension Application). In addition, each connection within the development to the private sewer system will need to submit a Sewer Connection Application to Privately Developed Sewer.

Project Initial Submittal

The following items are required for the initial project submittal:

1. A completed TWWD Sewer Extension Application form.
2. A completed TWWD Project Information Sheet.
3. Two sets of plans, stamped and signed by a RI registered Professional Engineer. A manhole must be provided at the location where the system will transition from a private to a public sewer system and the length of the public sewer minimized. The plans shall show the easements required during the construction phase and in perpetuity for operation and maintenance of the sewer system. TWWD will require an emergency private easement for sewers that will remain under private ownership and a sewer main easement for any sewers to be transferred to TWWD. Easements shall be a minimum of 20 feet wide and whenever possible sewers shall be centered within the easement.
4. Two copies of engineer's construction cost estimate for the project wastewater infrastructure.
5. A draft plat(s) including the location of utility easements, stamped and signed by a surveyor licensed in RI.
6. PDF of the plan set (on CD, flash drive or transmitted electronically).

Project Initial Submittal Review

Plan submittals are reviewed in chronological order of receipt by TWWD. TWWD will determine whether a peer review is required. TWWD reserves the right to contract with Third Parties to conduct peer review of plans, assess flow capacity projections and other aspects of the engineering plan and establish a Development Project Review and Coordination Fee (DPRCF). The DPRCF will be set by the TWWD on a project-by-project basis and will be established upon review of the project initial submittal (including the markup to cover coordination and review of consultant findings) and is in addition to TWWD staff review fees. TWWD will request a bank check or certified check for the full amount of the DPRCF and the retainer for TWWD review fees. The funds from the developer will be placed in an escrow account and used to pay all TWWD consultant fees and administrative costs for reviews, meetings, and other direct

costs associated with the project review and approval phase. Periodic escrow account statements will be provided. Review of the Initial Submittal will commence after receipt of the TWWD Review Fee and the DPRCF.

TWWD will issue written review findings and comments to the applicant. The applicant may request a meeting with the TWWD to review the comments and discuss their resolution.

Developer Agreement

The agreement process commences upon receipt of the preliminary plans submittal and runs concurrently with the Plan approval. TWWD will provide a sample agreement for the developer's attorney to use as a model to draft a project specific agreement for TWWD staff, Board, and legal counsel review. The agreement will spell out the individual responsibilities for TWWD and the developer. At a minimum, the agreement will require that:

1. The OWNER and/or DEVELOPER pays all costs associated with design, permitting, recordings, approvals, construction of the sewer extension, maintenance of the private system and maintenance of the public system (until such time as the assets are accepted by TWWD)
2. The OWNER and/or DEVELOPER is required to file a maintenance bond and performance bond with the DISTRICT in an amount as required by the DISTRICT and in a form satisfactory to the DISTRICT (which could include setting up a cash-funded account on file with the DISTRICT) with respect to the Public sewer System in order to assure the satisfactory completion, function and maintenance of the required improvements, for a period of five (5) years subsequent to completion, inspection and acceptance of the improvement(s) unless there are extenuating circumstances
3. The OWNER and/or DEVELOPER make an irrevocable offer to convey the assets to the TWWD at no charge to the District that are located in the public right of way.
4. The OWNER and/or DEVELOPER maintains an annual service contract for service contract for routine and emergency operations, maintenance, and inspection of the private sewer system improvements and to establish a budget and mechanism to adequately fund scheduled system repair, maintenance and replacement.
5. The TWWD, at their sole discretion may require that the developer retain a RI registered professional engineer for the duration of the project construction to serve as the resident engineer to prepare design modifications in reaction to conditions encountered in the field, review shop drawings as-built plans, etc. This requirement will be determined by the TWWD engineer in consultation with the superintendent and recommendations will be made to the executive director for final decision.
6. The agreement will also stipulate that the sewer connection to the proposed development buildings will occur under a separate permit process after the sewer extension is complete and accepted by TWWD and for which the developer must pay all fees to the City of Fall River.

Project Final Submittal

The developer shall address all comments issued on the Initial Project Submittal and submit the following items for the final project submittal:

1. Two sets of final plans issued for construction and stamped and signed by a RI registered PE.
2. Final plats stamped and signed by a surveyor licensed in RI.
3. Two copies of the engineer's construction cost estimate for the project wastewater infrastructure.
4. Written responses to the TWWD review comments.
5. PDF of the plan set (on CD, flash drive or transmitted electronically).
6. A signed Developer Agreement

7. Draft written easements necessary during the construction phase and in perpetuity for operation and maintenance of the sewer system. TWWD will require an emergency private easement for sewers that will remain under private ownership and a sewer main easement for any sewers to be transferred to TWWD.

Once all comments on the final submittal have been addressed, and any required additional staff review retainer is received the TWWD will issue a Letter of Plan Approval (which constitutes the technical review of the proposed wastewater infrastructure but does not authorize initiation of construction).

Failure to adequately address TWWD comments on during the design and project submittal phase will result in TWWD delaying issuance of a Sewer Extension Construction Permit until ALL comments are adequately addressed. Construction shall not proceed until the permit is issued.

TWWD final approval and issuance of Sewer Extension Construction Permit

A permit authorizing construction of the sewer extension will be contingent upon the following:

- a. Plan approval issued by District
- b. Receipt of a complete Sewer Extension Construction Application
- c. Developer Agreement completed and signed by all parties
- d. Recording of any easements necessary for the sewer extension
- e. Verification that proposed contractor has required RI Underground Utility Contractor License or Master Plumber License
- f. Receipt of Contractor's valid, current insurance certificates (with TWWD as the obligee for work in the public right of way that
- g. Verification of contractor's experience and references for similar types of work
- h. Receipt of copies of the Town of Tiverton or RI DOT Road Opening Permit (if applicable)
- i. Receipt of surety for 100% of the value of the sewer and associated restoration work for a period of 5 years in the form of cash or a bond with TWWD as coinsured or obligee.
- j. Receipt of check from developer to put in escrow account for pay for TWWD's construction inspector (full-time on-site for the duration of the construction) TWWD will determine escrow account amount for staff and third-party inspection depending on estimated charges from the Peer Review Consultant. Inspections will also be subject to a rolling escrow amount as noted in the schedule of fees.
- k. If required, verification that the Developer has a contract with a RI registered professional engineer for the duration of the project construction to serve as the resident engineer.

Upon issuance of a Sewer Extension Construction Permit, the Developer is authorized to construct both the sewers that will become public and the private sewer system within the development (this does not authorize construction to connect buildings within the development to the private sewer. Service connection work cannot commence until sewer extension has been completed, tested at the expense of the developer, and found acceptable by the TWWD. Following acceptance of the Public Sewer System by the TWWD through an act of its Board of Directors, absolute title to said gravity sewer system shall be conveyed to the TWWD.

Final Inspection of privately financed sewer extension including connection to the TWWD system

After completion of the construction, any testing that TWWD requires, receipt of as-built plans, and inspections by TWWD staff or its consultants, TWWD will issue a written notice of its findings. TWWD must issue a written determination that the system has been completed and tested to the reasonable satisfaction of TWWD before any permits to construct connections to the privately constructed sewer main are issued. ADD PRIVATE SYSTEM O&M AND MAINENANCE BOND FOR PUBLIC

Sewer Connection Application to Privately Developed Sewer

Prior to initiating construction to connect buildings to the private developed sewer main, a permit to connect to the private sewer system is required for each connection. Sewer connection applications may be submitted for multiple connections depending on how the buildings are connected to the system. Approval to construct the connection will not be issued until TWWD has issued a written notification that all sewer lines and facilities/appurtenances have been completed and tested to the reasonable satisfaction of TWWD and the **receives the required maintenance sureties for the public and private sewers**

Wastewater shall not be discharged into the private sewer system until TWWD determines that the connection was completed in accordance with the Sewer Connection Application to the Privately Developed Sewer and issues a discharge permit.

Fees due with the Sewer Connection Application to Privately Developed Sewer (application may be submitted for multiple connections).

Sewer Connection Application Fee: As noted in the “Schedule of Fees,” this fee is for each building’s connection to the private sewer system. This fee is updated annually and posted on the TWWD website (TWWD.org) “Schedule of Fees.”

Sewer Connection Inspection Fee: As noted in the “Schedule of Fees,” this fee is for each building’s connection to the private sewer system. This fee is updated annually and posted on the TWWD website (TWWD.org) “Schedule of Fees.” If TWWD staff requires assistance conducting inspections the Developer will be required to fund an escrow account to cover TWWD staff time and third-party inspections of the private sewer system and its connection to TWWD’s system rather than charge a flat fee. TWWD to determine escrow account amount for staff and third-party inspection. This will also be a rolling escrow amount as noted in the schedule of fees.

Sewer Privilege Fee: As noted in detail in the TWWD “Privilege Fee Policy” posted on the TWWD website (TWWD.org). This fee is charged for each EDU that is connected to the public sewer system as part of a privately financed residential land development. Fixed as stated in “schedule of fees” subject to affordable housing credit. Affordable Housing credit – Board at sole discretion may reduce Sewer Privilege Fee for each Low to Moderate income (LMI) unit by the percentage of LMI Units (i.e. if 50% of project is LMI, the fee for the LMI units may be reduced to 50%).

Fall River Impact Fee – A one-time impact fee of \$1.00/gallon of estimated wastewater generation to the City of Fall River. Estimates of wastewater generation applicable to each application shall be based on Appendix A of the March 31, 2015, as amended, Agreement for Wastewater Treatment Agreement between the City of Fall River and the TWWD.

Final Acceptance of the Public Portion of the Sewer Extension

TWWD Board of Directors will accept the public portion of the sewer extension assets upon receipt of as-built record plans stamped by a RI licensed surveyor, and upon the recommendation of the TWWD’s inspector and TWWD Staff, receipt of a maintenance surety at 50% cost of the sewer extension for a period of 3 years from the date of acceptance of the construction by the TWWD Board of Directors or until the last certificate of occupancy is issued in the development, whichever comes later, and a draft bill of sale. After acceptance by the Board, the developer will record a bill of sale transferring assets to the District in the Town of Tiverton land evidence records.