

**HARPETH VALLEY UTILITIES DISTRICT  
POLICY REGARDING ADJUSTMENTS OF WATER  
AND WASTEWATER USAGE CHARGES FOR LEAKS**

**ADOPTION DATE:** 02/26/18

**EFFECTIVE DATE:** 03/01/18

**RESPONSIBLE FOR  
ADMINISTERING POLICY:** GENERAL MANAGER, ASSISTANT GENERAL MANAGER

**BACKGROUND**

It is accepted water and wastewater utility practice in the United States, and the policy of the District, that the customer is responsible for the proper provision, monitoring, operation, maintenance, repair and replacement of all water and wastewater utility service lines and components of the customer's water and wastewater system on the customer's side of the water meter and wastewater line inspection point. This includes leakage.

**LIMITATIONS**

The District is subject to various state and federal regulations and bond covenants and has no discretion to adjust bills in a manner which would violate these regulations or covenants.

This policy has no application to the District's municipal or utility district customers.

**PUBLIC NOTICE**

A copy of this policy shall be available at the business office of the District for customer inspection during regular business hours, or can be found on the District's website [www.hvud.com](http://www.hvud.com).

**POLICY STATEMENT**

Any customer who has a leak on the customer's side of the water meter or who is seeking an adjustment of water or wastewater charges for leaks shall be treated in accordance with this policy.

**1. Customer's Responsibility to Monitor, Investigate and Repair Leaks**

The customer is responsible for monitoring higher than expected usage as reflected on the customer's bill. Higher than expected usage must be investigated by the customer and any leaks promptly repaired by the customer. A customer who has observed or has actual knowledge of a leak on the customer's side of the water meter is required to promptly repair the leak (a) as a pre-condition to the District's consideration of a request for a leak adjustment and (b) to avoid termination of water and wastewater service.

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**2. Request for an Adjustment**

A written request from the customer for a leak adjustment of a water or wastewater bill must be submitted for review to the District within ninety (90) days of the due date of the bill requested to be adjusted before an adjustment may be considered or approved. The written request shall be accompanied by either a plumber's Affidavit or a letter from the customer certifying: (1) the name, address, and telephone number of the person discovering the leak; (2) the date the leak was discovered; (3) the nature and location of the leak; (4) the date the leak was repaired; (5) the name, address, and telephone number of the person repairing the leak; and (6) a description of the repair work performed.

An exception to the (90 days) reporting period would be allowed if it is determined the account experienced no water consumption for an extended period of time (more than a complete billing cycle) after the high water consumption was recorded.

The District shall not extend the due date of a water or wastewater bill as a result of the customer submitting a request for an adjustment of a bill for a leak.

The District shall not consider or approve any adjustment to a water or wastewater bill unless an actual physical leak caused the extraordinary usage for which an adjustment in the bill is requested, and the leak is located, documented, and repaired.

**3. Leaks Qualifying for Adjustment and Calculation of Billing Adjustment**

A request for adjustment of a water or wastewater bill for a leak must meet all other requirements of this policy. The District does not adjust any water or wastewater bills as a result of faucets or hoses left running, pressure washing, or similar water usages.

Only one (1) bill, or two (2) bills if the leak affected two (2) billing cycles, will be adjusted in any consecutive twelve (12) month period. The District may consider additional requests for an adjustment within a consecutive twelve (12) month period upon the customer's refunding of all prior adjustments within that period in order that the customer receives the benefit of the largest adjustment within any consecutive twelve (12) month period.

*INSIDE LEAK:* If any water bill, or a wastewater bill involving an inside leak (for example a leaking commode or faucet), is approved for adjustment, the customer will pay an adjusted bill based on the lowest charge to the customer of the following two calculations:

- A. Use the average of the previous six (6) months' metered usage removing the highest and lowest usage months within that six (6) month period at the current rates through the consumption tiers. All remaining water and wastewater metered consumption above the average would be billed at the current lowest rate charged by the District per one thousand (1,000) gallons for all water and wastewater services. If the customer has not received six (6) previous bills, the average of all months of history consumption will be used.

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- B. A three month average using the same time period from the prior year, selecting the high consumption month, and the month before and after it to determine a 3 month average for water and wastewater services to be billed at current rates through the tiers. All remaining water and wastewater metered consumption above the average would be billed at the current lowest rate charged by the District per one thousand (1,000) gallons for all water and wastewater services.

*OUTSIDE LEAK:* For a water or wastewater bill involving an outside leak (for example an underground water service line between the meter and exterior of a building, or a leak within or under a building if the leak was due to a ruptured water service line or similar sudden release of water from a water service line), the customer will pay an adjusted water bill calculated the same as described above for an inside leak. The wastewater bill will be calculated from one of the two methods described above, but customer will not be required to pay the consumption above the average and what was actually metered, unless the water was discharged to or otherwise entered the District's wastewater collection system.

For residential customers only, the wastewater charges will also be capped using the summer wastewater usage adjustment with the exception of the months of January, February and March billing dates. Those winter months are used to determine the average winter consumption which is applied to the remaining nine months of the year in the form of the summer wastewater usage adjustment. If the leak occurs during the months of January, February or March of any year where no summer wastewater usage adjustment is applied to the billing, the prior year summer wastewater usage adjustment will be used to determine the maximum wastewater charges for the leak adjustment. If the customer has no history at the location, 5,000 gallons which is the average residential usage for new customers will be used.

The District does not provide an adjustment for filling a swimming pool. Should it be determined that there is a leak to a pool service line which qualifies for an adjustment, the adjustment would be calculated under the outside leak adjustment described above.

Leaks to service lines for irrigation systems which qualify for an adjustment, the adjustment would be calculated under the outside leak adjustment described above.

**4. Payment Arrangements for Overage due from a Leak**

If requested by contacting the Customer Service Department, a customer may pay the balance due after any approved leak adjustment in six (6) equal monthly payments. The customer must pay the customer's monthly bill in addition to 1/6 of the leak adjustment balance by the due date shown on the bill. Failure to do so will result in disconnection and disqualification of the payment arrangement with the full amount of the unpaid balance due and payable.

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**5. Meter Reading Error and Testing**

If an investigation of a meter and meter records establishes that a meter was misread, then the bill will be revised based on the corrected reading. If there was a failure of the meter or the meter reading device, a new bill will be issued using an estimated reading determined by previous month usage.

If an investigation of a meter and meter record establishes that a meter was properly read and that there was no failure of meter or meter reading device, the bill will remain valid and payable.

If the customer reasonably questions the accuracy of the meter, the District may replace the meter and send the original meter for testing by a third party. If the meter proves to have an accuracy within guidelines established for meters by the American Water Works Association (AWWA), it is deemed to be accurate and there will not be any adjustments due to meter inaccuracy. If the meter does not meet AWWA accuracy standards, an additional adjustment may be calculated based on the third party test results. Should customers request a meter to be tested more than once in a 12 month period, the customer will be charged for the outside testing fees should the meter be within AWWA accuracy standards. If a customer charge is in dispute awaiting testing results, due to the time frame required for testing, customers will be expected to remain current on all charges with the exception of the bill in question.

**6. Review and Reporting by General Manager and Staff**

All requests for adjustments that qualify under the policy will be processed by the District's General Manager, Assistant General Manager, or appointed designee. Should an adjustment request not qualify under the policy, the General Manager, Assistant General Manager or General Manager Designee shall review the request to determine if there is a basis for eligibility for some portion of the requested adjustment based on the unique circumstances not addressed by this policy.

When the General Manager, Assistant General Manager, or appointed designee reasonably determines that the customer requesting an adjustment of a water or wastewater bill for a leak had actual knowledge of a leak, or with due diligence would have suspected or known of a leak, and did not take reasonable and timely steps to investigate, locate, and repair the leak, the General Manager, Assistant General Manager, or appointed designee shall advise the customer that a leak adjustment is not available under this policy.

The Board of Commissioners hereby authorizes the General Manager, or District personnel designated in writing by the General Manager, or the Assistant General Manager to approve or disapprove billing adjustment requests in accordance with the provisions of this policy.

Billing adjustment requests in excess of fifteen hundred dollars (\$1,500.00) shall be reported by the General Manager, the Assistant General Manager, or appointed designee to the Board of Commissioners in the monthly meeting.

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The General Manager, Assistant General Manager or his designee shall keep a written record of the customer billing adjustment request and the action taken by the District. All records of billing adjustments shall be kept for a minimum of five (5) years.

**REVIEW BY THE BOARD OF COMMISSIONERS**

If the action taken is unacceptable to the customer, the customer may request to have the billing adjustment heard and acted upon by the Board of Commissioners. If so requested by the customer, the billing adjustment shall be scheduled for consideration at the Board of Commissioner's next regularly scheduled meeting and the customer shall be informed of the time and place of the meeting.

When a customer appears at a Board of Commissioners meeting regarding a billing adjustment request without previously submitting the facts regarding the request to the General Manager or office staff, the Board of Commissioners may delay hearing or ruling on the request until the next regular meeting of the Board of Commissioners to allow the General Manager, office staff, attorney or others to locate and prepare materials concerning the request for adjustment.

**REVIEW BY THE UTILITY MANAGEMENT REVIEW BOARD**

If, in the opinion of the customer, a decision by the Board of Commissioners on the customer's billing adjustment request is not in keeping with the provisions of this policy, the customer has thirty (30) days from the date of the Board of Commissioners' meeting where the request was ruled upon in which to file a written complaint with the Utility Management Review Board (UMRB). The UMRB is a statewide board set up, in part, to hear customer complaints. The UMRB may refuse to hear any complaint that has not first been presented to the Board of Commissioners.

Information about UMRB hearings or procedures may be obtained by telephone: (615) 747-5260.

Written complaints may be mailed to the UMRB at the following address:

Utility Management Review Board  
505 Deaderick Street  
James K. Polk Building, Suite 1700  
Nashville, TN 37243-1402

**NOTICE TO ALL CUSTOMERS**

All notices, statements, requests and other communications from the District to the customer shall be deemed sufficient and properly given if in writing and delivered personally or attached in plain view on the front or main door of the customer's dwelling, or if sent by U.S. mail. Customer's refusal to accept any notice or communication shall be deemed receipt.