

EAST LYME WATER DEPARTMENT

BILL DISPUTE RESOLUTION POLICY

- 1) East Lyme water customers shall be charged for all water passing through and recorded by the water meter on their property, whether used or wasted as a result of leaks, accident, or neglect, in conformity with the current schedule of water rates. No adjustment of a property owner's water bill shall be permitted, except as hereinafter provided.

- 2) If an East Lyme water customer receives a water bill that they believe is excessively high, they should first contact the Department at 860-691-4104. The first order of business will be to try to ascertain the reason for the high bill. Some of the next steps will be as follows;
 - A. The Department's customer service specialist will look up water usage history to see how the disputed water usage is compared to past water cycles.
 - B. If the customer knows of an obvious issue that has occurred, (i.e. a major leak, a broken pipe, etc) they can skip to Item #3 in this policy.
 - C. If the customer does not know the reason for the high bill, some steps the Department will take in order to determine what the problem may be are as follows;
 - (1) Water usage can increase significantly because of a leaking flapper in a toilet within the building in question. Because of this, staff will ask that the customer check all of the toilets in the building. The best way to do this is for the customer to place drops of food coloring into the tank of the toilet. If the colored water from the tank leaks into the toilet bowl, then the toilet is leaking and the customer needs to properly seal and/or replace the flapper in your toilet tank. Leaking toilet flappers can have a big impact on water usage over a 6 month period. If this is the reason for the high water usage, then skip to Item #2.7 in this policy.
 - (2) Another reason for a high bill could be the result of a misread meter. We may ask the customer to take a picture of the reading on their water meter and email it to the Department. We can then check the reading that was sent in and compare it to our reading to determine if there was a misread. The water meter is usually in a utility closet or in the basement of the building. If you can't find the meter, call the Department and we will try to schedule an appointment to re-read the meter ourselves.
 - (3) If #1 or #2 does not explain the reason for the high bill, then the Department will try to send one of its field technicians to the property to investigate the issue. Once the technician has visited the site, the Department will call you back in a reasonable time period to let you know the findings.
 - (4) If the property owner thinks that there may be an issue with the accuracy of the meter, meters may be tested at the request of the property owner. A charge for the test will be incurred by the property owner if the meter is found to be within 2% of being fast. The

meter test charge will be in accordance with the Commission's schedule of rates and charges for 3/4" (inch) meters and at actual prevailing costs for larger meters. If the meter error is greater than 2% of being too fast, then the water use bill will be adjusted based on average daily consumption. Please be aware that meters over time tend to slow down and not speed up so we very rarely find meters that are reading too fast.

- (5) Water use will not be considered excessive when it is based upon a faulty meter, a faulty outside recording device, or an improperly read meter or recording device. In such instances, the actual amount of water used shall be determined by a properly functioning and properly read meter. Once this is determined, then we will proceed forward with recalculating the water usage based on the correct reading and resend a new bill to the customer.
 - (6) If the water department technician determines that there is a faulty water meter, then they will either replace the meter at that time or schedule to replace it at a future date.
 - (7) If it is determined that there was a leak, the customer is responsible to fix the leak in a timely fashion. They may apply for a 1-in-10 Water Leak Adjustment pursuant to Item #3 of this policy.
 - (8) If the Department determines that there is no leak and there appears to be nothing wrong with the meter, then the customer is responsible for the full amount of the bill.
- 3) Once the investigation steps in Item #2 have determined what the issue may be and the leak has been addressed (Item 2.C.7), then an East Lyme water customer may submit a 1-in-10 Water Leak Adjustment application with the Department. The 1-in-10 means that they may apply once every 10 years to request an adjustment to their water bill so long as it meets the following criteria;
- A. The property owner has not received a previous adjustment for their water and/or sewer bill in the last ten years.
 - B. The water usage that is being contested must exceed the average usage over the two preceding comparable billing periods by at least 33% (thirty three percent), resulting in a potential water and sewer bill adjustment of at least \$75 for a single family residence, \$250 for a multi family residence and \$500 for a non-residential property. The Water Department shall not consider requests for adjustments for percentages or amounts less than the foregoing. The reason for the 33% threshold is because the intention of this policy is to assist water customers with extremely large water bills that could create a financial hardship for them to pay since the Department did provide the water. The intention is not to adjust bills just because a customer has a water and/or sewer bill that is higher than their liking.
 - C. The 1-in-10 Water Leak Adjustment applicant has to be the owner of the property who has read this document and will comply with the provisions of the policy.
 - D. 1-in-10 Water Leak Adjustment applicants need to provide written proof with the application that the excessive use or waste of water has been identified and has been corrected so as to prevent subsequent high use or waste of water. If a plumber and/or contractor is used to fix the problem, we will need a copy of their invoice. If the problem was fixed by the customer, we will need a written letter signed by the customer of what they did to fix the problem. Without this documentation, the Department and/or the

Commission will be forced to deny the application.

- E. A claim of excessive water use may not be based upon the change in use of the property, a change in the number of occupants of the property, or the use of an unapproved service line from a meter pit or curb stop to the house.
 - F. The application needs to be submitted to the Water Department within 60 days of the date of the bill in question.
- 4) The 1-in-10 Water Leak Adjustment application(s) can be found on the Town's website under the Water Department section or at our office in the lower floor of the Town Hall at 108 Pennsylvania Ave. There are separate applications for Residential (up to 3 Units per Meter) and Residential (over 3 Units per meter)/Mixed Use/Non-Residential applicants as the decision process is different.
- 5) Once the application has been submitted to the Water Department, staff will review the application.
- A. If the application is for a residential property with up to 3 units per meter, then staff can either approve or deny the application. The decision process should typically take between 30-45 days from the date the application is submitted. From the time the application is submitted to the time a decision is made, the customer will not be charged interest nor be considered delinquent for the disputed amount in question.
 - B. If the application is for a residential property with over 3 units per meter, a mix use property or a non-residential property, then the application will need to go to the Water & Sewer Commission for their approval. The applicant will be informed of the date of the Water & Sewer meeting that their application will be heard and needs to come to the meeting to explain their reasoning for deserving a bill reduction. In these cases, the decision of the Water & Sewer Commission will be final.
- 6) If the decision is to approve a residential up to 3 units per meter 1-in-10 request, then part of the approval will be for Department staff to calculate a recommended adjustment to the bill as follows;
- A. The water bill adjustment for excessive use shall be calculated by taking the average amount of water used during the preceding two comparable billing periods and subtracted it from the amount of water used during the excessive billing period. One half of the resulting figure shall be the "excessive water" used. The adjustment for the excessive water shall be computed in accordance with the water rates charged during the period of the excessive use. We do not adjust the bill down to the historical usage because the Department still had to pump, treat and distribute the water to the property so we did incur cost that we need to recoup.
 - B. If the property is connected to Town sewer and the excessive water usage went into the sewer, there will be no adjustment to the sewer portion of the bill as the Department had to pay to treat the wastewater.
 - C. If the property is connected to Town sewer and the applicant can prove that the excessive usage did not go into the sewer (i.e. a break in the service line, a leak at a broken meter, etc.), then the sewer portion of the bill attributed to excessive usage may be adjusted downward.

- D. If the water bill is adjusted for excessive water use, during the interim between the most recent regularly scheduled meter reading and the next occurring regularly scheduled meter reading, and if said meter readings reveal that excessive use occurred during said interim period but has been corrected in a timely manner, then the Department may in its discretion make a pro-rata bill adjustment for said interim billing period.
 - E. Once the disputed bill has been adjusted, it will be due in full within 30 days of the application approval or will become delinquent and incur interest. Staff will prepare and submit to the Water & Sewer Commission the recommended adjustment that is to be put on the Commission's consent calendar.
 - F. If the customer has already paid the disputed bill, then the Department reserves the right to either pay the customer cash for the adjustment or to credit their account against future bills.
 - G. If the application is for a residential property (over 3 units per meter), a mixed use property, or a non-residential property, then Department staff will calculate the potential billing adjustment as identified in Items 6a-d; however, the final adjustment, if any, will be determined based on the sole discretion of the Water and Sewer Commission.
- 7) If either the residential property (up to 3 units per meter) or the residential property (over 3 units per meter)/mixed use property/non-residential property customer was not eligible for a 1 in 10 Water leak Adjustment pursuant to Item #2.C.8 of this policy, they still have the right to appeal the decision to the Water and Sewer Commission within 30 days of notification of the decision. If the customer plans to appeal the decision, they will need to appear at a future Water & Sewer Commission meeting to state their case. If the customer does not attend the meeting that their application will be heard and has not made any prior arrangements with the Department about rescheduling their hearing, then their appeal will be denied and they will be responsible for the full amount of the bill. The appeal decision of the Water & Sewer Commission is final.
- 8) Additionally, if the residential property (up to 3 units per meter) 1-in-10 Water leak Adjustment applicant was either denied by a Staff decision and/or does not agree with the adjusted bill, they still have the right to appeal the decision to the Water and Sewer Commission within 30 days of the date of the decision. If the customer plans to appeal the decision, they will need to appear at a future Water & Sewer Commission meeting to state their case as to why they disagree with the decision. If the customer does not attend the meeting that their application will be heard and has not made any prior arrangements with the Department about rescheduling their hearing, then their appeal will be denied and they will be responsible for the full amount of the bill. Since a residential property (over 3 units per meter)/mixed use property/non-residential property 1-in-10 Water leak Adjustment application already has to be decided by the Water and Sewer Commission, there is no further appeal process.
- 9) By applying for a 1 in 10 Water Leak Adjustment application, the applicant agrees to abide by the provisions of this policy.

Adopted: August 24, 1999
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