

**TOWN OF KIMBALL, TENNESSEE  
POLICY REGARDING ADJUSTMENTS OF WASTEWATER  
USAGE CHARGES FOR LEAKS**

ADOPTION DATE: March 6, 2025

EFFECTIVE DATE: March 6, 2025

**BACKGROUND**

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

**LIMITATIONS**

The Town 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.

**PUBLIC NOTICE**

A copy of this policy shall be available at the Kimball Town Hall for customer inspection during regular business hours, or can be found on the Town's website [www.townofkimball.com](http://www.townofkimball.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 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 precondition to the Town's consideration of a request for a leak adjustment and (b) to avoid termination of wastewater service.

**2. Request for an Adjustment**

A written request from the customer for a leak adjustment of a wastewater bill must be submitted for review to the Town 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 consist of the Town's "Wastewater Leak Adjustment Form" and must 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, together with copies of invoices, receipts or other repair-related documentation in support of the customer's adjustment request.

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

The Town shall not consider or approve any adjustment to a 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 wastewater bill for a leak must meet all other requirements of this policy. The Town does not adjust any 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.

**INSIDE LEAK:** If any 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 adjustment calculations made and provided by the South Pittsburg Water Works and Sewers Utility, with whom the Town contracts for collection, treatment, and billing related to the Town's wastewater collection system.

**OUTSIDE LEAK:** For a wastewater bill involving an outside leak that is approved for adjustment as hereinafter set forth, the customer will pay an adjusted bill based on adjustment calculations made and provided by the South Pittsburg Water Works and Sewers Utility, with whom the Town contracts for collection, treatment, and billing related to the Town's wastewater collection system, calculated the same as described above for an inside leak.

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

Customers shall continue to pay all bills in a timely manner. If a leak adjustment is approved by the Town as hereinafter set forth, a credit shall be issued and applied toward future bills until the amount of the adjustment is fully exhausted. Failure to pay bills when due will result in service disconnection and disqualification of the leak adjustment.

### **5. Review and Reporting by Town Recorder and Staff**

All requests for adjustments that qualify under the policy will be processed by the Town's Recorder or appointed designee. Should an adjustment request not qualify under the policy, the Town Recorder or 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 Town Recorder or Designee reasonably determines that the customer requesting an adjustment of a 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 Town Recorder or Designee shall advise the customer that a leak adjustment is not available under this policy.

The Board of Mayor and Aldermen hereby authorizes the Mayor to approve or disapprove minor billing adjustment requests up to the sum of One Thousand Dollars (\$1,000.00) in accordance with the provisions of this policy. Billing adjustment requests in excess of One Thousand Dollars (\$1,000.00) must be approved by a majority vote of the Town's Board of Mayor and Aldermen in a public meeting.

All billing adjustment requests shall be reported by the Town Recorder to the Board of Mayor and Aldermen in the monthly meeting.

The Town Recorder shall keep a written record of the customer billing adjustment requests and the action taken by the Town. All records of billing adjustments shall be kept for a minimum of five (5) years.

### **REVIEW BY THE BOARD OF MAYOR AND ALDERMEN**

If any action taken hereunder by the Mayor or Town Recorder is unacceptable to the customer, the customer may request to have the billing adjustment request heard and acted upon by the Board of Mayor and Aldermen. If so requested by the customer, the billing adjustment shall be scheduled for consideration at the Board'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 meeting regarding a billing adjustment request without previously submitting the facts regarding the request to the Town Recorder or office staff, the Board may delay hearing or ruling on the request until the next regular meeting of the Board to allow the Town Recorder, 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 Mayor and Aldermen 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 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 Mayor and Aldermen.

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 and other communications from the Town 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 place of business, or if sent by U.S. mail. Customers' refusal to accept any notice or communication shall be deemed receipt.