

Town of Howland

Sewer User Abatement Policies

Abatements of sewer use charges may be granted provided the water loss is not to the Town's Sanitary Sewer System.

In general, for an abatement to be considered the customer must file an Abatement Request within 90 days of the usage bill date, the account must otherwise be in good standing with no late payments due, and the abatement must fit into one of the three general categories in the policy.

No application for abatement or adjustment will be accepted on any account unless all amounts due on that account, including interest and penalties, for all billing periods prior to the contested period covered by the abatement or adjustment application have been paid in full.

The three categories listed below allow a user to request abatements.

1. Unanticipated water loss
2. Manufactured product use
3. Billing error

1. Unanticipated Water Loss

Abatements of sewer use charges may be granted by the Board of Selectmen upon application of a ratepayer where the ratepayer can demonstrate that a loss of water occurred due to no fault of the ratepayer, his or her agents or employees. Ratepayers are responsible for exercising due care in the maintenance of their water and sewer systems to prevent water losses. For purposes of Abatement, "due care" shall be defined as the normal and reasonable steps which would be taken by a prudent individual in operating and maintaining his or her water and sewer systems. To be considered, a request for abatement must be made within 90 days of the billing date of the bill in question.

Valid reasons for a request for abatement include, but are not necessarily limited to, unanticipated water pipe breakage, plumbing fixture malfunction, heating system malfunction and vandalism. Upon notice or knowledge of such circumstances, the ratepayer is responsible for taking appropriate and timely action to remedy the problem. The Waste Water Manager shall be responsible for researching the basis for the requested Abatement. He or she shall make a record of the results of the investigation, which shall include an estimate of the amount of water lost. The estimate of water lost shall be based on a minimum of the previous four quarters of water consumption, if available, and consideration of seasonal water use patterns. This estimate of water loss shall be used to calculate the amount of the abatement should one be granted.

When an abatement is granted, the amount of the abatement shall be calculated based on the total sewer use charge for the estimated amount of water lost at the rate of Operating and Maintenance charges in effect at the time of the loss.

Example: The water rates for the previous four quarters prior to the issue were 17, 14, 16 & 18. The average of these four quarters equals 16 (total of 65 divided by 4). The average (quarter the issue occurred) was 35. The abatement would be based on $35 - 16 = 19$. The user would be abated for 19 units if approved.

The Board reserves the right to take into consideration the promptness of the repair to the system for abatement being made by the ratepayer. The Board may, at their discretion, adjust the amount or deny the abatement based on the amount of time it appeared to correct the issue.

2. Manufactured Product Use

Any ratepayer which uses water in its end manufactured product which is shipped from the ratepayer's facility or in the process of manufacturing a product or providing a service and where such water does not enter into the sewer system, either in whole or in any part, may apply for an abatement of the sewer user fee equal to that portion of the water which does not reach the City's sewer system.

The applicant shall bear the burden of providing the necessary proof and documentation as to the amount of water used which does not enter into the sewer system. Adequate documentation must accompany the request for abatement and must clearly demonstrate the quantity of water used, which does not enter into the sewer system. All such requests for abatement shall be made to the Waste Water Manager, who shall be responsible for researching the basis for the abatement as well as the adequacy of the information provided.

The Waste Water Manager shall provide this information to the Board of Selectmen with his or her recommendation as to whether the abatement should or should not be granted. The Board shall make the final determination as to whether the abatement shall or shall not be granted.

All such abatements shall be limited to a period of no more than three years. At the end of this period, the ratepayer may apply for a new abatement. The Town reserves the right to periodically inspect the ratepayer's premises and records to ensure that the ratepayer is in compliance with the abatement. Should it be determined that the information provided by the ratepayer is invalid, that changes have occurred in the ratepayer's processes which have the effect of increasing the amount of water reaching the sewer system than reported by the ratepayer, the Waste Water Manager may revoke the abatement, and the ratepayer shall be subject to a revised user charge equal to the full value of the abatement for the prior year.

3. Billing Error

Sewer users who believe an error was made in billing should contact the Town Office. The Sewer Billing Clerk will be responsible for researching the request and abating or correcting any billing found to be in error.

Outside Water Usage

Abatements shall not be granted for water used for watering lawns or gardens, filling pools or other outside water uses.

General Information

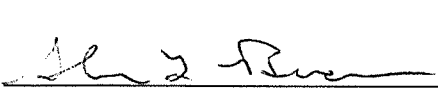
When an abatement is granted, the Sewer Billing Clerk shall be responsible for taking the necessary steps to correct the appropriated billing records to reflect the abatement or to process a credit where the sewer use charge in question has been paid.

Any ratepayer who disagrees with the decision of the Board of Selectmen to deny an abatement or with the amount of an abatement calculated by the Board may, within 30 days of the date the ratepayer is notified of the Board's decision, appeal the decision to the Board of Appeals. Appropriate town staff shall notify the ratepayer of the date, time and location of the meeting at which the appeal will be considered. In order for the appeal to be considered, the ratepayer and/or his or her representative must be present at the meeting. At the request of the ratepayer, consideration of the appeal may be postponed to a future meeting to be held within 60 days of the date established for the original meeting. Failure of the ratepayer to appear before the committee at the originally scheduled meeting or at a subsequent meeting called at the ratepayer's request shall result in the denial of the appeal. The decision of the Board of Appeals shall be final.

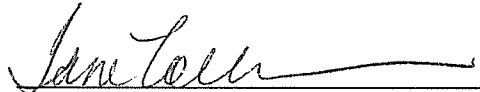
Applications for abatement can be obtained at the Town Office during regular business hours.

This Policy replaces the Water Loss Abatement Policy for Sewer Charges that was adopted on January 3, 2014.

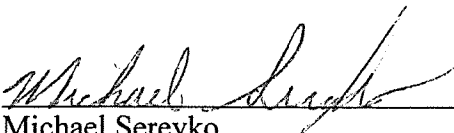
Approved and Adopted this 19th day of February, 2019.



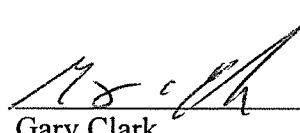
Glenn Brawn, Chairman




Tami Colbath, Co-Chair



Michael Sereyko



Gary Clark



Dwight Dawson

Howland Board of Selectmen