

## INCIDENTS AND LIABILITY

### Section 1. PURPOSE

The purpose of this document is to state the policy of the Bedford Regional Water Authority (“Authority”) with regard to incidents that impact private property. Incidents may include, but are not limited to, damages to property caused by sewer backups, sewer overflows, and water from ruptured waterlines.

### Section 2. POLICY

After being informed of an incident, the Authority will endeavor to take the following actions:

- A. The Authority will investigate the incident to try to determine the cause of the incident.
  1. The Authority will need access to the location where the damage occurred.
  2. The Authority will investigate the causes of the backup, including the history of any prior problems of that section of the line where the backup took place.
  3. The Authority will seek permission to enter the premises and photograph the damages; a form titled “Permission to enter premises and non-waiver of Defenses” must be signed prior to Authority staff entering the property.
  4. Photographs will be taken and a report will be prepared by the Authority of the findings.
  5. The Authority will inform the homeowner that they shall hire a plumber and/or cleanup service, as necessary; the Authority will not provide any plumbing or cleanup services, nor will they hire contractors to perform these services.
- B. If the damage was caused due to problems that occur in private facilities (customer service lines, customer laterals, etc.), the Authority will report to the property owner that it will be the property owner’s responsibility to correct the problems and repair any damages.
- C. If the damage was caused due to problems related to the systems under the control of the Authority, the Authority will report the incident to its liability insurance carrier. The insurance company will conduct an investigation and will make the decision regarding liability for the backup, which will either be:
  1. payment under the Authority’s liability coverage when the incident appears to be related to a maintenance issue that was the Authority’s responsibility; or,
  2. denial of payment when the incident does not appear to be related to a maintenance issue that was the Authority’s responsibility, especially when the incident appears to be caused or exacerbated by storm water.

### Section 3. REVISIONS

- A. This policy was approved and adopted by the Authority’s Board of Directors on March 18, 2014, effective March 19, 2014.
- B. This policy was modified as follows:
  1. Approved July 15, 2014, effective July 16, 2014:
    - a. Section 2.A was modified to provide clarification.
    - b. Section 2.C.1 was modified to clarify the type of insurance coverage