

Clay Battelle Public Service District (CBPSD)

Water Theft & Tampering Policy

LAW

Both Federal and State law prohibit tampering with public water systems. These laws define tampering as crime which is punishable by imprisonment, fines, or both, in the discretion of the court.

The Federal Code- “Public Health, Security, and Bio-Terrorism Preparedness and Response Act of 2002” amended the “safe Drinking Water Act” (42 USC 300 i-l) by increasing the penalties for tampering, attempted tampering, or even threats to tamper with a public water supply. Penalties can range up to 20 years and to \$1,000,000 damages.

The WV State Code was updated in June 2016 §61-3-29 Crimes Against Property:

States that (also applies to railroads, electricity, natural gas, coal, wastewater, stormwater, telecommunications, cable service). Adapted here for water

(a) any person who knowingly and willfully damages or destroys any commercial or industrial real or personal property owned by a public utility company or any real or personal property used for producing, transmitting, generating, distributing, treating, storing or collecting water is guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$2,000 or confined in jail for not more than one year or both fined and confined.

(b) any person who knowingly and willfully damages or destroys any commercial or industrial real or personal property owned by a public utility company or any real or personal property used for producing, transmitting, generating, distributing, treating, storing or collecting water and thereby creates a substantial risk of serious bodily injury to another or results in the interruption of service to the public is guilty of a felony and upon conviction thereof, shall be fined not more than \$5,000 or imprisoned in a state correctional facility not less than one nor more than three years, or both fined and imprisoned.

(c) any person who knowingly and willfully damages or destroys any commercial or industrial real or personal property owned by a public utility company or any real or personal property used for producing, transmitting, generating, distributing, treating, storing or collecting water and thereby creates a substantial risk of serious bodily injury to another is guilty of a felony and upon conviction thereof, shall be fined not less than \$5,000 nor more than \$50,000, or imprisoned in a state correctional facility not less than one nor more than five years or both fined and imprisoned

(d) any person who knowingly and willfully damages or destroys any commercial or industrial real or personal property owned by a public utility company, or any real or personal property used for producing, generating, transmitting, distributing, treating, storing or collecting water and thereby hinders, impairs or disrupts, directly or indirectly, the normal operation of any equipment, device, system or service put in place, in whole or in part, to protect, promote or facilitate the health or safety of any personal is guilty of a felony and upon conviction thereof, shall be fined not less than \$5,000 nor more than \$10,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(e) For purposes of the restitution under article eleven-a of this article, a public utility, or owner of a property that is damaged or disrupted may be deemed a victim and entitled to restitution, should the court so order, from any person convicted of an offense under this section.

(f) nothing in this section limits or restricts the ability of an entity referred to in subsection (a), (b), (c), (d) of this section or a property owner or other person who has been damaged or injured as a result of a violation of this section from seeking recovery for damages arising from violation of this section.

CBPSD Policy

It is the policy of Clay Battelle Public Service District to aggressively deter any person or entity from the theft of water, damage or tampering (including removing or altering meter locks) of water or other services. CBPSD intends to deter water thefts to minimize inequities to its rate payers, to prevent backflow resulting from hydrant theft and to do its part to address Homeland Security concerns. Through cooperation among CBPSD employees, customers, the community, regulators, first responders, law enforcement, prosecutors and others, the prevention of water theft can be reduced.

Measures to deter water theft or tampering will include the discontinuation of existing service, removal of existing service connections, promptly contacting law enforcement, demanding full payment of a new service charge for reinstatement of service, recording of property liens for unpaid bills and/or fines and any other action allowed by law.

CBPSD reminds customer that unauthorized water used includes the following and is considered a violation of the law referenced on page 1 of this policy:

- Opening valves at the meter that have been off or locked by CBPSD personnel
- Bypassing, removing, disabling or trying to adjust water meters
- Breaking, picking or damaging shut-off locks
- Connecting to or intentionally damaging water lines, valves or other equipment to receive water service that is not measured through a meter and/or is not being billed
- Using unmetered fire hydrants for construction, swimming pools filling, tanker truck filling, culvert cleaning or ANY other purpose apart from CBPSD employees for maintenance purposes and fire department personnel for firefighting only.

If you are aware of any of these activities in your neighborhood, please report them to us at 304-292-4003 (you can remain anonymous). If any of these situations pre-existed at your property and you were unaware that it was considered theft of service, please contact us so that we can help guide you through correcting the matter. CBPSD reminds customers that it follows West Virginia Public Service Commission regulations for water utilities on performing water shutoffs and locking service where theft is suspected.

The safety of Clay Battelle PSD employees is of the utmost importance and aggressive, intimidating, or threatening behavior toward them as they are carrying out their duties will not be tolerated. They are authorized to immediately contact law enforcement.

When theft and tampering occur, all customers must pay the costs associated with lost water and replacing broken or stolen equipment. We will pursue charges against perpetrators to the fullest extent of the law.

Adopted at board meeting on April 24, 2019

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