



April 2009
DOH 331-432

Fact Sheet

Municipal Water Suppliers

Service areas in planning documents

The 2003 Municipal Water Law allows municipal water suppliers to expand their water right place-of-use to a service area identified in an approved water system plan or small water system management program. Municipal water suppliers should understand the new service area requirements and service area definitions when they develop their planning document.

Service Area Definitions and Requirements

1. **Existing Service Area** is the specific area where the water system already provides direct service, remote service, or where service connections are currently available.

Municipal water suppliers must identify their existing service area on a map in all planning documents.

2. **Retail Service Area** is the specific area where a municipal water supplier has a duty to serve new service connections under certain conditions.*

Municipal water suppliers must identify their retail service area on a map in all planning documents. The retail service area must include where the supplier currently provides service and may include areas where new service is planned.

3. **Future Service Area** is the specific area where a municipal water supplier plans to serve.

Municipal water suppliers must identify their future service area on a map in all planning documents. The future service area may or may not be the same as the retail service area. Systems planning under the *Public Water System Coordination Act* (*Coordination Act*) determine the future service area by written agreement. Those systems not planning under the *Coordination Act* must identify their future service area; however, they do not receive the exclusive right to serve the area.

4. **Service Area** is the largest area identified on a map where a municipal water supplier currently provides direct service and remote service, and the area it plans to serve. The service area may include the existing service area, retail service area, and the future service area. It also identifies where it provides wholesale water supply to other public water systems through an intertie.

This area may represent a water right's expanded place of use if it meets the requirements of WAC 246-290-107.

*See the fact sheet, *Municipal Water Law - Duty to Provide Service Requirement* (331-366), online at <https://fortress.wa.gov/doh/eh/dw/publications/publications.cfm?action=home>



HELPING TO ENSURE SAFE AND RELIABLE DRINKING WATER

Retail Service Area: duty to serve conditions

A municipal water supplier has a duty to serve an applicant for new service within its retail service area if **all** of the following conditions are met. These conditions apply only to the retail service area:

1. The water system has sufficient capacity to serve water in a safe and reliable manner.
2. The service request is consistent with adopted local plans and development regulations.
3. The water system has sufficient water rights to provide service.
4. The water system can provide service in a timely and reasonable manner.

The Department of Health oversees physical capacity determinations and ensures consistency with adopted local plans and development regulations (conditions 1 and 2). We will consider these factors during water system plan review.

The Department of Ecology oversees water right determinations (condition 3). All water system plans must contain a water right self-assessment. We will forward a copy of the water system plan to Department of Ecology for review. We will incorporate water rights into capacity determinations.

Whether the water system can provide new service in a timely and reasonable manner (condition 4) is specific to each water system and service application, and is a civil matter between the parties. We will ensure that water system plans include service area policies and conditions of service that articulate how the system will provide new service.

Retail Service Area Boundary: factors to consider

Because of the duty to serve obligation (WAC 246-290-106), a municipal water supplier should carefully consider the following prior to delineating its retail service area:

- The size, location, and physical features of its existing and future service areas and those of adjacent utilities.
- Population projections and land use designations.
- Whether the municipal water supplier will provide only direct service or if it will also provide remote service (form a satellite system) to meet a duty-to-serve obligation. Service area policies must demonstrate how the system will provide service to the retail service area.
- System capacity and the number of connections the Department of Health approved.
- Resources available to construct facilities needed to meet growth demands.
- Commitments, pending requests, and potential requests for water service.
- Water right limitations.
- Utility service extension ordinances for cities and towns.

For more information

Please call the Department of Health Office of Drinking Water regional office:

Eastern Region: Spokane Valley (509) 329-2100

Northwest Region: Kent (253) 395-6750

Southwest Region: Tumwater (360) 236-3030