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Revised

# Fact Sheet

## Municipal Water Law

# Duty to provide service requirement

Municipal water suppliers have a duty to provide service to all new connections within their retail service area when the circumstances meet four threshold factors:\*

1. The municipal water supplier 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 municipal water supplier has sufficient **water rights** to provide service.
4. The municipal water supplier can provide service in a **timely and reasonable** manner.

\* RCW 43.20.260 *Review of water system plan, requirements – Municipal water suppliers, retail service*

### Retail service area

A municipal water supplier determines its retail service area and identifies the area in its Water System Plan. The retail service area must include all areas where the municipal water supplier currently provides service, and may include areas where new service is proposed. A municipal water supplier may extend water service outside the retail service area to provide temporary service for a neighboring water system, if there is a written agreement in place.

### Threshold factors

A municipal water supplier must describe in its Water System Plan how it intends to meet the four threshold factors within its retail service area. A municipal water supplier must provide service for all requests within its retail service area, unless it describes how a situation does not meet one or more of the four threshold factors.

### Water System Plans must address the four threshold factors as follows:

1. **Capacity:** Municipal water suppliers must include a capacity determination in their Water System Plan. Capacity determinations incorporate a water system’s physical capacity (source and storage) and water right limitations.
2. **Consistency:** Consistency applies to locally adopted comprehensive plans, land use plans, development regulations, and utility service extension ordinances. Consistency determinations must evaluate land use, 6-year growth projections, service extension



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ordinances, new water service provisions, and other elements we determine are related to water supply planning.<sup>1</sup> Municipal water suppliers must ask their local government(s) to determine consistency. If a local government does not complete the determination, the municipal water supplier must document its efforts to obtain local review and then determine consistency itself.

3. **Water Rights:** Department of Ecology is responsible for water right sufficiency determinations. Municipal water suppliers must include a water right self-assessment in their Water System Plan or Small Water System Management Program. We will forward a copy of the planning document and water right self-assessment to the Department of Ecology for review. We will incorporate water right limitations into service capacity approvals.
4. **Timely and Reasonable:** Municipal water suppliers must include their service policies in their Water System Plan. They must describe how they will provide new service. For more information on the timely and reasonable concept under the Municipal Water Law, see our fact sheet Timely and Reasonable Water Service (331-444).

### **For more information:**

If you have technical questions or concerns, contact:

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Additional fact sheets on Municipal Water Law are online at

[http://www.doh.wa.gov/ehp/dw/municipal\\_water/plan\\_eng.htm](http://www.doh.wa.gov/ehp/dw/municipal_water/plan_eng.htm)

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<sup>1</sup> See Department of Health Office of Drinking Water Policy B.07, Local Government Consistency – Other Relevant Elements, online at: <http://www.doh.wa.gov/ehp/dw/Policies/P-B07.pdf>