



Fact Sheet

Municipal Water Law

Duty to Provide Service Requirement

July 2009

DOH 331-366
(Revised)

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

The municipal water supplier determines the retail service area and identifies it 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. The 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 the retail service area. A municipal water supplier must provide service for all requests within the 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, six-year growth projections, service extension ordinances, new water service provisions, and other elements Department of Health (DOH) determines related to water supply planning. Municipal water suppliers must ask local governments to determine consistency. If the local government does not complete the determination, the municipal water supplier must document efforts to be consistent and determine consistency. DOH will make the final consistency determination.



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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 Plans. DOH will forward a copy of the Water System Plan and water right self-assessment to Ecology for review. We will incorporate water rights into capacity determinations.
4. **Timely and Reasonable:** Municipal water suppliers must include their service policies in their Water System Plan. They also must describe how they will provide new service. DOH will provide guidance about the timely and reasonable concept under the Municipal Water Law.

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

