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Timely and Reasonable Water Service

Potential customers often ask water systems to extend service to new areas. These systems must consider many factors when they develop policies to govern how they will handle new requests.

Requests for new service can range from a landowner wanting to build a new home to a developer wanting to build a new subdivision. One factor that many systems must consider is how to provide new service in a timely and reasonable manner.

Two Washington State laws that govern new water service include the concept of “timely and reasonable.” Created 26 years apart, the laws have different focuses, and they don’t share a consistent use of the term. This document reviews and compares the two laws:

- 1977 Public Water System Coordination Act
- 2003 Municipal Water Law



Public Water System Coordination Act

Local governments administer the Coordination Act through permitting processes and Coordinated Water System Plans (CWSPs) under RCW 70.116.

CWSPs provide a local foundation to define timely and reasonable service and to administer the provision of timely and reasonable service within a critical water supply service area (CWSSA). The Coordination Act applies only to areas where a local government has declared a CWSSA. A map of CWSSAs is at [Coordinated Water System Plans of Washington State](#).

Water systems in a CWSSA identify their future service area in the local CWSP. Applicants for new service within an existing water system’s future service area must request service from that system. The system has the “right of first refusal” to provide the service. If the existing system cannot provide the new service in a timely and reasonable manner, the applicant may:

- Seek service from another water system.
- Develop a new public water system if an existing system isn’t willing or able to provide the service. Local governments are responsible for ensuring an adequate potable water supply before issuing a building permit. Before developing a new water system using a permit-exempt well, applicants must check with local authorities on their criteria for establishing an adequate potable water supply. A determination of adequacy may include demonstrating that the water is potable and is both physically and legally available.



HELPING TO ENSURE SAFE AND RELIABLE DRINKING WATER

We don't determine whether new service is timely and reasonable. To resolve disputes, each CWSP contains an appeal process known as Utility Review Service Procedures.

Timely Service:

The Coordination Act defines “timely” as 120 days. It doesn't specify when the 120-day period begins and ends. Individual CWSPs can specify actions for completion in this timeframe. If they don't, water systems should incorporate the 120-day timeframe into their procedures and include them in their service area policies and conditions of service.

We suggest beginning the 120-day “timely” clock on the date the applicant and water system complete a formal agreement (unless otherwise specified).

Reasonable Service:

Although the Coordination Act doesn't define “reasonable,” we suggest new water service is reasonable if conditions of service and associated costs are:

- Consistent with local land-use plans and development regulations.
- Consistent with those documented in the system's approved water system plan.
- Consistent with the system's acknowledged standard practice experienced by other applicants requesting similar water services.

Municipal Water Law

We administer the section of the Municipal Water Law that uses the term “timely and reasonable” under RCW 43.20.260. The law says municipal water suppliers have a “duty to serve” all new service connections within their **retail service area** if four conditions are met.

One of the four conditions is the ability to provide service in a timely and reasonable manner. However, the law doesn't define what constitutes timely and reasonable service. For more information a water system's duty to serve, see [PUB 331-366 Duty to Provide Service Requirement](#).

We don't determine whether new service is timely and reasonable. Municipal water suppliers must identify a retail service area in their water system plan and discuss in their service area policies how they will provide new service in that area.

Timely and Reasonable Service:

We didn't define the term “timely and reasonable” because each water system and each service application is unique.

Applicants for new service should look to the approved water system plan to understand what is required to connect and how long it may take to obtain service. Municipal suppliers should include in their service area policies on how they respond to requests for new service, including a timeframe, how they evaluate existing system capacity, and who pays for necessary facility upgrades. For more information, see [PUB 331-438 Service Area Policies](#).

Municipal water suppliers in a CWSSA should be aware of the differences in the two laws, including the benefits gained, obligations created, and remedies for disputes.

Key Differences

Coordination Act	Municipal Water Law
Who provides service	
Each expanding public water system in a CWSSA must identify their future service area in their individual water system plan and through service area agreements.	Municipal water suppliers must identify their retail service area in their individual water system plan.
Applicants for service	
Applicants proposing to develop a new potential public water system (serving two or more connections) must request service from the existing system.	Municipal water suppliers must provide new service to any applicant down to a single connection.
Requirement to provide service	
Applicants in an existing system’s designated service area must request service from the existing system, allowing the existing system the exclusive opportunity to provide the service. This is the “right of first refusal.” An existing system may decline the request if it cannot or will not provide the new service in a timely and reasonable manner (as outlined in the applicable CWSP).	Municipal water suppliers must provide service to all new connections in their retail service area if they meet four conditions. This is the “duty to serve.” Municipal water suppliers (including those within a CWSSA that have the “right of first refusal”) may not decline a request for new service if an applicant meets all “duty to serve” conditions at the time of the request.
Applicable service areas	
The “right of first refusal” provisions apply to the area currently served by a water system and to the future service area for all existing water systems within a CWSSA.	The “duty to serve” provisions apply to the retail service area for all municipal water suppliers. Municipal suppliers may have their retail service area equal their future service area (identified in a CWSP), but this is not required.

Coordination Act	Municipal Water Law
<p style="text-align: center;">Timely and reasonable disputes</p> <p>Applicants usually realize that if they want an amount of water that precludes an exempt well, they must work out the details for new service with the water system existing in the service area for their development location.</p>	
<p>An applicant dissatisfied with an existing system's conditions for new service may initiate a timely and reasonable appeal. Resolution occurs through a specific process outlined in the applicable CWSP. This process can cost the applicant, water system, and local government significant amounts of time and resources. If either party is dissatisfied with the outcome of the appeal process, they may seek resolution through a civil judicial proceeding.</p>	<p>An applicant dissatisfied with the conditions for new service in a municipal water supplier's retail service area may appeal to the water system. If applicants are not successful, they may make their dispute a civil matter.</p>

For more information:

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