

Appendix 6

Criteria for Consideration in Timely and Reasonable Disputes in Future Service Areas

In a public water system's future service area, the following represents a non-exclusive list of criteria that may be considered by Whatcom County Planning and Development Services, the Whatcom County Health Department and the Appeal Resolution Committee (ARC) when responding to the filing of a timely and reasonable service dispute voluntary appeal by an applicant for water service from a Group A Water System as detailed in the Whatcom County Coordinated Water System Plan (CWSP) section 9.2.

A. Status of Water Rights. *What consideration should be given to water rights status?*

Washington State Department of Health (DOH) requires all projects be supported by adequate water rights. It will not be assumed that water rights will eventually be issued. Therefore, waiting for a water right permit to be issued may not be timely or reasonable.

B. Service Area

A utility's service area in its water system plan should be consistent with the CWSP process. The entity requesting service must be located within this service area.

C. A DOH approved Water System Plan (WSP).

A water system that has committed to providing service for new requests in its future service area must have an applicable planning document approved by DOH or a development schedule to prepare a WSP agreed upon with DOH.

D. Current Operating Permit Status of Water System. *How does current DOH operating permit status affect provision of service?*

In accordance with Washington Administrative Code section 246-294-040 (Operating Permit Categories), a system in a "Red" operating permit category is inadequate for existing uses and no additional connections will be allowed. A system in a "Blue" operating permit category is adequate for existing uses, but not adequate for adding new connections. If the system is in the "Yellow" category it is adequate for existing uses and additional connections, up to the approved number, unless otherwise limited by a compliance agreement. A system in the "Green" category is adequate for existing uses and additional connections up to the approved number of connections unless it is already at capacity.

E. Conditions of Service. *What is reasonable?*

Conditions of service shall be found to be reasonable as defined in CWSP section 9.2.2:

Water service delivery is considered reasonable:

Where service costs and conditions of service are consistent with the utility's acknowledged standard practice experienced by other applicants who have requested similar service.

F. Cost of Water Service.

Cost of water service most commonly relates to main extensions or facility upgrades necessary to support requests for new water service. These costs and/or related policies are typically referenced in a utility's WSP. During utility preparation of water system plans in accordance with WAC 246-290-100(8), DOH provides adequate agency review of these elements prior to approval of the WSP. The policies and guidance relating to obtaining water service, via direct connection, extension or facility upgrade should be contained or referenced within a utility's WSP. The cost of service is different for all utilities and can be included as part of an appeal but should not be the sole issue to initiate an appeal.