This document is intended to assist a party in completing a Notice and Statement of Appeal Form to initiate an appeal review by the King County Utilities Technical Review Committee (UTRC) as part of implementation of Coordinated Water System Plans under the Public Water System Coordination Act of 1977.

The following sections give background on the Coordination Act, describe the appeal process under the act, and provide guidance for completing each item of the Notice and Statement of Appeal Form. The form and other information are available at the UTRC website: <http://kingcounty.gov/depts/dnrp/utilities-technical-review-committee/CWSPs/appeal-process.aspx>.

## Background

Washington state enacted the Public Water System Coordination Act of 1977 (Coordination Act) ([Chapter 70.116 RCW)](http://apps.leg.wa.gov/Rcw/default.aspx?cite=70.116&full=true), in part, to limit the number of new public water systems. In response to this law, King County established four Coordination Water System Plans (CWSPs) in the 1980s to manage future development of public water supply in critical water supply service areas.

The Coordination Act requires that no new public water supply system be established in these critical areas unless it is determined that existing water utilities cannot provide water service in a timely and reasonable manner. A party who believes an offer of water service from a utility, usually documented in a *Certificate* *of Water Availability*, is not timely and/or reasonable can file an appeal with the UTRC. The appeal may include a proposal for alternative means for supplying water to the property.

Issues subject to appeal include, but are not limited to, the following:

* Interpretation and application of water utility service area boundaries;
* Proposed schedule for providing service;
* Conditions of service, excluding published rates and fees;
* Annexation provisions imposed as a condition of service, unless existing authorities of city government under an CWSP are altered through an interlocal agreement between a city and King County or as specifically authorized by Chapter 70.116 RCW; and
* Established minimum design standards.

The CWSP appeal process does not apply to water service from a city within the established city limits (incorporated areas). It does apply, however, for service from a city outside the city corporate limits.

## Appeal Process

Disputes under the Coordination Act should be resolved on the local level, if possible. If the local processes are not successful, then the appeal goes to the UTRC for a timely/reasonable review. If a party does not agree with the UTRC decision, it can be appealed to the King County Hearing Examiner. The steps in the appeal process are as follows:

* The party seeking water service goes through the water utility’s dispute resolution process as outlined in its water system plan.
* If not resolved, the appeal is filed with the UTRC, which gives the local Regional Water Association (RWA) 45 days for fact finding and resolution. (Each CWSP has an RWA to help implement the plan.)
* If the appeal is still not resolved, the RWA makes a recommendation to the UTRC as to whether or not the offer of service, as documented on the Certificate of Water Availability, is timely and/or reasonable and provides the UTRC with all other pertinent information.
* The UTRC gives the appeal parties a schedule for filing information/exhibits and to make their arguments (brief filing). At the close of the filing period, the UTRC will render a written decision on the appeal within 30 days. The UTRC review will include the information and evidence from the briefings and from other sources including the RWA, the completed Notice and Statement of Appeal, the utility that issued the Certificate of Water Availability, and King County’s code and policy framework for water supply.
* The decision of the UTRC is final unless appealed to King County Hearing Examiner.

## Instructions

The Notice and Statement of Appeal *Form* is to be used for all appeals under the Coordination Act. Instructions for completing the form are as follows:

* Provide the appellant’s name and the parcel numbers on the top of each page of the form and any attachments.
* Respond to each item. If the form is incomplete, the UTRC will not be able to fully evaluate the appellant’s position.
* If an item does not pertain to the pending appeal, indicate “not applicable.”
* Attach supporting documentation as indicated at the end of these instructions.

Information from licensed or certified professionals working in the water industry is preferred. If requested cost estimates cannot be provided, industry standard construction, operation, and maintenance costs from organizations such as the American Water Works Association will be used. For example see <http://www.awwa.org/>.

The following instructions correspond to the sections and line numbers on the *Notice and Statement of Appeal Form* found at <http://kingcounty.gov/depts/dnrp/utilities-technical-review-committee/CWSPs/appeal-process.aspx>.

1. **General Information**

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| 1.1 | Name of appellant. This is the person filing the appeal and may be the property owner or owner's agent who is seeking to develop the property. Usually this is the person who sought the *Certificate of Water Availability.* |
| 1.2 | Phone number. The number where appellant may be reached during normal business hours. |
| 1.3 | Email address. The appellant’s email address for electronic correspondence related to the appeal. |
| 1.4 | Mailing address. Where the appellant can receive correspondence related to the appeal through the U.S. Postal Service.  |
| 1.5 | Parcel number for all applicable parcels. The King County–assigned tax parcel number for all parcels proposed for development. To look up parcel numbers, see <http://www.kingcounty.gov/operations/gis/Maps/iMAP.aspx>. |
| 1.6 | Property owner(s). Provide the property owner(s) name if different than the appellant. |
| 1.7 | *Certificate of Water Availability.* The water utility file number and date of the decision for the *Certificate of Water Availability* that is the subject of appeal.  |
| 1.8 | Pending county or city permit applications (if any). The name and file number of pending permit applications with King County or a city that are related to the project for which water is needed.  |
| 1.9 | Interest of appellant. Indicate whether the appellant is the owner or owner’s agent and whether the owner is developing a property for their future home or for other purposes. |

1. **Estimated Water Utility Connection Charges and the Costs for Providing Water to the Property**

Use the Certificate of Water Availability; established utility resolutions and policies; adopted utility water system plan; and/or information from your engineering consultant to estimate the projected costs of obtaining water from the existing utility.

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| 2. 1 | Water utility administration cost. Fee or cost by the water utility that issued the *Certificate of Water Availability* to process the request for water service. |
| 2. 2 | Design and engineering cost. Cost for the utility or for your engineer to design the extension of the existing utility sufficient to serve the proposed development. |
| 2. 3 | Construction cost. Cost for the utility to build or cost for your contractor to build the extension of the existing utility sufficient to serve the proposed service connections. |
| 2. 4 | Inspection cost. Cost for the utility to inspect work done to extend the existing system.  |
| 2. 5 | Meter installation cost. Sum of the costs to install a meter from the existing utility for each of the proposed service connections.  |
| 2. 6 | Service line installation cost. Cost to construct the water distribution system from the meter locations to service connections.  |
| 2. 7 | System development charges. Utility system development charges—called a buy-in charge, facility charge, membership charge, or other name (fee for new users to pay a proportionate share of the existing system).  |
| 2. 8 | Latecomers’ credit. Describe how latecomers’ credit will be returned to you and in what timeframe if you construct an extension of the existing system.  |
| 2. 9 | Other water service related costs. Any other costs to obtain water from the existing utility.  |
| 2. 10 | Frequency of water utility billing. Billing (usually either monthly or bimonthly) if water were obtained from the existing utility.  |
| 2. 11 | Monthly service charges – fixed fees. Average monthly fixed fee for water service (does not depend on the quantity of water used). |
| 2. 12 | Monthly service charges – water quantity based. Average monthly fee for water service assuming 300 gallons per day of water are used.  |

1. **Estimated Costs to Build and Operate a New Public Water System**

Use generally accepted industry costs and/or information from your engineering consultant to estimate your costs to build and operate a new public water system by drilling a new groundwater well.

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| 3.1 | Design and engineering cost. Cost to design or engineer a new public water system that meets state and or local health department standards. See <http://www.doh.wa.gov/portals/1/Documents/pubs/331-123.pdf> and <http://www.kingcounty.gov/healthservices/health/ehs/water.aspx>. |
| 3.2 | Well specifications and construction cost. Well diameter and depth and the cost to construct the well, including mobilization, drilling, and casing installation. |
| 3.3 | Pump depth and horsepower. Depth that water will be pumped from and the horsepower of the pump.  |
| 3.4 | Pump cost. Cost to obtain and install a pump. |
| 3.5 | Pump controller cost. Cost to obtain and install a pump controller. |
| 3.6 | Pressure tank cost. Cost to obtain and install the pressure tank.  |
| 3.7 | Pump house construction cost. Cost to construct the pump house. |
| 3.8 | Electrical service installation cost. Cost to install the electrical service to the pump house and hook up electrical equipment. |
| 3.9 | Distribution system piping installation cost. Cost to install the water distribution system from the well to individual service meters and from the meters to the service premises.  |
| 3.10 | Annual well operation and maintenance cost. Cost to operate the well and maintain it for one year.  |
| 3.11 | Pump replacement cost. Cost to replace one pump, including drop pipe, wire, down hole pump, mobilization, and labor. |
| 3.12 | Electric power cost ($/KWh). Anticipated number of hours the pump will run in a one year and the annual cost of electrical power in dollars per kilowatt hour.  |
| 3.13 | Annual water treatment cost. Cost to maintain acceptable potable water quality for one year, including water treatment and disinfection.  |

1. **Estimated Planning and Compliance Costs of a New Public Water System**

Use generally accepted industry costs and/or information from your engineering consultant to estimate costs to plan and comply with regulations for operating a public water system.

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| 4.1. | Strategy for preparing a water system plan and associated cost. Describe your strategy, including costs, for preparing a water system plan or small water system management plan required for all new public water systems. See <http://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater/WaterSystemDesignandPlanning/PlanningRequirements>.  |
| 4.2 | Annual cost for satellite management agency (SMA) services. If an approved SMA is available, King County Code and state law require that a new public water system contract for SMA services (RCW 70.119A.060). For a list of approved utilities in King County that provide SMA services, see <http://www.doh.wa.gov/Portals/1/Documents/4200/sma_list.pdf>, or contact the Washington State Department of Health at 253-395-6750. |
| 4.3 | Plans for a cross-connection control program and its annual cost. Describe your plans for developing a cross-connection control program that complies with the applicable rules, and the annual cost for the program. Rules can be found at <http://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater/WaterSystemDesignandPlanning/CrossConnectionControlBackflowPrevention>. |
| 4.4 | Annual water quality testing and cost. Indicate who will conduct water sampling and testing, how you will meet the reporting requirement, and how much the sampling and testing will cost each year. (For sampling and reporting requirements, see <http://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater/Contaminants/TestingYourWater>.)  |

1. **Groundwater Management and Fire Protection**

*A new public water system must comply with Washington state and King County rules and regulations for groundwater management and fire protection.*

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| 5.1 | Describe how your proposed water system will comply with state groundwater code and water right issue. See the Washington State Department of Ecology’s website for water rights information at <http://www.ecy.wa.gov/programs/wr/rights/water-right-home.html>.  |
| 5.2 | Indicate whether you have conducted or are planning to conduct a groundwater evaluation to ensure the well will produce adequate water. A well must produce a minimum of 400 gallons per day for each proposed connection. King County Code 21A.28.040 defines adequate water supply (<http://www.kingcounty.gov/council/legislation/kc_code.aspx>). Information on conducting a groundwater evaluation can be found at <http://www.ecy.wa.gov/programs/eap/wsb/wsb_All.html>. |
| 5.3 | Indicate whether you have considered the potential impacts of your proposed withdrawal on neighboring groundwater wells and water bodies within one-fourth mile of the proposed source and how you plan to address impacts, if any (add an attachment, if necessary). For potential existing groundwater withdrawals, see <http://apps.ecy.wa.gov/welllog/>.  |
| 5.2 | Describe the fire protection plan for the proposed development. For fire flow requirements, see King County Code 17.08 at <http://www.kingcounty.gov/council/legislation/kc_code.aspx>. |
| 5.3 | Home sprinkler installation cost, if required. Cost of installing home sprinkler systems for all the proposed service connections. |
| 5.4 | Fire system storage tank/reservoir cost. Cost of installing a fire system storage tank if the tank is required.  |
| 5.5 | Booster pump cost. Cost of a booster pump to move water from the fire system storage tank to the proposed residences.  |
| 5.6 | Additional insurance cost. Annual cost of insurance for a structure that is without access to fire suppression infrastructure as compared to a structure that is close to a fire hydrant.  |

**Attachments**

Attach the following documents and supporting information, as applicable:

* Check for $250 made payable to the King County Department of Finance.
* Copy of the *Certificate of Water Availability* (CWA).
* Copies of correspondence with the water utility that issued the CWA.
* Reasons why you believe the decision stated on the CWA is untimely or unreasonable.
* Description of the relief you are requesting and the outcome you seek from the appeal.
* Construction cost estimates and data.
* Geologist's reports.
* Manufacturers’ literature.
* Engineering reports
* Photographs or other pertinent data.
* Map of your project site to scale (1 inch = 200 feet) that shows the proposed new public water system, distance from the closest water main owned by the water utility that issued the *Certificate of Water Availability*, proposed well site, roads, parcels, neighboring water systems within 1 mile, surface water bodies within one-fourth mile, and groundwater wells within one-fourth mile. A map can be made with King County’s iMap system at <http://www.kingcounty.gov/operations/gis/Maps/iMAP.aspx>.
* Any other information relevant to your position.