

SENATE BILL REPORT

SB 5045

**AS REPORTED BY COMMITTEE ON ENERGY & UTILITIES,
FEBRUARY 8, 1991**

Brief Description: Providing for investigation of consumer complaints regarding drinking water quality.

SPONSORS: Senators Madsen, Barr and Conner.

SENATE COMMITTEE ON ENERGY & UTILITIES

Majority Report: That Substitute Senate Bill No. 5045 be substituted therefor, and the substitute bill do pass.

Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Staff: Dave Monthie (786-7198)

Hearing Dates: January 29, 1991; February 5, 1991; February 7, 1991; February 8, 1991

BACKGROUND:

All water systems, both publicly- and privately-owned, are required to comply with drinking water standards adopted by the State Board of Health. There are different requirements as to frequency and type of testing required for each such system, depending on its size and its water source. For certain types of contaminants tests may be required only once a year. A customer that believes there may be a quality problem with the water provided by his or her system may request the Department of Health (DOH) or local health department to investigate, or may complain to the Utilities and Transportation Commission (UTC) if the system is a privately-owned one that falls within its jurisdiction. Legislation enacted in 1990 requires DOH and each county to adopt procedures for handling complaints from customers regarding water service, but the legislation does not require protection for customers while the investigation is underway. The UTC has adopted a regulation that prohibits a regulated water company from disconnecting service while a customer is pursuing any remedy permitted under the UTC's complaint procedures. The UTC regulation does not prescribe any action to be taken by the UTC if the water quality is found not to meet state standards. Some water system customers have expressed concern over the lack of specific procedures to be followed, and protection from retaliation to be given them, when they have concerns about the quality of their drinking water.

SUMMARY:

The UTC's jurisdiction is expressly extended over any system that may be subject to its audit and accounting supervision on referral by the Department of Health or any city or county because of the system's failure to meet drinking water standards. The UTC is given the authority to order any person or corporation subject to its jurisdiction to produce water quality samples for testing at the system's expense. Any customer of a system that is or may be subject to UTC jurisdiction may file a complaint with the UTC when the customer has reason to believe that the system's water does not meet state drinking water standards. The UTC is required to investigate such complaints, and to request either DOH or the local health department to test the system's water, at the system's expense. During the pendency of the investigation, the water system is prohibited from taking any steps against the customer to terminate service or collect any money allegedly owed, and the UTC is given the authority to enforce this provision. If the water quality is found not to meet state drinking water standards, the UTC is to exercise its authority over the system as provided in Title 80 RCW, and may order a pro rata refund to the customer of any amounts paid for the substandard water.

EFFECT OF PROPOSED SUBSTITUTE:

The procedure for complaining to the UTC regarding water quality is limited to only water systems subject to UTC jurisdictions. Customers may, at their option, have their water tested by a licensed or qualified laboratory, at their expense, and provide the results to the UTC. If the UTC finds that the water does not meet state drinking water standards, the UTC shall order that the customer be reimbursed the costs of testing. The UTC may decide not to investigate a complaint if it determines that it has been filed in bad faith, for the purpose of harassment of a water company, or for other reasons has no substantial merit.

Appropriation: none

Revenue: none

Fiscal Note: requested January 24, 1991

TESTIMONY FOR:

The bill places in statute essentially the same provisions as the UTC currently has in WAC with regard to customer complaints. Customers with poor quality water are entitled to statutory protection against retaliation by a water company, and to some refund of their money if the water company is providing substandard water.

TESTIMONY AGAINST:

Care should be taken to insure that a customer does not utilize this procedure for harassment or just to avoid paying a bill owed to the water company.

TESTIFIED: Senator Ken Madsen, prime sponsor (pro); Paul Parker, WA Association of Counties (pro); Carol Monohon, UTC (pro as amended); Fred Ottavelli (pro as amended)