

# HOUSE BILL REPORT

## SSB 5045

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*As Passed House  
April 19, 1991*

**Title:** An act relating to investigation of customer complaints regarding drinking water quality.

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

**Sponsor(s):** Senate Committee on Energy & Utilities  
(originally sponsored by Senators Madsen, Barr and Conner).

**Brief History:**

Reported by House Committee on:  
Energy & Utilities, March 28, 1991, DP;  
Passed House, April 19, 1991, 96-1.

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**HOUSE COMMITTEE ON  
ENERGY & UTILITIES**

**Majority Report:** *Do pass.* Signed by 11 members:  
Representatives Grant, Chair; H. Myers, Vice Chair; May,  
Ranking Minority Member; Hochstatter, Assistant Ranking  
Minority Member; Bray; Casada; Cooper; R. Fisher; Jacobsen;  
Miller; and Rayburn.

**Staff:** Fred Adair (786-7113).

**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.

Customers who believe there may be a quality problem with their water may request that the Department of Health (DOH) or local health department investigate, or may complain to the Utilities and Transportation Commission (UTC) if their water system is a privately-owned one that falls within UTC jurisdiction.

Legislation enacted in 1990 requires DOH and each county to adopt procedures for handling complaints from customers regarding water service. The legislation does not require

protection for customers while the investigation is underway. UTC regulations prohibit a regulated water company from disconnecting service while a customer is pursuing any remedy permitted under the UTC's complaint procedures. However, the UTC regulations do 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 with complaints have expressed concern over the lack of specific procedures to be followed and about protection from retaliation by the water company.

**Summary of Bill:** Customers of water systems subject to UTC jurisdiction may file a complaint with the UTC when they have reason to believe that a 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.

The UTC may decide not to investigate a complaint if it determines that it has been filed in bad faith, to harass a water company, or for other reasons having no substantial merit. While the investigation is pending, the water system is prohibited from taking any steps against the customer to terminate service or collect any money allegedly owed. The UTC is given authority to enforce this provision.

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 water quality is found not to meet state drinking water standards, the UTC shall direct the company to provide satisfactory water. The UTC may order a pro rata refund to a customer of any amounts paid for the substandard water, and shall order that the water system reimburse the customer any costs of testing.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**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.

Many calls have been received on this issue, indicating a need to give the UTC "teeth."

**Testimony Against:** None.

**Witnesses:** Senator Ken Madsen, prime sponsor; Carol Monohon and Fred Ottavelli, Utilities and Transportation Commission; and Dave Clark and Rich Siffert, Department of Health.