

WA Association of Sewer & Water Districts

September 27, 2023

Austin Melcher
Washington Department of Ecology Water Resources Program
P.O. Box 47600
Olympia, WA 98504-7600
RE: Comments on Proposed Revisions to Municipal Water Policy 2030

The Washington Association of Sewer and Water Districts (WASWD) appreciates the opportunity to comment on the proposed Policy 2030 update. WASWD represents more than 180 public water and sewer districts in the state, serving nearly 25% of our state's population. These districts provide cost-effective water and sewer services ranging from the state's largest population centers, to the smallest rural communities. We appreciate the dialogue that Ecology has conducted with utilities through the Washington Water Utility Council (WWUC) over the past several months to get a better understanding of utilities' perspective on issues covered in the Policy 2030 update. This additional opportunity to comment on the revisions to Policy 2030 enables us to formally submit comments on behalf of our members.

When the Municipal Water Law (MWL) was approved by the legislature in 2003, its intent was to provide certainty and flexibility for municipal water rights. This was important, and continues to be, as drinking water utilities across the state are expected to prepare for significant population and economic growth into the future. Looking forward, OFM forecasts that the state population will grow to 8 million by 2024, to 9 million by 2037, and will approach 10 million residents by 2050. This growth requires adequate and reliable supplies of clean drinking water which is made more certain by the provisions of the MWL.

Municipal water utilities provide well-planned and professionally managed public water systems that are responsible for meeting the needs of this expected population growth at the lowest economic and environmental cost. As stewards of water resources, utilities are careful to balance the

needs of people with the needs of the environment. This has been born out in the commitment to water conservation over the past twenty years that was embedded in the MWL.

We are prepared to meet the challenge of planning for expected growth, even in the face of significant climate change impacts and significant contamination issues such as PFAS. Unfortunately, the draft Policy 2030 update unduly restricts municipal water rights, thwarting the intent of the MWL, and threatens the ability of utilities to ensure an adequate quantity of high-quality drinking water at the lowest environmental cost and affordable for Washington residents. In particular, the Draft Policy 2030 could result in diminishing a water right by imposing new tests of "original intent," "reasonable diligence," and "public welfare" to determine whether a water right is in "good standing" and determine what quantity is eligible to be changed. This is directly opposite from the certainty and flexibility sought to be created when the legislature passed the MWL.

We understand that the intent of revising the policy is to provide clarity on important issues, and promote consistency in the review of and decisions on municipal water rights. However, as proposed it will do just the opposite as it leaves many critical issues for future assessment by Ecology on a "case-by-case" basis. This approach destabilizes municipal water rights by making it difficult for municipal water suppliers to know what is required of them, and frustrating their critical role in serving growing communities as identified in Growth Management Act comprehensive plans. Further, Policy 2030 revisions would create additional hurdles as municipal water suppliers seek to increase climate change resiliency.

There are many specific issues with the proposed revisions to Policy 2030 that are documented in the comments provided by the WWUC. We concur with their conclusion that "the Draft Policy mistakenly excludes water rights held by WWUC members from legal protections from relinquishment, frustrates planning, and makes it harder to secure and maintain safe and reliable drinking water for Washington's growing communities. This strained interpretation of the MWL avoids

legislative intent and precludes a common understanding of water law terms and requirements, which adversely affects the dialogue and problem solving needed to address current and future drinking water and water resources challenges."

Particularly at this juncture, it is ill advised for Ecology to dampen the tools that utilities have inherent in the MWL given the foreseen challenges of population growth, climate change, threats to drinking water quality, and concerns about affordable utility rates that support people staying housed. As a member of WWUC, we support the comments they are providing and urge you to be guided by those comments in the next iteration of Policy 2030.

Respectfully,
Judi Gladstone Executive Director

Cc:
Laura Watson, Department of Ecology Director Ria Berns, Water Resources Program Manager
Dave Christensen, Deputy Water Resources Director
Holly Myers, Department of Health Office of Drinking Water Director
Carrie Sessions, Governor's Office Policy Advisor



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