

June 18, 2024

Austin Melcher, Interim Policy Section Manager
Washington Department of Ecology - Water Resource Program
P.O. Box 47600
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RE: 2nd Draft - Municipal Water Law Policy 2030

Dear Austin:

The Washington Public Utility Districts Association (WPUDA) represents 27 PUDs in the state, 17 of which provide municipal water supply. WPUDA appreciates the opportunity to provide comments on Ecology's 2nd Draft of Proposed Revisions to Policy 2030 regarding the state's Municipal Water Law. We also appreciate the time taken by you and others at Ecology to meet with us and other municipal water suppliers to discuss these issues.

WPUDA continues to disagree with a number of provisions of the proposed policy revision. The Municipal Water Law was adopted in 2003, and yet only now, over 20 years later, Ecology is creating new "interpretations" of the law that conflict with the statute. Instead of following the statutory requirements and intent of the Legislature to create "certainty and flexibility" for municipal water rights, Proposed Policy 2030 will result in a case-by-case subjective review by Ecology applying unlawful, non-statutory criteria to municipal water right decisions. WPUDA is resubmitting its initial comment letter that covers our major objections to both the 1st and 2nd drafts of Proposed Policy 2030

There are some modest revisions and clarifications in the 2nd draft, but overall it includes the same flaws as the initial draft. In sum, it creates policy and new Ecology authority rather than following the law. WPUDA also believes it would be helpful if Ecology provided written responses to the many prior comments submitted on Policy 2030 so that differences in interpretation of the Municipal Water Law can be resolved before permit decisions are made in reliance on the new Policy 2030.

Please contact me if you have any further questions.

Sincerely,



Liz Anderson, Executive Director
Washington Public Utility Districts Association

cc: Holly Myers, Department of Health
Carrie Sessions, Governor's Policy Office