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Austin Melcher  
Washington Department of Ecology  
Water Resources Program  
P.O. Box 47600  
Olympia, WA 98504-7600

**RE: Comments on Second Version of Proposed Revisions to Municipal Water Policy 2030**

The Washington Association of Sewer and Water Districts (WASWD) appreciates the opportunity to comment on the second version of the proposed Policy 2030 update. We recognize that Ecology is trying in various ways to manage available water supplies to meet environmental needs and respond to challenges by Tribes, environmental groups, and others. However, water is one of the most important and complex issues any of us face, and resolving such issues needs to be done in an open, transparent manner, not through roundabout means in a policy. That being said, we provide our comments on Policy 2030 in this letter to reflect ongoing concerns about its content.

WASWD represents more than 180 public water and sewer districts in the state that serve nearly 25% of our state's population, 97 of which are Association members. These districts provide cost-effective water and sewer services—ranging from the state's largest population centers, to the smallest rural communities. As stewards of water resources, our members, like all utilities, are careful to balance the needs of people with the needs of the environment. This has been borne out in the commitment to water conservation over the past twenty years that was embedded in the MWL.

In the Municipal Water Law (MWL) that was approved by the legislature in 2003, utilities committed to conservation requirements hand-in-hand with the certainty and flexibility for municipal water rights that the law intended to provide. As drinking water utilities across the state are expected to prepare for significant population and economic growth per the Growth Management Act both of these are essential. Unfortunately, the revisions to Policy 2030 in the second round does not improve the policy to better align with the intent of the law, and disregards the input we, other water utilities, and WWUC provided on the first version.

As we noted in our comment letter on the first draft update to Policy 2030, planning for expected growth in the face of significant climate change impacts and contamination issues such as PFAS is challenging enough. That challenge is compounded by the Policy 2030 update revisions that unjustifiably restrict municipal water rights, thwart the intent of the MWL, and threaten the ability of utilities to ensure an adequate quantity of high-quality drinking water at the lowest environmental and customer cost. In particular, the policy revision perpetuates the

“active compliance” concept from the original Policy 2030 to demonstrate “good standing,” both of which we continue to contend have no basis in law. The second draft of the policy furthers the problem with relying on new tests of “original intent,” “reasonable diligence,” and “public welfare” to determine whether a water right is in “good standing” for a changed water right. As we stated before, the application of these principles is directly opposite from the certainty and flexibility sought to be created when the legislature passed the MWL.

WASWD recognizes that water rights pose one of the most difficult challenges for the state as water availability becomes less certain for people and fish. To better navigate that challenge, please reconsider comments provided in the past by utilities, other utility associations, and WWUC as you finalize Policy 2030. At a time when water contaminants endanger existing drinking water sources and climate change threatens available drinking water supplies, utilities are even more in need of the certainty and flexibility intended in the Municipal Water Law.

Thank you again for the opportunity to comment on the second draft 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