



PUBLIC UTILITY DISTRICT NO. 1 BOARD OF COMMISSIONERS
OF MASON COUNTY
N. 21971 Hwy. 101
Shelton, Washington 98584

MIKE SHEETZ, Commissioner
JACK JANDA, Commissioner
RON GOLD, Commissioner

June 18, 2024

Austin Melcher
Washington State Department of Ecology
Austin.melcher@ecy.wa.gov

Re: Comments on Ecology's Second Draft Policy 2030

Dear Mr. Melcher,

In recent years, Ecology has exercised inconsistent agency decisions, especially by region. Mason PUD 1 has experienced this inconsistency firsthand. This second Policy 2030 rewrite does not improve that condition; rather it exasperates it. This policy draft does not uphold the intent of the Municipal Water Law. In fact, it appears to intentionally seek to undermine the Law through agency assertions that lack statutory authority and clear policy directions. Rather than use this opportunity to seek consensus and clarification on matters of legislative intent that have been inconsistently applied to municipal water suppliers, Ecology appears to be doing the opposite by introducing new unauthorized requirements and redefining already-codified standards.

We understand that this is a bold assertion, but Ecology failed to incorporate or even respond to any of the Washington Water Utilities Council's or WPUDA's thoughtful and considerable comments on the draft of the policy, therefore making it difficult to draw any other conclusion. Collectively, WWUC members serve water to over 80% of Washingtonians. We are not insignificant stakeholders. This is why we approached this process in good faith when your agency representatives attended our meetings and specifically solicited feedback and input from WWUC and WPUDA subject matter experts. And yet, the agency didn't even respond after WWUC members and the WPUDA water committee spent months meeting and collaborating on feedback for you.

Now, we are at a loss. Ecology's proposed policy changes directly conflict with the legislative intent and purpose of the Municipal Water Law with respect to certainty and flexibility of municipal water supply by asserting this broad authority that we do not agree that the agency justifiably possesses. This draft policy will only exasperate our housing supply shortages, our water system planning to support growth management in our regions, and frankly, legal challenges for both your agency and our individual utilities.

Our recommendation is that Ecology return to its originally stated purpose of cleaning up language to improve consistency of policy interpretation and the application of the Municipal Water Law across all of your regions and avoid this path of circumventing legislative intent and rulemaking through agency policy rewrites.

Sincerely,

Handwritten signature of Jack Janda in blue ink.

Jack Janda
Board President

Handwritten signature of Ron Gold in blue ink.

Ron Gold
Vice President

Handwritten signature of Mike Sheetz in blue ink.

Mike Sheetz
Board Secretary