



## Washington Water Utilities Council

### *Memorandum*

Date: January 25, 2018

To: PNWS/AWWA Trustees

From: Joan Kersnar, Chair

RE: Washington Water Utilities Council – Winter 2018 Committee Report

### **Activities and Focus for 2018**

The WWUC continues to monitor and participate on behalf of the water industry in relevant litigation, regulation, and legislation. The significant areas of focus over the past several months since our last report are specifically addressed below.

### **Legislative Activities**

The WWUC serves as a state legislative monitoring, information, and coordination resource for its member utilities.

A number of water policy bills emerged during the 2017 session, including bills that would have addressed the *Hirst* and *Foster* State Supreme Court water rights decisions. The Senate's Capital Budget Chair insisted that the Senate would not pass a \$4 billion capital budget unless the House first passed a *Hirst* water rights fix, and ultimately no capital budget passed. These issues have been carried forward into the 2018 short session, and a bill addressing *Hirst* and *Foster* and another with the capital budget were signed by the Governor on January 19, 2018.

In addition to bills addressing the *Hirst* issue and capital budget, bills introduced to date include topics of interest to water utilities, such as infrastructure financing and reclaimed water and water utility planning integration.

### **Regulatory Activities**

The WWUC routinely analyzes proposed Washington State agency guidance and policy documents, as well as rules and regulations, for their impact on WWUC members. We also regularly discuss proposals with agencies and provide informal and/or formal review and comment. In addition, the WWUC participates in or tracks stakeholder processes convened by state agencies to address pressing water issues. Below are some of the major activities underway:

- The WWUC is continuing to work with the Department of Health and Department of Ecology on water rights issues relating to small or failing water system consolidation.

- The WWUC is also tracking updates to Department of Ecology's rule for Emergency Drought Relief, as well as Department of Health's rule for PFAS.

### **Judicial Activities**

The WWUC monitors court cases and appeals involving water rights and other relevant legal issues. A considerable amount of both committee and meeting time is dedicated to this work. One significant case, *Crown West Realty v Ecology* now at the Court of Appeals, has potential implications to municipal water suppliers for protecting their water rights from relinquishment. WWUC is considering whether to file an amicus brief to address these concerns.

The WWUC is continuing to track appeals arising from or in the context of water right actions following a small system water system consolidation, which relates to the inter-agency effort described above. The WWUC continues to be concerned about how the Department of Ecology is implementing provisions of the 2003 Municipal Water Law and is monitoring agency steps and any appeals.

### **Membership and Financial Situation**

Overall, we continue to have good attendance at meetings and active participation in decisions. The work of the WWUC is well appreciated and respected throughout the water community in Washington State and also by affected stakeholders. We anticipate staying active throughout the legislative session and engaging in litigation that pertains to our mission.