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November 16, 2005

VIA FACSIMILE 1-360-586-1150

Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, Washington 98504-7250

Re: William Stuth and Aqua Test, Inc.
Petition for Declaratory Order, Docket No. A-050528
SIGNED COPY OF SEATTLE-KING COUNTY HEALTH DEPARTMENT LETTER

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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

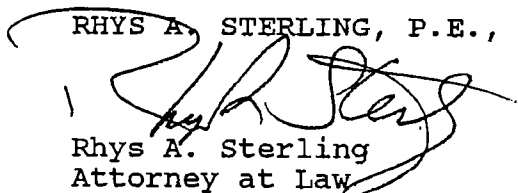
Dear Ms. Washburn:

I note that the Petitioners' Statement of Fact and Law in the above-referenced matter that was served and filed today with WUTC and parties contains in Exhibit "D" an unsigned (via e-mail) copy of a November 10, 2005 letter from the Seattle-King County Health Department's Lawrence D. Fay Jr., Section Manager, Community Environmental Health. Enclosed herewith for filing as part of the official record is a copy of the signed letter from Mr. Fay as dated November 15, 2005.

Thank you for your consideration and continued cooperation in this matter.

Very truly yours,

RHYS A. STERLING, P.E., J.D.



Rhys A. Sterling
Attorney at Law

Enclosure

cc: Christopher G. Swanson, AAG
Simon J. ffitich, Public Counsel, Office of Attorney General
Seattle, WA



HEALTHY PEOPLE. HEALTHY COMMUNITIES.

Dorothy F. Teeter, MHA, *Interim Director and Health Officer*

November 15, 2005

Bill Stuth
Aqua Test Inc.
P.O. Box 1116
Black Diamond, WA 98010-1116

Re: UTC Regulations Governing Private Utilities Performing Onsite Sewage Services

Dear Bill:


It was a pleasure talking with you last week. I think there is a lot of agreement between you and me concerning the potential role that a private utility could play in managing small community and individual onsite sewage systems. As you know I have a lengthy history working with the onsite sewage industry in Washington. The experience includes working at the local regulatory level, both in Jefferson County and now Public Health Seattle King County, and at a state policy level with work with the DOI rule committee, technical review committee and the Board of Engineer's Onsite Advisory Committee to name a few.

As the industry has matured over the last 20 or so years there has been an increasing reliance on the use of more complicated technologies. Commensurate with that has been a growing understanding that use of complex technology on sensitive properties will only be effective if systems are operated and maintained properly. Until now operation and maintenance responsibility has been directed at private individuals with enforcement by local health agencies. While there have been some successes, in my opinion they are limited and due to a variety of factors I won't get into here, I believe are inherently limited.

Another approach to small system operation and maintenance is to have sewer services provided by a public utility. Establishing a framework where there is a utility available to provide "turn key" service to the public by installing, owning and operating onsite systems tailored to the individual site conditions, customer needs and community plans would provide a vital service, both for environmental protection and restoration and for public health protection. In some cases, existing public utilities have provided this service in a limited manner. However, very few existing utilities have shown interest and most existing public utilities serve only within their designated service areas that are often confined to the geographic area of the municipality or special district. This leaves service gaps in the outlying areas where service could be provided by a privately owned public utility company.

However, I believe that there should be in place a regulatory framework before privately owned public utilities should be relied on. Regulations addressing privately owned utilities would need to cover the technical aspects of the services that the utility intends to offer as well the management practices that support the operations. I believe that the UTC is already in the

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 **City of Seattle**
Gregory J. Nickels, Mayor

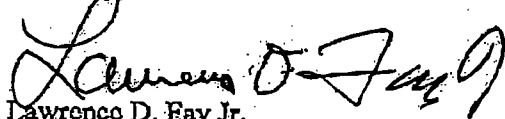
 **King County**
Ron Sims, Executive

Bill Stuth
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business of regulating private water and solid waste handling utilities with responsibility among other things of establishing franchises and setting rates. I believe that UTC regulation of privately owned utilities who engage in onsite sewage system services is logical extension of their current authority. I also believe that such regulation is necessary for the utilities in order for them to be able to develop rational service plans, for the customer to assure that the utilities have the financial capability of delivering the service reliably while keeping costs in line, and to public health in order to assure that utility companies are in it for the long haul.

I should stress that these are my opinions and do not necessarily represent the opinion of PHSKC or the King County Board of Health. Let me know if you have any question or I can be of further assistance.

Sincerely,



Lawrence D. Fay Jr.
Section Manager, Community Environmental Health
Public Health Seattle & King County

LF:dc

cc: Rhys A. Sterling