



Water Environment
Association of Texas



December 16, 2019

The Honorable David Ross
Assistant Administrator for Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Docket No. EPA-HQ-OW-2019-0174

Dear Assistant Administrator Ross,

The Water Environment Association of Texas, (WEAT) Water Reuse Texas, (WRT) and Texas Association of Clean Water Agencies, (TACWA) greatly appreciate the opportunity to comment on the Draft National Water Reuse Action Plan (the "Plan"). WEAT, WRT, and TACWA members are responsible for the design, operation, and maintenance of publically owned wastewater collection and treatment systems and water treatment and distribution systems all across Texas. Collectively, our membership represents the key decision-makers, designers, and operators that oversee the management, collection, treatment, and distribution of wastewater, water, and reuse water across Texas. As such, our members have a vested interest in ensuring that the Plan is based on sound science and relies on local and regional collaboration and state primacy. WEAT, WRT, and TACWA applaud the EPA's efforts in developing a holistic Plan that seeks commitments to actions that enhance consideration of water reuse to support water resilience, security, and sustainability.

Section 1. Business Case

The Plan does well in explaining the need for coordination in water reuse. However, we believe that there is an opportunity to more clearly distinguish between the role of the federal government in water reuse vis-à-vis state primacy.

Suggestion: Add the following to the end of the second to last paragraph on page four of the Plan:

"Thus, the draft action plan seeks to encourage some degree of consideration of water reuse as a part of integrated water resources management efforts at the watershed or basin scale, while respecting State's primacy over water supplies and water allocation. The intent of this document is therefore to inform, facilitate, and encourage reuse; not to impose requirements, or otherwise allocate supplies, even if through inference."

Section 2.3 Compile and Refine Fit-For-Purpose Specifications

While we generally agree with a fit for purpose discussion of reuse and believe this may serve as a good starting point for encouraging reuse, we are concerned that this can result in unintended consequences of developing purpose-specific regulation that will be difficult to achieve and may serve to dissuade reuse. There is a tendency of non-professionals to express concern over emerging water-quality issues



disproportional to the risk posed when driven by factors other than science. Therefore, national level regulations will gravitate towards the most conservative standards, which may not be founded in sound science, and pose an unnecessary barrier to reuse development.

Suggestion: A one-size-fits all set of regulations, even if purpose-specific, is not an achievable goal. States, like Texas, have demonstrable success in promoting and advancing reuse at the local level through collaboration between State agencies and local leaders to develop reuse regulations and fit for purpose specifications as needed. The EPA should continue to encourage States' successful reuse programs addressing fit for purpose specifications that are localized and continuously evolving, like those found in Texas.

Section 2.10. Develop Water Reuse Metrics That Support Goals and Measure Progress

As a general comment for this section, it is not, and should not be, within the purview of federal agencies to allocate water supplies. Therefore, this task should be led by other entities, such as nonprofit or industry-led organizations. In Texas, our regional planning groups under the Texas Water Development Board (TWDB) can provide metrics to support regional reuse goals. State groups working in collaboration with nonprofit reuse advocacy organizations are well positioned to gather water use data and assist in developing goals.

Suggestion: Clarify in the introduction to this set of Actions that the intent is not to interfere with the primacy of states in the allocation of water resources, and thus the Actions in this section are intended for implementation by other entities. Add the following sentence to the last paragraph of 2.10:
“Allocation of water resources as determined through water usage may be led by regional planning groups and state agencies in consort with sector nonprofits or industry organizations. Any national effort would be led, informed, and implemented by state, regional and local efforts.”

Section 2.10.1 Compile National Estimates of Available Water and Water Needs

Water supply planning is an extremely complicated and dynamic task needing continuous updates. Shift in populations, per capita water use, changes in industry, agriculture, and use patterns, etc. will all result in changes to water needs. Performing this task at the national level, without building on the efforts currently implemented at the state level, is not only inefficient but likely impossible. In Texas, we map out our projected water needs on a regional basis every five years for precisely the dynamic reasons noted above. The planning process is in essence perpetual; once one plan is finalized, the next round begins.

Suggestion: Clarify that any efforts at the national level should not supersede current planning efforts at the state level, and instead should be built upon those planning efforts. Add the following to 2.10.1:
“Develop approaches or methodologies to explore and clarify the national volumes of current water use and water potentially available for reuse (such as existing ocean discharges). This effort should be led by entities such as nonprofit or industry organizations working with state agencies. National efforts should



Water Environment
Association of Texas



build upon those local, regional, and state level planning efforts...”

Section 2.10.2 Establish Goals for Extent and Types of Water Reuse in the United States.

The appropriateness of water reuse as discussed in the Plan is not uniform across the country. This transcends the idea of fit-for-purpose use (technical guidance), and is directly driven by social and cultural ideals. The acceptance of reuse should not be forced upon communities that are averse to the idea any more than communities that are ready to embrace it should be prohibited from such an important supply.

Suggestion: Clarify that any national efforts and goals should build upon the water reuse priorities as determined by state, regional, and local groups that are specific to the communities’ needs and their ability to implement and operate; any national efforts should build upon these priorities.

Overarching Comment

WRT, WEAT, and TACWA greatly appreciate the EPA undertaking the Plan and the opportunity to provide input. While we agree and strongly advocate for the general promotion of water reuse and the opportunity to promote water security, sustainability, and resilience, we caution against approaches that result in one-size-fits all methods for regulation or implementation for reuse. We encourage the EPA to continue to root all action in sound science and look at successful state reuse approaches, like Texas, as examples of methods that should inform and be compatible with any nationally provided guidance. Our leaders and technical experts are available to meet to discuss or clarify any of the comments contained within. Again, thank you for the opportunity to provide comments on this important issue.

Kind Regards,

Julie Nahrgang

WEAT | TACWA Executive Director

WRT Administrator

Cc:

Heather Cooke, WEAT President

Eva Steinle-Darling, WaterReuse Texas President

Magda Alanis, TACWA President