

U.S. Environmental Protection Agency Water Reuse Action Plan: ASDWA/ACWA Comments



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

01/06/2020

The Association of State Drinking Water Administrators (“ASDWA”) submitted December 16th comments to the United States Environmental Protection Agency (“EPA”) on the federal agency’s draft National Water Reuse Action Plan (“Draft Plan”).

The comments were coauthored by the Association of Clean Water Administrators (“ACWA”).

EPA announced the development of the Draft Plan on September 10th . It stated the Draft Plan would leverage the expertise of both industry and government to ensure the effective use of the nation’s water resources.

EPA references water reuse as an element of integrated water resource management. Further, it stated that additional partnerships are planned in the development and deployment of the Draft Plan.

The Draft Plan identifies opportunities for resources along with challenges. These are stated to include:

- Technological improvements, including development, piloting, validation, and data considerations;
- Regulatory/policy analysis at all levels of government, including public health considerations and addressing barriers to progress;
- Financial initiatives, including expansion and clarity in available funding mechanisms;
- Performance requirements, including efforts to ensure the quality of reused water is appropriate for the intended purpose;
- Access to water use and availability data, including the encouragement of watershed-based information sharing; and
- Outreach opportunities, including efforts to ensure public understanding of reused water as part of integrated water management

Both ASDWA and ACWA initially note what they describe as their “significant experience working through the many complexities of water reuse regulation, policy, and practices.”

Some of the points raised by the two trade associations include:

- Support water reuse as one potential tool in the integrated water resources management “toolbox”
- States appreciate coordinated federal leadership as a means of supporting state and local governments’ water-related activities and tools
- Governance of water reuse is a state matter
- Available resources to address reuse, environmental conditions, supply/demand, and public support dictate the extent of a state promulgation on or engagement in reuse

- The two organizations intend to engage either as leaders or collaborators on various related actions
- EPA should avoid language that implies binding commitment or mandated activities by potential collaborators (especially since states' circumstances and priorities may shift over time)
- Concern is expressed about unintended consequences citing an example of meeting goals of increased irrigation efficiency in water-scarce areas could lead to increases in total water consumption
- EPA is urged to commit to regularly and concurrently informing all collaborators of potential new actions, changes to action items or collaborators, and other developments related to plan implementation
- EPA should ensure experts affirm online content (i.e., how water reuse definitions and case studies are presented)
- EPA should address liability issues associated with reuse practices
- Emphasizes the need for updated pathogen removal/inactivation tables
- Notes pilot testing is crucial to state regulations and local adoption
- References current operator staff gap in some communities (especially in rural areas)

A copy of the comments can be downloaded [here](#).