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October 24, 2016



Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

**Re: Draft Report to the Legislature on the Feasibility of Developing Uniform Water Recycling Criteria for Direct Potable Reuse**

Dear State Water Resources Control Board:

Heal the Ocean (HTO), a Santa Barbara-based citizens' action group, has long been involved in public advocacy for recycled water, and particularly potable reuse.<sup>1</sup> We have also provided support to wastewater operators and water districts to secure Proposition 1 funding for upgrading wastewater treatment plants (WWTPs) to produce recycled water. Given that the State Water Board has prioritized Direct Potable Reuse (DPR) projects for priority consideration for funding in the Water Recycling Funding Program Guidelines, we feel that the state needs to move forward with DPR regulations as quickly as possible.

Unfortunately, the draft *Investigation on the Feasibility of Developing Uniform Water Recycling Criteria for Direct Potable Reuse* ("Feasibility Report"), in our opinion, has created a non-descript timeline and series of investigations and tasks that are vague and therefore incapable of moving the state towards DPR in time-distinct manner.

**Specific Comments:**

**1) Concurrently Developing Regulations with Research Recommendations**

On page 17 from the Feasibility Report to the Legislature, it states: " While the Expert Panel believes that the absence of better information that will be provided by this research may not be an impediment to establishing uniform criteria for DPR, the State Water Board finds the research results will make a significant contribution to the development of criteria for DPR, and most importantly, will provide a higher level of certainty that the criteria are

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<sup>1</sup> Heal the Ocean. "Potable Reuse: A New Water Resource for California." July 2015.  
<[http://healtheocean.org/research/detail/potable\\_reuse\\_a\\_new\\_water\\_resource\\_for\\_california](http://healtheocean.org/research/detail/potable_reuse_a_new_water_resource_for_california)>.

protective of public health. Therefore, the State Water Board believes that the research must be conducted concurrently with the development of DPR criteria."

In light of this important statement, HTO believes the State Water Board must move forward with the development of DPR criteria while proceeding with the research recommended by the Expert Panel, and start by creating clear milestones, estimated start dates and deadlines.

## 2) Convening a Blue Ribbon Panel

The State Water Board recommends convening a blue-ribbon panel via the conditions of the State's Recycled Water Policy. We would like to draw attention to the actual language of this recommendation by the State Water Board:

- "(1) The State Water Board, in consultation with CDPH, convened a "blue-ribbon" advisory panel to guide future actions relating to CECs...;
- (2) **The panel or a similarly constituted panel shall update the report every five years. The next update is due in June 2015** [Emphasis Added]."<sup>2</sup>

The state is now nearly two years late in following through on this directive to complete the Blue-Ribbon panel with regards to CEC's. We feel it is not enough to simply release a report in anticipation of DPR regulations; a scientific review panel needs to be convened every five years, even, and especially, after DPR regulations are released and projects are in operation. This will ensure the timely and consistent review of the CEC literature for any new and potentially health-relevant information for DPR regulations and DPR project operations. Before any more "blue-ribbon" panels are created and convened, the State Board needs to hold themselves to a more stringent schedule and specify how they will successfully implement this provision of the State's Recycled Water Policy on an ongoing basis.

## 3) Implementation Plan, Tables 1 and 2

Chapter 5 of the Feasibility Report lays out in two Tables (1 and 2) an Implementation Plan for future steps in setting standard DPR regulations. We realize these tables are abbreviated concepts, but both **Table 1: Research and Knowledge Gaps**<sup>3</sup> and **Table 2: DPR Program Development**<sup>4</sup> are riddled with vague wording, poor milestones and metrics for success, and lack of dates and specifics. The State Board should seek to define milestones and metrics of success that will give concrete guidance to WWTP and Water District managers waiting to develop DPR programs. The inclusion of specific dates and deadlines should be highlighted in future drafts of the implementation plan, which would not only be a benefit to the State Water Board as it works through this process, but also to the planning process for cities considering DPR programs.

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<sup>2</sup> State Water Resources Control Board. 2013. California Recycled Water Policy. p. 14-16

<sup>3</sup> *Investigation on the Feasibility of Developing Uniform Water Recycling Criteria for Direct Potable Reuse*, pg. 25-27

<sup>4</sup> *Investigation on the Feasibility of Developing Uniform Water Recycling Criteria for Direct Potable Reuse*, pg. 28

## Conclusion:

As California enters another year of drought, both groundwater and surface waters continue to dwindle. Many wastewater/water managers have been looking forward to Direct Potable Reuse (DPR) guidelines so that they can proceed with planning for future facilities. Unfortunately, it is our opinion that the efforts to date fall short of establishing a clear path forward for the development of regulations for Direct Potable Reuse.

It is our hope that the State Water Board will immediately pivot from the successful delivery of its "Draft Report to the Legislature on the Feasibility of Developing Uniform Water Recycling Criteria for DPR" to completing a clearly defined timeline and task list for DPR project regulations. We believe that the state, including our elected officials, need to treat this issue with the urgency that it deserves. Today, the continuing severity of the drought in many parts of the state is forcing communities to implement harsh conservation measures *or* undertake long-term and costly water supply projects. DPR, if done at a reasonable cost, offers a promising path forward between these two unfortunate choices.

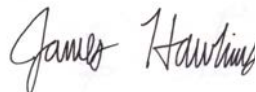
Until the state offers that clear path forward, however, Heal the Ocean will recommend that wastewater/water managers quit waiting for guidance on DPR, and instead focus their efforts on indirect potable reuse (IPR) programs...even, in fact, "purple pipe" tertiary treated water systems that can provide recycled water for irrigation and thereby save much potable water for its intended use. Purple pipe or IPR projects can be structured so that when DPR guidelines really do become reality, the infrastructure can be added without tearing apart what has been started.

From this draft Feasibility Report no one can tell if DPR guidelines will be developed next year, or in ten years, or ever, which is why wastewater/water managers proceed now on projects that already have guidelines established.

Sincerely,



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Executive Director



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Policy Strategist



Alex Bennett  
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