



September 8, 2023

Chairman E. Joaquin Esquivel
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Direct Potable Reuse Regulations (SBDDW-23-001)

Sent via Email: Commentletters@waterboards.ca.gov

Dear Chairman Esquivel:

The increasing volatility of climate change across California and the Colorado River basin is a warning that the state must act swiftly to protect its residents and businesses from the cyclical threat of droughts and floods. To strengthen California's resilience to these climate-related challenges, the opportunities with Direct Potable Reuse of highly treated recycled water holds significant benefits.

On behalf of the American Water Works Association CA-NV Section, Association of California Water Agencies, , California Association of Sanitation Agencies, California Municipal Utilities Association, California Special Districts Association, California Urban Water Agencies, Southern California Water Coalition and WaterReuse California, we are pleased to submit comments on the draft Direct Potable Reuse (DPR) regulations. Our organizations collectively represent the vast majority of local agencies in California that are seeking to develop sustainable local water supplies, such as Direct Potable Reuse.

Include Broad Alternatives Clause Consistent with Previous Regulations

The State Water Board has twice before approved potable reuse regulations with a broad alternatives clause that applied to the Groundwater Replenishment (2014) and Surface Water

Augmentation (2017). This clause allows these regulations to adopt to future changes in technologies and processes. Specially, the provision requires that agencies receive approval from both DDW **and** an independent scientific advisory panel that the “alternative” proposed is protective of public health. DDW would remain fully in control to decide whether to allow an alternative. But the DPR regulations do not include this clause and the sections on organization and monitoring, in particular, have no flexibility. We are very concerned this omission could hamper future DPR projects. **We urge the State Board to consider inclusion of the alternatives clause covering the entirety of the DPR regulations.**

State Water Board Panel Should Prescribe CEC Monitoring and Threshold Levels

The draft DPR regulations (7-21-2023) require that DPR projects monitor for CECs in both their feed and treated waters and compare the measured levels against toxicological thresholds. This approach is straightforward for wastewater compounds with state-adopted drinking water thresholds, e.g., MCLs, NLs. However, for chemicals **without** state thresholds, projects must develop their own values based on human health risk assessments cited in the regulation. Projects are to use the following information and sources to monitor and develop thresholds for CECs:

- Public health goals
- California OEHA or other state agencies
- U.S. EPA
- State Board scientific advisory bodies
- Other public health protective levels required by the State Board

Though the State Board has included a reference to State Board advisory bodies (i.e., panels) in this section, no one source of information is given greater priority over the other; each source of information is co-equal. We believe this approach is likely to create inconsistent and divergent CEC monitoring requirements statewide. A unified approach to CEC monitoring was also recommended by the California DPR Expert Panel.

We recommend the DPR regulations be changed to specify that a State Board panel be used as the primary information source for DPR projects for the monitoring of CECs and the development of thresholds. The State Board already has a two panels that could be enhanced and then used to serve this function: the Recycled Water CEC Science Advisory Panel and the SB 230 CEC Panel.

Overtreatment Due to Current Pathogen Log Reduction Targets

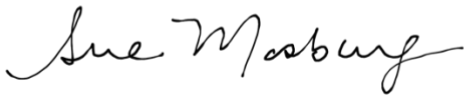
The DPR regulations require an excessive degree of treatment for pathogens. Several highly-qualified experts—including the California DPR Expert Panel and the Technical Work Groups leading the pathogen research studies for the State Board—have argued that the State’s current pathogen log reduction targets (LRTs) are excessively conservative and out of alignment with the research conducted by the State Board itself. **We propose consideration of the California DPR Expert Panels recommendation that a science-based set of LRTs that would adequately protect public health by providing a minimum 13/10/10 logs of reduction of virus, *Giardia*, and *Cryptosporidium*, respectively. With the application of a 4-log redundancy, the final LRTs would require 17/14/14 in lieu of the current 20/14/15 log requirements.** In line with the

California DPR Expert Panel's unanimous recommendation, we believe the use of the high-quality new datasets with modern modeling approaches can identify LRTs that protect public health while avoiding the economic and environmental costs of overtreatment.

Conclusion

The completion of these regulations marks an exciting new phase in the development of California's water supply portfolio. But to fully realize the vast water supply potential of DPR for California, additional flexibility needs to be incorporated into the regulations. We believe including the broad alternatives clause, in addition to other changes we are requesting, will significantly improve the regulations, protect public health, while extending the regulations functionality well into the future.

Sincerely,



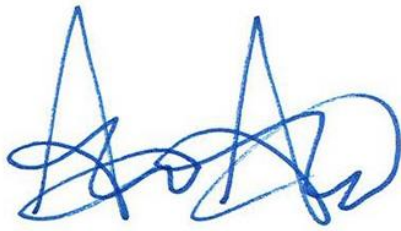
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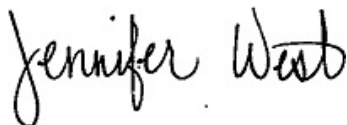
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