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Adam Krantz

July 1, 2019

Jesse Pritts
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Submitted via oil-and-gas-study@epa.gov

**Re: Comments on Study of Oil and Gas Extraction Wastewater Management
Under the Clean Water Act, EPA-821-R19-001, Draft May 2019**

Dear Mr. Pritts:

The National Association of Clean Water Agencies (NACWA) appreciates this opportunity to comment on the *Study of Oil and Gas Extraction Wastewater Management Under the Clean Water Act* ("Study"). NACWA represents the interests of over 300 publicly owned wastewater treatment agencies nationwide, serving the majority of the sewered population in the US. NACWA members operate highly successful pretreatment programs that significantly reduce the amount of pollutants discharged into the sewer system, preventing these pollutants from passing through or interfering with the wastewater treatment process. Many NACWA members are also engaged in a variety of water reuse efforts.

As noted in the Study, the current preferred method for managing the large quantities of wastewater produced from onshore oil and gas extraction activities water is deep-well injection. However, injection of this produced water removes the water from the hydrologic cycle and is reaching its practical limits in some areas. Since water scarcity continues to be a concern in many parts of the country, allowing treatment and reuse of produced water is reasonable if it can be done in a manner that is protective of human health and the environment. NACWA supports research and regulatory changes that will allow additional management options for produced water, including safe reuse and recycling. Specific recommendations for research and regulatory changes are included below in responses to EPA's questions about next steps.

What non-regulatory steps should EPA take to encourage re-use/recycle of produced water?

EPA should work in conjunction with other federal entities, such as the National Science Foundation and the Department of Energy, to focus on research and development of

treatment technologies that will ensure produced water can be reused for a variety of applications. Federal funding through Clean Water Act Section 106 grants could be used to help states update their programs to allow produced water reuse both within oilfield operations and outside of these operations.

EPA should clarify to states that reuse of produced water in fracking and other downhole operations is not prohibited by federal regulations. The Agency should also help educate states about reuse opportunities and new technologies that allow reuse of produced water in ways that are safe for human health and the environment.

Considering the cost of transporting and treating produced water, would revising 40 CFR Part 435 to allow for broader discharge of produced water shift the manner in which produced water is currently handled?

EPA should revise 40 CFR Part 435 to allow discharge of appropriately treated produced water, which will make this water available downstream for beneficial reuse. Centralized waste treatment (CWT) facilities are already treating produced water and producing high-quality effluent, and these existing treatment technologies and any newly developed technologies can be used to treat produced water to appropriate standards. The costs of transporting and treating produced water should be considered by the producer rather than EPA.

EPA should also change the pretreatment standards for unconventional oil and gas extraction to allow discharge of produced water to publicly owned treatment works (POTWs) that are specifically designed to treat this type of waste. Although most POTWs use biological treatment and are not able to treat produced water, there are some POTWs that use different treatment technologies that could treat produced water, as CWTs do. For example, the Gulf Coast Authority (GCA) treats industrial waste as part of its broad mission to protect the waters of the State of Texas through environmentally sound and economically feasible regional waste management practices. GCA's current facilities include four treatment plants designed to treat specific types of industrial wastewaters, treating approximately 50 million gallons per day from over 90 industrial customers. Although classified as POTWs, these facilities are designed to treat industrial waste and could potentially treat produced water for safe reuse or discharge.

Narrative pretreatment standards should be established by EPA to provide a pathway for these specially-designed POTWs to set local limits that will protect the treatment process and receiving water.

NACWA agrees with the specific changes in 40 CFR Parts 435 and 437 suggested in comments submitted by GCA.

Should EPA continue to distinguish between discharges from onshore oil and gas facilities located East and West of the 98th meridian or establish a national policy irrespective of geographic location?

EPA should remove the distinction between facilities located east and west of the 98th meridian. If treatment technologies allow produced water to be safely discharged, then keeping this water in the hydrologic cycle should be an option regardless of location.

What steps could EPA take that might incent reuse of produced water within and outside of the oilfield?

The recommended regulatory changes and research into treatment technologies should provide incentive for reuse to be considered both within and outside of the oilfield.

Thank you for your consideration of these comments. Please contact me at 202-533-1836 or cfinley@nacwa.org if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Cynthia A. Finley". The signature is written in a cursive style with a large initial 'C' and 'F'.

Cynthia A. Finley, Ph.D.
Director, Regulatory Affairs