Getting Started with Integrated Planning

Erika K. Powers
Barnes & Thornburg LLP
Region 1 Integrated Planning Workshop
September 9, 2013
Portsmouth, NH
Getting Started with Integrated Planning

• What can be integrated?
• Who can integrate?
• Who is developing integrated plans now?
• Is an integrated plan right for me?
• How do I get started?
• What else should I do?
What Can Be Integrated?

- Sanitary system
- Combined system
- Wastewater treatment plant
- Asset management program
- Long term operation & maintenance
- Storm water management
- Source water protection
- Nonpoint source control
What Can Be Integrated?

- NPDES obligations
- MS4 obligations
- TMDL obligations
- Consent decree obligations
Who Can Integrate?

- Scope tailored by community
- Any combination of entities
  - Municipality
  - Wastewater utility/sanitary district
  - Stormwater utility/MS4 authority
  - Watershed authority
- Varying geographic areas
Who Is Developing Integrated Plans Now?

• Small Midwestern community
  – Rust belt; dire financial conditions
  – Enforcement action focused on CSO, SSO, WWTP
  – Facing future MS4, nutrient TMDL, nutrient standards
  – Seeking flexibility through an integrated plan:
    • Avoid bankruptcy
    • Prioritize investments to address greatest water quality problems first
    • Establish reasonable levels of CSO/SSO control
    • Very long-term implementation schedule
    • Adaptive management as future nutrient, stormwater requirements are imposed
    • Incorporation of asset management needs
Who Is Developing Integrated Plans Now?

• Medium-sized Midwestern community
  – CSO enforcement action against City
  – SSO enforcement action against Sanitary District
  – Bacterial TMDL, future nutrient standards
  – Developing joint integrated plan:
    • Combined affordability analysis
    • Better incorporation of green infrastructure projects
    • Additional time if green performance not as expected
    • Extended implementation schedule, if necessary
    • Incorporate environmental justice concerns
Who is Developing Integrated Plans Now?

• Large Northeastern community
  – CSO issues
  – Collection system improvements
  – Long term operation & maintenance needs
  – Developed integrated plan:
    • Better coordination, prioritization of all CWA-related obligations
    • Incorporation of asset management needs
    • Long-term implementation schedule
Is an Integrated Plan Right for Me?

- Competing water-related obligations
- Multiple entities addressing watershed issues
- Economic limitations
- Need for coordination among agency programs
- Difficulty obtaining relief, flexibility
  - Compliance deadlines
  - Incorporation of green infrastructure
  - Anticipated future obligations → need for adaptive management
- Revisions needed to existing CSO, SSO plan
How Do I Get Started?

• Identify water-related obligations
• Define costs and timing requirements
• Quantify available resources
• Evaluate environmental and health impacts
• Prioritize activities
  – Achieve greatest environmental and health benefits within available resources
• Identify any legal relief needed to accommodate priorities and schedule
What Else Should I Do?

• Engage agencies early and often
  – Notice of intent to develop integrated plan
  – Meeting to discuss process

• Public education, outreach
  – Rate issues
  – Costs, benefits
  – Relief needed

• Consider political outreach

• Talk to other communities
Questions?

Erika K. Powers
Barnes & Thornburg LLP
1 N. Wacker Dr. Ste 4400
Chicago, IL 60606
(312) 338-5904
epowers@btlaw.com