

Framework for Integrated Municipal Planning Approach



Developments in Clean Water Law:
A Seminar for Public Agency Attorneys & Managers

NACWA

November 14, 2012

Seattle, Washington

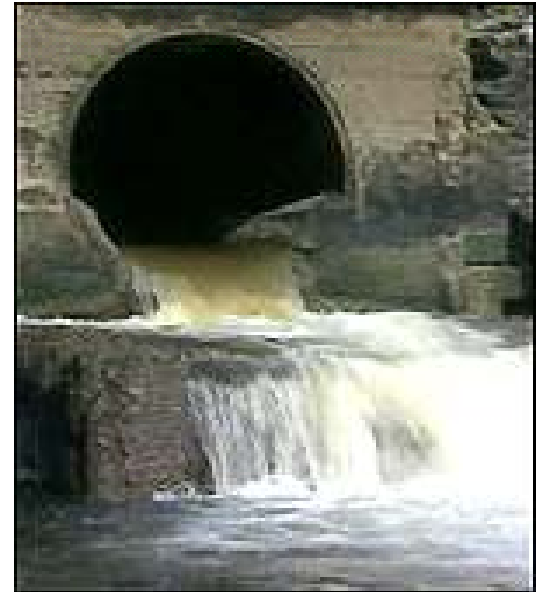
Stoner/Giles Memo to Regions

June 5, 2012

- Transmits final Integrated Planning Framework to EPA Regions
- Encourages Regions to work with States and communities to identify opportunities to implement the integrated planning approach

Outline of Framework

- Background
- Principles
 - Overarching Principles
 - Guiding Principles
- Elements of an Integrated Plan
- Implementation
 - Permits
 - Enforcement



Overarching Principles for Integrated Approach

- Maintains existing regulatory standards that protect public health and water quality
- Allows a municipality to balance various CWA requirements in a manner that addresses the most pressing public health and environmental protection issues first
- The responsibility to develop an integrated plan rests with municipalities

Guiding Principles for Plan Development

- Reflect State requirements and planning efforts
- Use existing flexibilities in the CWA and its implementing regulations
- Maximize effectiveness of infrastructure dollars through analysis of alternatives and the selection and sequencing of actions
- Incorporate innovative technologies and practices (green infrastructure)
- Evaluate and address community impacts and considers disproportionate burdens
- Technology-based and core requirements are not delayed
- Financial strategy is in place
- Opportunity for meaningful stakeholder input

Integrated Plan Elements

- Element 1 — Water Quality, Human Health, Regulatory Issues
- Element 2 — Existing Systems and Performance
- Element 3 — Stakeholder Involvement
- Element 4 — Evaluating and Selecting Alternatives
- Element 5 — Measuring success
- Element 6 — Improvements to Plan

Integrated Plan Implementation

- **Role of Permits** — Incorporate all or part of an integrated plan into NPDES permit where legally permissible
- **Role of Enforcement** — All or part of an integrated plan may be able to be incorporated into the remedy of an enforcement action

Next Steps — Implementation

- Work with interested municipalities
- Recognize municipal leaders who come forward
- Share information about lessons learned
- Develop a Q & A document
- Management of Process
 - Ongoing discussions with Regions and States
 - Work with municipal associations to advance integrated planning

Questions to Date

General

- Why is EPA limiting its ‘integrated approach’ to the Clean Water Act when communities are facing similar challenges with their drinking water obligations?
- How can communities proactively ensure that the plan they develop will be acceptable to regulators?
- Who determines what the most pressing water quality needs of a community are?

Questions to Date

NPDES Permits

- Will the agency consider issuing one permit that addresses MS₄ and POTW requirements? How will it work?
- Why not utilize permits instead of enforcement for compliance schedules?
- Would it help to extend permit terms to 10 years?

Questions to Date

Enforcement

- For a municipality that already has an existing enforcement action or agreement, can the approach and its affordability be reexamined, under the integrated approach?
- Is this integrated approach laying the foundations for EPA to expand enforcement actions and the role of enforcement (as alleged in the Nov 7th inside EPA article)?

Questions to Date

Financial Capability

- When a community is preparing a Financial Capability Assessment, can it now include both the municipal wastewater and stormwater costs?
- Are all communities going to be required to spend 2% of the median household income (MHI) of the community in order to participate in the integrated planning process?
- Can a municipality include the ongoing need for infrastructure rehabilitation and improvements in an integrated planning approach?

Questions?

Moving forward with implementation of
the Integrated Planning Framework

