

Moving Forward with Implementing Integrated Planning



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What is the Integrated Approach?

- An opportunity for municipalities to propose to meet CWA requirements by:
 - sequencing wastewater and stormwater projects in a way that allows the highest priority environmental projects to come first, and
 - potentially using innovative solutions, such as green infrastructure



Integrated Planning is not . . .

A means to change regulatory standards or requirements.





Key EPA Documents

- “Achieving Water Quality Through Municipal Stormwater and Wastewater Plans” – October 27, 2011
- “Integrated Municipal Stormwater and Wastewater Planning Approach Framework” – June 5, 2012
- “Assessing Financial Capability for Municipal Clean Water Act Requirements” – January 13, 2013
- “Frequently Asked Questions” - July 15, 2013

Sequencing Tools



- Water quality standard variance
- Compliance schedules in permits
- Enforcement provides greater flexibility to establish compliance schedules

Trends in Enforcement Approaches

- Redoubled effort to ensure that projects with the greatest environmental benefit are addressed first.
- Consideration of both wastewater and stormwater costs in examining financial capability and negotiating schedules.
- Building in greater flexibility to adapt to new information or conditions.
- More holistic thinking, whether settlements are termed 'integrated planning' examples or not.

What does Integrated Planning Look like in a Consent Decree?

- Can be in specific language, or simply embodied in the injunctive relief or schedule of work.
 - The way it is included will depend on things like
 - How far along is the community in developing an integrated plan?
 - The scope of the areas that a community wants to ‘integrate’.
 - The unique circumstances of each community.
- Don’t look for new “IP Boilerplate” language.
 - We think that runs contrary to the flexibility that we want to afford.
 - Expect IP to take many different forms – the important thing is the concepts.

Examples of Integrated Planning in Consent Decrees

- Seattle and King County, WA
 - Included language allowing changes to the decree based on development of an Integrated Plan
 - Defendants were given 5 years to develop an Integrated Plan proposal that included additional CWA work aside from that included in the decree.
- Kansas City, KS
 - The City's level of knowledge of its existing systems did not allow for sufficient understanding of priorities.
 - The CD provided for development of an Integrated Overflow Control Plan – a 'develop only' decree, with implementation to be the subject of future modification.
 - The "IOCP" will cover CSO, SSO, MS4 and treatment plant issues.

Examples of Integrated Planning in Consent Decrees

- Hampton Roads Sanitary District, VA
 - Provided a schedule extension to allow HRSD and 13 satellites to explore better efficiency and prioritization of work through consolidation.
 - “Integrated Planning” does not appear as CD language
- Many other completed and pending cases sequence injunctive relief in multiple areas – CSOs, SSOs, stormwater, WWTP needs – and are examples of integrated planning.

Examples of Integrated Planning in Consent Decrees

- Green Infrastructure – by its nature, GI can address multiple goals and be ‘integrative.’ A few of many examples:
 - NEORSD: GI to capture 44 million gallons of CSO discharge with flexibility to propose additional green projects in exchange for grey infrastructure.
 - St. Louis: GI Pilot that will be expanded to a \$100M program
 - Hamilton County/Cincinnati, OH: Flexible CD that allows the proposal of “green for grey” substitutions; one major green proposal excepted that will save more than \$150M

Trends in Municipal Permit Conditions

- MS4 permits – focus on TMDL WLAs
- Green Infrastructure
- Wet weather treatment at POTWs
- Collection System Issues
- Trading



Opportunities for NPDES Permits

- Quicker environmental improvement
- Sustainable solutions
- Stronger, more comprehensive municipal permits
- Greater buy-in

Permit Examples: Milwaukee, WI

- MMSD's current program includes deep tunnel system which has reduced CSOs to 2 or 3 per year on average.
- Receiving waters remain impaired by bacteria and nutrients.
- 2013 permit requires MMSD to ensure 1 million gallons of green infrastructure per year are put in place
- Performance standards for CSOs



Permit Examples: Blue Plains

- DC Water currently operating under two Consent Orders (CSOs and nutrient control)
 - Addressing nutrient control with biological nitrogen system that is more sensitive to wet weather flow
 - Addressing CSOs with tunnels that will send more wet weather flow to plant
- 2010 permit approves wet weather bypass with enhanced clarification treatment after biological nitrogen system is installed.



Permit Examples: Durham, NH

- 1.0 mgd plant looking at increasing capacity to 1.7 mgd in 20 years.
 - 20% of nitrogen to Oyster River from Durham WWTF – 80% from stormwater and NPS.
- Integrated Plan to consider options for upgrades and for controlling stormwater/NPS



Clean Water Services, OR

- 2004 permit covers 4 advanced WWTPs, municipal facilities with 2 industrial stormwater and a MS4.
- Permit allows water quality credit trading for temperature, BOD and ammonia.
- CWS has planted nearly 10 miles of riparian shading under the permit. This has allowed CWS to forego installation of refrigeration equipment at the WWTPs.



Permit Examples: Spokane, WA

- City had planned on spending \$300 million on underground storage to reduce 20 CSOs.
- The city is developing an integrated plan to consider a mix of grey and green solutions.
- The three primary goals of the integrated plan are to:
 - 1) clean the Spokane River faster;
 - 2) implement cost-effective and innovative approaches; and
 - 3) integrate with the City's other infrastructure to provide multiple benefits.



The Role of Financial Capability in Identifying Appropriate Schedules

- 122.47(a)(1) requires schedules of compliance as soon as possible, but not later than applicable statutory deadline.



Financial Capability Assessment Approach in 1997 Guidance

- Two-Phase Approach
 - Residential Indicator
 - Average cost per household for wastewater treatment and CSO controls as percentage of local median household income
 - Permittee Financial Capability Indicators
 - Identifies 6 indicators
- A matrix approach is used to assess the level of burden of CWA obligations.





Stoner/Giles Memo to Regions

January 13, 2013

- EPA moves forward on a dialogue with municipalities
- Memo identifies key issues

Principles to Guide a Financial Capability Assessment

- 1997 guidance will continue to serve as guidance in establishing a baseline assessment
- Additional information on a community's unique financial circumstances will be considered
- Financial capability is on a continuum – not just 'high, medium or low.'
- All CWA costs may be included in a financial capability analysis

Principles to Guide FCA (cont.)

- Safe Drinking Water Act costs can be considered as additional information about a community's financial capability (but not as part of the residential indicator).
- EPA supports programs to assist low income customers with paying wastewater utility bills.
- Permittees should provide appropriate assurances that CWA expenditures will be made as planned.

Additional Information

- <http://cfpub.epa.gov/npdes/integratedplans.cfm>