

# New Integrated Planning Amendments to CWA

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# History of Integrated Planning

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- Inflexible EPA positions on decrees, Long-Term Control Plans, SSOs, other CWA issues
  - 2% of MHI / 20 years / 4 overflows per year
- Communities faced substantial costs without significant improvements to water quality
- US Conference of Mayors voiced concerns to EPA
  - EPA not using the flexibility in existing Agency policies
- Communities need to be able to determine how to maximize environmental benefit of their CWA actions given limited resources

# Development of Framework

- Memo issued Oct. 27, 2011 by Office of Water and Office of Enforcement
  - Stated EPA intention to develop integrated planning framework
  - Plans should use existing flexibility while maintaining regulatory standards
  - A municipality's ability to pay should consider ALL Clean Water obligations
- Final framework issued June 5, 2012
- Communities have been developing or considering integrated plans in OH, MA, IN, MD, RI, CO, NH, NY, MO, TX, IL, CA, ID and other States

# Key Elements of Integrated Plan

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- 1: Describe environmental and regulatory issues to be addressed
  - 2: Describe existing systems and their performance
  - 3: Stakeholder involvement
  - 4: Evaluate and select alternatives and implementation schedules
  - 5: Measure success
  - 6: Process to improve the plan
- THEN: Implementation**

# Steps in Integrated Planning

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- Identify water obligations
- Define costs and schedules
- Look at financial capability
- Define enviro/health impacts of controls
- Develop prioritized schedule
- Evaluate legal constraints and need to use relief mechanisms
- Complete Integrated Plan
- During process, communicate with stakeholders and do agency outreach

# Why Legislation Now?

- Not many communities have developed IP plans and had them approved
- Some EPA Regions and States have been reluctant to work on IP's
- Since it was only policy, could be changed or reversed by another Administration
- Lack of clarity as to some aspects

# What's in the New Law?

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- EPA and States must inform communities of ability to develop an IP and have it included in next permit
- IP can be put in permit or in enforcement tool (order or decree)
- Can get long-term compliance schedules in an IP permit
- IP can include reclaim, recycle and reuse projects, and green infrastructure

# Non-IP Stuff in New Law

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- Creates office of Municipal Ombudsman, who will help communities navigate EPA process and help ensure that Agency policies are actually implemented by all offices
- Requires EPA to promote the use of green infrastructure in CWA programs and at each Regional office



# Completed Plan – Lima. OH

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- Done with Consent Decree
- Schedule extends into 2038
- Treatment plant upgrades and CSOs done first, then (after 10 years) SSOs
- Bonding cycles affected schedule
- Reopeners for affordability, affecting schedule and changes in controls
- Also reopener for adaptive management, green infrastructure, and economic reasons

# Springfield, MA Integrated Plan

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- Also a CSO Long-Term Control Plan
- Being implemented through sequential Admin Orders issued by EPA Region
- Key elements are CSO controls and asset management plan
- Incorporating asset management into affordability calculation meant that CSO controls are designed for 7 overflows/year instead of 4 overflows/year

# Examples – Other Plans Being Developed, Planned or Considered

- Nutrients, CSOs, street flooding – combination of city and district
- CSOs, SSOs, POTW upgrades, blending, sensitive areas – combination of city and district
- CSOs and asset management, modifying total separation LTCP, with extreme affordability issues
- SSOs, POTW compliance issues, asset management
- CSOs, green infrastructure, extreme low-income affordability issues, already over 2% MHI
- Multiple POTW system, startup of new plant, nutrients, temperature – using permits
- Combined sewer system (not POTW), MS4 permit, low-income affordability issues

# Key Points to Remember

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- IP is a voluntary tool – use it if is helpful for your particular situation; assess relative to other options
- Does not need to include every regulatory requirement – municipality defines scope
- Two entities that share authority for a geographic area can do a plan together
- Think broadly – consider including stormwater, drinking water (at least in cost analysis), other sources in watershed, etc.
- Complexity should be tailored to specific needs and goals of your community

# More Key Points

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- Affordability is key – look at all water obligations, and at costs to operate and maintain the system(s)
- Address legal protections in your plan
  - Permits vs. enforcement actions
- Involve community, including on affordability
- Think about environmental justice broadly
- Consider doing adaptive management
- Keep EPA HQ, Region and State involved
- Exchange information with other communities

# Questions?

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