DRAFT
INTEGRATED PLANNING APPROACH FRAMEWORK

Stakeholder involvement and outreach are critical components of an integrated planning approach for municipalities. EPA will provide opportunities for stakeholder input during the development of this framework. Outreach activities associated with this effort will include the development of both case studies of municipal leaders as well as public outreach tools. EPA is planning a series of listening sessions to allow the public to provide input on a draft of this framework. EPA intends to hold at least five listening sessions during January and February of 2012. EPA listening sessions will be open to the public.

EPA recognizes that approved NPDES States are partners in the implementation of the program and have the lead for the day-to-day activities in their States. EPA is working closely with the States in the implementation of this framework.

I. Background

In recent years, EPA has begun to embrace integrated planning approaches to municipal wastewater and stormwater management. EPA further committed to work with states and communities to implement and utilize integrated planning approaches to municipal wastewater and stormwater management in its October 27, 2011 memorandum *"Achieving Water Quality Through Municipal Stormwater and Wastewater Plans."*[1] Integrated planning will assist municipalities on their critical paths to achieving the human health and water quality objectives of the Clean Water Act (CWA) by identifying efficiencies in implementing the sometimes overlapping and competing requirements that arise from distinct wastewater and stormwater programs, including how best to make capital investments. Integrated planning can also facilitate the use of sustainable and comprehensive solutions, including green infrastructure, that protect human health, improve water quality, manage stormwater as a resource, and support other economic benefits and quality of life attributes that enhance the vitality of communities. The integrated planning approach does not remove obligations to comply with the CWA, but rather recognizes the flexibilities in the CWA for the appropriate sequencing of work.

The purpose of this framework is to provide further guidance for EPA, states and local governments in developing and implementing effective integrated plans. The framework identifies the operating principles and essential elements of an integrated plan.

II. Principles

Following are overarching principles that EPA will use in working with municipalities to implement an integrated approach to meet their wastewater and stormwater program obligations

[1] The October 27, 2011 memorandum is available at http://cfpub.epa.gov/npdes/integratedplans.cfm.

under the CWA. Also presented are guiding principles that EPA recommends municipalities use in the development of their integrated plans.

Overarching Principles

1. This effort will maintain existing regulatory standards that protect public health and water quality.

2. This effort will allow a municipality to balance various CWA requirements in a manner that addresses the most pressing public health and environmental protection issues first.

3. The responsibility to develop an integrated plan rests with the municipality that chooses to pursue this approach. Where a municipality has developed an initial plan, EPA and/or the State will determine appropriate actions, which may include developing requirements and schedules in enforceable documents.

Principles to Guide the Development of an Integrated Plan

Integrated plans should:

1. Reflect State requirements and planning efforts and incorporate State input on priority setting and other key implementation issues;

2. Provide for meeting water quality standards and other CWA obligations by utilizing existing flexibilities in the CWA and its implementing regulations, policies and guidance;

3. Maximize the effectiveness of funds through analysis of alternatives and the selection and sequencing of actions needed to address human health and water quality related challenges and non-compliance.

4. Incorporate effective innovative technologies, approaches and practices, including green infrastructure.

5. Evaluate and address community impacts and consider disproportionate burdens resulting from current approaches as well as proposed options.

6. Ensure that existing requirements to comply with technology-based and core requirements (*e.g.*, proper operation and maintenance of facilities, secondary treatment requirements, nine minimum controls for combined sewer overflows (CSOs), including elimination of dry weather overflows, and stormwater minimum measures) are not delayed.

7. Ensure that a financial strategy is in place, including appropriate fee structures.

8. Provide appropriate opportunity for meaningful stakeholder input thoughout the development of the plan.

III. Elements of an Integrated Plan

Defining Scope

National Pollutant Discharge Elimination System (NPDES) requirements for separate sanitary sewer systems, combined sewer systems, municipal separate storm sewer systems and wastewater treatment plants may be included in an integrated plan. Each of the aforementioned systems may have different owners/operators responsible for the various sewer systems and treatment plants as well as different geographic service areas and different service populations. When developing an integrated plan, a municipality/community must determine and define the scope of the integration effort (*e.g.* utility or service area wide encompassing all projects on or narrower to include two or three projects), the entities that need to participate in implementing the integrated plan, and the role each entity will have in implementing the plan.

Plan Elements

Although the details of each integrated plan will vary depending on the unique challenges of each community, an acceptable integrated plan generally should address the following elements:

Element 1: A description of the water quality, human health and regulatory issues to be addressed in the plan, including:

- An assessment of existing non-compliance with CWA requirements and projected future CWA requirements (*e.g.*, water quality-based requirements based on a new total maximum daily load (TMDL));
- Identification and characterization of human health threats;
- Identification and characterization of water quality impairment and threats, and where available, applicable wasteload allocations (WLAs) of an approved TMDL or an equivalent analysis;
- Identification of sensitive areas and environmental justice concerns; and
- Metrics for evaluating and meeting human health and water quality objectives.

Element 2: A description of existing wastewater and stormwater systems under consideration and summary information describing the systems' current performance, including:

- Identification of municipalities and utilities that are participating in the planning effort and a characterization of their wastewater and stormwater systems; Characterization of discharges from the wastewater and stormwater systems under consideration as well as overflows from wastewater systems that do not result in a discharge to waters of the United States; and
- Identification of deficiencies associated with existing assets.

Element 3: A process for involving relevant community stakeholders in the planning and selection process.

- Municipalities developing integrated wastewater and stormwater plans should provide appropriate opportunities for meaningful input at various stages of development of the plans.

Element 4: A process for identifying, evaluating, and selecting alternatives and proposing implementation schedules which addresses:

- The use of appropriate infrastructure management approaches, such as asset management, to assist in providing information necessary for sustainable planning and in prioritizing investments in and renewal of major wastewater and stormwater systems;
- The use of a systematic approach to consider green infrastructure and other innovative measures that may provide more sustainable solutions.
- Identification of criteria, including those related to sustainability, to be used for comparing alternative projects and a description of the process used to compare alternatives and select priorities;
- Identification of alternatives, including cost estimates, projected pollutant reductions and other benefits associated with each alternative;
- An analysis of alternatives that documents the criteria used, the projects selected, and why they were selected.
- proposed implementation schedules; and
- For each entity participating in the plan, a financial strategy and capability assessment that ensures investments are sufficiently funded, operated, maintained and replaced over time.

Element 5: Measuring success

- Proposed performance criteria and measures of success; and
- Monitoring program to address the effectiveness of controls, compliance monitoring and ambient monitoring.

IV. Implementation

EPA and states will determine the appropriate roles of permit and enforcement authorities in addressing the regulatory requirements identified in the plan. Implementing an integrated approach to wastewater and stormwater management will require coordination between state and federal NPDES permit and enforcement authorities. As discussed below, elements of an integrated plan can be incorporated into NPDES permits where appropriate, enforcement actions, or both. Permit issuance and implementation of existing permit and enforcement requirements and activities should not be delayed while an integrated plan is being developed.

Permits

All or part of an integrated plan can be incorporated into an NPDES permit as appropriate. Limitations and considerations for incorporating integrated plans into permits include:

- Compliance schedules for meeting water quality-based effluent limitations (WQBELs) in NPDES permits issued for discharges from publicly owned treatment works (POTWs) and/or CSOs need to be consistent with the requirements in 40 CFR 122.47. EPA has issued guidance on when an NPDES permit authority may include a compliance schedule in a permit for the purpose of achieving a WQBEL. The guidance explains when such compliance schedules are consistent with *In the Matter of Star-Kist Caribe*, Inc. 3 E.A.D 171, 175, 177 (1990), (see "Compliance Schedules for Water Quality-Based Effluent Limitations in NPDES Permits", May 10, 2007).

- Green infrastructure approaches and related innovative practices that provide more sustainable solutions by managing stormwater as a resource should be considered .

- Appropriate water quality trading may be reflected in NPDES permits (see EPA's 2003 Water Quality Trading Policy).

Enforcement

EPA and the states may bring enforcement actions against municipalities to address noncompliance with the CWA. Enforcement actions include administrative orders or negotiated consent decrees that require compliance with various requirements under the CWA. All or part of an integrated plan may be able to be incorporated into the remedy of an enforcement action. Considerations for incorporating integrated plans into enforcement actions include:

- Enforcement orders should provide compliance schedules for CWA requirements that prioritize the most significant human health and environmental needs first.

- Where *Star-Kist* limits the use of a compliance schedule in a permit, an enforcement action may be used in conjunction with the permit to ensure implementation of the integrated plans.

- The integrated planning framework should ensure that all necessary parties to a consent decree or administrative order are involved (e.g. municipality, utility authority, etc.).

- Green infrastructure approaches and related innovative practices that provide more sustainable solutions by managing stormwater as a resource should be considered.