UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 27 2011

MEMORANDUM

SUBJECT: Achieving Water Quality Through Integrated Municipal Stormwater and Wastewater Plans

FROM: Nancy Stoner
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Office of Water (OW)

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Office of Enforcement and Compliance Assurance (OECA)

TO: EPA Regional Administrators, OW & OECA Office & Division Directors

One of the most basic objectives of the Clean Water Act (CWA) is to keep raw sewage and pollutants carried by stormwater out of our nation's waters. We have made tremendous strides towards achieving that objective, but much work remains to be done. As we move forward with our work, we must be mindful that many of our state and local government partners find themselves facing difficult financial conditions. Their ability to finance improvements by raising revenues or issuing bonds has been significantly impacted during the ongoing economic recovery. We write this memorandum to make sure that we proceed as one EPA to assure that we work with states and communities to get the most effective as well as cost-effective approaches for meeting our shared objective of clean water that protects public health and the environment.

Integrated Planning for Cost-Effective Solutions

Today, the EPA, states and municipalities often focus on each CWA requirement individually for protecting water quality. As a result, we sometimes assess and implement the best alternative to solve one problem at a time without full consideration of all CWA obligations. This approach may have the unintended consequence of constraining a municipality from implementing the most cost-effective solutions in a sequence that addresses the most serious water quality issues first. We encourage regions to work with the states to engage our local partners regarding all of their National Pollutant Discharge Elimination System (NPDES) related obligations in an orderly manner. A comprehensive and integrated planning approach to a municipal government's CWA waste- and storm-water obligations offers the greatest opportunity for identifying cost-effective and protective solutions and implementing the most important projects first. The CWA and its implementing regulations, policy and guidance provide us

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with the necessary flexibility to work with communities to utilize comprehensive integrated planning to prioritize its waste- and storm-water investments.

Integrated planning will put municipalities on a critical path to achieving the water quality objectives of the CWA by identifying efficiencies in implementing sometimes overlapping and competing requirements that arise from separate waste- and storm-water programs, including how best to make capital investments and meet operation and maintenance requirements. Integrated planning also can lead to the identification of sustainable and comprehensive solutions, such as green infrastructure, that improve water quality as well as support other quality of life attributes that enhance the vitality of communities.

In embracing an integrated approach to waste- and storm-water management we are not suggesting that existing regulatory or permitting standards that protect public health and water on which communities depend be lowered. Rather, we are simply suggesting that such an approach will help municipalities responsibly meet their CWA obligations by maximizing their infrastructure improvement dollars through the appropriate sequencing of work. This will require coordination between permit and enforcement actions and complementary state actions. In so doing, as we consider a particular municipality's financial ability to complete the required infrastructure improvement work we must be sure that we consider all of its CWA obligations. EPA's existing regulations and policies provide EPA and states flexibility to evaluate a municipality's financial capability in tough economic times and to set appropriate compliance schedules, allow for implementing innovative solutions and sequence critical waste- and storm-water capital projects and operation and maintenance related work in a way that ensures human health and environmental protection. We recognize that such an integrated approach will necessarily involve balancing all of a municipality's competing CWA priorities with the public health and welfare objectives of the CWA. In doing so, we must be diligent in ensuring that a municipality be positioned to address its most pressing public health and welfare issues first.

States and local governments share our commitment to protecting public health and welfare. As an initial step towards meeting this shared commitment, the Office of Water and Office of Enforcement and Compliance Assurance are developing an integrated planning approach framework to help EPA, including its regional offices, work with state and local governments toward cost effective decisions. The framework will identify: 1) the essential components of an integrated plan; 2) steps for identifying municipalities that might make best use of such an approach; and 3) how best to implement the plans with our state partners under the CWA permit and enforcement programs.

Once the framework is in draft form we want to begin discussions and hold meetings with states and local governments, utilities and environmental groups to obtain their feedback on the draft framework in the coming months. In addition, we hope to identify municipal leaders who are currently developing, or have developed, integrated plans that can serve as models for this work.

Green Infrastructure

As you know, given the multiple benefits associated with green infrastructure, EPA strongly encourages the use of green infrastructure and related innovative technologies, approaches, and practices to manage stormwater as a resource, reduce sewer overflows, enhance environmental quality, and achieve other economic and community benefits. Many cities and communities in the United States are now

employing green infrastructure practices and know the value of such projects to not only protect water resources, but also to bring opportunities for greenways and multiuse recreational areas, improving property values, saving energy and creating green jobs.

In April of this year, we released our new green infrastructure strategic agenda, which outlines the activities that we will undertake to help communities implement green infrastructure approaches. Our strategy aims to clarify and advance the wider utility of green infrastructure within the regulatory and enforcement contexts through improvements in outreach and information exchange, financing, and tool development and capacity building.

Over the past several years, we have been working closely with state and local governments to incorporate green infrastructure approaches to water quality within permits and enforcement actions. We have many successful examples of cities who will utilize green infrastructure to meet regulatory requirements while also benefiting from green jobs, neighborhood enhancements and more sustainable communities. We have also launched a community partnership program that has currently identified 10 communities with which the Agency will work on green infrastructure implementation issues. The Agency hopes to add up to an additional 20 communities in the future. We have also started to develop technical assistance resources for some of these communities on using green infrastructure on brownfield sites and slowly infiltrating soils and evaluating codes and ordinances for barriers. All of these green infrastructure and associate innovations are important tools that will be fundamental aspects of the integrated waste- and storm-water planning solutions we envision.

We have the tools in our existing regulations and guidance to find answers to these problems. The current economic times make the need for sensible and effective approaches even more pressing. We have already seen the benefits that leadership and creativity in the regions' work bring to resolving these issues, reflected in forward looking plans in Indianapolis, Cleveland, St. Louis and many others. We look forward to working with you, and with states and local communities, to continue to pursue innovative and cost effective solutions to our water quality challenges.

We encourage you and your staff to contact Deborah Nagle, Director, Water Permits Division (nagle.deborah@epa.gov) and Mark Pollins, Director, Water Enforcement Division (pollins.mark@epa.gov) with any questions you might have.

Cc: Regional Permit and Enforcement Liaisons