

Using Integrated Planning To Address Affordability Challenges

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NEWEA CSO/WWI Conference

September 29, 2021

History of Integrated Planning

- 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 and other States

Key Elements of Integrated Plan

- 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

- 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

What's in the New Law?

- 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

Affordability – What Does It Mean?

- In developing CSO LTCP, level of financial burden determines schedule, and can determine level of control
- Under current EPA guidance, have to use EPA formula to estimate burden, based on impact to median household income, plus review of other factors
- BUT also allowed to provide “supplemental information”

Recent Changes in “Affordability”

- Increased willingness of EPA to look beyond MHI, to impacts on low-income population
- More flexibility to go beyond strict reliance on 2% of MHI test
- Ability to look beyond just CSO control costs in assessing burden – look at asset management, other CWA costs, sometimes even non-CWA obligations

New EPA Affordability Guidance

- New guidance issued in Jan. 2021
- Makes it clear that impacts on low-income populations can be considered, and confirms flexibility in other areas
- BUT not published in Fed Reg, so not in effect – being reviewed by new EPA
- BUT all info discussed in new guidance can be submitted as “supplemental info” under current guidance

Key Points to Remember

- IP is a voluntary tool – use it if it 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

- 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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