



The New York Water Environment Association, Inc.

The Water Quality Management Professionals

525 Plum Street • Suite 102

Syracuse, New York 13204

(315) 422-7811 • Fax: 422-3851

www.nywea.org • e-mail: pcr@nywea.org

February 23, 2012

The Honorable Nancy Stoner
Acting Assistant Administrator
Office of Water
U.S. Environmental Protection Agency
Mail Code: 4203M
1200 Pennsylvania Ave, NW
Washington, DC 20460

The Honorable Cynthia Giles
Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attention: Docket ID No. EPA-HQ-OW-2011-0986

RE: Draft EPA Integrated Municipal and Stormwater Planning Approach
Framework – NYWEA's Comments

Dear Acting Assistant Administrator Stoner and Assistant Administrator Giles,

The New York Water Environment Association (NYWEA) is a statewide nonprofit organization of approximately 2,500 water and wastewater professionals, environmental engineers and scientists, and water quality management professionals dedicated to protecting and enhancing the waters of New York. NYWEA is primarily an educational organization dedicated to educating not only our members but also those who are charged with setting policy and practices intended to protect the water environment here in New York.

Recently, several NYWEA representatives participated in the February 6, 2012 EPA Integrated Planning Workshop at the EPA Region 2 Offices in New York City. In

addition to the comments that were provided during the workshop, we would like to offer the following written summary of NYWEA comments for your consideration.

1. Overall, NYWEA supports EPA draft Integrated Planning Approach Framework (the Framework) and is prepared to work with EPA to provide further input and address specifics of the implementation.
2. NYWEA believes that the Framework would benefit from explicitly encouraging States and municipal entities to use watershed approach for development and implementation of integrated plans. The watershed approach would be beneficial for both meeting CWA obligations and saving valuable financial resources through the watershed based collaboration in achieving these CWA obligations. As part of the watershed based considerations, both point and non-point source controls should be taken into account.
3. Overarching and Guiding Principles
 - a) NYWEA believes that affordability and ability to pay are very important considerations that should be included in the principles. The integrated plans shall take into account existing and pending financial obligations incurred by municipalities.
 - b) The principles should emphasize that integrated planning should start on a local level. Municipal governments have both fiduciary responsibility to protect public health of its residents and keen knowledge of key local categories of expenses allowing them to prioritize the integrated plans' obligations and schedules for a given municipality. The necessary input of the key stakeholders, including non-governmental organizations (NGOs) will be solicited through public participation process. EPA and States will then be in the position to further review and comment on these plans to ensure consistency on a regional level.
 - c) The principles should enable municipalities to take into account the incremental costs and associated environmental benefits as one of the planning criteria for prioritizing environmental projects along with their level of importance for public health and environmental health protection.
 - d) NYWEA believes that the principles should encourage municipalities to use the adaptive management approach as part of the Framework. The implementation plans and schedules should be well defined but at the same time be adaptable to incorporate advances of available technology or change in local economic or water quality conditions.
 - e) Integrated planning should be voluntary and be allowed to any municipality who is willing to undertake this effort, regardless of whether the municipality currently has an ongoing judicial or administrative consent order obligations.

- f) Integrated planning considerations should include Use Attainability Analyses (UAA) and other best management practices. Where appropriate, based on the UAA analyses, variance to the designated use and associated water quality criteria should also be considered.

4. Plan Elements

- a) NYWEA agrees with the general description of a scope of an integrated plan emphasizing that integrated plans should be developed on a local (municipality/community) level. However, this is also an appropriate place for EPA to emphasize the need for planning on a watershed basis and provide some recommendations for coordination of plans provided by communities with the overlapping jurisdictions discharging to the same watershed.
- b) NYWEA believes that the scope of the integrated plans could include, CSOs, SSOs, peak wet weather treatment, stormwater management, nutrient removal, biosolids management, upgrade of aging sewer infrastructure and other projects of comparable importance.
- c) Plan Element 2 should provide assurances of the immunity to those communities which decide to participate in the integrated planning and, thus, will have to provide detailed description of their current performance.
- d) Plan Element 3 emphasizes a need for stakeholder involvement. NYWEA agrees with the importance of this approach and recommends using existing state and local public participation process for each of the elements of the integrated plans.
- e) In Plan Element 4, NYWEA recommends changing the phrase “pollutant reduction” to “environmental benefits”, since not all of the environmental projects can be measured by specific pollution reduction.

5. Implementation

- a) NYWEA supports incorporation of the appropriate elements of integrated plans into the permits and existing consent orders. We generally recommend not creating new consent orders and/or enforcement actions for the sake of incorporation of integrated planning obligations, except for those situations when the creation of the integrated plans occurred shortly after renewal or reissuance of the permit. We understand, however, that, in certain instances, new enforcement actions may provide better flexibility and ability to change the implementation approaches should the new technology or technical information become available.

- b) NYWEA believes that integrated plans, developed on a voluntary basis, should be incorporated into permits and/or consent orders in such a manner to ensure adequate protection from citizen suits.
- c) NYWEA recommends that implementation schedules that go beyond the 5-year cycle of the permits should be adaptable enough to be revisited and, if necessary, adjusted in conjunction with the renewal of the permits or, if appropriate, as part of the consent order(s) to which they have been incorporated. In a number of instances, a memorandum of understanding or a similar formal agreement amongst concerned parties attached to an integrated plan may be sufficient to document and guide a long-term implementation schedule that crosses multiple permit cycles amongst multiple planning partners.
- d) NYWEA recommends that existing consent orders should be able to be reopened and revised, as appropriate, to be consistent with integrated plans.
- e) NYWEA support inclusion of green technology and other innovative approaches into integrated plans. As one of these approaches, we support inclusion of environmental trading between municipalities discharging to the same watershed, including trading between point and nonpoint sources.

On behalf of NYWEA, I commend EPA leadership and dedicated work on this important topic. Please don't hesitate to contact either me at 518-447-1617 or rlyons@albanycounty.com or NYWEA's Executive Director Patricia Cerro-Reehil at 315-422-7811, or pcr@nywea.org, if you would like to discuss our comments or believe that we can be of further assistance.

Respectfully submitted,



Richard J. Lyons
President

cc: NYWEA Board
NYWEA Government Affairs Committee
Jeff Gratz, USEPA