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Legal Alerts

EPA Releases New Integrated Stormwater and Wastewater Planning Framework

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Last week, the EPA released its new Integrated Stormwater and Wastewater Planning Approach Framework. The Framework is voluntary and designed to help municipalities prioritize stormwater and wastewater infrastructure investments that are intended to reduce combined sewer overflows, sanitary sewer overflows, and other discharges that occur during heavy precipitation events. The text of the Framework is here.

The Framework incorporates flexibility and explicitly states that the municipality's financial capability can be considered when setting priorities. The Framework also increases the number of factors that may be considered when evaluating whether a municipality can afford infrastructure upgrades. The Framework emphasizes the use of green infrastructure technologies where appropriate.

With regard to implementation tools, the Framework explicitly recognizes the use of compliance schedules and permit reopeners to help implement adaptive management techniques. Trading is also acknowledged in certain contexts.

While the Framework contains enforcement provisions, it notes that EPA will use enforcement to address long-standing histories of violations and recommends including sufficient flexibility in enforcement orders to allow for adaptive management. Currently, it is unclear how the Framework will be applied in the permitting context. While many questions remain as to how the Framework will actually be employed, it is encouraging to see flexibility specifically recognized and incorporated into the Framework.

For more information on the new Framework, contact Lori Terry Gregory at lori.terry@foster.com or 206.447.8902.

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