



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

DEC 03 2019

OFFICE OF WATER

**MEMORANDUM:**

**SUBJECT:** Implementation of Integrated Planning in Accordance with the 2019 Water Infrastructure Improvement Act (WIIA)

**FROM:** Sally Gutierrez, Acting Director  
Water Permits Division

A handwritten signature in black ink, appearing to read "Sally C. [initials]".

**TO:** Water Division Directors,  
Regions 1-10

The purpose of this memorandum is to highlight new provisions in the Water Infrastructure Improvement Act (WIIA), signed into law on January 14, 2019, and how EPA will continue to provide support to communities and states on integrated planning and green infrastructure. This memorandum also complements a memorandum written by Water Enforcement Division Director Mark Pollins on September 26, 2019.<sup>1</sup> As discussed during our Water Division Directors conference call in May 2019, WIIA amends the Clean Water Act (CWA) in several ways:

Integrated Planning

- Amends Section 402 of the CWA to define an “integrated plan” as “a plan developed in accordance with the Integrated Municipal Stormwater and Wastewater Planning Approach Framework, issued by the Environmental Protection Agency and dated June 5, 2012.” CWA § 402(s).
- Requires the EPA to “inform municipalities of the opportunity to develop an integrated plan that may be incorporated into a permit” (Id.) or to be part of an Administrative Order or Consent Decree and provides that municipalities that have developed an integrated plan may request a modification to their existing order or decree. See CWA § 309(h).
- Specifies that when an integrated plan is incorporated into a National Pollutant Discharge Elimination System (NPDES) permit, the permit can include a compliance schedule implemented over more than one permit term to meet applicable water quality-based effluents limitations if it is authorized by the State’s water quality standards and meets all the requirements in 40 CFR section 122.47. See CWA § 402(s).

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<sup>1</sup> EPA 2019, Memorandum on Enforcement and Compliance actions related to WIIA, see: <https://www.epa.gov/enforcement/integrated-planning-documents>

- Requires the EPA to provide technical assistance to communities to help them develop integrated plans. *See id.*
- Requires the EPA to provide a Report to Congress by January 2021 on integrated plans that have been developed since June 2012 and implemented in a permit, Consent Decree, or Administrative Order. *See id.*

### Green Infrastructure

- Amends CWA Section 502 to define “green infrastructure” as “the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate or evapotranspire stormwater and reduce flows to sewer systems or to surface waters.” CWA § 502(27).
- Directs the EPA to coordinate efforts to increase the use of green infrastructure with federal, state, tribal, and local governments as well as the private sector. *See CWA § 519(b).*
- Directs the EPA to provide and/or promote coordinated outreach, training, technical assistance, and information sharing on green infrastructure. *See CWA § 519(a)-(d).*

### Municipal Ombudsman

- Establishes the Office of the Municipal Ombudsman within the Administrator's Office to assist and inform municipalities interested in integrated planning (specifically pertaining to identifying financial assistance, permitting and enforcement flexibilities, plan development opportunities, and examples of existing integrated plans to use as models) and provide the Administrator with information to ensure uniform application of integrated planning. *See CWA § 402(s).*

I recognize there has been a lot of collaborative work done between headquarters and the regions on green infrastructure<sup>2</sup> and integrated planning<sup>3</sup> since these programs were established in 2007 and 2012, respectively.

With the amendments to the CWA, there is a new opportunity to build upon this collaborative work as well as greater assurance for permit writers and municipalities to move ahead with utilizing integrated plans and green infrastructure in future NPDES permitting actions as well as other enforceable CWA actions. The new amendments require NPDES permitting authorities to inform municipalities that they can voluntarily develop an integrated plan that may be incorporated into permits. *See CWA § 402(s).* As you know, the EPA conducted extensive outreach prior to and following the 2012 launch of the integrated planning framework. We have continued to engage in dialogue with municipalities as part of our normal business. This Act, however, gives us a chance to reengage with our state and municipal partners to remind them of this opportunity and to inform them that we support these practices.

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<sup>2</sup> See EPA's Green Infrastructure Program resources at <http://www.epa.gov/greeninfrastructure>.

<sup>3</sup>See EPA's reports that highlight how to implement specific elements of integrated plans and the communities we worked with, visit: <https://www.epa.gov/npdes/integrated-planning-municipal-stormwater-and-wastewater>.

If you have not done so already, I am requesting you reach out to the appropriate state NPDES contacts by December 30, 2019 (either directly or through the Water Directors for each state environmental agency with NPDES permitting authority) or the municipalities directly (where EPA is the permitting authority) to inform them of these new amendments to the CWA.

Additionally, we gathered a preliminary list of integrated plans for your review that we developed for the Report to Congress due January 2021. At this time, this list also includes plans that may be draft or partial plans. We are evaluating whether each plan was developed according to the 2012 Integrated Planning Framework. We request that each Region designate an integrated planning point of contact to work with my team moving forward and to review this list and inform us if any integrated plans are implemented in a permit, Consent Decree, or Administrative Order. Please submit the name of your regional lead by December 20, 2019 by emailing our lead Robyn DeYoung at [DeYoung.Robyn@epa.gov](mailto:DeYoung.Robyn@epa.gov).

I encourage you to contact me at [Gutierrez.Sally@epa.gov](mailto:Gutierrez.Sally@epa.gov) or Chris Kloss, Chief of Water Permits Division's Municipal Branch at [Kloss.Christopher@epa.gov](mailto:Kloss.Christopher@epa.gov) with any questions.