

# Water Quality Improvement and Investment Prioritization Act

# Goals

- To help communities establish better regulatory prioritization in meeting their Clean Water Act obligations
- To allow communities more flexibility in how they invest limited financial resources to meet Clean Water Act requirements
- Substantive requirements of CWA DO NOT CHANGE

# Three Step Planning Process

- FIRST – EPA establishes guidance for developing State priority plans
- SECOND – States develop priority plans to achieve CWA goals based on EPA guidance, receive EPA approval
- THIRD – Communities develop, submit plans to State for approval based on State priority plans

# Definitions

- Defines community waste water treatment systems (CWWTS) to include publicly owned treatment works, municipal separate storm sewers, combined sewer systems, or any combination of these systems. It also includes such systems operated by a public-private partnership
- Allows for CWWTS priority plans
- All other CWA definitions the same

# Findings

- Significant progress has been made in reducing the effects of CWWTS discharges to U.S. waters under the CWA as a result of trillions of dollars of municipal investment
- However, still a growing need -- EPA's 2008 Clean Watersheds Needs Survey – Over \$300 Billion in Needs to Comply with Existing EPA Regulations

# Findings

- Many communities facing serious budgetary shortfalls
- To most expeditiously advance water quality improvement, and to prevent undue economic hardship on ratepayers, CWWTS should be able to:
  - Establish priorities for CWA compliance;
  - Adopt the most cost-effective and innovative treatment and pollution prevention alternatives;
  - Utilize new, better scientific information;
  - Have changed circumstances considered in compliance deadlines

# Step One: EPA Guidance

- Within one year, EPA shall develop guidance to assist States in creating State priority plans
- EPA guidance will help States in establishing priorities for community compliance with CWA
- Guidance to be developed in consultation with States and communities and subject to public comment

# EPA Guidance Shall Include Following Factors:

- The relative contribution of CWWTS vs. other sources in watershed;
- The fiscal and environmental costs and benefits of additional treatment of discharges from CWWTS to waters of the U.S.;
- The overall ecological benefits and long term sustainability of green infrastructure, adaptive management or other innovative treatment technologies as alternative treatment for compliance;
- The financial capability of the community;
- Local climatic, economic and population variations; and
- Existing interstate compacts

# Step Two – State Priority Plans

- Based on EPA guidance, States shall develop plans for statewide or regional priorities for compliance with CWA, including priorities for CWWTS
- State plans must be approved by EPA
- State plans must include application/approval process for CWWTS prioritization plans

# Step Three – CWWTS Priority Plans

## *CWWTS Priority Plan Triggers:*

- New scientific data, modeling or other predictive calculations; or
- Proposed innovative treatment approaches, including but not limited to adaptive management, watershed management, water quality trading, constructed wetlands or green infrastructure approaches; or
- Changed circumstances

# Changed Circumstances

- New regulatory, permitting or other enforceable agreements including judicial or administrative consent orders;
- Changes in the financial capability of the community;
- Efficacy of treatment and management techniques previously implemented;
- Watershed protection implementation;
- Water conservation or changes in demand and usage; or
- Changes in population served

# Effect of Priorities Plan Approval

- “Notwithstanding any other provision” of the CWA, CWWTS may “comply with the provisions of the Act in a manner and time frame consistent with their priority plan as approved by the State and the Administrator”
- Permits issued pursuant to § 402 shall be modified in accordance with an approved CWWTS priority plan
- If requested by a CWWTS, EPA shall seek modification of a judicial or administrative order that is inconsistent with an approved priority plan

# Permit Extension

- Changes the longest term an NPDES permit can be in effect from five years to ten years

# Questions?

