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The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Administrator Jackson:

The Local Government Advisory Committee (LGAC) appreciates the opportunity to work with you and the US EPA on a wide range of issues of interest and concern to local governments. More specifically, the Committee is particularly grateful to have the opportunity to comment on EPA's recently undertaken initiative of integrated wet weather management planning. The LGAC has reviewed and considered the "*Draft Integrated Planning Approach Framework*," and pursuant to its charter, we offer the following comments regarding integrated stormwater and wastewater planning.

The LGAC appreciates EPA's release of the October 27, 2011 memorandum "*Achieving Water Quality through Integrated Municipal Stormwater and Wastewater Plans*." We value EPA's commitment to work with states and communities to get the most effective, as well as cost-effective, approaches for meeting our shared objective of clean water that protects public health and the environment.

Local communities face a number of challenges in managing wastewater and stormwater, including obsolete designs, aging infrastructure, and increased service populations. To address these issues, flexibility is extremely important for local governments and communities, especially in today's economic environment. Plans, permitting, rules, and guidelines should be coordinated with locals to assure enforcement, compliance, and best practices in implementation. The LGAC appreciates the framework's emphasis on flexibility in the Clean Water Act (CWA), as well as comprehensive studies of alternative solutions and innovative approaches, including the use of green infrastructure and low-impact development. The flexibility in the framework allows communities to choose

those actions that are the most effective for the unique qualities, needs, and priorities of each community. Holistic, integrated

approaches can help communities achieve environmental benefits while also reducing expenditures. The LGAC appreciates EPA's emphasis on green infrastructure and sustainable solutions. Green infrastructure can have vast environmental, economic, and health benefits in communities, and the flexibility to allow communities to explore what options and alternatives work best for their unique needs is invaluable.

Additionally, the LGAC appreciates EPA's focus on stakeholder involvement and evaluation of potentially disproportionate burdens resulting from current and planned approaches; this focus helps ensure that all of the various concerns in every community, including environmental justice issues, as well as assessing risk based on cumulative risk and social determinants, not just based on chemical dose response, are adequately addressed.

As a principle of developing an integrated plan, EPA suggests ensuring that a financial strategy is in place, including appropriate fee structures. While the LGAC agrees that the financial component is a necessary foundation to any plan, EPA's guidance is vague. EPA should also recognize that enforcement and follow-through are additional financial burdens beyond the financial resources needed for planning and implementation for localities, many of which are already inhibited in their actions by lack of resources and staffing. Some examples of successful financial strategies used for integrated planning in other communities could benefit those communities just beginning to undertake an integrated stormwater and wastewater plan. The LGAC would like to ensure that most of the financial responsibility for planning and implementation does not fall directly onto local governments or their residents.

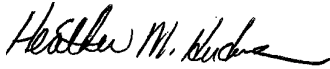
Local governments would benefit from long-term implementation guidance as well. After a community installs green infrastructure solutions and upgrades its water systems, the maintenance of that green infrastructure often falls to homeowners and landowners. For example, local governments often install retention ponds in residential communities to manage stormwater runoff and drainage. Once established, responsibility for the retention pond's maintenance may be transferred to the local homeowners' association. These homeowners associations typically have limited budgets and little incentive or knowledge to manage the upkeep of green infrastructure effectively; ultimately, the systems fail and can have detrimental environmental effects if not maintained. Additionally, local governments may run into problems related to authority in implementation and enforcement plans. Many municipalities and local governments lack the authority, due to state and federal statutes and regulations, to implement or direct an enforcement action that may be necessary for the long-term success of a project.

The LGAC asks for clarification regarding existing consent decrees. Many consent decrees no longer reflect current situations, due to changing environmental and economic conditions since the consent decree was finalized. When changes to a consent decree would benefit the environmental good of the community, the LGAC recommends that EPA be open to reopening and renegotiating standing consent decrees to incorporate the principles of integrated planning.

The LGAC looks forward to seeing case studies, models, and examples of successful integrated planning that can be replicated in other communities. The LGAC recommends that EPA establish a resource center for local governments and communities to reference as they undertake both the planning and implementation, short-term and long-term, of integrated stormwater and wastewater approaches.

The Committee thanks EPA for recognizing the value of partnership between all levels of government for successful and effective wastewater and stormwater planning and implementation and for recognizing voluntary steps and actions that local governments may choose to undertake. The Committee anticipates the Agency's next steps in integrated planning, including EPA's development of "*CSO Post-Construction Compliance Monitoring Guidance*." The Committee looks forward to continued work with the Agency on this effort.

Sincerely,



Mayor Heather McTeer  
Chairwoman



Chair, Representative Chris Ross  
Protecting America's Waters  
Workgroup

CC: Nancy Stoner  
Cynthia Giles