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Planning

# *Managing regulators' honey-do lists:* Integrated planning for clean water act compliance

When one returns home from a meeting or a full day of work, a common greeting for some (although not this author) is the 'honey do list' on the kitchen counter. Sometimes multiple pages long, the list may contain a variety of projects and tasks, sometimes with an asterisk (or an exclamation point!) so as to signify importance or high priority. Depending on the list, one may wonder whether there are enough hours in the day to complete all the tasks (or sufficient funds for some of the projects).

Many utilities are all-too-familiar with the challenge of completing such a 'honey do list' from regulators. If that set of obligations were just a single document with all work identified, it might be easier to comply. Or, if some of the tasks and time lines were mere suggestions or recommended projects, prioritizing would come easier. However, for many years, regulatory obligations for utilities have often been developed and enforced separately, requiring compliance with specific projects for particular agency divisions, and without regard to other responsibilities demanded from a different regulatory compliance section down the hall. The cumulative impact can seem overwhelming, particularly when projects are capital-intensive and compliance comes with short time frames.

In response to lobbying efforts by utilities and cities across the country, regulators at EPA have recognized these challenges, and have offered a framework by which utilities may manage and prioritize their water/wastewater/stormwater compliance obligations. 'Integrated Planning' is this framework, allowing a utility to present a comprehensive plan and compliance schedule that addresses investments in a variety of areas including wastewater collections system, wastewater treatment plants, MS4 projects, and the host of regulatory obligations relating to them (such as water quality standards, TMDLs, I-Plans, et al). In short, a utility may include that 'to do list' in a single document and present a comprehensive, coordinated plan to regulators that takes into consideration a community's funding and staffing limitations and allows for a more cost-effective means of addressing the highest priority compliance challenges.

Just as a leaky roof needs attention before painting the backyard fence, wastewater utilities know that repairing a broken wastewater main may need attention before cleaning a pipe in a newly developed subdivision. The benefits of an Integrated Plan are to be anticipated in permits, enforcement, and compliance schedules, and in a manner that is cognizant of cost impacts to ratepayers.

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Although the process is relatively new (it was introduced in 2012), EPA's guidance expressly provides that permits and enforcement orders should incorporate Integrated Plan elements so as to provide 'sufficient flexibility' that address funding issues and allow for extended time frames for compliance.

By putting to paper a single, comprehensive plan, a utility and the community it serves may also realize the

limitations and extent of affordability concerns, particularly in light of EPA affordability guidance that may help alleviate some of the cost impact utilities and their ratepayers would otherwise bear. Additionally, cost considerations under EPA's framework may also include Safe Drinking Water Act compliance costs, among those listed above.

Whether your utility has just completed a permit cycle or is overwhelmed with

a wave of upcoming schedules and compliance challenges, the time may be right to consider an Integrated Plan to help manage that ever-expanding to-do list. Through the Integrated Planning guidance, regulators have acknowledged the inequity of prior 'silo' approaches to compliance, and have presented an opportunity for better prioritization and cost effectiveness in addressing compliance challenges. Thus, the development of an Integrated Plan may help your community prioritize its future investments in infrastructure and maintenance, consider known and even possible liabilities, and extend obligations in a manner that makes the most environmental sense and avoids overburdening a utility's ratepayers.

Planning ahead can reduce the overall burden of that honey-do list, and it may help prioritize the most important task items so as to inform an Integrated Plan. Such planning could include an overarching evaluation of potential Clean Water Act liability, examining permit and regulatory violations and trends, capturing and evaluating planned CIP projects, reviewing asset improvements, updating training techniques, and conducting a comprehensive analysis of best practices. Utilities may also wish to audit their existing standard operating procedures, reporting mechanisms, and tracking protocols. Such audits, when privileged, represent a relatively safe method to identify potential liability and can enable a deliberate approach to address a variety of technical challenges across a utility's various assets. Ultimately, while the 'honey do list' may never disappear entirely, Integrated Planning may present a means of managing the list to address the unique needs of both regulators and ratepayers.

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