

Green Infrastructure Statement of Intent

U.S. Environmental Protection Agency (EPA)
and
National Association of Clean Water Agencies (NACWA)
Natural Resources Defense Council (NRDC)
Low Impact Development Center (LID)
Association of State and Interstate Water Pollution Control Administrators
(ASIWPCA)

April 19, 2007

Introduction

This Statement of Intent is entered into and between the U.S. Environmental Protection Agency (EPA) and the following organizations in recognition of the Statement of Support for Green Infrastructure (attached) and the efforts of all supporting organizations thereto: National Association of Clean Water Agencies, Washington, DC; Natural Resources Defense Council, Washington, DC; the Low Impact Development Center, Beltsville, MD; and the Association of State and Interstate Water Pollution Control Administrators, Washington, DC.

Purpose

The purpose of this Statement is to formalize a collaborative effort among the signatory organizations in order to promote the benefits of using green infrastructure in protecting drinking water supplies and public health, mitigating overflows from combined and separate sewers and reducing stormwater pollution, and to encourage the use of green infrastructure by cities and wastewater treatment plants as a prominent component of their Combined and Separate Sewer Overflow (CSO & SSO) and municipal stormwater (MS4) programs. The Statement is intended to describe and facilitate cooperation, collaboration, coordination, and effective communication among the signatory organizations. We encourage other organizations that support green infrastructure to join us in this initiative.

Background

Many communities in the United States are looking for ways to reduce overflows from sewer systems and stormwater discharges. Overflows occur when separate sewage and/or combined sewage and stormwater pipes overflow due to rainfall, other wet

weather events, or system deterioration. In the late 20th century, most cities that attempted to reduce sewer overflows did so by separating combined sewers, expanding treatment capacity or storage within the sewer system, or by replacing broken or decaying pipes. More recently, a number of cities and utilities have recognized that sewer overflows can also be reduced effectively by diverting stormwater from the sewer system and directing it to areas where it can be infiltrated, evapotranspired or re-used. These approaches are often referred to as “green infrastructure” because soil and vegetation are used instead of, or in addition to, pipes, pumps, storage tunnels, and other “hard infrastructure” that is traditionally used to store and treat the combined sewage and stormwater. Green infrastructure can also be used to reduce stormwater discharges and help to restore the natural hydrology, water quality and habitat of urban and suburban watersheds.

Green infrastructure approaches currently in use include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains. Green infrastructure can be used almost anywhere where soil and vegetation can be worked into the urban or suburban landscape. Green infrastructure is most effective when supplemented with other decentralized storage and infiltration approaches, such as the use of permeable pavement and rain barrels and cisterns to capture and re-use rainfall for watering plants or flushing toilets. These approaches can be used to keep rainwater out of the sewer system so that it does not contribute to a sewer overflow and also to reduce the amount of untreated stormwater discharging to surface waters. Green infrastructure also allows stormwater to be absorbed and cleansed by soil and vegetation and either re-used or allowed to flow back into groundwater or surface water resources.

Objectives

The objectives of this Statement are to:

- Affirm the belief by the signatory organizations in the value of green infrastructure as both a cost effective and an environmentally preferable approach to reduce stormwater and other excess flows entering combined or separate sewer systems in combination with, or in lieu of, centralized hard infrastructure solutions;
- Establish a framework for working together to advance an understanding of green infrastructure as a tool for reducing overflows from sewer systems and stormwater discharges and to encourage and promote their wider application;
- Identify partnership opportunities between the signatory organizations; and
- Develop strategies to promote the use of green infrastructure by cities and utilities as an effective and feasible means of reducing stormwater pollution and sewer overflows such as:

- Developing models for all components of green infrastructure and make them available nationwide.
- Exploring opportunities and incentives for the use of green infrastructure provisions in MS4 permits and CSO Long Term Control Plans (LTCPs), including as a component of injunctive relief provisions of enforcement actions;
- Developing memoranda and guidance materials, including language for the NPDES permit writer's manual, that would explain how regulatory and enforcement officials should evaluate and provide appropriate credit for the use of green infrastructure in meeting Clean Water Act requirements;
- Recognizing the most effective and innovative uses of green infrastructure to meet Clean Water Act goals through EPA awards or recognition programs;
- Providing technical assistance, training, and outreach to potential users of green infrastructure, including states, cities, counties, utilities, environmental and public health agencies, engineers, architects, landscape architects, planners and nongovernmental organizations;
- Establishing a web-based green infrastructure resource center at EPA to assist communities in complying with requirements for combined sewer overflows and municipal stormwater permits and evaluating the multiple environmental benefits that green infrastructure can provide; and
- Developing tools to assist local green infrastructure programs with outreach, training, model development and application, planning and design, monitoring, and plan review.

Recognition: The signatory organizations intend to develop strategies to identify, encourage, and recognize innovative and effective use of green infrastructure.

Communication: The signatory organizations intend to communicate widely about this Statement with their constituencies and encourage them to focus increased attention to green infrastructure development.

Note: All actions that EPA may take in furtherance of this statement are subject to the availability of appropriated funds and the parties to this agreement will not submit a claim to EPA for compensation solely on the basis of this agreement. In signing this statement, none of the organizations listed above, including EPA, are obligating funds nor making any commitment to provide funding to any organization or individuals in the future. Further, EPA cannot endorse the sale or purchase of products or services developed by the participating organizations. This Statement does not create any right or benefit, substantive or procedural, enforceable by law or in equity against the other Signatory organizations or EPA, their officers or employees, or any other

person. This Statement does not apply to any person outside of the other Signatory Organizations and EPA. Nothing in this Statement of Intent creates an exception to EPA policies on competition for assistance agreements or procurement contracts.

STEPHEN L. JOHNSON
Administrator
U.S. Environmental Protection Agency

Date

DICK CHAMPION
National Association of Clean Water Agencies

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