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- Appropriate water quality trading may be reflected in NPDES permits (*see* EPA's 2003 Water Quality Trading Policy).

### Enforcement

EPA and the States may bring enforcement actions against municipalities to address noncompliance with the CWA. Enforcement tools include administrative orders, negotiated consent decrees, or other state formal enforcement actions that require compliance with various requirements under the CWA. All or part of an integrated plan may be able to be incorporated into the remedy of a federal or State enforcement action. Considerations for incorporating integrated plans into enforcement actions include:

- The integrated planning framework should ensure that all necessary parties to a consent decree or administrative order are involved (*e.g.* municipality, utility authority).
- When there is a history of long-standing violations without significant progress, enforcement is used to address past violations and establish a path for coming into compliance.
- Where an extended time frame is necessary to achieve compliance, enforcement orders should provide schedules for CWA requirements that prioritize the most significant human health and environmental needs first.
- How permitting and enforcement actions may be used in conjunction to ensure implementation of the integrated plans.
- Sufficient flexibility should be provided in enforcement orders to allow for adaptive management approaches.
- Green infrastructure approaches and related innovative practices that provide more sustainable solutions by managing stormwater as a resource should be considered and incorporated, where appropriate, where they provide more sustainable solutions for municipal wet weather control.
- Environmentally beneficial projects that are identified in an integrated plan and which the municipality is not otherwise legally required to perform, such as water conservation measures, may be included in a settlement agreement consistent with EPA's Supplemental Environmental Projects Policy<sup>4</sup>.

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<sup>4</sup> The May 1, 1998, policy is available at <http://www.epa.gov/oecaerth/resources/policies/civil/seps/fnl-sup-hermn-mem.pdf>.