



# Upcoming Changes to Federal Rulemaking

Guam Stormwater Workshop  
July 27, 2011



## Session Objectives

- Anticipated changes to the New Construction General Permit (CGP)
- Construction and Development Effluent Guidelines
  - 2010 and 2011 Updates
  - Numeric and Non-Numeric Effluent Limitations
- Post-Construction Storm Water Rulemaking Changes

## New CGP Requirements

- The proposed CGP contains requirements for the Effluent Limitations Guidelines and New Source Performance Standards for the construction and development industry “C&D Rule” that apply to all permitted construction sites.
- The C&D rule requires construction site owners and operators to comply with:
  - A numeric standard for turbidity ([Numeric Limit](#)); and
  - Implement additional erosion and sediment control measures and pollution prevention practices ([Non-numeric limitations](#)).
- The proposed CGP includes a number of new provisions to provide enhanced protections for impaired or other sensitive waters.
- Other Permit area modifications include:
  - Eligibility for emergency-related construction;
  - Required use of the electronic Notice of Intent process;
  - Sediment and erosion controls;
  - Natural buffers or alternative controls;
  - Soil stabilization;
  - Pollution prevention;
  - Site inspections;
  - Stormwater Pollution Prevention Plans; and
  - Permit termination.

## C&D Rule - Non-Numeric Effluent Limits

- The C&D Rule includes requirements for a suite of [6 non-numeric effluent limitations](#) that apply to all permitted construction sites.

The non-numeric effluent limits include requirements for:

- 1) [Erosion and Sediment Controls](#), must :
  - Control storm water volume and velocity;
  - Minimize amount of soil exposed;
  - Minimize disturbance of steep slopes;
  - Minimize sediment discharges from the site;
  - Natural buffers around surface waters;
  - Maximize infiltration; and
  - Minimize soil compaction.
- 2) [Soil Stabilization](#)
  - Stabilize soils within 14 days after clearing, grading, or excavating activities have ceased and will not resume for at least 14 days.
- 3) [Dewatering](#)
  - Minimize the discharge of pollutants from dewatering trenches and excavations. Discharges are prohibited unless managed by appropriate controls.

## C&D Rule - Non-Numeric Effluent Limits Continued

- 4) **Pollution Prevention Measures**
  - Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants.
- 5) **Prohibited Discharges**
  - Wastewater from washout of concrete, unless managed by an appropriate control;
  - Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
  - Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
  - Soaps or solvents used in vehicle and equipment washing.
- 6) **Surface Outlets**
  - Outlet structures must withdraw water from the surface unless infeasible.

## C&D Rule – Numeric Effluent Guideline

### Projects Subject to Proposed Numeric Effluent Limits:

- Current rulemaking (subject to change):
  - Beginning no later than August 1, 2011, sites that disturb 20 or more acres of land at one time were to be required to comply with the turbidity limitation.
  - On February 2, 2014, the limitation was to apply to all construction sites disturbing 10 or more acres of land at one time.
  - For these sites, the turbidity standard was to apply to all storm water discharges from all storm events up to the local 2-year, 24-hour event; although, only certain types of discharges would require monitoring.
- The C&D rule also included a numeric limit for turbidity.  
However, EPA discovered after promulgation that the data used to calculate the numeric limit was misinterpreted. [EPA has issued a stay for the numeric limit for turbidity so that the limit can be recalculated.](#)



## Post-Construction Storm Water Management Development



### Sustainable

*sus-tain-a-ble*

Capable of being continued with minimal long-term effect on the environment

## National Post-Construction Storm Water Rulemaking

- EPA is soliciting information to assess the extent at which it should revise its existing storm water requirements.
- **September 2011** – EPA intends to propose a rule to be published in the Federal Register for public comment.
- **November 2012** – EPA expects to take final action.

### Proposed Actions:

- Develop performance standards from newly developed and redeveloped sites to better address stormwater management as projects are built;
- Explore options for expanding the protections of the municipal separate storm sewer systems (MS4) program;
- Evaluate options for establishing and implementing a municipal program to reduce discharges from existing development;
- Evaluate establishing a single set of minimum measures requirements for regulated MS4s. However, industrial requirements may only apply to regulated MS4s serving populations of 100,000 or more;
- Explore options for establishing specific requirements for transportation facilities.



## Summary Points

- The New CGP will require construction site operators to meet restrictions on erosion and sediment control, pollution prevention, and stabilization (C&D Rule).
- EPA is in the process of recalculating a numeric effluent limitation for turbidity.
- The C&D Rule includes requirements for a suite of 6 non-numeric effluent limitations that apply to all permitted construction sites.
- Expect EPA to propose a rule for changes to national rulemaking to establish a program to reduce storm water discharges from new development and redevelopment in September 2011 and take final action by November 2012.