

Federal Stormwater Construction and Development Regulations

Background

- Legislative History
- Effluent Guidelines by Category
 - 2000 announcement
 - 2004 decision not to proceed
- Permit requirements

12/1/09 Rulemaking

- Effective 2/1/10
- Applies to discharges associated with construction activity required to obtain NPDES coverage by 122.26(b) (14) and (15)
- Judicial review deadline 120 days after 12/15/09, about 3/15/10

12/1/09 Rulemaking – continued

- Requires implementation of best management practices related to:
 - (1) erosion and sedimentation controls
 - (2) soil stabilization controls
 - (3) pollution prevention measures

12/1/09 Rulemaking - continued

- Prohibits discharges from:
 - (1) dewatering activities and concrete washout activities (unless managed by appropriate controls)
 - (2) wastewater from the washout of stucco, paint, form release oils, curing compounds and other construction materials

12/1/09 Rulemaking - continued

- (3) fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance
- (4) soaps or solvents used in vehicle and equipment washing
- Requires that discharges from basins or impoundments on a construction site must withdraw water from the surface, unless infeasible

12/1/09 Rulemaking – continued

- Sets a numeric effluent limitation for turbidity at 280 nephelometric turbidity units (“NTU”) and requires monitoring to ensure that this limitation is met.
 - Applies on 8/1/11 to projects disturbing 20 or more acres
 - Applies on 2/2/14 to projects disturbing 10 or more acres

12/1/09 Rulemaking - continued

- EPA explained its decision to regulate turbidity using numeric standards based on the fact that turbidity is an “indicator pollutant” that will help to control the discharge of other pollutants, such as metals and nutrients, from construction sites
- EPA noted turbidity can also be measured in the field, which EPA expects to reduce compliance costs

PA Adoption of C&D Guidelines

- EPA rulemaking acknowledges varying effective dates in delegated states (46 of them)
- PAG-02 notice says it runs for two years, rather than 5, to allow incorporation of GL in next reissuance. Limited to 1-5 acre projects

PA Adoption of C&D Guidelines - continued

- PAG-02 not authorized for discharges into HQ or EV waters, discharges subject to EPA GL, discharges that may adversely affect endangered species or critical habitat, discharges to impaired waters that will result in a net change in volume or rate or water quality of the stormwater. Also restrictions where TMDL involved.

PA Adoption of C&D Guidelines - continued

- DEP says they plan to include GL in final Chapter 102 regs. governing Erosion and Sediment Control and Stormwater Management, the issuance date of which is uncertain. 1300 comments.
- Other states: NJ expects to amend general permit effective 2/12. MD plans to reopen general permit to incorporate the GL within 3 months. Nothing on DE website about modifications to general permit but terms largely applied already.