

<http://www.epa.gov/waterscience/guide/construction/>

Final Effluent Guidelines



On December 1, 2009, the U.S. Environmental Protection Agency (EPA) published effluent limitations guidelines (ELGs) and new source performance standards (NSPS) to control the discharge of pollutants from construction sites.

The regulation is effective on February 1, 2010. After this date, all permits issued by EPA or states must incorporate the final rule requirements. All construction sites required to obtain permit coverage must implement a range of erosion and sediment controls and pollution prevention measures. Beginning on August 1, 2011 all sites that disturb 20 or more acres of land at one time are required to comply with the turbidity limitation. On February 2, 2014 the limitation applies to all construction sites disturbing 10 or more acres of land at one time. These sites must sample stormwater discharges and comply with a numeric limitation for turbidity. The limitation is 280 NTU (nephelometric turbidity units).

The December 1, Federal Register notice for the final rule contains incorrect compliance dates for the turbidity limitation for sites disturbing 20 or more acres at one time. This error appears on page 63050 of the preamble to the final rule as well as in the rule text at 450.22(a) on page 63058. Both the preamble and the rule incorrectly state this date as August 2, 2010. The correct date is August 1, 2011. EPA will be issuing a correction notice to address this error.

Non-numeric effluent limitations
(<http://edocket.access.gpo.gov/2009/E9-28446.htm> Page 63017):

The non-numeric effluent limitations contained in the final rule

are as follows:

a. Erosion and Sediment Controls

Permittees are required to design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:

- i. Control stormwater volume and velocity within the site to minimize soil erosion;
- ii. Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and streambank erosion;
- iii. Minimize the amount of soil exposed during construction activity;
- iv. Minimize the disturbance of steep slopes;
- v. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
- vi. Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible; and
- vii. Minimize soil compaction and, unless infeasible, preserve topsoil.

b. Soil Stabilization Requirements

Permittees are required to, at a minimum, initiate soil stabilization measures immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the permitting authority. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, vegetative stabilization measures must be initiated as soon as practicable.

c. Dewatering Requirements

Permittees are required to minimize the discharge of pollutants from dewatering trenches and excavations. Discharges are prohibited unless managed by appropriate controls.

d. Pollution Prevention Measures

Permittees are required to design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:

- i. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
- ii. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
- iii. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

e. Prohibited Discharges

The following discharges from C&D sites are prohibited:

- i. Wastewater from washout of concrete, unless managed by an appropriate control;
- ii. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- iii. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
- iv. Soaps or solvents used in vehicle and equipment washing.

f. Surface Outlets

When discharging from basins and impoundments, permittees are required to utilize outlet structures that withdraw water from the surface, unless infeasible.