

**FACT SHEET – 40 CFR PART 450  
EPA PROPOSED CONSTRUCTION AND DEVELOPMENT EFFLUENT LIMITATIONS GUIDELINES**

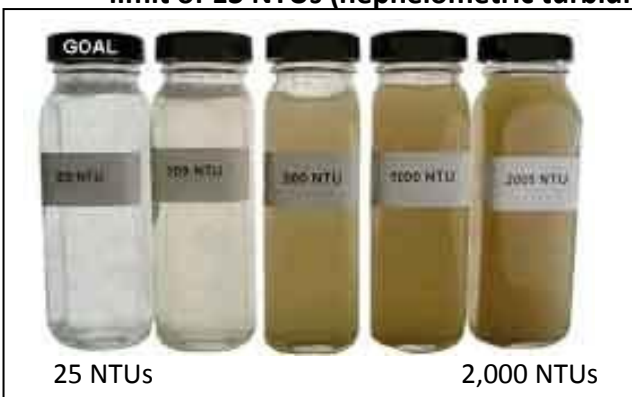
**ISSUE OVERVIEW**

On November 19, 2008, EPA proposed Effluent Limitations Guidelines (ELGs) to control the discharge of pollutants from construction sites. This proposal would require all construction sites to implement erosion and sediment control best management practices (BMPs) to reduce pollutants in stormwater discharges. Public comments on the proposed ELGs must be received on or before February 26, 2009.

IDEM would be required to include the ELGs in Rule 5 no later than 2014 but EPA could require this sooner if Rule 5 is opened earlier (for any other types of revisions) than 2014. Once the ELGs are incorporated into Rule 5, then according to Rule 13, every regulated MS4 community would also be required to include those requirements into their local ordinance or equivalent mechanism.

*If the proposed ELG is finalized as written, then 2 new requirements would be included:*

- 1. Construction sites that are equal to or greater than 10 acres in size would be required to install a sediment basin which must include all of the following criteria:**
  - (i) Provide a water storage volume for the calculated volume of stormwater runoff from the local 2-year, 24-hour storm.
  - (ii) In addition to the water storage volume, a sediment storage volume of at least an additional 1,000 cubic feet per acre of disturbed land area directed to the basin must be provided.
  - (iii) The effective length of the basin must be at least four times the width of the basin.
  - (iv) Sediment basins must include and utilize an outlet device, such as a skimmer, designed to withdraw water from the surface of the water column.
  - (v) The dewatering time for the water storage volume must be at least 72 hours.
  
- 2. Construction sites that are equal to or greater than 30 acres would have to meet a numeric limit of 13 NTUs (nephelometric turbidity units) for turbidity.**



The samples shown are from a program in the State of Washington. The sample on the far right has a value of 2,000 NTUs and the sample on the far left has a value of 25 NTUs. The proposed EPA value of 13 NTUs would be even clearer than the “Goal” 25 NTUs sample shown. As a point of reference, the State Drinking Water Standard is 1 NTU.

The program in the State of Washington utilizes a technique referred to as “Benchmark Monitoring” where a regulated construction site operator would take samples from their site for a period of time and record those values. The values are then averaged to establish a “Goal” NTUs # so that when samples are above the goal #, the operator would then take action to appropriately adjust and/or possibly add to the BMPs used on their site. The Goal NTUs # is NOT an enforceable numeric limit.

What type of BMPs would have to be used to meet the 13 NTUs limit?

According to the preamble, “The turbidity limit is intended to remove fine-grained and slowly settling or non-settleable particles contained in stormwater. Particles such as clays and fine silts contained in stormwater discharges from C&D (construction & development) sites typically cannot be effectively removed by conventional stormwater BMPs (such as sediment basins and sediment traps) that rely solely on settling (also referred to as passive treatment) unless sufficient detention time or additives are implemented.” Therefore, active treatment systems (ATS) BMPs would have to be utilized.

**EPA states the best technology available and the basis for the turbidity limit are ATS BMPs, which consist of polymer-assisted clarification followed by filtration. Types of ATS are:**

- **electrocoagulation, polymer clarification, and chitosan-enhanced filtration**

The preamble also includes a discussion of the various ATS and states that “**the overuse of polymers may introduce toxicity or cause other adverse effects**”. ATS technologies have not been widely used on C&D sites and there are a limited number of vendors for these products.

In addition to this proposed option, EPA is specifically soliciting comment on setting a turbidity limit in the range of 50 to 150 NTUs (or some other number) based on passive treatment, instead of ATS.

Additional types of BMPs that would be mandated:

**In addition to the previously mentioned BMPs, the proposed ELGs would require several specific BMPs related to:**

- **Erosion and Sediment Control as well as Pollution Prevention**

These BMPs are for the most part considered to be standard for C&D sites and are covered in Rule 5. The “pollution prevention measures” are more detailed than those in Rule 5. Examples include requirements to prohibit the discharges of construction wastes (such as trash, sanitary waste, as well as stucco and paint washout); also included are prohibitions on the discharge of fuels, oils, and washwaters. Spills and leaks would have to be addressed as well as the exposure of stormwater to building materials, landscape materials, fertilizers, pesticides, herbicides, detergents, and other liquid or dry products would have to be minimized. Lastly, stormwater runoff would have to be prevented from contacting areas with uncured concrete to minimize changes in stormwater pH.

**DOCUMENT LOCATION AND COMMENTS SUBMISSION**

You can find a lengthy preamble discussion followed by the actual 3 page guidelines requirements by clicking on the following link: [EPA-HQ-OW-2008-0465-0002](#)

Scroll down on that page to the document # above and look for “Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category 11/28/2008 PROPOSED RULES” which you can download in PDF.

To submit your comments, EPA’s preferred approach is for them to be submitted on-line by following the instructions at <http://www.regulations.gov>. Enter the Docket ID No. EPA–HQ–OW–2008–0465 in “Search Documents”. Click “Go” and then click on “Document Type, Proposed Rules” in the blue, left hand margin. Then under “Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category”, click on “Send a Comment or Submission”. You can include attachments such as comments on letterhead or other supporting documentation. EPA’s policy is that all comments received will be included in the public docket without change and may be made available online.