

## EPA ISSUES RULE TO REDUCE WATER POLLUTION FROM CONSTRUCTION SITES

**King of Prussia, Pennsylvania (December 2, 2009)** - Last week, the EPA issued a final rule requiring monitoring and enforceable numeric limitations on construction site stormwater discharges for the first time ever. **You will soon be required to modify your Erosion and Sedimentation Control BMPs based on performance, not standardized designs. This will: 1) Increase the size of Sediment Basins/Traps, 2) Require the use of flocculants or other admixtures, and 3) Require a new construction testing program.** The new rules take effect in February 2010 and will be phased in over four years.

The facts:

1. When fully implemented, owners and operators of sites that impact 10 or more acres of land at one time will be required to monitor discharges and ensure they comply with specific limits on discharges to minimize the impact on nearby water bodies. This is the first time that EPA has imposed national monitoring requirements and enforceable numeric limitations on construction site stormwater discharges.
2. The phasing plan which allows permitting authorities time to develop monitoring requirements means that 18 months after the final rule, construction sites that disturb 20 or more acres at one time will be required to conduct monitoring discharges and comply with the numeric limitation. Beginning four years after the effective date of the final rule, the requirements and limitation will apply to all sites that disturb 10 or more acres at one time.
3. Construction site owners and operators that disturb one or more acres are required to use best management practices (BMPs) to ensure that soil disturbed during construction activity does not pollute nearby bodies of water.

**What does this mean?**

Developers/contractors will have a much more stringent construction monitoring program. Our local DEP and Conservation Districts will now have to update their standards and permits to address this new rule, as well as provide closer monitoring during construction to ensure your site is in compliance with the numeric limitations for site stormwater discharges.

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