



AGC Call for Input! What Are the Obstacles To Sampling Construction Site Runoff?

Be aware that the U.S. Environmental Protection Agency (EPA) remains committed to developing a first-time, nationwide numeric turbidity limitation for active construction sites. EPA has asked the public for feedback on issues related to collecting stormwater samples in the field and analyzing monitoring data. EPA also is looking for more information on the performance of stormwater treatment technologies, in general.

PLEASE RESPOND to any (or all) of the questions below to help AGC craft a well-informed and comprehensive response to EPA by the **March 5 deadline!** Don't let the federal government set an unattainable discharge limit or mandate costly and complicated monitoring procedures.

More Details

The construction site runoff dataset that EPA used to develop its December 2009 numeric turbidity limit of 280 nephelometric turbidity units (NTU) – *dictating how much dirt is allowed in stormwater that runs across a construction site* – is based on numerous factual errors. EPA has suspended indefinitely the 280 NTU limit, responding to legal challenges brought by the U.S. Small Business Administration and industry.¹ Currently the agency is working to propose a “corrected” turbidity limit.

EPA published a notice on Jan. 3, 2012,² acknowledging that there are many issues associated with monitoring turbidity in stormwater runoff from construction sites — primarily pointing out the limitations associated with sample collection procedures, turbidity measuring equipment, and sample handling and analysis methods. EPA is asking the public to comment on these issues.

EPA also is asking the public to provide it with additional data and input on the performance, cost, effectiveness and feasibility of different treatment technologies (“passive and semi-passive approaches”) in controlling turbidity levels (a measure of water clarity) in construction stormwater discharges. EPA said it will use the data and information submitted by the public to set a new, “corrected” numeric turbidity limit for construction site runoff.

EPA will accept comments until March 5, 2012. AGC plans to respond in advance of the deadline.

Following are specific questions on which AGC would like contractor-members' input. You do not need to answer every question! Members' responses will help shape the Association's comment letter to the EPA.

Please respond as soon as possible via e-mail to Leah Pilconis at pilconisl@agc.org.

¹ Effective Jan. 4, 2011, states are no longer required to incorporate the turbidity limit or associated monitoring and reporting requirements published at 40 CFR §450.22(a) and §450.22(b) into their construction general permits. A lawsuit challenging the limit and other associated stormwater management issues remains pending in the U.S. Court of Appeals for the 7th Circuit.

² See 77 Fed. Reg. 112.

I. Questions for Industry on Sampling and Data Collection

Stormwater Collection Procedures

Stormwater samples will be used (1) by EPA to set a numeric limit on the amount of dirt allowed in construction site runoff and (2) by the construction site operator to demonstrate compliance with EPA's numeric "turbidity" limit.

Generally, EPA believes that samples used to characterize performance should be collected regularly over the course of the event in order to capture variability in flows and associated pollutant parameters.

AGC Draft Response: Turbidimeters only operate within specific ranges. The high-end of the range is typically around 1,000 NTU or more. Samples with high amounts of turbidity may need to be diluted in order for the turbidity of the sample to be within the operating range of the instrument. This is a potential source of error, especially if done in the field.

baffle-grid, in ground sand filter or a geotextile filter bag) that allow for settling and/or filtration of the flocculated material. Treatment chemicals, either in solid or liquid forms, can be applied at various locations on the site. Common PTS include fiber check dams with PAM and sediment basins dosed with PAM. Recent improvements to PTS incorporate the use of two polymers, which can be placed in a manifold or in a channel. The use of baffles and floating outlets or "skimmers" on basins are frequently incorporated as part of PTS, and directing treated water to vege(al)6(whi)7(15(nt ch3s,.0001 Tc 0.2282

AGC Draft Response: Cationic treatment chemicals are very problematic. See Ultrastructural and Clinicopathological Studies on the Toxicity of Cationic Acrylamide-based Flocculant to Rainbow Trout, M. ALBASSAM, J. MOORE, AND A. SHARMA (1987).