



*Doing what's right today
for a cleaner environment
tomorrow.*

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On the Horizon

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These economic times have the potential to divert our thoughts to the day to day operations of our business and become complacent about issues that will affect us down the road. I thought it would be a good idea to provide you all with an update on three of the issues that are on the horizon and we all need to be concerned with, just so you are not surprised!

The ELG's (Effluent Limit Guidelines) for construction related activities were adopted late last year by the EPA. The national limit was set at 280 Nephelometric turbidity units (NTU's) for storm water runoff. The limit will affect activities on 10 or more disturbed acres at a site. This is a far cry from the 13 NTU's that the EPA had proposed. Still, meeting 280 NTU's will mean stricter storm water controls at construction sites of 10 disturbed acres or larger. Muddy water leaving a construction site will be a thing of the past. Stricter controls will surely equate to an increase in cost. The TCEQ will be charged with implementing this limit in its construction general permit. They have indicated that they will not address this issue until permit renewal in 2013. That may seem a long way off, but there is a lot of research work to be accomplished between now and 2013 in order to meet this limit.

The streams and bayous in and around Harris County have all been designated as "impaired" by the EPA. Almost all are impaired due to bacteria loadings from various sources. A group of stake holders was assembled in 2008 called the Bacteria Implementation Group (BIG). Committees have been meeting for over a year to design a plan that will help solve this problem. The problem is no one can pinpoint the source! They are in the final stages of their work on the Implementation plan (I-plan). I just received the preliminary chapter from the construction committee yesterday, so I know it will not be long before all the committees comments are assembled into the final plan. The implementation plan will be distributed to the TCEQ for their approval in 2010, and after any revisions that are required to the plan are made, the TCEQ will begin implementation of the plan in 2010-2011. Get ready!

I attended a "listening session" in Dallas last week concerning the EPA's latest effort to update the storm water rules. The ultimate goal of this new rule making effort is to reduce pollutants entering the streams by reducing the volume of runoff from new development and re-development. The first stage of this effort will be to collect information from MS4 operators (Cities, counties, and MUD's) as well as from the development community. This information request will be in the form of a questionnaire. The revised version will be available in the early summer of 2010 and the EPA indicated that they will have a brief comment period before distributing the final version to operators in late 2010. They will spend 2011 assembling this information, re-writing the rules and have a completed document by the end of 2012. Each state will then have to amend their respective permits to comply with these rules.

I have attached our notes from this listening session for your reading pleasure. We all need to pay attention to this rule making effort, as it will certainly have an effect on future design and planning and future cost for storm water related issues.

Should you have any questions on any of this information, you can certainly contact us. We will strive to keep you as informed as possible.

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