In the last full year of the Obama Administration, AGC expects the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) to take action on the several environmental rules/permits affecting the construction industry. Below is a short synopsis on each for chapter staff.

- **National Ambient Air Quality Standards; Treatment of Data Influenced by Exceptional Events** – EPA recently proposed changes to its "Exceptional Events Rule" (EER) that allows the agency to exclude certain air-quality monitoring data when determining whether or not an area violates a national air standard – which could be critical for states looking for all possible options to help them attain EPA’s recently tightened ozone standards. (EPA finalized its new ozone standards in 2015. [Click here for the full story.]) Public comments on the proposed EER are due Jan. 19; final rule is expected in August 2016. [Click here for more information.]

- **Reissuance EPA Construction General Permit (CGP) for Stormwater Discharges** – Although few states use EPA’s CGP directly, it serves as a model for state permits and will expire in February of 2017. AGC has already met with the agency as they start the process of updating it and will comment on the draft permit expected in early 2016.

- **Incorporation of EPA’s Electronic Reporting Rule for Stormwater Permits** – Finalized in late 2015, EPA and state environmental agencies will begin incorporating e-reporting requirements into their stormwater permits. The rule requires construction site operators to submit electronically certain stormwater permit documentation to their permitting authorities, instead of filing paper, which the states will then share with EPA, along with government-administered inspection and enforcement results. The agency plans to make all of this information available to the public through its Enforcement and Compliance History Online (ECHO) website. [Click here to read an in-depth look.]

- **Stormwater Runoff from Completed Projects** – EPA has apparently abandoned its effort to promulgate a nationwide rule but is now trying, on a case-by-case basis, to exploit its authority to regulate municipal separate stormwater sewer systems (MS4s). In addition, EPA is legally required (through a settlement agreement) to propose revisions to its general permit program for small MS4s (approx. 7,000 cities nationwide) by Dec. 17, 2015. This agreement could serve as an alternate way to further restrict flow and impervious surface at developed sites and lead to tighter controls on runoff from active construction sites in urbanized areas.

- **Implementation of New Waters of the United States (WOTUS) Rule Is on Hold** - The U.S. Court of Appeals for the Sixth Circuit has temporarily blocked EPA and the Corps from implementing the new WOTUS rule, pending further action of the court. The agencies are using the prior regulatory definition of WOTUS and applicable guidance (status quo as it existed before the new rule) in making jurisdictional determinations or taking other actions based on the definition of WOTUS. Despite this holding pattern, EPA and the Corps have directed their staff to move ahead with measures to “improve” implementation of the associated permit program, as promised when the new rule was released. [Click here for the full story.]

- **Reissuance, Issuance of Nationwide Permits** – The Corps issues NWPs to authorize specific categories of activities in “Waters of the U.S.‘ that have minimal individual and cumulative adverse environmental effects. Currently, there are 50 NWPs that expire on March 18, 2017. AGC plans to review and comment on the draft NWPs expected in February 2016. The Corps also may propose new NWPs to authorize categories of activities that are not currently authorized by the existing program. [Click here to see AGC’s article on the 2012 NWPs, currently in effect.]
Lead-based Paint (LRRP) Program; Amendment to Renovator Refresher Training Requirements – In February 2016, EPA expects to finalize an AGC-supported rule that would allow contractors who are subject to EPA’s current Lead RRP Program (that applies to work in pre-1978 target housing and child-occupied facilities) to complete the required “renovator” recertification process via distance/online learning, rather than traveling to a more expensive in-seat program. Click here for more information.