

# Environmental Services



## Advocacy

AGC advocates for regulatory reforms to address the construction industry's unique environmental challenges and provides tools for members to maintain compliance and gain a competitive edge. AGC's Top Issues are below.



Want More Info? AGC reports on its efforts in AGC's *Environmental Observer* newsletter online at <http://news.agc.org/>, click "Environment." AGC article date appears in parenthesis following the bulleted developments below. Articles posted in 2012, unless otherwise noted.

### —Water & Wetlands—

- AGC has shown that **numeric discharge limits** are an improper way to regulate construction stormwater runoff. Following a lawsuit, EPA will undertake a new rulemaking in the near term to "scrap the turbidity limit altogether." (Jan. 14, 2013) The 2012 reissuance of **EPA's Construction General Permit (CGP)** does not include any discharge limits or monitoring and reporting requirements. AGC successfully reasoned that EPA did not need the far extremes that it had originally proposed. (Feb. 22 and March 29) AGC worked with EPA to develop customizable "templates" for the plans and documentation required by all stormwater permitting authorities across the nation and to train contractors on how to use these new forms. (Dec. 10)
- AGC has raised legal, authority and process issues with EPA work to pass new, national rules to control "**post-construction**" stormwater runoff from developed properties (proposed rule anticipated June 2013). (July 25)
- AGC opposes a significant expansion of **federal jurisdiction over all water features**, thereby triggering more costly and time-consuming permits. (July 5) AGC joined a coalition to file a friend-of-the-court brief arguing that EPA exceeded its authority when it revoked a Section 404 dredge-and-fill permit duly issued by the Army Corps of Engineers. (Sept. 19) In 2012, the Corps reissued **48 Nationwide Permits (NWP)** and two new ones to authorize a variety of construction operations that have minimal impact on waters and wetlands. (April 26)
- AGC weighs in on developments with the Chesapeake Bay clean-up plan (**Total Maximum Daily Load or TMDL**) that will act as a model for other states seeking water quality gains. (Dec. 12)
- EPA's amendments to the federal **Spill Prevention Control and Countermeasure (SPCC)** rule tracked AGC's recommendations. AGC wrote guidance on meeting the 2011 SPCC plan deadline. (Nov. 16, 2011; Dec. 3)

### —Waste, Recycling & Beneficial Use—

- AGC's comments led EPA to abandon its plan to require contractors to perform **lead-dust sampling and testing** on projects covered by the **Lead Renovation, Repair & Paint (LRRP)** rules, saving industry \$300 million per year. (July 22, 2011) The current LRRP Program applies to paid contractors who perform renovation, repair, and painting projects that disturb lead-based paint in pre-1978 housing and child-occupied facilities and schools.
- EPA has until 2016 to finalize an approach to **expand the LRRP Program** to cover work in commercial/public buildings, per a revised settlement agreement. AGC works with a coalition to demonstrate that EPA *still* lacks the data and legal basis to expand the program. (Jan. 16, 2013) AGC was chosen to advise EPA on minimizing small business impacts of any expansion of program, but EPA has yet to convene the advisory panel. (Sept. 29, 2011)
- AGC has told EPA how classifying **coal combustion waste** as a hazardous material would negatively impact the beneficial use of fly ash, increasing road building costs \$100 billion over 20 years. (Oct. 15)

### —Air & Climate—

- EPA tightened the **National Ambient Air Quality Standards (NAAQS)** for fine particulates, following AGC's suggestions for some provisions. (Dec. 19) AGC also opposed an untimely tightening of the ozone NAAQS; EPA will wait to 2013 to act using the latest science, saving businesses \$90 billion annually. (July 3 and June 4) EPA also revised its nitrogen dioxide NAAQS, requiring roadside monitoring in place by 2013 against AGC's advice. (April 26)
- AGC published a fact sheet detailing the steps to meet new federal emission/notification requirements for stationary **Reciprocating Internal Combustion Engines (RICE)** used at construction sites. (July 25)
- AGC works to secure financial incentives for contractors that want to install **emission-control (retrofit) devices** on construction equipment. AGC assists its Chapters on the diesel retrofit grant application process. (Nov. 2)
- AGC persuaded the California's Air Resources Board to delay and revise its **off-road diesel emissions rules**. Once CARB receives an EPA waiver to enforce the rule, other states stand ready to adopt it identically. (Sept. 20)
- AGC partners with industry-related groups to respond to EPA proposals to control **greenhouse gas emissions** and to Congress' efforts to pass comprehensive climate/energy legislation. (Aug. 20)

## Green Construction

AGC facilitates members' efforts to go beyond compliance and embrace new markets in green construction. Noteworthy developments include —

- AGC routinely publishes **green construction news** in AGC's *Environmental Observer* newsletter, *Constructor* magazine, *AGC SmartBrief* reports and other Association news. Recent guest articles in the *Observer* include information on green in federal contracting (Aug. 31) and a review of construction documents (March 6).
- AGC speaks out on the **role that contractors play on "green" projects** and the Association's policy on green construction – including its Building a Green Future panel discussion broadcast nationwide in April 2011 (based on AGC's April 2010 [report](#) under the same name). AGC is working on a discussion guide that contractors can provide to owners to help them clarify and communicate what they want and expect from their green building.
- AGC provides **education on green construction** such as its course — [Building to LEED®-NC: Overview and the Impact on Construction Practices](#) — at special programs, such as its Sept. 2012 virtual town hall with the U.S. Green Building Council, and at its annual **AGC Contractors Environmental Conference**. The 2013 CEC will be held on June 13-14, 2013 in Arlington, Virginia (<http://www.agc.org/enviroconf2013>).
- Working with EPA and other Federal agencies, AGC develops tools to help members meet environmental goals beyond compliance: an online **Recycling Toolkit** ([http://www.agc.org/cs/recycling\\_toolkit](http://www.agc.org/cs/recycling_toolkit)) to support recycling of construction and demo debris and the beneficial reuse of industrial materials/byproducts in construction, tools for contractors to implement **Environmental Management Systems**, and a soon-to-be-released Department of Energy online toolkit to help contractors navigate the extensive resources on DOE's website and access relevant information, such as **contractor-specific guidance on energy codes and energy efficiency**.
- AGC serves on a congressionally mandated council tasked with identifying and reporting on the attributes of **high performance buildings and applicable standards**.

## Compliance Assistance

AGC provides online compliance assistance tools (<http://www.agc.org/environment>) and holds an annual **Contractors Environmental Conference** in the Washington, DC area. The [2013 CEC](#) will be held June 13-14, 2013, in Arlington, Virginia. AGC also offers webinars and online training. In addition, AGC has a long history of working with the EPA to create tools like the online **Construction Industry Compliance Assistance Center** (<http://www.cicacenter.org>).

## Recognition

AGC **recognizes environmental leaders** through a [special "environmental category" in the Build America Awards](#). AGC also highlights members through articles in its Environmental Solutions Series, which appear periodically in AGC's *Environmental Observer* newsletter. The series gives AGC Chapters and members a chance to speak out about their special efforts to preserve and/or rehabilitate the environment.

## Environmental Forum

Through **AGC's Environmental Forum**, AGC members connect and interact with each other, receive special invitations to Forum events, keep pace with the latest developments and participate in the Association's policymaking on environmental matters. Sign up online at <http://www.agc.org/enviroforum>.

- *Improve Your Bottom Line*. Learn ways your company can save money, protect itself against risk, and achieve environmental compliance and confidence.
- *Educate the Government*. Industry input helps regulators understand the unique environmental challenges on your jobsites. Forum members strengthen AGC's message on Capitol Hill and at the federal regulatory agencies.
- *See Results*. Together, we have made significant gains to improve the stormwater program, clarify wetlands (Section 404) permitting, streamline oil spill planning requirements, avert costly and excessive lead-based paint sampling/ testing, preserve the use of fly ash and facilitate green construction efforts.

## Environmental



## Forum

### Contacts

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