



## **CONSTRUCTION & DEVELOPMENT EFFLUENT LIMITATION GUIDELINES (ELGS)**

As a result of an injunction obtained by environmental groups against the U.S. Environmental Protection Agency (EPA), the Agency must now promulgate new Effluent Limitation Guidelines (ELGs) and New Source Performance Standards for the Construction and Development Industries by December 2009. Effluent Limitation Guidelines are technology-based standards that will be applied to stormwater discharges. ELGs typically include:

- Limitations on discharge characteristics (e.g., pollutant loads); and
- Control measures and practices available to eliminate the discharge of pollutants (e.g., Best Management Practices).

When finalized, the ELGs will set the minimum requirements for all new and reissued National Pollutant Discharge Elimination System (NPDES) stormwater permits. EPA has not ruled out the adoption of an “end-of-pipe” numerical limitations on construction stormwater discharges (e.g., discharges can contain no more than “XX” part per million of TSS). It is more likely, however, that stormwater dischargers will likely be required to demonstrate compliance with the ELGs by designing, installing and maintaining Best Management Practices (BMPs) based on Best Available Technologies (BATs) that are economically achievable. This means that contractors will likely be required to install “the best” BMPs as long as they are economically feasible (note that economic feasibility is considered on a national scale and not on a site-specific scale, so the impacts on many construction projects could be substantial).