The Monthly Dirt

SYNTHETIC CONCERNS

Have you had any NOTs turned down or returned lately? We have been seeing quite a few rejections of submitted Notices of Termination for many reasons; but some are being returned for what we believe are synthetic reasons. No, the Water Board is not making things up … but is concerned about synthetic materials left at the project site after construction is complete. We have seen Regional Board staff examining submitted NOT photos very carefully to determine if temporary BMPs have been removed, especially if they contain synthetic plastic netting. If there is evidence that these types of BMPs remain on the project, the NOT will be returned or denied. According to the State Water Board's publication, <u>CGP Review Issue #2</u>[1], "*The Regional Water Boards, CA Fish and Wildlife, and other resource agencies are strictly enforcing the removal of any erosion or sediment control BMPs containing plastic netting because of the potential for wildlife entanglement. This is required by the Regional Water Board before your project can be terminated. If you plan on leaving any BMPs in place at the end of the project they will have to be wildlife friendly. This applies to all areas of the construction project, not just the areas in or near the watercourse. Even temporary work in or near a watercourse requires the use of wildlife-friendly products at all times.*"   The California Coastal Commission published a fact sheet[2] on wildlife-friendly erosion and control products that describes the problems caused by plastic netting and provides recommendations for BMP selection that will minimize the likelihood of wildlife entrapment. The fact sheet describes the difference between degradable and biodegradable products. **Biodegradable** means that the material decomposes *naturally* into elements found in nature within a reasonably short period of time. In contrast, **degradable** plastic materials break down via UV light, oxidation, or other chemical processes into plastic fragments that remain in the environment for a long period of time.   Biodegradable erosion control products include netting or fiber rolls made with coir or jute, or "soil blankets" that have no netting at all, such as wood mulch, a layer of compost, or sprayed-on hydraulic mulch (BFM). The fact sheet states that products having netting with fixed or welded joints should be avoided. It further states that a loose-weave net protects wildlife by allowing the twines to move independently and the holes to expand to provide an escape to the trapped critter.

Now, we understand and share the State's desire to protect wildlife, but we question whether this issue is somewhat of a synthetic or hypothetical concern. Neither referenced document stated to what extent wildlife has been endangered through entrapment by BMPs containing synthetic materials. The California Coastal Commission fact sheet contained rather anecdotal references such as "*snake mortality due to entanglement in plastic mesh … has been documented*" and references to studies that the fact sheet admitted to being based on little research or a "*small, unpublished study*". It could be that more wildlife is endangered by not providing these BMPs and, thus, allowing a greater extent of erosion and sediment to occur. The publishers of ***The Monthly Dirt*** urge the State to not make a "mountain out of a synthetic mole hill" and to not revise the new Construction General Permit with BMP limitations until more research is available to document a legitimate concern.

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[1] www.swrcb.ca.gov/water_issues/programs/stormwater/docs/training/cgp_review_issue2.pdf
[2] Wildlife-Friendly Plastic-Free Netting in Erosion and Sediment Control Products, Spring 2012;
www.coastal.ca.gov/nps/Wildlife-Friendly_Products.pdf

Did They Read Our Newsletter?

On October 15, the State Water Resources Control Board sent out an email notification that they will no longer accept the manual calculation for the R-value for the RUSLE-type risk determination. Now all new Notices of Intent (NOIs) must utilize the United States EPA's online calculator available at:

http://water.epa.gov/polwaste/npdes/stormwater/Rainfall-Erosivity-Factor-Calculator.cfm

In February 2012, the EPA Rainfall Erosivity Factor Calculator was taken offline while EPA reportedly conducted maintenance and database improvements. When the EPA Rainfall Erosivity Factor Calculator became unavailable, State Water Board issued a memorandum directing dischargers to calculate their project R-factor using the manual method as described in the Construction Erosivity Waiver Fact Sheet provided by EPA. In August 2014, the revised EPA Rainfall Erosivity Factor Calculator was put back online. According to EPA, the inclusion of significantly more data combined with improved software would result in a more accurate estimation of erosivity. The September 2014 edition of *The Monthly Dirt* covered the return of the calculator and reported that, based on our limited evaluation, there was a slight advantage to performing a manual R calculation rather than using the EPA's calculator which tended to generate higher R values, especially for Northern California.

Perhaps the Water Board read our newsletter or perhaps they did their own research, but it appears that the manual option is out and the calculator is in. While the calculator is certainly easier than the manual derivation of R, we hate to lose the option of manually calculating the R value. One of the good things about this Construction General Permit was the inclusion of the ability to provide alternate methods in determining the various risk factors, thus giving QSDs and dischargers more flexibility. That option appears to be in the process of being pared down.

Upcoming Training …

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What is Doing Your Best?

The CGP requires that BMPs meet the BAT/BCT standard; a rather technical definition that can be simplified as Best Available Technology that is Economically Achievable. Watch a panel of industry experts talk about the BAT/BCT Standard and what it means for construction sites. During the presentation the panel discusses the phrase "economically achievable" and the role of treatment technologies at construction projects. Storm water professionals will find the conversation insightful and applicable to their projects. The program is free and can be accessed at:

https://www.youtube.com/watch?v=6e-1soyKtj4&list=PLGh2UjOhCAZkMGkGRc1S7b1uodrGFicqv

Please contact us if you have any questions …

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