

In the last full year of the Obama Administration, AGC expects the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) to take action on the following environmental rules/permits affecting the construction industry, including:

In Oct. 2015, EPA finalized a nationwide rule that will require construction site operators to submit their National Pollutant Discharge Elimination System (NPDES) stormwater permit documentation (e.g., application forms, termination forms, annual reports, and all monitoring results) to their permitting authorities using an electronic reporting tool, instead of filing paper. This environmental compliance data, along with government-administered inspection and enforcement results, will reside on an EPA server that feeds into a publicly-accessible website – EPA’s Enforcement and Compliance History Online (ECHO) database. In 2016 and beyond, the agency and state permitting authorities will begin to incorporate electronic reporting requirements into new permits.

AGC Action: AGC submitted two rounds of comments, held face-to-face meetings with EPA staff, and organized a member webinar to discuss the e-Reporting proposal. The final rule reflects significant AGC input – providing important flexibility and key distinctions that recognize the large universe of transient construction operations each year. AGC will continue to engage with EPA to address the potential misinterpretation or misuse of construction site-specific information, as EPA enhances its ECHO database (see *AGC’s Environmental Observer*

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 national Clean Water