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**STATE NEWS**

**HB 2833 Allows Counties to Require Building Code Standards and Inspections**

The 81<sup>st</sup> Texas Legislature passed House Bill 2833 in the 2009 session which allows counties to require building code compliance and a minimum of three (3) inspections of new single family or duplex construction on vacant lots and for construction of additions that will increase the square footage or value of existing residential buildings by more than 50%. Each county may adopt a resolution or order requiring compliance with the International Residential Code (IRC), published May 1, 2008, or the version of the IRC applicable in the county seat of that county.

The required inspections must be performed at:

- The foundation stage, prior to placement of concrete;
- The framing and mechanical systems stage, before covering with drywall or other interior wall covering, and
- Completion of construction of the residence

The county may require the builder to provide notice of a construction project prior to beginning the project and the builder will be responsible for contracting with authorized professionals to perform the required inspections. For further information contact your local county government or refer to the Texas Association of Builders website at <http://www.texasbuilders.org/government-regulatory-affairs.html>

**FEDERAL NEWS**

**EPA Issues Rule to Reduce Water Pollution from Construction Sites**

As we have previously reported in King Facts, the EPA has been under a court order to issue Effluent Limitation Guidelines (ELG) for the construction industry. The 251 page Final Rule which was released by EPA on November 23, 2009 will take effect in February 2010 and will be phased in over four (4) years requiring compliance by August 2011 for sites disturbing 20 or more acres. Sites disturbing 10 or more acres must be in compliance by February 2014. The

most significant aspect of this new rule is the requirement to monitor turbidity discharges from construction sites which disturb 10 or more acres. The standard for turbidity of discharges is a daily average not to exceed 280 NTUs. If stormwater discharges occur as a result of a storm event on that day that is larger than the local 2 year, 24 hour storm, the limitation of 280 NTUs does not apply for that day only. Sites disturbing less than 10 acres will be required to utilize best management practices to ensure that soil disturbed during construction activity does not pollute nearby water bodies, but will not be subject to the new rule provisions. The Natural Resources Defense Council has formally notified EPA that they intend to issue a legal challenge to the new rule since the EPA has not included post construction stormwater controls.

### **More Stringent Federal Storm Water Regulation and Permitting in the Works**

The United States Environmental Protection Agency (EPA) has announced that it plans to propose a new nationwide rule to control stormwater from newly developed and redeveloped sites and that permit requirements would be in place no later than November 2012. In the press release, EPA states that "Stormwater discharges can harm water quality through increases in stormwater volume and pollutant loadings into nearby waterways." In support of this rulemaking, EPA is proposing to require that owners, operators, developers and contractors of development sites complete a 61 page questionnaire about project stormwater management practices and costs. If approved by the Office of Management and Budget (OMB), the questionnaire would require detailed information about company finances and its costs per project for land, engineering, site clearing and other capital expenses. EPA states in its request to OMB that it estimates the questionnaires would take approximately 53 hours per respondent to complete. The questionnaire is available for review at [http://www.epa.gov/npdes/pubs/ind\\_questionnaire.pdf](http://www.epa.gov/npdes/pubs/ind_questionnaire.pdf)

### **EPA Enforcement of Clean Water Act Provisions Continues**

The EPA has announced that John Wieland Homes, an Atlanta based homebuilder, has agreed to pay a \$350,000.00 civil penalty to resolve alleged violations of the Clean Water Act. The EPA alleged a common pattern of violations that was discovered through Federal construction site inspections and review of documentation submitted by the company. Violations included failure to prevent or minimize the discharge of pollutants, such as silt and debris, in stormwater runoff. In addition to the penalty, the company agreed to implement company wide stormwater compliance programs that go beyond current regulatory requirements. This settlement is further evidence of an increased level of enforcement action by EPA.

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- **Civil Engineering**
- **Ecological Services**
- **Surveying & Mapping**
- **Construction Management**
- **GIS Mapping**
- **Graphics and Design**
- **Landscape Architecture**
- **Environmental Engineering**
- **Transportation Engineering**
- **Transportation Planning**
- **Land Planning**
- **Pavement Management**

KING FACTS is a publication of King Engineering Associates, Inc. to keep our clients informed of land and regulatory issues of current interest. Please note: The information contained herein is based on King's general understanding of current issues. We recommend you contact us regarding more detailed information and how it could apply to your project. Any topic suggestions or questions can be addressed to Aaron C. Googins, P.E. at (512) 462-4921.

