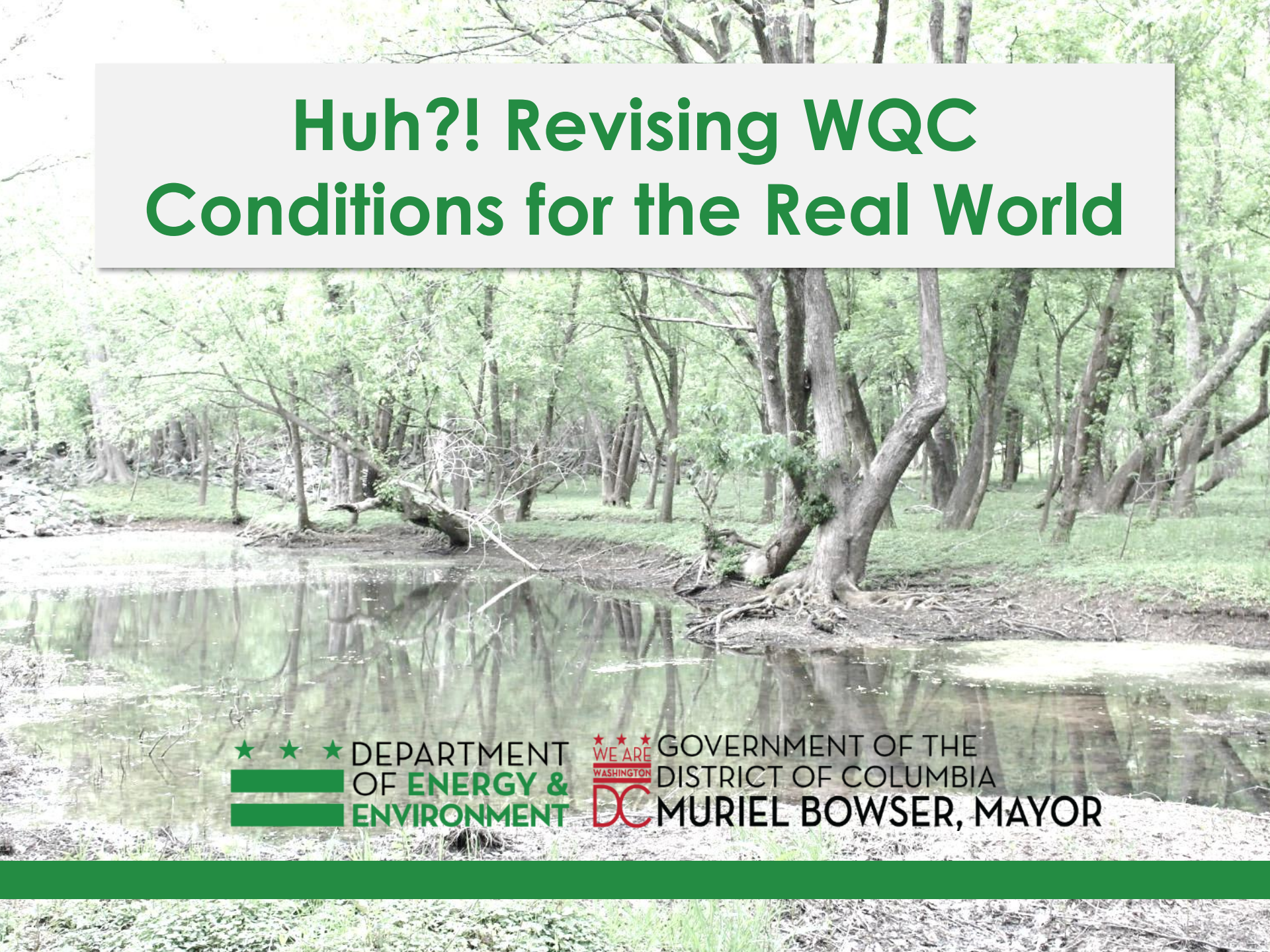
Huh?! Revising WQC Conditions for the Real World



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Closing the Compliance Loop

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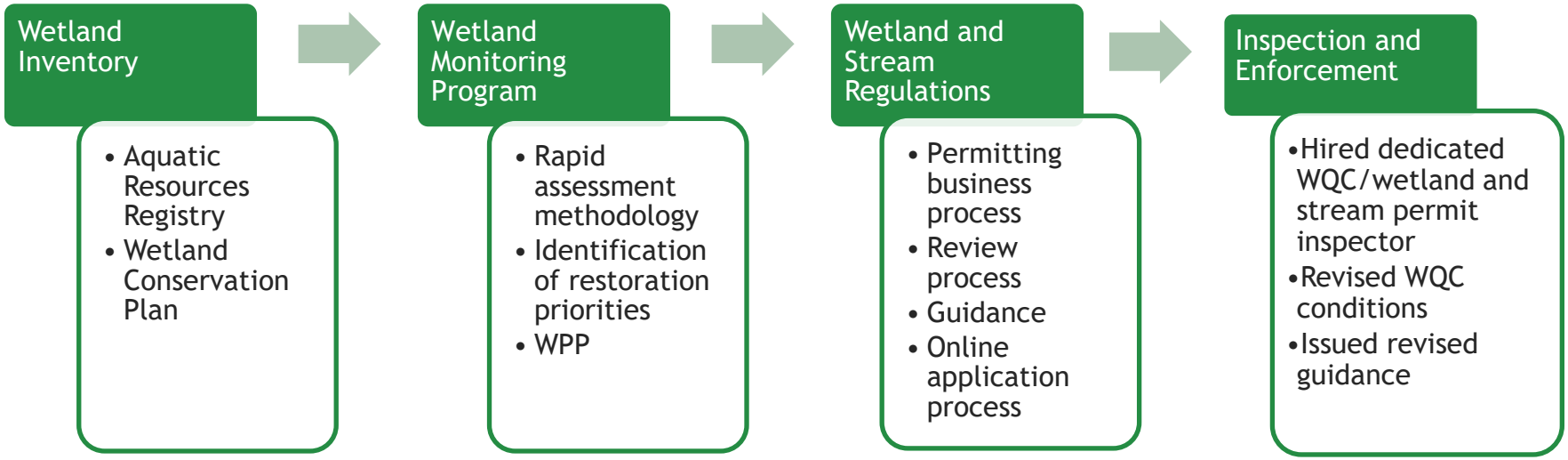
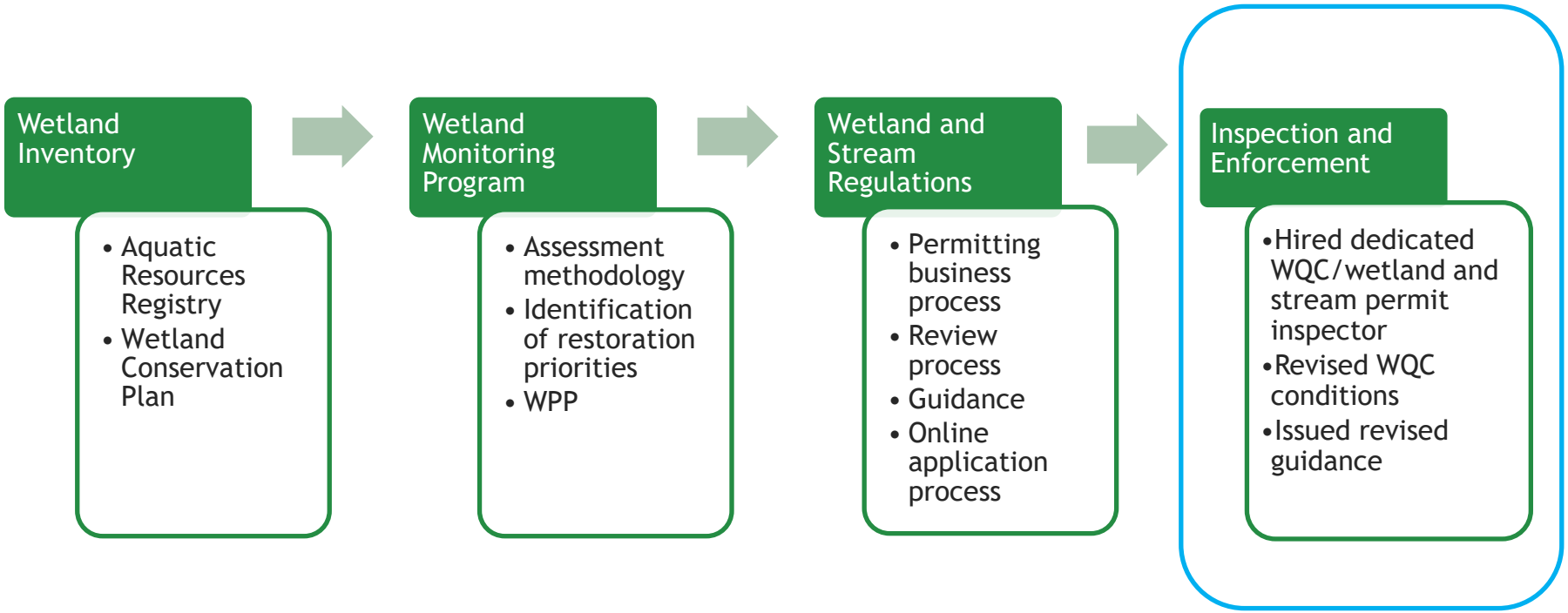
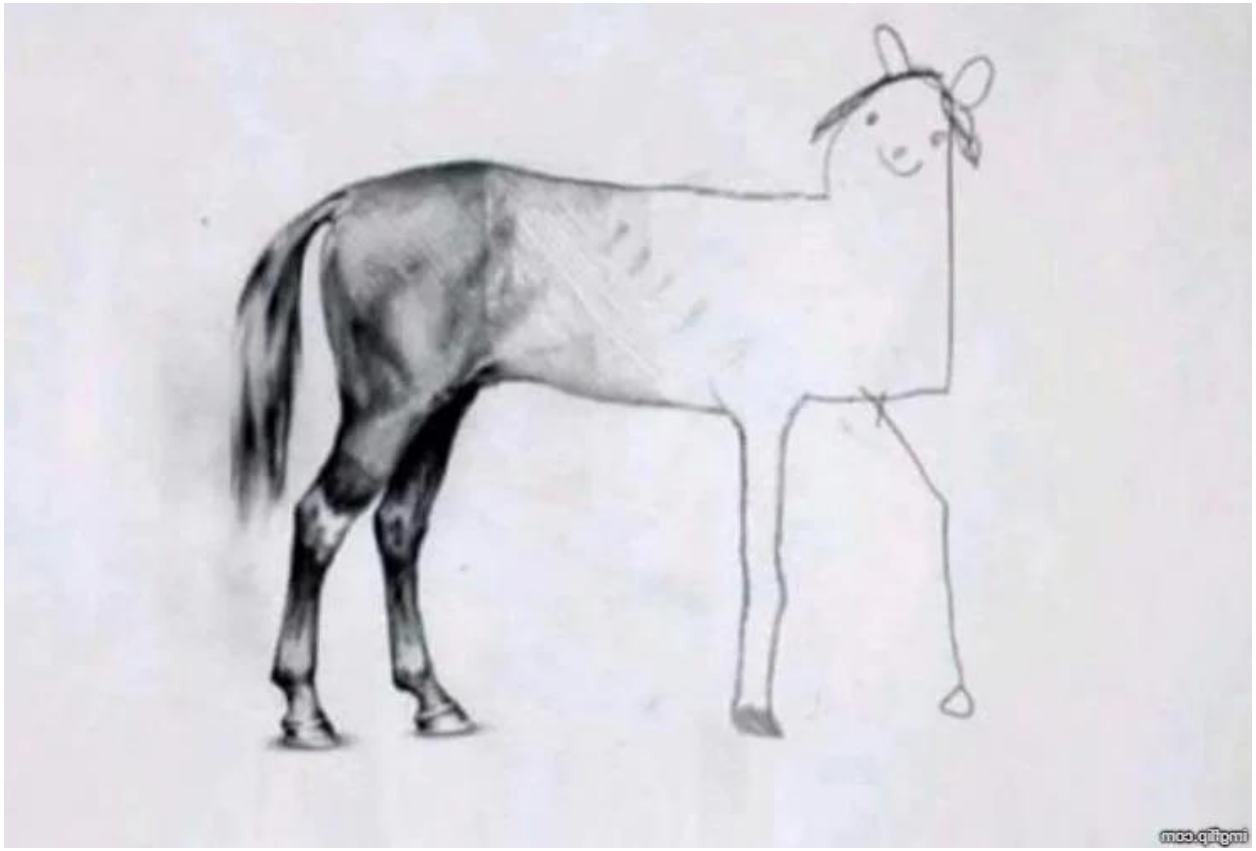
DC Wetland Program Development Progress



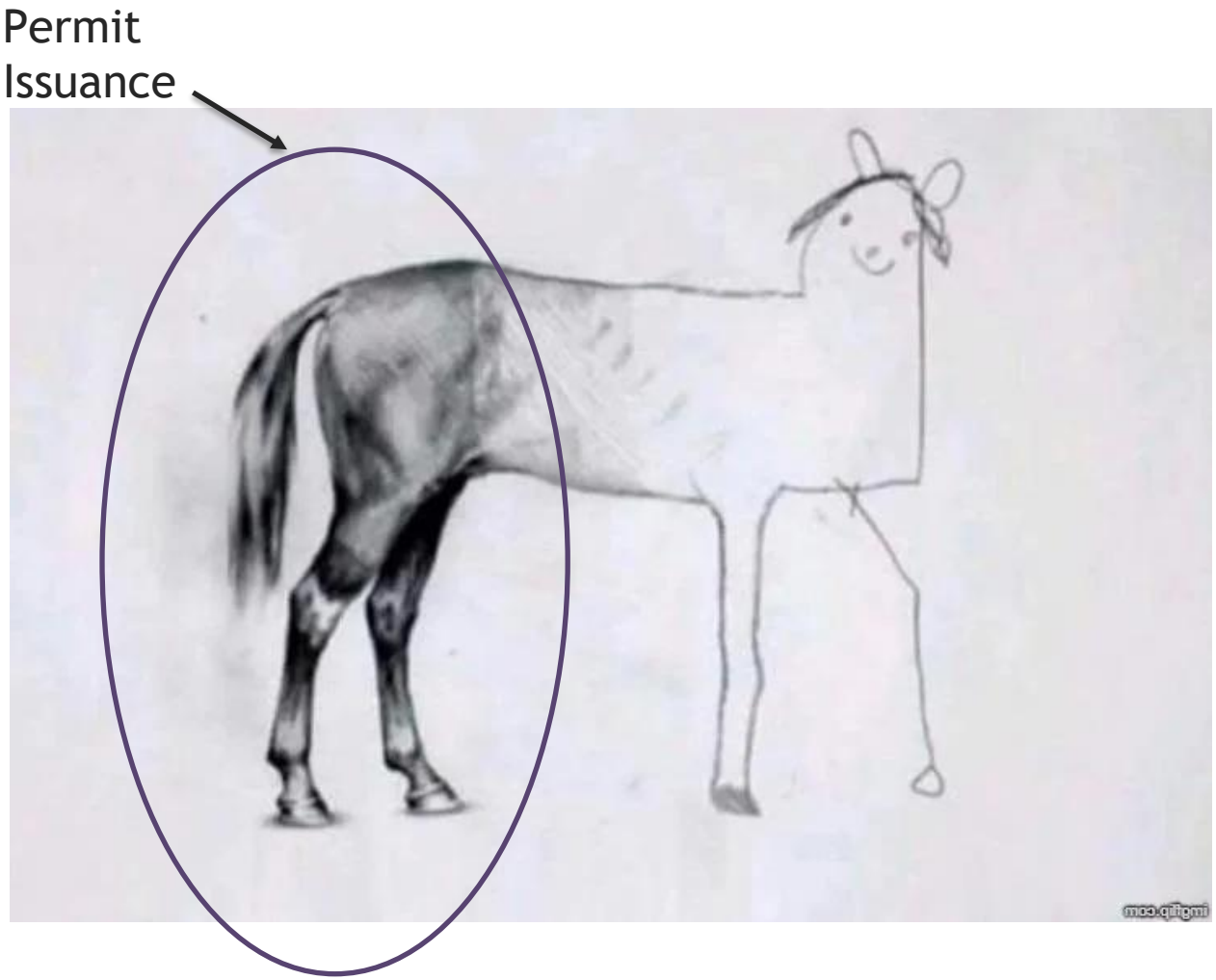
DC Wetland Program Development Progress



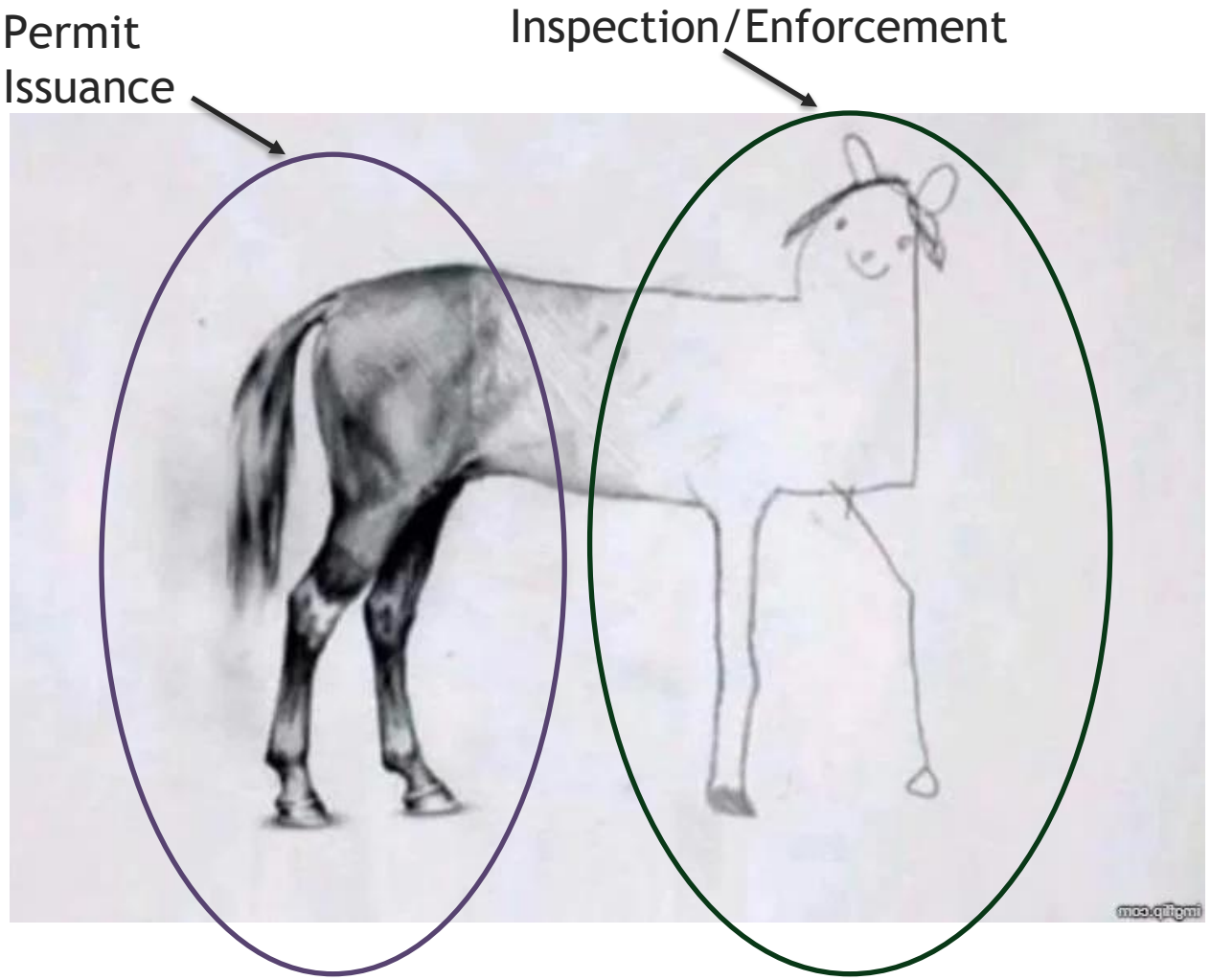
Regulatory Compliance



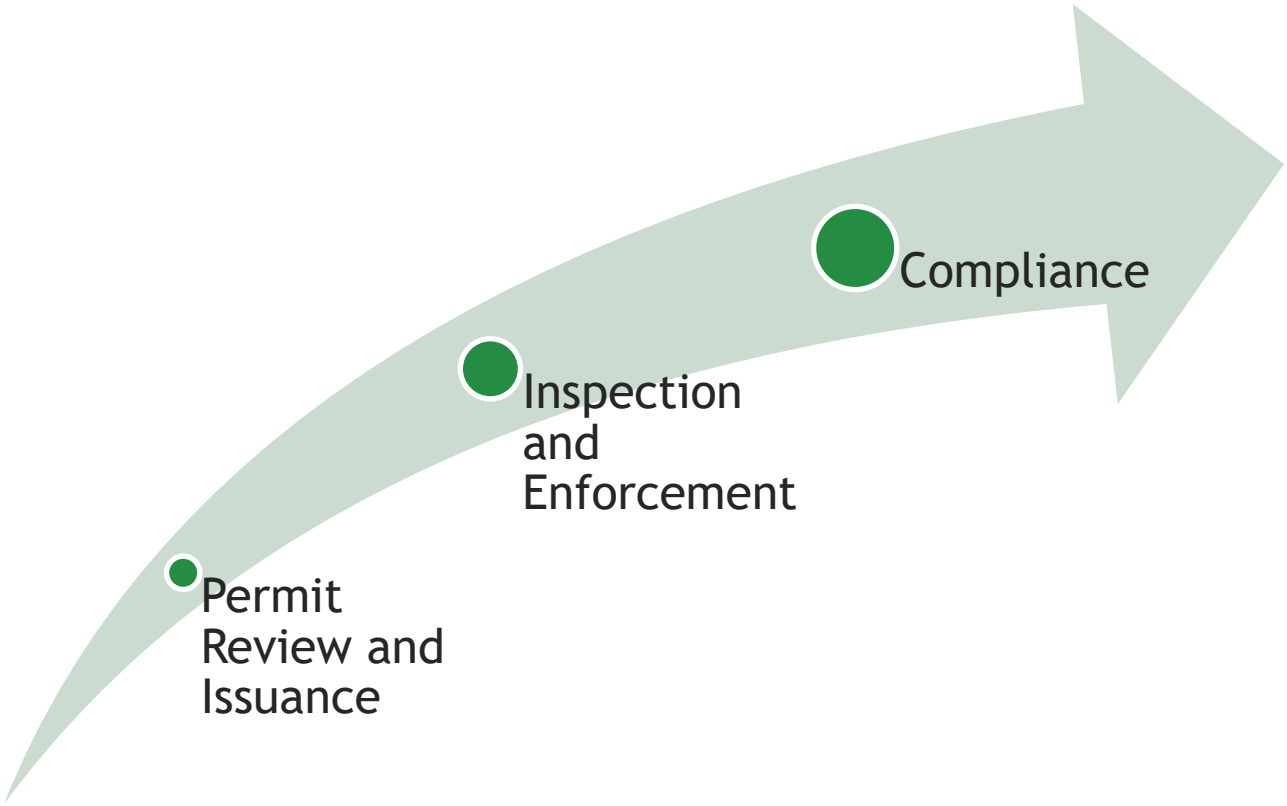
Regulatory Compliance



Regulatory Compliance



Regulatory Compliance / Water Quality Protection



Example # 1 – Turbidity Monitoring

WQC Condition: Turbidity Monitoring

To monitor turbidity in the water body, the Permittee shall:

- Establish background turbidity and measure turbidity by using U.S. Environmental Protection Agency (EPA) - approved methods in accordance with 40 CFR Part 136 procedures and manufacturer's specifications. Background turbidity must be established before starting any work, before equipment is anchored and before any turbidity curtains or coffer dams are in place. These measurements must be made within 25 feet upstream and 25 feet downstream outside of the curtains. Measurement depths must be conducted at different depths, for example, near the bottom, ¼ from the bottom, ¾ from the bottom, and near the surface.

Example # 1 – Turbidity Monitoring

WQC Condition: Turbidity Monitoring

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Huh?!

- **Are these measurements taken daily? What if I take measurements in the morning before starting work and then it rains and we don't start in-water work until hours later? What if my stream is only 6 inches deep – how can I measure all four depths?**

Example # 1 – Turbidity Monitoring

WQC Condition: Turbidity Monitoring, cont'd

- Once the operations begin, turbidity measurements must be taken continually from the same locations 25 feet upstream and 25 feet downstream of the turbidity curtains. This is to ensure compliance with District of Columbia Water Quality Standards 21 DCMR § 1104.8. If turbidity measurements exceed a maximum of 20 Nephelometric Turbidity Units (NTU) above background turbidity, stop all activities and implement best management practices until the 20 NTU maximum differential (i.e., background turbidity + 20 NTU) is reached.

Example # 1 – Turbidity Monitoring

WQC Condition: Turbidity Monitoring, cont'd

- Once the operations begin, turbidity measurements must be taken continually from the same locations 25 feet upstream and 25 feet downstream of the turbidity curtains. This is to ensure compliance with District of Columbia Water Quality Standards 21 DCMR § 1104.8. If turbidity measurements exceed a maximum of 20 Nephelometric Turbidity Units (NTU) above background turbidity, stop all activities and implement best management practices until the 20 NTU maximum differential (i.e., background turbidity + 20 NTU) is reached.

Huh?!

- **What does continually mean? Every three hours? Every 10 minutes? Twice a day for a 5-year long project?**
- **What are operations? What if I move the barges that I am working from?**
- **What if there are multiple sediment disturbing activities occurring at the same time?**

Example # 1 – Turbidity Monitoring

- 1 mile of turbidity curtain
- Simultaneously occurring sediment disturbing activities

Turbidity Monitoring Condition Revision

- To monitor turbidity….
  - Establish background turbidity and measure turbidity by using U.S. Environmental Protection Agency (EPA) approved methods in accordance with procedures outlined in 40 C.F.R. Part 136. Background turbidity must be established daily before starting sediment disturbing activities, before equipment is anchored, and before any turbidity curtains or cofferdams are in place. Background turbidity measurements shall be taken at the following locations and depths:
    - Within 25 feet upstream and 25 feet downstream, outside of the curtains.
    - At multiple measurement depths depending on the water body depth, consistent with the table below.

Turbidity Monitoring and Reporting Guidance

Turbidity Monitoring and Reporting Guidance
DOEE Regulatory Review Division
October 2024

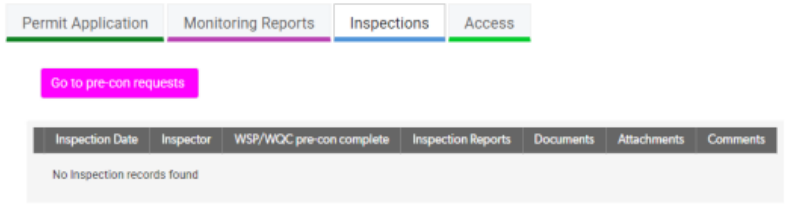
Table of Contents

When to Monitor and Report Turbidity

Turbidity monitoring and reporting is required for any sediment disturbing activity within a wetland or stream to comply with Water Quality Standards. Sediment disturbing activities include but are not limited to dredging, excavating, stream diversion, dewatering, boring/coring, pile driving, demolition, the placement of riprap, and barge spud setting. A Water Quality Certification (WQC) or Wetland and Stream Permit (WSP) authorized by DOEE Regulatory Review Division (RRD) will include conditions about turbidity monitoring and reporting requirements when applicable.

Pre-Construction Notifications

Pre-construction inspections can be requested through the SGS application at the inspections tab.



Alternatively, the Permittee can submit written notification to DOEE RRD at wetlandprogram@dc.gov at least seven (7) business days before work commences in accordance with 21 DCMR § 2502.3.

The Permittee shall email Mary.polacek@dc.gov or call (202) 897-5341 to schedule an on-site or virtual DOEE preconstruction meeting inspection at least (3) three business days before starting any sediment disturbing work.

Example # 2 – Turbidity Curtain

WQC Condition: Turbidity Curtains

- …The turbidity curtains must be properly anchored, must touch the bottom except in a deep, tidally influenced stream channel (under such conditions, placement of the turbidity curtain must be based on manufacturer's specifications), and encompass the entire area of activity - coffer dams, barge, boat, plus any equipment in the water. Where possible, the turbidity curtains must be able to withstand normal tidal or stream flow fluctuations.

Example # 2 – Turbidity Curtain

- Dredging contaminated sediment
- Turbidity curtain encompasses entire area of activity

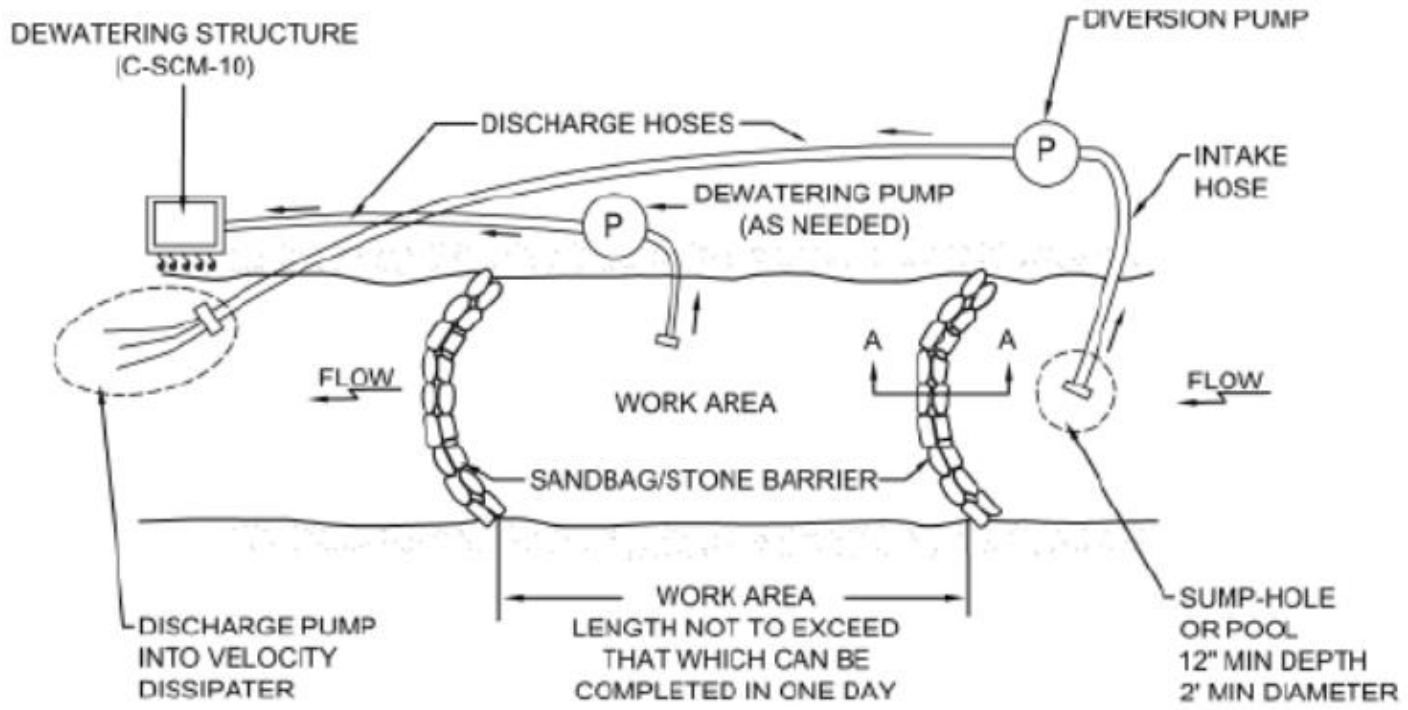
Example # 2 – Turbidity Curtain

Turbidity Curtain Condition Revision

- The DOEE inspector may require changes or additions to the WQC based on site conditions.

Example # 3 – Dam and Pump-Around

- All work performed "in the dry"



Example # 3 – Dam and Pump-Around

- No turbidity monitoring required

Dam and Pump-Around Condition Revision

- Turbidity monitoring for first week or until DOEE inspector is satisfied that turbidity requirements are met
- The DOEE inspector may require changes or additions to the WQC based on site conditions

Beyond WQC Conditions - Inspector Customer Service

- Cooperative approach – not combative
- Start with preconstruction meeting to set expectations and review conditions
- Expect every project to do something wrong in the beginning
- With time and consistency inspections shift to maintenance
- Eyes on each project every week

Continued Program Development - Enforcement

- Next step in closing the compliance loop
- Permits often obtained years before construction – documents change hands, information is lost
- Permit compliance responsibilities – **hot potato**

Summary: Closing the Compliance Loop

QUESTIONS / COMMENTS?

Jennifer Dietzen

Environmental Protection Specialist

Regulatory Review Division

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202-481-3942

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