Resolution No. ___6

Date: May 2, 2008 City: Washington, D.C.

NAHB Resolution

Title: Stormwater Regulation

Original Sponsor: Environmental Issues Committee

WHEREAS, Section 402 of the Clean Water Act (CWA) requires permits for point sources of discharge into waters of the U.S., including stormwater discharges from construction activities;

WHEREAS, the National Pollutant Discharge Elimination System (NPDES) stormwater permit program regulates industrial, municipal and construction site discharges of stormwater;

WHEREAS, Construction General Permits (CGP) are issued by states and the Environmental Protection Agency (EPA) and require operators of construction sites to notify state authorities and develop site-specific Stormwater Pollution Prevention Plans (SWPPP) that control stormwater discharges by implementing Best Management Practices (BMPs);

WHEREAS, most municipalities are required to administer their own erosion and sediment control programs in addition to state programs, resulting in construction site operators having to comply with both local and state stormwater requirements;

WHEREAS, Section 301 of the CWA requires EPA to develop Effluent Limitation Guidelines (ELG) for certain categories of industries to ensure that they use best-available control technology to limit their discharges;

WHEREAS, Section 303(d) of the CWA requires the development of Total Maximum Daily Loads (TMDL) for impaired bodies of water, including limits on discharges from point and nonpoint sources; and

WHEREAS, TMDLs and ELGs, when developed, must be included in NPDES stormwater permits and are enforceable by the state and EPA,

NOW, THEREFORE, BE IT RESOLVED that the National Association of Home Builders urge Congress to recognize and address the unique issues associated with stormwater by replacing Section 402(p) of the Clean Water Act with a flexible program that more appropriately reflects the challenges, uncertainties and geographic differences associated with stormwater discharges across the country;

BE IT FURTHER RESOLVED that when and if necessary, stormwater runoff from construction activities be managed at the state or local level utilizing Best Management Practices in lieu of more stringent effluent guidelines or numeric standards; and

BE IT FURTHER RESOLVED that NAHB urge the U.S. Environmental Protection Agency and state and local governments to:

- 1. Adopt streamlined, cost-effective permit processes that reduce duplication and redundancy in permitting at the federal, state and local levels;
- 2. Ensure that all water programs take into account site-specific conditions and are appropriately tailored to environmental risk;
- 3. Ensure that any Total Maximum Daily Loads that include stormwater consider the relative contribution of stormwater discharges from construction sites among all contributing sources and ensure that any permit limitations are reasonable and cost-effective;
- 4. Ensure that federal, state and local water quality programs are focused, flexible, and founded on sound science;
- 5. Ensure that water quality trading programs for builders are fair, voluntary and appropriately conducted with proper guidance and assistance for successful implementation;
- 6. Remove impediments and provide construction site operators with the flexibility to utilize voluntary, innovative and cost-effective, practical site design to meet state and local requirements in reducing stormwater discharges; and
- 7. Provide educational and outreach materials to construction site operators to help increase compliance.

Board of Directors Action:
Executive Board Action:
Resolutions Committee Action:
Custom Home Builders Committee Action:
Land Development Committee Action:
Single Family Production Committee Action:
Single Family Small Volume Action:
Federal Government Affairs Committee Action:
Environmental Issues Committee Action:

Approved

Recommends Approval Recommends Approval