

Stormwater Assistance to Home Builders

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Outline

- Background on NAHB
- Stormwater regulation (federal, state and local)
- Special challenges for home builders
- Advocacy, outreach and education efforts

NAHB Membership

- NAHB is a federation with over 800 state and local home builder associations
- Developers and builders make up 30% of NAHB's 235,000 companies in the NAHB membership
- 99% of home builders are small businesses
- Builders rely primarily on their state and local home builder organizations (HBAs) for assistance with any business issue

NAHB's Role

- Participate in the development of policy to help ensure stormwater requirements are efficient, effective, and workable in the field
 - e.g. “Single Lot Permit” concept
- Respond to member's needs on different issues related to stormwater
- Provide technical review of state, and local rules and compare with national trends
- Provide educational tools and outreach materials to members

Stormwater Regulation

■ Federal

- EPA's Construction General Permit applies in 5 states (ID, NM, MA, NH, AK)
- The CGP acts as a model for the delegated state's permits
- EPA's CGP must be reauthorized in 2008

Stormwater Regulation

■ State

- 45 States are delegated to administer the NDPES program
- 23 states must reissue their permits in 2008

■ Local

- Many municipalities and other local government entities (counties, water conservation districts, etc) have their own unique stormwater requirements.

Stormwater Regulation

Stormwater Pollution Prevention Plans (SWPPP)

- The SWPPP, unique to each construction site, shows how compliance will be achieved at that specific building site
- The SWPPP is normally reviewed by the permitting agency prior to issuance of the permit
- Developed by either a professional engineer or soil erosion control expert
- Best Management Practices are used for compliance
- Best professional judgment

Stormwater Regulation

- In the end many builders must comply with at least two sets of stormwater requirements
- These rules are not always coordinated or consistent, creating confusion and making compliance with all mandates difficult, at best.

Special Challenges for Home Builders

- Difficult to demonstrate compliance
- Nonpoint vs. point source
- Each construction site is different due to:
 - Slopes - Soils
 - Precipitation - Size of the disturbed area
 - Nearby waterbodies

Current Challenges for Home Builders

- Total Maximum Daily Loads (TMDLs) for waters impaired due to sediment and nutrients
- New requirements for Low Impact Development, Better Site Design, and infiltration requirements
 - Up-front design costs
 - Risk of failure of new technologies
 - Post-Construction Maintenance requirements
- Phase II expansion of new permits for small cities, some counties, and other entities
- Effluent Limitation Guidelines

Current Challenges for Home Builders

Effluent Guidelines

- Effluent Limitation Guidelines (ELG) are technology-based standards for categories of dischargers
- EPA is developing an ELG for the construction and development industry
- ELG requirements will be added into the NPDES stormwater permits increasing the complexity of the existing regulation
- NAHB is working with EPA in providing comments and data

Outline

Covered

- Background on NAHB
- Stormwater regulation (federal, state and local)
- Special challenges for home builders

Next:

- **NAHB efforts on advocacy, education, and outreach to home builders**

NAHB Advocacy

Single Lot Permit

- Purpose: NAHB developed a Single Lot Permit to streamline the CGP for small builders
- Applies to companies building a single home
- Benefits of the Single Lot Permit
 - Provides a checklist of common BMPs
 - Simplified version of SWPPP
- A Single Lot Permit is adopted in Lincoln, NE

NAHB Advocacy

Qualifying Local Program

- Purpose of QLP is to streamline duplicative stormwater requirements
- EPA developed the QLP provision
- QLP language can be included in state permits to reduce duplication between state and local requirements
- Builders will benefit if the QLP provision is adopted in state permits

NAHB Outreach and Education

- Stormwater Compliance Cards
- Stormwater and Erosion Control Toolkit
- Assistance to State and Local associations providing stormwater training
 - e.g EPA Region 6

NAHB Outreach and Education

Stormwater Compliance Cards

Take Stormwater Compliance Seriously!

THE CLEAN WATER ACT requires the U.S. Environmental Protection Agency to make builders and developers obtain permits under the National Pollutant Discharge Elimination System (NPDES) program to demonstrate that they are correctly managing the runoff of stormwater from their construction sites. In addition, many state and local governments have adopted their own, separate permit requirements for stormwater management and erosion control, creating a confusing net of regulations. These cards can help you follow the rules – and avoid fines.

Ten steps to improved stormwater compliance:

- 1) Determine whether you need a permit. Submit and post your Notice of Intent (NOI).
- 2) Prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for your site.
- 3) Install and maintain erosion and sediment control measures.
- 4) Practice good housekeeping and control all sources of pollutants.
- 5) Identify responsible parties, delegate and manage subcontractor obligations, and create a checklist of procedures to follow.
- 6) Conduct and document inspections and correct any problems you find.
- 7) Keep your SWPPP updated.
- 8) Minimize tracking dirt into the streets and make sure to provide inlet protection.
- 9) Know what to do if an inspector shows up.
- 10) Stabilize disturbed areas and submit your Notice of Termination (NOT).

Check your state and local permits for exact requirements.

THE NAHB ENVIRONMENTAL ISSUES committee thanks the U.S. Environmental Protection Agency (EPA), Beazer Homes, Paradigm Engineering, the Home Builders Association of Texas, and Wetlands Studies and Solutions for their assistance in preparing these cards.

This information is provided to generally assist builders with stormwater compliance and is for informational purposes only. It does not constitute legal advice. A majority of states and local governments have laws that may include additional requirements. You should review and understand the specific requirements in your state or local jurisdiction before disturbing any land.

In January 2008, EPA was the NPDES permitting authority in Massachusetts, New Hampshire, New Mexico, Idaho, Alaska, the District of Columbia and Puerto Rico. In all other states, your permits are issued by the state.

Download these cards at nahb.org/stormwater. For more information visit epa.gov/npdes or the Construction Industry Compliance Assistance Center at cicacenter.org.



■ see www.nahb.org/stormwater

NAHB Outreach and Education

Stormwater and Erosion Control Toolkit

The goal of the toolkit is to educate Home Builders Association staff on current regulatory trends in stormwater and assist them in participating effectively in local stormwater issues

NAHB Outreach and Education Stormwater and Erosion Control Toolkit

The screenshot shows a Microsoft Internet Explorer browser window displaying the NAHB website. The address bar shows the URL: <http://www.nahb.org/page.aspx/category/sectionID=1286>. The browser's toolbar includes standard navigation buttons like Back, Forward, Stop, and Refresh, along with search and utility icons. The website header features the NAHB logo and navigation links such as ABOUT, JOIN, NEWSROOM, MEETINGS & EVENTS, EDUCATION, BUILDERS' SHOW, and MY NAHB. A search bar is also present.

The main content area is titled "STORMWATER AND EROSION CONTROL TOOLKIT" and includes a breadcrumb trail: Home > Resources > Online Toolkits > StormWater and Erosion Control Toolkit. Below the title, there are links to "Add to My NAHB Favorites" and "Printer Friendly".

The page contains several sections of text and links:

- RESOURCES**: A sidebar menu with links to Business Management Tools, Economic & Housing Data, Find a Builder or Remodeler, Find an NAHB Staff Contact, Find Your Local Builders' Association, For Builders, For Consumers, For HBAs, Housing Issues, Housing Politics, Careers and Industry Jobs, Legal Affairs, NAHB Policy, and Online Directories.
- Online Toolkits**: A section with links to "Back to Basics Toolkit for a Challenging Housing Market" and "Buy Now Promotional Toolkit".
- What is a StormWater Toolkit?**: A section explaining the toolkit's purpose in addressing storm water and erosion control compliance issues.
- What can I do to be Successful in StormWater Management?**: A section detailing how storm water and erosion issues relate to construction management and liability.
- How Can I Get Involved in StormWater Policy Development?**: A section providing information on how state and local home builder associations can get involved.
- The Buck Stops Here!**: A section with an illustration of a person holding a key, emphasizing the importance of effective storm water and soil erosion management.
- All StormWater and Erosion Control Toolkit Materials**: A section for browsing materials related to the topic.

The browser's status bar at the bottom shows "Discussions not available on http://www.nahb.org/" and the Internet icon.

NAHB Outreach and Education

Stormwater Compliance Training in Texas (2007)

You're invited to attend...

It's reasonable,
It's attainable &
It's the LAW!

a new seminar on storm water compliance,
"Storm Water – SWPPP it or Sweat it."

Together the Texas Association of Builders, the Environmental Protection Agency and the Texas Commission on Environmental Quality developed a sensible approach to protecting our environment while ensuring that any fine (*up to \$32,500 per day*) meets the crime. Learn what you need to know from developing your SWPPP to best management practices.



NAHB Outreach and Education

Current Efforts

- Stormwater webcast in partnership with EPA
- Trade sheets for contractors on construction sites
- Potential partnerships with International Erosion Control Association to provide stormwater classes

Summary

- Stormwater is near the top of EPA's national enforcement priorities
- Stormwater regulation will get tougher due to stringent new regulations and poor water quality
- NAHB is poised to assist our members to comply with the existing regulations and to participate in the development of future regulations
- Assisting in compliance and partnerships with others improves environmental outcomes

Thank you



Any questions...

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