

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;

