

October 30, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Pruitt:

On behalf of the National Association of Home Builders (NAHB), I would like to thank you for meeting with us on October 24th to discuss improving the Clean Water Act (CWA) §402 stormwater inspection and enforcement processes. My colleagues and I from all 10 regions were honored that so many EPA staff joined us from around the country to listen to our concerns and work toward solutions. I personally appreciated your results-orientated approach and am hopeful the meeting will serve as a catalyst for action.

NAHB's members are dedicated to taking the steps necessary to achieve compliance with their stormwater management obligations and protect the environment in the communities in which they live and work. As we discussed, however, overly complex requirements, punitive and inconsistent enforcement actions and overlapping authorities have disrupted many of their efforts. Given EPA's role in establishing the baseline permitting requirements, developing federal enforcement policies and directing the tenor of the enforcement and compliance assurance activities that occur across the country, NAHB looks forward to working with the Agency to explore the following solutions that were suggested during our meeting, as well as any others that may arise during subsequent discussions:

- ***Create streamlined permitting option(s) for small sites***
Assess ways to simplify and streamline the Construction General Permit requirements for single lots within larger subdivisions and consider how they may be incorporated into the permit.
- ***Develop a "Find it, Fix it" approach for enforcing permit conditions***
Modify EPA guidance and practice to empower EPA inspectors to focus on education and allow certain violators to correct minor infractions in the field without the risk of subsequent fines.
- ***Clarify enforceability of SWPPP details***
Draft a legal memoranda or other mechanism that outlines how permit requirements are to be enforced to ensure consistency across EPA and the delegated states.
- ***Engage in the Smart Sector Program***
Coordinate efforts between NAHB and other national construction and development trade groups to identify and share industry-wide innovations in compliance.
- ***Participate in Inspector Training***
Arrange for NAHB to speak at EPA's NPDES Technical Inspector Workshop to share the home building industry's suggested best practices for successful inspection visits.

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While we recognize that pursuing these solutions will take some time, NAHB is committed to doing what is necessary to achieve results. We are excited about the possibilities and view this dialog as a positive first step for EPA, home builders and the environment. I have directed staff to keep me apprised of the actions being taken to pursue these reforms and to schedule another meeting in early 2018 to review our progress reaffirm our direction. If you have any questions about next steps or follow-up, please contact Ms. Eva Birk, Program Manager, Environmental Policy, at Ex. 6

Best Regards,



Gregory F. Ugalde

cc: Susan Bodine, Senior Advisor for Environment
Ken Wagner, Senior Advisor for Regional and State Affairs
Daisy Letendre, Senior Advisor for Policy and Strategic Communications, Office of Policy
Larry Starfield, Acting Assistant Administrator, Office of Enforcement and Compliance Assurance
Lee Forsgren, Deputy Assistant Administrator, Office of Water