

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Ward, Thomas
Sent: Fri 5/12/2017 3:39:18 PM
Subject: Wednesday Meeting
Stormwater Issues - NAHB Briefing 5.10.17.pdf
NAHB Comments - DC MS4 Permit - FINAL 1.16.17.pdf

Dear Assistant Administrator Dravis:

We enjoyed meeting with you and Brittany Bolan on Wednesday and want to thank you for allowing us to update you on some of the challenges NAHB members continue to have with EPA's Lead Renovation, Repair and Painting Rule (RRP Rule) and the manner in which the Agency regulates stormwater that leaves construction sites, both during and after construction.

As we shared with you, EPA is currently in the midst of reviewing the RRP Rule under the Regulatory Flexibility Act's Section 610. In its comments concerning the Section 610 review, NAHB has asked EPA to accurately reflect the costs of the rule by performing a new economic analysis. As we discussed, there currently is no test kit which satisfies the regulation's requirements, which means that remodelers do not have an affordable, reliable means to assess whether a home contains regulated levels of lead-based paint. As a result, expensive lead-safe work practices are used in homes with no lead-based paint hazards present, at considerable cost to homeowners. If a qualifying test kit cannot be identified, NAHB urges EPA to limit the scope of the RRP Rule, either by applying the rule to homes built before 1960, rather than before 1978, or by reinstating the "opt-out" provision, which would allow homeowners without children under six or pregnant women to choose for themselves the level of lead-safe work practices that meets their needs.

With regard to stormwater, as you suggested, NAHB will work on proposed permit language for a "small lot" permit and will set a follow-up meeting with the Assistant Administrator for the Office of Water once appointed to discuss an implementation schedule.

Furthermore, NAHB encourages the Office of Policy to inquire as to the timeline for finalizing the District of Columbia's Municipal Separate Storm Sewer (MS4) permit and whether the final permit will include the provisions concerning the amount of money that the District must spend on specific municipal programs to control stormwater. The EPA Region 3 contact person is Elizabeth Ottinger (ottinger.elizabeth@epa.gov; 215-814-5783).

Finally, the Office of Policy may wish to contact Region 1 to inquire about the MS4 permits that were recently finalized in New Hampshire and Massachusetts concerning whether it is appropriate for the EPA to regulate "flow" instead of "pollutants." The Regional Counsel for Region 1 is Carl Dierker. (Dierker.carl@Epa.gov; (617) 918-1090).

Again, thank you for taking the time to hear our concerns. We look forward to working with you on these and other challenges in the future.

Respectfully,

Tom Ward

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