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In the Zone

Presented by the Zoning and Land Use Practice Group

February 2010

Stormwater Listening Sessions Available

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The Environmental Protection Agency (EPA) is offering the home building industry an opportunity to weigh in on new stormwater regulations that will impact our builders and developers.

In October 2009, the EPA announced that it is committed to and has begun to develop a rulemaking to address post-construction stormwater discharges from newly developed and redeveloped sites. This rulemaking is expected to be completed by November 2012. This announcement comes after the EPA just finalized the Effluent Limitation Guidelines (ELGs) for the Construction and Development Industry that establishes the minimum erosion and sediment control requirements and imposes a numeric effluent limit on the amount of sediment released from construction sites. The ELGs address the active phase of construction; the EPA's new initiative targets post-construction stormwater discharges.

The EPA is hosting [listening sessions](#) that are intended to inform this [new post-construction stormwater rulemaking](#).

Among the EPA's proposals under consideration:

- Expand the geographic area subject to federal stormwater regulations.
- Establish specific requirements to control stormwater discharges from new development and redevelopment, including retaining stormwater on-site through infiltration, evapotranspiration or stormwater reuse.
- Develop a single set of consistent stormwater requirements for all MS4s.
- Require MS4s to address stormwater discharges in areas of existing development through retrofitting the sewer system or drainage area with improved stormwater control measures.
- Explore specific stormwater provisions to protect sensitive areas.

The EPA is seeking information from stakeholders on:

- Performance, effectiveness and cost of stormwater control measures;
- Ecological data including ecological benefits from stormwater controls;
- Technical information on design,

implementation and operation and maintenance of stormwater control measures;

- Suggestions for how the existing program may be modified to better meet the goals of the Clean Water Act;
- Other information that may help the EPA develop improvements to the existing program; and including better control of pollutants in stormwater from the built environment created by development and redevelopment.

The EPA has also added a virtual listening session on February 3, 2010, from 12 p.m. to 4 p.m. Eastern time. They have also added conference lines for the other meetings, but you can only "listen" to the comments and can not provide comments on the call. Check the [EPA's web site](#) to register.

For more information, please contact Robert W. Gundlach, Jr. at 215.918.3636 or rgundlach@foxrothschild.com.

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