



# OFFICE OF ADVOCACY *FACTSHEET*

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## ***Advocacy Urges EPA Not to Impose Duplicative Water Quality Requirements on Construction and Development Activities***

On March 30, 2004, the U.S. Small Business Administration's Office of Advocacy (Advocacy) filed comments on the U.S. Environmental Protection Agency's (EPA) proposed rule establishing new water quality requirements for construction and development activities. Advocacy strongly urged EPA to strengthen education and enforcement of existing storm water permitting programs and not to burden state regulators, construction firms, and the public with unnecessary, duplicative new requirements. A copy of Advocacy's letter can be found at: [www.sba.gov/advo/laws/comments](http://www.sba.gov/advo/laws/comments).

- The construction and development (C&D) proposal is aimed at requiring construction firms disturbing one or more acres in a project to manage storm water runoff to protect water quality.
- EPA estimated the annual cost of the proposed C&D requirements at \$505 million.
- Because the C&D requirements would significantly affect many small businesses, EPA convened a small business review panel in 2001 under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The panel examined EPA's proposal and recommended that EPA focus on better enforcement of existing storm water rules, rather than imposing new rules and paperwork requirements without corresponding water quality benefits.
- The proposed C&D requirements are likely to overlap with and duplicate the Phase II storm water permitting requirements, which EPA began implementing only last year. Those Phase II storm water requirements, which were issued in 1999, were estimated by EPA to cost \$800 million annually.
- Available evidence shows that current Phase II storm water requirements will ultimately be sufficient to resolve erosion and sediment control problems at construction sites. Therefore, the proposed C&D requirements would likely yield little environmental benefit.
- Advocacy also believes that the proposed C&D requirements would unnecessarily preempt the authority of state and local governments to set their own storm water standards and local budgets.
- Consistent with recommendations from the small businesses panel, Advocacy urged EPA to implement the "no regulation" option and revisit this issue at a future time when EPA can fully evaluate the costs and benefits of the Phase II storm water program.

For more information, visit Advocacy's webpage at: [www.sba.gov/advo](http://www.sba.gov/advo) or contact Kevin Bromberg at 202-205-6964 or Keith Holman at 202-205-6936.