



BAWN in Action Government Affairs Update

The Builders Association of Western Nevada is committed to keeping you informed on issues and changes within areas that affect you

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NEW FEDERAL LEAD RENOVATION, REPAIR AND PAINTING REQUIREMENTS

Working on a Pre- 1978 home, school or child-care facility?

You NEED to know the new laws affecting you!

NEW FEDERAL LEAD RENOVATION, REPAIR AND PAINTING REQUIREMENTS

The U.S. Environmental Protection Agency (EPA) has issued new rules for contractors who renovate or repair housing, child-care facilities or schools built before 1978. Under the new rules, workers must follow lead-safe work practice standards to reduce potential exposure to dangerous levels of lead during renovation and repair activities. The "Lead: Renovation, Repair and Painting Program" rule will take effect in April 22, 2010. Requirements under the rule include certification, training and implementing lead-safe work practices for contractors working in pre-1978 houses, child-care facilities and schools. Contractors must take EPA-accredited training before beginning renovation, repair or painting projects which disturb more than six square feet of lead paint on the interior of a home or which disturbs more than 20 square feet on the exterior.

The rule covers all rental housing and non-rental homes where children under six and pregnant mothers reside. Contractors required to follow this new rule include builders, painters, plumbers and electricians. Those affected contractors must complete their company's certification and select an employee to serve as the certified renovator by April 22, 2010. Not every employee is required to complete this training; however

employees which will be working on job sites of pre-1978 homes must be trained by the company's certified renovator.

Trained contractors must post warning signs, restrict occupants from work areas, contain work areas to prevent dust and debris from spreading, conduct a thorough cleanup, verify that the cleanup was effective, and keep detailed records of the project. BAWN is prepared to offer this course through accredited trainers to our members at discounted rates, for information and details about when classes will be available contact Sheena Beaver at (775) 882-4353.

New Storm Water Rules Not Friendly for Homes or Environment, Says NAHB

The Environmental Protection Agency has announced new storm water management requirements for builders that don't effectively address water quality and environmental issues – but do promise to place significant burdens on the home building industry and result in higher costs for home buyers, according to the National Association of Home Builders.

Beginning next month, EPA will start placing stricter limits on the amount of pollutants in storm water legally allowed to leave a construction site after a rainfall and require that water be virtually free of soil or sediment. "That's a standard that no builder, anywhere, can consistently expect to achieve – and EPA's own studies show it's not the answer to reducing pollutants in our nation's waters," said NAHB Chairman Joe Robson, a builder and developer in Tulsa, Okla.

A year ago, EPA proposed rules that for the first time incorporated so-called Effluent Limit Guidelines for the construction and development industry. The agency released the proposal under a court order after a lawsuit filed by an advocacy group argued that builders, whose "discharges" under the Clean Water Act are the result of rainfall and sediment running off construction sites, should be treated like commercial and industrial enterprises, which discharge water and chemicals via pipelines.

The guidelines set out requirements without regard to the type of soil on the jobsite and how likely it is to absorb excess rainwater. The "turbidity" limit – the amount of sediment in the water – does not take into account the natural turbidity of nearby streams or other water bodies. And the rules require stepped-up state enforcement, but no accompanying guidance on how to monitor compliance or money to pay for the additional administrative and inspection costs.

Further, the additional requirements are more difficult – and in some cases impossible – to meet on smaller lots and in urban redevelopment, severely hampering "smart growth" projects and transit-friendly building.

"EPA specifically asked for, and NAHB provided, significant comments and alternatives that would meet these important goals at a lower cost and with less red tape, so we're quite disappointed – and frankly, bewildered – that EPA did not take our suggestions," Robson said.

At the same time it finalized these onerous requirements, EPA also announced it was developing yet another rule to address storm water discharges from development.

"With all of the existing rules and voluntary steps our members are already taking to improve the quality of the nation's waters, it is uncertain what might be gained from this additional and costly layer," Robson said.

NAHB is continuing to study the final rule and any supporting documentation, he said.

Potential for new jobs created by Washoe officials approval of money to raise Hidden Valley homes above flood level

County officials approved about \$2 million Thursday to raise about 20 homes in the Hidden Valley area out of danger from floods.

The Flood Project Coordinating Committee voted to accelerate plans to raise the home foundations, from 2 to 8 feet, in Hidden Valley and the nearby Eastside subdivision as soon as this summer.

It's part of a larger, eight-year effort that could eventually spend \$10 million to elevate 115 homes that are threatened frequently by flooding of Steamboat Creek. Many sustained damage from the floods of 1997 and 2005.

"This has been a long time coming," said Naomi Duerr, director of the Truckee River Flood Project. "We not only get flood protection early, but we're looking at the most efficient way to get this done."

Earlier plans called for protecting Hidden Valley by building a \$58 million levee.

Homes that cannot be raised could be purchased or moved.

The home elevations are among projects for which the committee is using local funding, separate from the much larger \$1.5 billion Truckee River Flood Project that is under federal review and is not expected to be authorized until 2012.

For more information on how your company may bid for these projects log on to: http://truckeeflood.us/271/construction_projects_new.html

Sincerely,

Sheena Beaver
Government Affairs Director