

The "**Energy Independence and Security Act of 2007**" that was signed into law on December 19, 2007 contains provisions for water quality in Title IV ("Energy Savings in Building and Industry"), Subtitle C "(High Performance Federal Buildings)". Here is the entire provision:

SEC. 438. STORM WATER RUNOFF REQUIREMENTS FOR FEDERAL DEVELOPMENT PROJECTS.

The sponsor of any development or redevelopment project involving a Federal facility with a footprint that exceeds 5,000 square feet shall use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow.

Comments on this new provision from:

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1. It requires all federal development and redevelopment projects with a footprint above 5,000 square feet to achieve predevelopment hydrology to the "maximum extent technically feasible".
2. It will immediately result in much more focus on LID. Many more companies will become interested in learning how to develop and apply "design, construction, and maintenance strategies" that preserve pre-development technology, so that they can maintain existing, or obtain new, federal government construction contracts.
3. It creates a living laboratory and marketplace that will hopefully result in the rapid development, and technical improvement, and some cost reduction for LID practices nationwide. Many variants of current LID practices are still somewhat in the developmental phase or "batch-quantity" phase, which drives up their prices. As volume increases, and as implementation experience becomes more efficient, we should see a rapid growth in those practices that are more effective at achieving the "pre-development hydrology" goal and at the same time cost less. We are already seeing some trends of this sort, which will accelerate, thanks to this new law.
4. The establishment of these requirements for federal facilities will not only have the effect of "main streaming" them for all non-federal facilities but will also broadly legitimize them and have great influence upon their implementation by state and local stormwater, CSO, and urban runoff programs, both within and outside of the NPDES Phase II permit program context.