



MARYLAND STATE BUILDERS ASSOCIATION

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MEMBER ASSOCIATIONS

July 14, 2010

EASTERN SHORE BUILDING
INDUSTRY ASSOCIATION

The Honorable Benjamin L. Cardin
509 Hart Senate Office Building
Washington, DC 20015

FREDERICK COUNTY BUILDERS
ASSOCIATION

Dear Senator Cardin:

HOME BUILDERS ASSOCIATION
OF MARYLAND

The Maryland State Builders Association (MSBA) appreciates all the hard work you have done to attempt to address the development industry's concerns about portions of S 1816. However, even with the revisions that were made during the mark up, the industry cannot support this measure.

HOME BUILDERS ASSOCIATION
OF WESTERN MARYLAND

MARYLAND NATIONAL CAPITAL
BUILDING INDUSTRY
ASSOCIATION

Our major concerns are:

The language requiring pre-development hydrology to the "maximum extent technically feasible" is unaddressed and is the most difficult part of the bill. That language is simply not reasonable or implementable. This threshold does not recognize that according to EPA 5.3 Model new construction is still less than 1% for nitrogen, 1% for phosphorus and 4.7% for sediment. The amount of regulation, restriction, responsibility is clearly materially disproportionate to our industry.

The economic/benefits study has little value after the rule has begun. It is not politically realistic to think that the rules would be relaxed after they were implemented based on an economic benefit analysis. Additionally, the study would be costly and there is little funding to even implement the rule, let alone to pay for nonessential things like the study. We do not feel your change went far enough to address our concerns.

While we continue to support the Bay clean up effort, we need broad-based programs that will result in meaningful reductions. Any measure that disproportionately effects new development will further hamper our economic recovery, hurt the local governments revenue stream, put undue continued financial pressure on the small and medium size development firms; but most important of all, and because of the lack of proportion, prevent the clean up goals from being met again. For example, delaying efforts to address residential fertilizer use for 3 years is a missed opportunity to realize significant loading reductions.

I urge you to consider these important points as you continue to work on S. 1816. We believe there are better ways for the federal government to promote and support the Chesapeake Bay clean up effort.

Sincerely,

Tom Farasy
President

Cc: Mike Burke, Office of Senator Cardin
Lisa Jackson, EPA Administrator
Chuck Fox, Senior Advisor to the Administrator
Rich Batiuk, Associate Director, EPA Region III
James Edwards, Acting Director, Chesapeake Bay Program