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# Chapter 5

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Administration  
of  
Stormwater  
Management  
Rules

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## 5.0 Stormwater Management Plans

For all major regulated projects, and projects for the generation of Stormwater Retention Credit (SRC), the applicant is responsible for submitting a Stormwater Management Plan (SWMP) which meets the requirements defined within the Stormwater Management and Soil Erosion and Sediment Control Regulation (District of Columbia Municipal Regulations (DCMR) Title 21, Chapter 5), and the details outlined within this guidebook. Each SWMP submitted must be signed and sealed by a professional engineer, licensed in the District. All SWMP applications will be reviewed by DDOE staff with the Watershed Protection Division, Technical Services Branch of the Natural Resources Administration to determine compliance with the requirements of 21 DCMR, Chapter 5. A series of flow charts depicting the SWMP review and approval process, within the overall context of the permitting process, is provided at the end of this chapter.

### 5.0.1 Submittal and Review of Stormwater Management Plans

- A Stormwater Management Plan (SWMP) shall contain supporting computations, drawings, and sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, the effectiveness and acceptability of Stormwater Best Management Practices (BMPs) for managing stormwater runoff, and maintenance and construction schedules. If the applicant proposes to use off-site retention the SWMP shall indicate the number of gallons the applicant shall retain off-site, termed Off-Site Retention Volume (OSRv).

- The applicant shall submit the SWMP, including all documentation, to the District of Columbia Regulatory and Consumer Affairs (DCRA). Projects may be submitted in person at the DCRA headquarters at 1100 4th Street SW, Second Floor, or through the DCRA online intake form, <http://cpms.dcr.dc.gov/OCPI/PermitMenu.aspx>

Some projects, for example when the application is limited to Soil Erosion & Sediment Control Plans or Green Area Ratio, may be handled by DDOE staff located at the DCRA intake counter. All other projects will be forwarded for review to DDOE Headquarters at 1200 First Street NW, Fifth Floor. Other District agencies with review authority will also evaluate a project's SWMP. For each project the applicant may choose to submit the SWMP electronically or in paper form. If the SWMP is submitted in paper form 2 plan sets of project are require.

- Upon receiving an application, DDOE, Technical Services Branch shall determine if the application is complete and acceptable for review, accept it for review with conditions, or reject the application.
- Within 10 to 30 working days of the submission date of an accepted complete application

DDOE, Technical Services Branch shall review the SWMP, and make a determination to approve, approve with conditions, or disapprove the SWMP.

- If it is determined that more information is needed or that a significant number of changes must be made before the SWMP can be approved, the applicant may withdraw the SWMP, make the necessary changes, and re-submit the SWMP. All re-submissions shall contain a list of the changes made. A new 10 to 30 day review period begins on the date of the re-submission.
- If SWMP approval is denied, the reasons for the action shall be communicated to the applicant in writing.
- If SWMP approval is granted, the applicant shall submit a final package including,
  - (a) One (1) Mylar copy of the SWMP, certified by a registered professional engineer licensed in the District of Columbia.
  - (b) Seven (7) paper copies of the SWMP, certified by a registered professional engineer licensed in the District of Columbia.
  - (c) All supporting documents specified within this Stormwater Management Guidebook or as requested during the review process by DDOE, Technical Services Branch.

Note the District of Columbia is in the process of creating a single electronic submission, review, and approval process for all DCRA building permit applicants. When DCRA migrates to the electronic submission process, this will become an alternate option for (b) above in the final SWMP submission.

- After the applicant submits a final package that meets the requirements for the Department's approval, the Department shall approve the SWMP, and provide the applicant with one (1) approved copy of the SWMP for the applicant to file at the Recorder of Deeds with the Declaration of Covenants and, if applicable, an easement. Government Properties are exempt from this requirement. Note the applicant must submit the SWMP Declaration of Covenants to the Office of Attorney General (OAG) for legal sufficiency review. OAG approval is required before the SWMP can be filed with the Recorder of Deeds.
- The Department shall issue the remaining approved paper copies of the approved SWMP to the applicant after the submission of proof of filing the Declaration of Covenants and each applicable easement with the Recorder of Deeds and payment of applicable fee(s) for the Department services. Government Properties are exempt from this requirement.
- Upon job completion, the applicant, or the agent of the applicant, shall certify on the approved SWMP that all activities including clearing, grading, site stabilization, the preservation or creation of non-impervious cover, the construction of drainage conveyance systems, the construction of BMPs, and all other stormwater related components of the

project were accomplished in strict accordance with the approved SWMP.

- Within twenty-one (21) days of the final inspection, the applicant shall submit an as-built package, including one (1) Mylar copy of the as-built SWMP certified by a registered professional engineer licensed in the District of Columbia and one as-built form from the end of this chapter (found in Section 5.7).

The submission of a SWMP shall be supported by these documents,

- (1) Site Development Submittal Information Form
- (2) DC Water Storm Sewer Verification Form
- (3) DCRA Application for Construction Permit on Private Property
- (4) Environmental Intake Screening Form (EISF)
- (5) Environmental Questionnaire
- (6) DC Green Building Act Permit Application Intact Form
- (7) Contract Agreement
- (8) Lead Permit Screening Form
- (9) Zoning Data Summary Form
- (10) Reasonable Accommodations and Modifications for Persons with Disabilities Form

The forms 1 and 2 are found at the end of this chapter in Section 5.7. Forms 3 through 10 are available at the DCRA intake counter or can be downloaded at,

<http://dcra.dc.gov/DC/DCRA/Permits/Building+Permit+Application+Supplemental+Documents>

Note, in general, filing a Notice of Intent Form with US EPA is required if the project will disturb 1 or more acres of land, or part of a common plan of development or sale that will ultimately disturb 1 or more acres of land must file. Consult US EPA's web site for details,

[http://cfpub.epa.gov/npdes/stormwater/application\\_coverage.cfm](http://cfpub.epa.gov/npdes/stormwater/application_coverage.cfm)

A Stormwater Management Plan (SWMP) shall include,

#### *Site Plan*

The following information shall be submitted on a standard drawing size of twenty-four inches by thirty-six inches (24 in. x 36 in.). The site drawing will provide details of existing and proposed conditions:

- (a) A plan showing property boundaries and the complete address of the property.
- (b) Lot number, square number or parcel number designation (if applicable).
- (c) North arrow, scale, date.
- (d) Property lines (include longitude and latitude).
- (e) Location of easements (if applicable).
- (f) Existing and proposed structures, utilities, roads and other paved areas.

- (g) Existing and proposed topographic contours.
- (h) Soil information for design purposes.
- (i) Area(s) of soil disturbance.
- (j) Volume(s) of excavation.
- (k) Volume(s) of fill.
- (l) Volume(s) of backfill.
- (m) Drainage area(s) within the limits of disturbance (LOD) and contributing to LOD.
- (n) Delineation of existing and proposed land covers including natural cover, compacted cover and impervious surfaces. Consult **Appendix O** for details on land cover designations.
- (o) Location of existing stream(s), wetlands, or other natural features within the project area.
- (p) All plans and profiles must be drawn at a scale of 1" = 10', 1" = 20', 1" = 30', 1" = 40', 1" = 50', or 1" = 80', although 1" = 10', 1" = 20' and 1" = 30', are the most commonly used scales. Vertical scale for profiles shall be 1" = 2', 1" = 4', 1" = 5', or 1" = 10'.
- (q) Drafting media that yield first or second generation reproducible drawings with a minimum letter size of No. 4 (1/8 inch.).
- (r) Location and size of existing utility lines including gas lines, sanitary lines, telephone lines or poles, and water mains.
- (s) A legend identifying all symbols used on the plan.
- (t) Applicable flood boundaries for sites lying wholly or partially within the 100-year floodplain.
- (u) Information regarding the mitigation of any off-site impacts anticipated as a result of the proposed development.
- (v) Pollution Prevention Plan or Stormwater Hotspot Cover Sheet and Good House Keeping Stamp, details provided in **Appendix Q** and **Appendix R**.
- (w) Construction specifications.
- (x) Design and "As-Built" Certification.
  - i. Certification by a Professional Engineer registered in the District that the design of the Stormwater Best Management Practices (BMP) conforms to engineering principles applicable to the treatment and disposal of stormwater pollutants. The end of this chapter provides guidelines for As-Built stormwater management plan (SWMP).
  - ii. Certification and submission of the As-Built Certification by Professional Engineer form (provided in at the end of this chapter) and one set of the "As-Built" plans within 21 days after completion of construction of the BMP.
- (y) Maintenance of Stormwater Best Management Practices (BMPs)
  - i. A maintenance agreement and a maintenance schedule must be submitted as part of the stormwater management plan (SWMP).
  - ii. A declaration of covenants stating the property owner's specific maintenance responsibilities must be recorded with the owner's deed, at the Record of Deeds. An example of a Declaration of Covenants is provided at the end of this chapter.
  - iii. For applicants using BMP Group 2, Rainwater Harvesting, submission of third party testing of end use water quality may be required at equipment commissioning as determined by the Tiered Risk Assessment Management (TRAM) analysis. Additional regular water quality reports certifying compliance for the life of the BMP may also be required based on the

TRAM analysis.

#### *Stormwater Retention Volume Computations*

- (a) Calculation(s) of required stormwater retention volume (SWRv) for entire site and each individual drainage.
- (b) Calculation(s) for each proposed BMP demonstrating retention value towards SWRv in accordance with Chapter 3 of this Guidance Manual.
- (c) For BMP Group 2, Rainwater Harvesting, calculations demonstrating the annual water balance between collection, storage and demand.
- (d) For proprietary and, non-proprietary, BMPs outside the Guidance Manual complete the submission request forms for BMP Group 12, Proprietary Practices, in Chapter 3.12 to receive approval or denial of the use of these practice(s).
- (e) Deficit SWRv gallons requiring off-site mitigation.
- (f) Statement of participate in off mitigation program(s), Fee-In-Lieu or Retention Credit Trading to manage SWRv deficit.
- (g) For projects in the existing Public Right of Way (PROW) complete MEP checklists.

#### *Pre/Post-Development Hydrologic Computations*

The pre/post-runoff analysis shall include:

- (a) A summary of soil conditions and field data.
- (b) Pre/post-project curve number computation.
- (c) Time of concentration calculation.
- (d) Travel time calculation.
- (e) Peak discharge computation for each drainage area within the project's limits of disturbance for the 24-hour storms of 2-year and 15-year frequencies. All hydrologic computations shall be included on the plan.

#### *Hydraulic Computations*

Hydraulic computations for the final design of water quality and quantity control structures may be accomplished by hand or through the use of software using equations/formulae generally accepted in the water resources industry. The summary of collection or management systems shall include the following:

- (a) Existing and proposed drainage area must be delineated on separate plans with the flow paths used for calculation of the times of concentration.
- (b) Hydraulic capacity and flow velocity for drainage conveyance, including ditch, swales, pipes, inlets, and gutter. Plan profiles for all open conveyance and pipelines, with

energy and hydraulic gradients shown thereon.

- (c) The proposed development layout including:
- i. Stormwater lines and inlets.
  - ii. Location and design of BMP(s) on site.
  - iii. A list of design assumptions (e.g. design basis, 15-year return period, etc.).
  - iv. The boundary of the contributing drainage area to the BMP.
  - v. Schedule of structures (a listing of the structures, details, elevations including inverts, etc.).
  - vi. Manhole to manhole listing of pipe size, pipe type, slope, computed velocity, and computed flow rate (i.e., a storm drain pipe schedule).

### 5.0.2 Resubmission of Stormwater Management Plans

If a SWMP is accepted, but changes in the design or construction occur, the applicant may be required to resubmit the SWMP for approval. Examples of changes during design and construction that may require re-submission include,

- A document in the original submission requires significant correction
- A document in the original submission is missing
- A document in the original submission has changed sufficiently to require replacement
- Relocation of an onsite storm sewer or conveyance
- Revision to methodology used for design of BMP(s)
- Changes to the proposed land cover
- Changes to the selection, location or sizing of BMP(s)
- Changes to the size, invert, elevation and slopes of pipes and conveyances
- Installation of new drains and conveyance structures
- Installation or relocation of the sediment trap or basin
- Revision to the approved grading and drainage divides
- Removal of contaminated soil from the site
- Revision to the boundaries of the floodplain
- Revision to the property boundary
- New storm sewer outlet connection to the main storm or sanitary sewer
- Modification to an approved wetland design
- Abandonment, removal or demolition of a BMP

If the applicant resubmits a SWMP after making changes, the re-submission shall contain a list of the changes made. After the Department's initial review and its review of the first resubmission, an applicant shall pay the supplemental review fee for each subsequent review.

## 5.1 Administration

### 5.1.1 Approval Requirements

The District of Columbia Department of Consumer and Regulatory Affairs (DCRA) shall not issue a building permit for any District project requiring stormwater management, as defined in Chapter 2 of this guidance manual, unless a Stormwater Management Plan (SWMP) meeting the requirements of 21 DCMR, Chapter 5 has been approved by the DDOE.

### 5.1.2 Fees

An applicant is responsible for schedule fees. These fees will be collected at the times specified in Tables 5.2.2 a-d. These fees provide for the cost of review, administration, management of the stormwater permitting process, and inspection of all projects subject to the requirements of Chapter 5 of Title 21 of the District of Columbia Municipal Regulations Section 516 through 539.

These fees shall be adjusted for inflation annually, using the *Engineering News-Record* Construction Cost Index or the Urban Consumer Price Index published by the United States Bureau of Labor Statistics.

<b>Table 5.2.2.a (DCMRA Chapter 5 of Title 2 501.4 Table 2)</b>	Land disturbance of $\geq 5,000$ sf & $\leq 10,000$ sf	Land disturbance of $> 10,000$ sf
<b>Stormwater Management Plan Review</b>		
Initial plan review payment due upon filing for building permit	\$3,300.00	\$6,100.00
Final plan review payment due before issuance of building permit	\$1,500.00	\$2,400.00
Supplemental review fee due before issuance of building permit	\$1,000.00	\$2,000.00

<b>Table 5.2.2.b (DCMRA Chapter 5 of Title 2 501.5 Table 3)</b>	Land disturbance of $\leq 10,000$ sf	Land disturbance of $> 10,000$ sf
<b>Additional fees</b>		
Field visit for soil percolation test	\$300 for $\leq 10$ borings; \$600 for $> 10$	
Review of soil percolation test report	\$150.00	
Soil characteristics inquiry	\$150.00	
Review of geotechnical report	\$70.00/hour	
After-hours inspection fee	\$50/hour	
Stormwater pollution plan review	\$1,100.00	
Dewatering pollution reduction plan review	\$1,100.00	\$2,100.00
Application for relief from extraordinarily difficult site conditions	\$500.00	\$1,000.00

<b>Table 5.2.2.c (DCMRA Chapter 5 of Title 2 501.6 Table 4) Review of stormwater management plan to create retention capacity for Department certification of stormwater retention credits</b>	Land disturbance of ≤10,000 sf	Land disturbance of >10,000 sf
Initial plan review payment due upon filing for building permit	\$575.00	\$850.00
Final plan review payment due before issuance of building permit	\$125.00	\$200.00
Supplemental review fee due before issuance of building permit	\$500.00	

<b>Table 5.2.2.d (DCMRA Chapter 5 of Title 2 501.7 Table 5) Review of Green Area Ratio plan</b>	Land disturbance of ≤10,000 sf	Land disturbance of >10,000 sf
Initial payment due upon filing for building permit	\$575.00	\$850.00
Additional payment due before issuance of building permit	\$125.00	\$200.00
Supplemental review fee (for reviews after first re-submission)	\$500.00	

## 5.2 Inspection Requirements

### 5.2.1 Inspection Schedule and Reports

Prior to the approval of a Stormwater Management Plan (SWMP), the applicant will submit a proposed construction and inspection control schedule. DDOE will review the schedule to determine if changes are required. The construction schedule should reflect the construction sequences defined in each Stormwater Best Management Practice (BMP) section of Chapter 3 of this guidebook. The construction and inspection schedule must be included in the SWMP. The Department will conduct inspections at the construction stages specified in the provisions, and file reports of inspections during construction of BMPs and site stormwater conveyance systems to ensure compliance with the approved plans.

Please note, no stormwater management work may proceed past the stage of construction that the Department has identified as requiring an inspection unless,

- DDOE has issued an “approved” or “passed” report;
- DDOE has approved a plan modification that eliminates the inspection requirement; or
- DDOE has eliminated or modified the inspection requirement in writing.

DDOE will require the professional engineer responsible for certifying the "As-Built" SWMP to be present during inspections.

If the applicant receives written notice from DDOE of an inspection finding work not in compliance with the approved SWMP, the applicant shall promptly take corrective action. The written notice will set forth the nature of corrections required and the time frame within which corrections shall be made.

### **5.2.2 Inspection Requirements During Construction**

- Construction inspection checklists for each BMP are provided in Appendix L.
- Pre-construction meetings are required prior to the commencement of any land disturbing activities and prior to the construction on any on-site or off-site BMPs.
- The applicant shall contact DDOE to schedule preconstruction meetings 3 days prior to beginning any construction activity subject to the requirements of 21 DCMR, Chapter 5.
- The applicant shall contact DDOE to schedule inspection 3 days prior to any stage of BMP construction, or other construction activity, requiring an inspection.
- The professional engineer responsible for certifying the "As-Built" SWMP for the project shall accompany the DDOE representative on all on-site inspections.
- The applicant shall contact DDOE to schedule a final inspection 1 week prior to the completion of a BMP construction to schedule a final inspection of the BMP.
- A final inspection shall be conducted by the DDOE upon completion of the BMP to determine if the completed work is constructed in accordance with approved plans.

Chapter 3 of this Guidance Manual provides details on the specific to the construction sequences for each BMP. After holding a pre-construction meeting, regular inspections will be made at the following specified stages of construction,

- Infiltration systems shall be constructed at the following stages so as to ensure proper placement and allow for infiltration into the subgrade:
  - (a) During on-site/off-site percolation/infiltration test
  - (b) Upon completion of stripping, stockpiling, construction of temporary sediment control and drainage facilities

- (c) Upon completion of excavation to subgrade
- (d) Throughout the placement of perforated PVC/HDPE standpipes (for observation wells) including bypass pipes (where applicable), geotextile materials, gravel, or crushed stone course and backfill
- (e) Upon completion of final grading and establishment of permanent stabilization
- Flow attenuation devices, such as open vegetated swales upon completion of construction
- Retention and detention structures, at the following stages:
  - (a) Upon completion of excavation to sub-foundation and where required, installation of structural supports or reinforcement for structures, including but not limited to the following.
    - Core trenches for structural embankments
    - Inlet-outlet structures and anti-seep structures
    - Watertight connectors on pipes
    - Trenches for enclosed stormwater drainage facilities
  - (b) During testing of the structure watertightness
  - (c) During placement of structural fill, concrete and installation of piping and catch basins
  - (d) During backfill of foundations and trenches
  - (e) During embankment construction
  - (f) Upon completion of final grading and establishment of permanent stabilization
- Stormwater filtering systems, at the following stages:
  - (a) Upon completion of excavation to sub-foundation and installation of structural supports or reinforcement for the structure
  - (b) During testing of the structure watertightness
  - (c) During placement of concrete and installation of piping and catch basins;
  - (d) During backfill around the structure
  - (e) During pre-fabrication of structure at manufacturing plant
  - (f) During pouring of floors, walls and top slab;
  - (g) During installation of manholes/trap doors, steps, orifices/weirs, bypass pipes, and sump pit (when applicable)
  - (h) During placement of filter bed
  - (i) Upon completion of final grading and establishment of permanent stabilization
- Green Roof systems, at the following stages:
  - (a) During placement of the waterproofing layer, to ensure that it is properly installed and watertight

- (b) During placement of the drainage layer and drainage system
- (c) During placement of the growing media, to confirm that it meets the specifications and is applied to the correct depth (certification for vendor or source should be provided)
- (d) Upon installation of plants, to ensure they conform to the planting plan (certification from vendor or source should be provided)
- (e) At the end of the first or second growing season, to ensure desired surface cover specified in the Care and Replacement Warranty has been achieved

### **5.2.3 Final Construction Inspection Reports**

A final inspection will be conducted by the DDOE to determine if the completed work is constructed in accordance with approved plans and the intent of 21 DCMR, Chapter 5, a registered professional engineer licensed in the District is required to certify "As-Built" plans that the stormwater management BMP has been constructed in accordance with the approved plans and specifications (the As-Built Certification by Professional Engineer form is provided in *Appendix A*. The "As-Built" certification shall be on the original stormwater management plan (SWMP). Upon completion, these plans will be submitted to the DDOE for processing. The estimated time for processing will be two weeks (ten working days), after which the plans will be returned to the engineer. The applicant shall receive written notification of the final inspection results. The DDOE will maintain a permanent file of inspection reports.

### **5.2.4 Inspection for Preventive Maintenance**

Preventive maintenance will be ensured through inspection of all stormwater best management practices (BMPs) by the DDOE. The inspection will occur twice every year during the first five years of operation and at least once every three years thereafter. Maintenance inspection forms are provided in *Appendix M*.

Preventive maintenance inspection reports will be maintained by the DDOE on all BMPs. The reports shall conform to the detailed requirement of the DDOE.

If, after an inspection by the DDOE, the condition of a BMP presents an immediate danger to the public safety or health because of an unsafe condition or improper maintenance, the DDOE will take such action as may be necessary to protect the public and make the BMP safe. Any costs incurred by the DDOE will be assessed against the owner(s).

## **5.3 Maintenance**

### **5.3.1 Maintenance Responsibility**

The owner of the property on which work has been done pursuant to 21 DCMR, Chapter 5 for private stormwater best management practices (BMPs), or any other persons or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces,

walls, drains, structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restorations will be in accordance with approved stormwater management plan (SWMP).

A maintenance agreement and a maintenance schedule must be submitted as part of the SWMP. A covenant stating the property owner's specific maintenance responsibilities must be recorded with the owner's deed, at the Record of Deeds. A maintenance schedule for any BMP will be developed for the life of the project and shall state the maintenance to be completed, the time for completion, and who will perform the maintenance including provisions for normal and abnormal maintenance. The maintenance schedule will be printed on the SWMP.

### **5.3.2 Maintenance Agreement**

The DDOE will not approve a stormwater management plan (SWMP) for private parcels until the applicant or owner has executed a Declaration of Covenants binding current and subsequent owners of land served by the private BMP to an inspection and maintenance agreement. Such agreement shall provide for access to the BMP at reasonable times, and for regular inspection by the DDOE or its authorized representative, and for regular or special assessments of property owners, as needed, to ensure that the BMP is maintained in proper working condition. An example of the Declaration of Covenants for a Stormwater Best Management Practices (BMP) is provided at the end of this chapter.

The Agreement should be recorded in the land records of the District by the applicant and/or owner. The agreement should also provide that, if after written notice by the DDOE to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) of the land served by the BMP within a reasonable period of time, not to exceed 45-60 days unless extended for good cause shown, the DDOE may perform all necessary work to place the BMP in proper working condition. The owner(s) of property served by the BMP will be assessed the cost of the work and any penalties and there will be a lien on any property served by the BMP, which may be placed on the tax bill and collected as ordinary taxes by the District.

## **5.4 Penalties**

Any person convicted of violating the stormwater provisions of 21 DCMR, Chapter 5 will be guilty of a misdemeanor, and upon conviction thereof, will be subject to a fine of at least two thousand five hundred dollars (\$2,500) and no more than twenty-five thousand dollars (\$25,000) or imprisonment not exceed to exceed one year or both. Conviction of a second offense can result in fines up to fifty thousand dollars (\$50,000) or imprisonment of up to two years or both. Each day that a violation continues will be deemed a separate offense. In addition penalties for failure to comply with a final compliance order, a final cease and desist order or a final suspension, revocation or denial order shall be in accordance with Section 17 of the Water Pollution Control Act of 1984, as amended. In any instance where a civil fine, penalty or fee has been established pursuant to the Civil Infractions Act and the Civil Infractions Regulations found in 21 DCMR, Chapter 32, the civil fine, penalty or fee may be imposed as an alternative sanction to the penalties set forth in the Water Pollution Control Act.

Enforcement procedures for the stormwater management regulations are outlined in 21 DCMR, Chapter 22.

Any court of competent jurisdiction will have the right to issue restraining orders, temporary or permanent injunctions, or mandamuses or other appropriate forms of remedy or relief.

## **5.5 Appeals**

Any person aggrieved by the action of any official charged with the enforcement of the stormwater management provisions of 21 DCMR, Chapter 5 as a result of the disapproval of an (properly filed) application for a permit, issuance of a written notice of violation, or an alleged failure to properly enforce 21 DCMR, Chapter 5 in regard to a specific application, will have the right to appeal the action to the Director of the DDOE.

The appeal should be filed in writing 15 days of the date from the official transmittal of the final decision, or determination of the applicant, should state clearly the grounds on which the appeal is based, and should be processed in the manner prescribed for hearing administrative appeals under the Civil Infraction Act of 1985, as amended.

In addition, any person adversely affected or aggrieved by a final compliance order, cease and desist order or other administrative order issued pursuant to the provisions of 21 DCMR, Chapter 22, may appeal the action by filing a petition for review in the District Court of Appeals within thirty (30) days of the date of service of the final order upon the party making the appeal.

## **5.6 Exemptions**

If a major substantial improvement activity demonstrates that it is not part of a common plan of development with a major land disturbing activity, then it is exempt from § 520 (Stormwater Management: Performance Requirements For Major Land Disturbing Activity) of 21 DCMR, Chapter 5. The site's stormwater management obligations are detailed in Chapter 2 of this guidance manual.

If the Department determines a land-disturbing activity is conducted solely for the purpose of generating a Stormwater Retention Credit (SRC) it shall be exempt from the requirements of Section 520 (Stormwater Management: Performance Requirements For Major Land Disturbing Activity) and Section 529 (Stormwater Management: Covenants and Easements) of 21 DCMR, Chapter 5. The stormwater obligations for these projects are detailed in Chapter 7 of this guidance manual. Note that the declaration of covenants and easements are not required with these projects, as the site participation in off-site retention is voluntary. If the site fails to maintain these retention practices the Department has recourse that is spelled out in Section 532 (Stormwater Management: Lifespan of Stormwater Retention Credits) of 21 DCMR, Chapter 5 and Chapter 7 of this guidance manual.

## **5.7 Supporting Forms**

- (1) Site Development Submittal Information Form
- (2) DC Water Storm Sewer Verification Form
- (3) As-Built Certification Stamp
- (4) Declaration of Covenants

## **5.8 Flow Diagram of Plan Review Process**



**Watershed Protection Division  
Site Development Submittal Information**

**Section 1.** To be completed by the applicant:

Date: \_\_\_\_\_

**Property Location:** \_\_\_\_\_ Latitude \_\_\_\_ ( ) Longitude \_\_\_\_ ( )

Development Review Type: \_\_\_\_\_ Proposed Construction Date: \_\_\_\_\_

Lot # \_\_\_\_\_ Square# \_\_\_\_\_ Parcel # \_\_\_\_\_ Zoning Approved:  Yes  No

Subdivision:  Yes  No Restrictive Covenant:  Yes  No

**Type / Description of work:**  Single Family,  Duplex,  Townhouses,  Condominium,  Office Building

Apartment Building  Industrial Building  Parking Lot  Foreign Govt. Office / Residence

Federal land/property (specify) \_\_\_\_\_  District land/property (specify) \_\_\_\_\_ Other \_\_\_\_\_

**Property Owner:**

Name: \_\_\_\_\_ Phone#: ( ) \_\_\_\_\_ Fax #: ( ) \_\_\_\_\_

Firm (if applicable): \_\_\_\_\_

**Applicant :**

Name (First): \_\_\_\_\_ (Last): \_\_\_\_\_ Phone#: ( ) \_\_\_\_\_

Fax #: ( ) \_\_\_\_\_ E-Mail (if applicable) \_\_\_\_\_

Street Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Designer  Engineer  Architect: (Check one or more)

Firm: \_\_\_\_\_ Phone#: ( ) \_\_\_\_\_ Fax #: ( ) \_\_\_\_\_

Street Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Contact Person: \_\_\_\_\_ E-Mail \_\_\_\_\_

*My signature attests that the attached application package is complete and accurate to the best of my knowledge. I understand that proper review of this plan depends upon the accuracy of the information, and that inaccurate information submitted by me, my firm, or agent may delay this project.*

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Section 2.** To be completed by WPD staff.

Assigned EHA/WPDCase#: \_\_\_\_\_ Assigned DCRA Intake/Case# \_\_\_\_\_

Plan Received by: \_\_\_\_\_ Date Submitted: \_\_\_\_\_ Plan Recieved By: \_\_\_\_\_

Plan Assigned To (Engr.) \_\_\_\_\_ Date Assigned: \_\_\_\_\_

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DISTRICT DEPARTMENT OF THE ENVIRONMENT

**Application for Discharge from New Stormwater Management BMP**

1. **Proposed Discharge from Stormwater Best Management Practice (BMP) By Applicant:**

A. BMP Type: \_\_\_\_\_

B. Project Location: \_\_\_\_\_  
\_\_\_\_\_ Square: \_\_\_\_\_ Lot: \_\_\_\_\_

C. Post-development Peak Flows:

15-Year \_\_\_\_\_ cfs;  2-Year \_\_\_\_\_ cfs.

D. Receiving System Type, Location, Slope, and Depth:

Combined Sewer  Separate Sewer

Depth: 5ft  Yes  No  Specify: \_\_\_\_\_

Slope: 2%  Yes  No  Specify: \_\_\_\_\_

Groundwater Depth: \_\_\_\_\_ ft.

Surface Water Ways: \_\_\_\_\_

Discharge Location Or Name Of The Surface Waterways: \_\_\_\_\_

E. The proposed Invert Connection Elevation: \_\_\_\_\_ ft.

2. **Hydraulic Sewer System Verification By DC Water:**

A. Combined Sewer Area  Yes  No. B. Separate Sewer Area:  Yes  No

C. The Sewer System Is Within \_\_\_\_\_ ft.

D. Maximum Depth 5 ft.  Yes  No E. Slope  $\geq$ 2%  Yes  No  \_\_\_\_\_

3. **Surface Water & Groundwater Ways Verification By Watershed Protection Division:**

A. Surface Water Ways:

Max. Flow Allowed: \_\_\_\_\_ cfs  Max. Velocity Allowed: \_\_\_\_\_ ft/sec

B. Groundwater:

Minimum Infiltration Allowed: \_\_\_\_\_ ft/hr

Requested By: \_\_\_\_\_  Agent  Owner

Address : \_\_\_\_\_

Tel: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ Date Requested: \_\_\_\_\_

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DC Water Verification: By: (Name) \_\_\_\_\_, Title \_\_\_\_\_

Tel: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ Date Verified: \_\_\_\_\_

DDOE WPD Verification By: (Name) \_\_\_\_\_, Title \_\_\_\_\_

Tel: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ Date Verified: \_\_\_\_\_

Notes: \_\_\_\_\_

**AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER**

Within 21 days after completion of construction of the Stormwater discharge facility, please send this page to the Watershed Protection Division of the District Department of the Environment.

1. ***Stormwater discharge facility information:***

Source Name: \_\_\_\_\_

Source Location: Street: \_\_\_\_\_

City: \_\_\_\_\_

DCRA Permit No.: \_\_\_\_\_

Date Issued: \_\_\_\_\_

2. ***As Built Certification***

I hereby certify that Stormwater discharge facility has been built substantially in accordance with the approved plans and specifications, and that any substantial deviations (noted below) will not prevent the system from functioning in compliance with the requirements of Section 526 through 535 of DCMR-21, Chapter 5 when properly maintained and operated. These determinations have been based upon on-site observation of construction, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

\_\_\_\_\_  
Signature of Engineer

\_\_\_\_\_  
Name (Please Type) D.C. Reg. No.

Affix Seal:

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Company Address

\_\_\_\_\_  
Date: \_\_\_\_\_ Phone No. \_\_\_\_\_

Substantial deviations from the approved plans and specifications (attach additional sheets if required).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

## District Department of the Environment NATURAL RESOURCES ADMINISTRATION WATERSHED PROTECTION DIVISION

### DECLARATION OF COVENANTS For a Storm Water Management Facility

THIS DECLARATION OF COVENANTS (the “**Declaration**”) is made as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between **LIST NAME OF OWNER, a LIST TYPE OF CORPORATION/PROPERTY OWNER**, and its successors and assigns (“**Owner**”), for the benefit of the DISTRICT OF COLUMBIA, a municipal corporation (the “**District**”).

#### RECITALS

A. The Owner is the owner in fee simple of certain real property and improvements (collectively, the “**Property**”) located in the District of Columbia and more particularly described in **Exhibit A** attached hereto and made a part hereof. No other person or entity has an ownership interest in the Property.

B. In order to accommodate and regulate changes in storm water flow conditions resulting from certain improvements Owner will make to the property, Owner shall construct and agrees to maintain, at its sole expense, a storm water management facility and sustainable design features (collectively, the “**Facility**”) identified as \_\_\_\_\_, pursuant to the plans approved by the District (and as the same may be amended after District’s approval) attached hereto as **Exhibit B** as the Site Plan.

C. Title 21 of the District of Columbia Municipal Regulations (“**DCMR**”) Sections 534.2, 534.3, and 534.4 require that an owner maintain any storm water management facility on its property in good condition, develop and submit for approval a maintenance schedule for any such storm water management facility, and execute and record with the Recorder of Deeds of the District a covenant setting forth the owner’s aforementioned maintenance responsibilities with specificity.

NOW, THEREFORE, for and in consideration of the issuance of construction permits and approval of Owner’s plans by the District, and other good and valuable consideration the sufficiency of which is hereby acknowledged, for the benefit of and limitation upon Owner and all future owners of the Property, and for the benefit of the District, Owner for itself, its successors and assigns, does hereby acknowledge, represent, covenant, agree, and warrant to the District as follows:

1. The foregoing Recitals and attached Exhibits are all hereby incorporated in and made a part of this Declaration to the same extent as if herein set forth in full, provided however, that said Recitals shall not be deemed to modify the express provisions hereinafter set forth.

2. Owner shall construct and perpetually operate and maintain the Facility in such manner as to comply with the provisions of Title 21, Chapter 5 of DCMR at its sole expense and in strict accordance with the development and maintenance plan approved by the District. Specifically, Owner shall be responsible for the maintenance of the Facility in accordance with the maintenance standards attached hereto as **Exhibit C**.

3. Owner shall, at its sole expense, make such changes or modifications to the Facility as may, in the District's discretion, be determined necessary to insure that the Facility is maintained in good condition and continues to operate as designed and approved.

4. The District and its agents, employees and contractors shall have the right to enter the Property for the purpose of inspecting the Facility in accordance with established inspection procedures and Section 16 of the Water Pollution Control Act of 1984 (D.C. Law 5-188; 32 DCR 919; D.C. Official Code §8-103.01, *et seq.* (2007 Supp.), and as amended, (the "Act"), at reasonable times and in a reasonable manner, in order to insure that the Facility is being properly maintained and is continuing to perform in the manner approved by the District.

5. Should Owner fail to perform its maintenance responsibilities as set forth herein and as contained in any and all plans submitted to and approved by the District, or fail to operate and, where necessary, restore the Facility in accordance with the approved design standards, as the same may be amended from time to time, and in accordance with all applicable laws and regulations, the District shall be entitled to pursue any and all enforcement actions available to it pursuant to the Act and Title 21, Chapter 22 of the DCMR, as the same may be amended or revised from time to time. Without limiting the generality of the foregoing, in the event that a discharge or threat of discharge from the Facility poses an imminent and substantial danger to the public health or welfare, the District may take immediate action against Owner pursuant to either Section 21-2207 or Section 21-2211.2 of the DCMR.

6. If Owner's failure or refusal to maintain the Facility in accordance with the covenants and warranties contained in this Declaration ultimately results in duly authorized corrective action by the District, Owner shall bear all costs incurred by the District for such corrective measures, such costs may be assessed against the Property, and Owner may be fined in accordance with the Act and Title 21, Chapter 5 of the DCMR.

7. The provisions of this Declaration shall be deemed warranties by the Owner and covenants running with the land and shall bind and inure to the benefit of Owner and the District, their respective heirs, successors and/or assigns. When Owner ceases to own an interest in the Property, the rights, warranties, and obligations under this Declaration shall become the rights, warranties, and obligations of the successor-in-ownership and interest as to the Property.

8. Owner shall, at its cost and expense, properly record this Declaration with the Recorder of Deeds and furnish the District's Department of the Environment and Office of the Attorney General with a copy of this Declaration, certified by the Recorder of Deeds as a true copy of the recorded instrument.

9. Owner shall indemnify, save harmless, and defend the District, and all its officers, agents, and employees from and against all claims or liabilities that may arise out of or in

connection with, either directly or indirectly, any of Owner's actions or omissions with regard to the construction, operation, maintenance and/or restoration of the Facility.

10. Owner shall insure that all prior liens recorded against the Property are subordinate to this Declaration. Failure to subordinate any such liens may give rise to termination of any building permits and/or invalidation of any certificate of occupancy relating to the Property.

11. Owner shall, at its sole expense, comply with all provisions of this Declaration regardless of any conflicting requirements in any other covenant, easement, or other legal document recorded or unrecorded against the Property. Neither the entering into of this Declaration nor performance hereunder will constitute or result in a violation or breach by Owner of any other agreement or order which is binding on the Owner.

12. To the extent the Owner is an entity, the Owner warrants that it is (i) duly organized, validly existing and in good standing under the laws of its state of jurisdiction and is qualified to do business and is in good standing under the laws of the District of Columbia, (ii) is authorized to perform under this Declaration and (iii) has all necessary power to execute and deliver this Declaration.

13. The form of this Declaration has been approved by the District of Columbia Office of the Attorney General for legal sufficiency pursuant to Title 12A, Section 106.6 of the D.C.M.R. This Declaration, and the provisions contained herein, may not be modified, amended, or terminated without the prior written consent of the District and legal sufficiency approval by the District of Columbia Office of the Attorney General, such agreement to be evidenced by a document duly executed and delivered in recordable form and recorded with the Recorder of Deeds at no expense to the District.

14. The District has the right to specifically enforce this Declaration.

15. This Declaration shall be governed by, construed and enforced in accordance with, the laws of the District of Columbia.

16. This Declaration has been duly executed and delivered by the Owner, and constitutes the legal, valid, and binding obligations of the Owner, enforceable against the Owner and its successors and assigns, in accordance with its terms.

17. If any of the covenants, warranties, conditions or terms of this Declaration shall be found void or unenforceable for whatever reason by any court of law or of equity, then every other covenant, condition or term herein set forth shall remain valid and binding.

**[SIGNATURES FOLLOW]**

IN WITNESS WHEREOF, Owner has, as of the day and year first above written, caused this Declaration of Covenants to be signed by **LIST NAME OF OWNER, a LIST TYPE OF CORPORATION/PROPERTY OWNER.**

By: \_\_\_\_\_

Signature

**LIST NAME**

**LIST TYPE OF COMPANTY/PROPERTY OWNER**

**NOTARIZATION**

\_\_\_\_\_  
**LIST STATE** \_\_\_\_\_ )  
\_\_\_\_\_  
\_\_\_\_\_) ss:  
**LIST COUNTY** \_\_\_\_\_ )

I, **LIST NAME OF NOTARY**, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that **LIST NAME OF PERSON SIGNING ON BEHALF OF OWNER**, party to the foregoing Declaration of Covenants, personally appeared before me and, being personally well known to me, who has been appointed its attorney-in-fact and has acknowledged said Declaration of Covenants to be the act and deed of **LIST NAME OF OWNER/LIST NAME OF COMPANY IN CAPACITY AS OWNER/PROPERTY OWNER**, and that s/he delivered the same as such.

GIVEN under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public

My commission expires:

**[NOTARIAL SEAL]**

**APPROVED AS TO TECHNICAL SUFFICIENCY:**

District of Columbia  
District Department of the Environment  
Natural Resources Administration  
Watershed Protection Division

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**APPROVED AS TO LEGAL SUFFICIENCY:**

District of Columbia Office of the Attorney General  
Real Estate Section

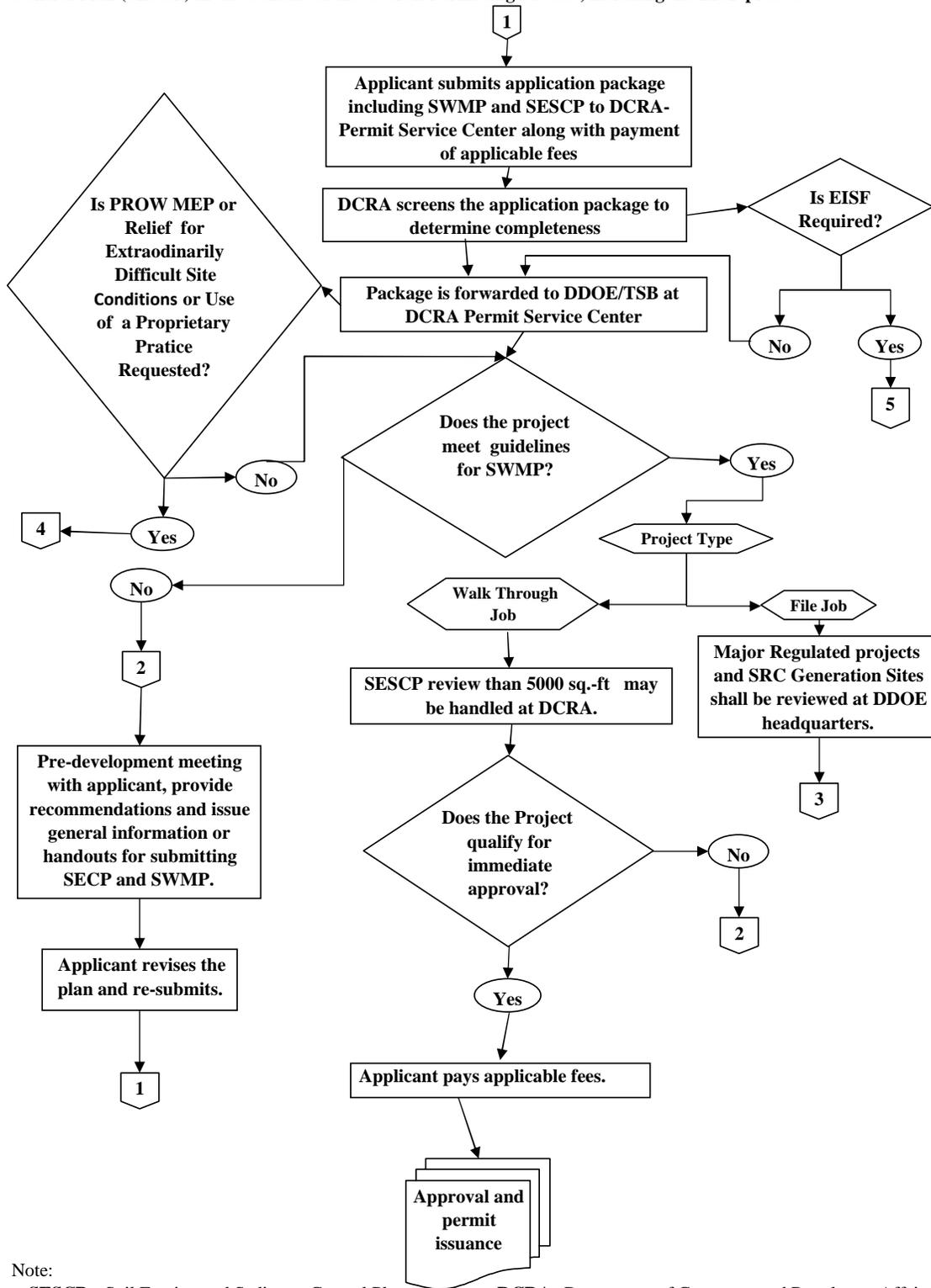
By: \_\_\_\_\_  
Assistant Attorney General  
Date: \_\_\_\_\_

**EXHIBIT A**  
[LEGAL DESCRIPTION]

**EXHIBIT B**  
**[SITE PLAN]**

**EXHIBIT C**  
[MAINTENANCE SCHEDULE]

Figure 5.1. Flow Chart of the Review of Stormwater Management Plan (SWMP) and Soil Erosion and Sediment Control Plan (SESCP) in the Context of the Overall Permitting Process, including the EISF process.



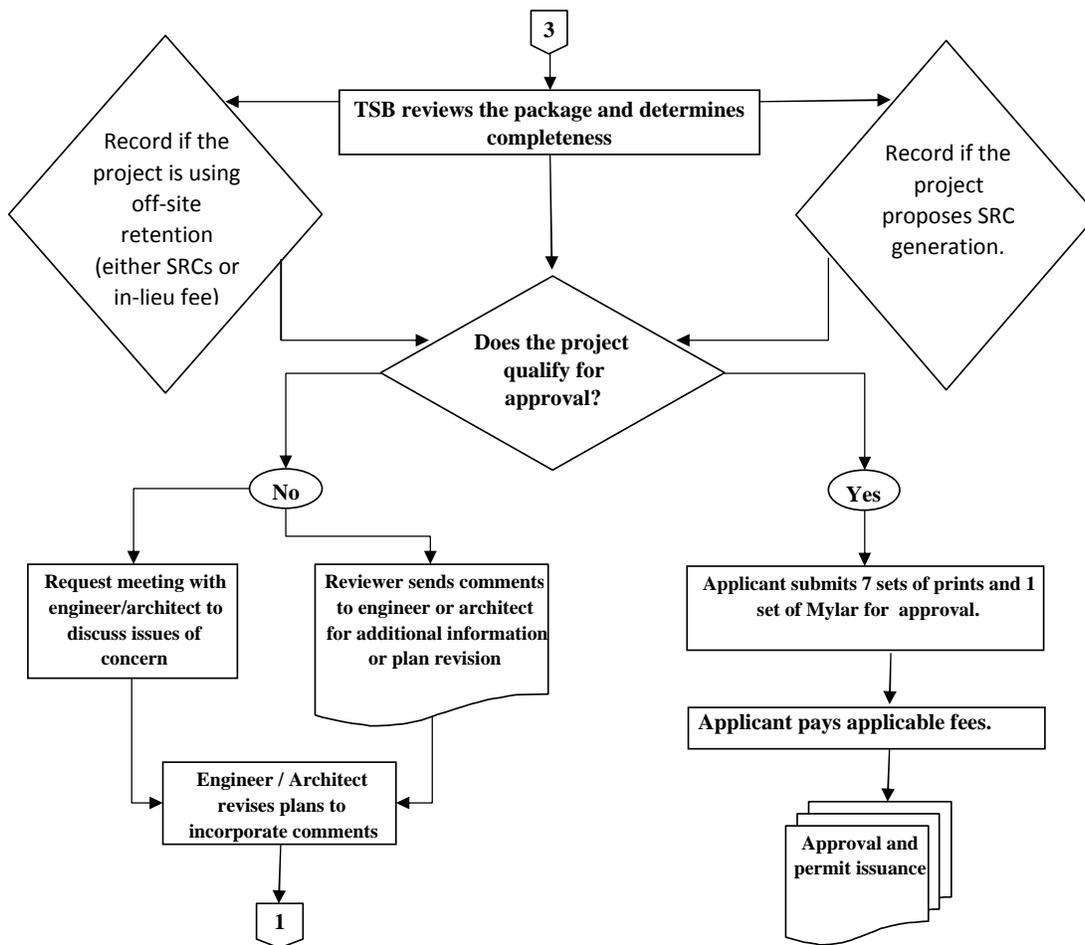
Note:

SESCP : Soil Erosion and Sediment Control Plan  
 SWMP : Storm Water Management Plan  
 ERC : Environmental Review Coordinator  
 PROW: Public Right of Way  
 SRC: Stormwater Retention Credit

DCRA: Department of Consumer and Regulatory Affairs  
 EISF: Environmental Impact Screening Form  
 TSB: Technical Services Branch  
 MEP: Maximum Exent Practicable

Revision Date: 08/15/2012

**Figure 5.1. Flow Chart of the Review of Stormwater Management Plan (SWMP) and Soil Erosion and Sediment Control Plan (SESCP) in the Context of the Overall Permitting Process, including the EISF process (Continued).**



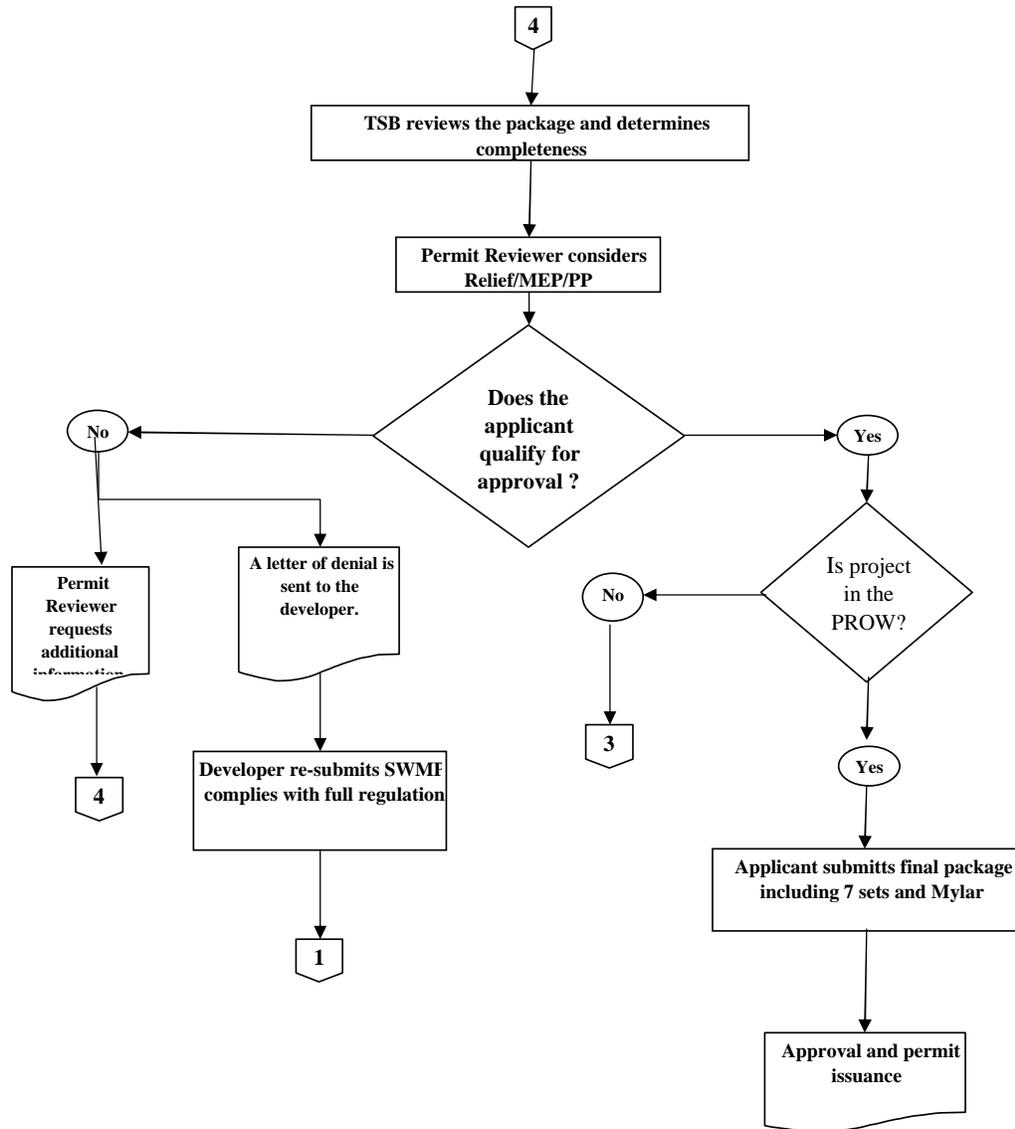
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**SWMP** : Storm Water Management Plan  
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**EISF**: Environmental Impact Screening Form  
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Revision Date: 08/15/2012

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Note:

**SESCP** : Soil Erosion and Sediment Control Plan

**SWMP** : Storm Water Management Plan

**ERC** : Environmental Review Coordinator

**PROW**: Public Right of Way

**Relief**: Relief for Extraordinarily Difficult Site Conditions

**PP**: Proprietary Practice

**SRC**: Stormwater Retention Credit

**DCRA**: Department of Consumer and Regulatory Affairs

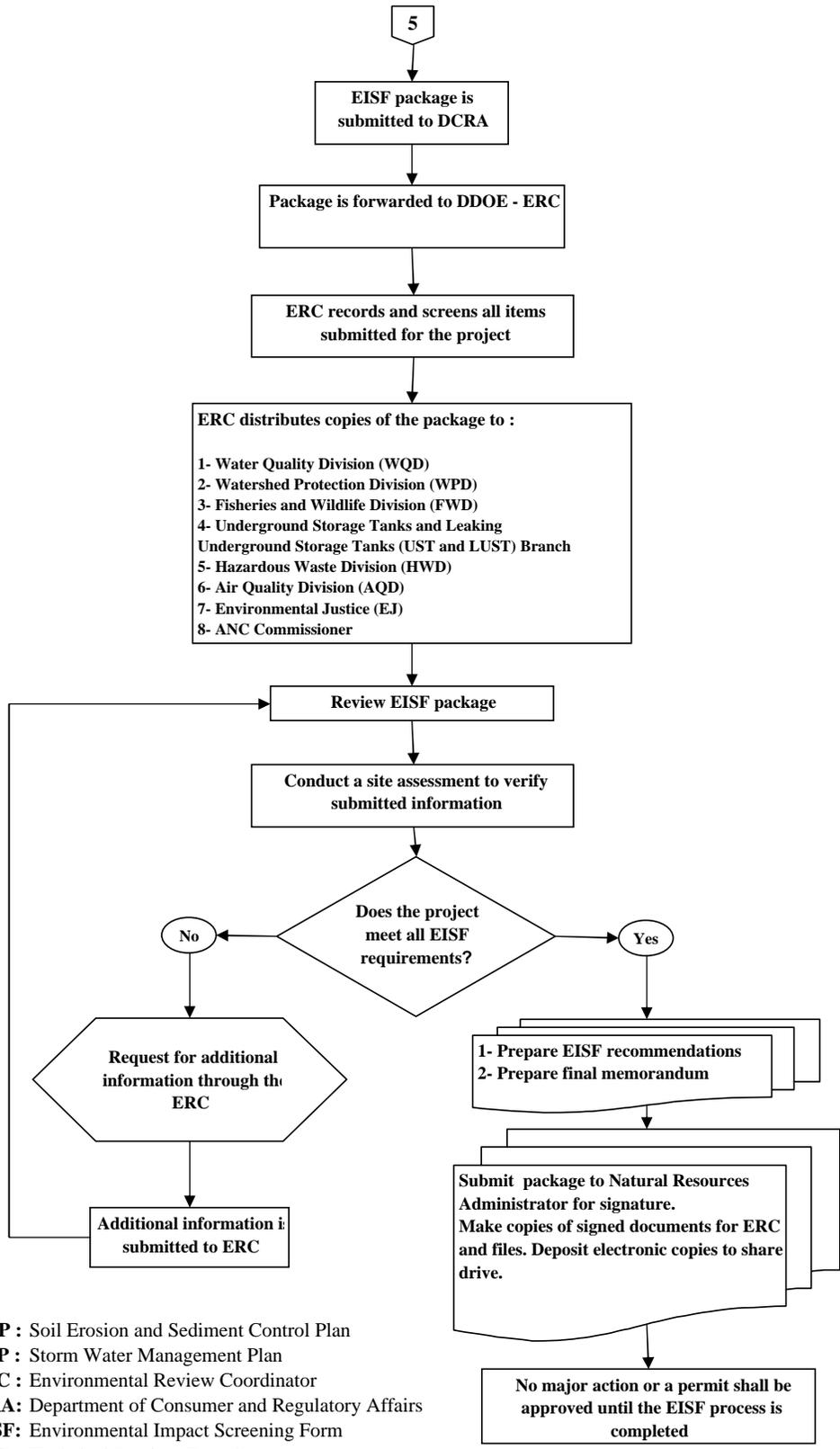
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