514.2 A variance shall be allowed only where and to the extent necessary to ameliorate such exceptional or undue hardship, and only when compensating factors are present which give adequate protection to the public health and public welfare, and only where and to the extent the variance can be granted without impairing the intent and purpose of this chapter.

514.3 A record, open to inspection by the public, shall be maintained in the Department of each and every variance allowed under the terms of this section.

SOURCE: Section 2 of the Water Quality Standard Approval Act of 1977, D.C. Law 2-68, 24 DCR 6809 (February 17, 1978); 8 DCRR §8-2:814, Health Regulations (1965 Edition).

HISTORICAL NOTE: Prior to February 17, 1978, the District of Columbia published Final Rulemakings under Regulation No. 69-54, approved December 26, 1969, effective April 11, 1970, §8-2:804; and under Regulation No. 71-28, approved August 27, 1971, 18 DCR 5 (September 6, 1971); §8-2:808.

EDITOR'S NOTE: D.C. Law 2-68 renumbered 8 DCRR §8-2:808 as 8 DCRR §8-2:814.

515 PENALTIES AND REMEDIES

515.1 A violation under this chapter shall be deemed a misdemeanor. Any person who violates or fails to comply with any provision or requirement of this chapter or the amendments or orders promulgated under this chapter shall, upon conviction, be punished by a fine not to exceed three hundred dollars ($300) or imprisonment not to exceed ten (10) days or both, for each violation or failure to comply.

515.2 If a violation or failure to comply with this chapter occurs after a notice of the violation has been served by the Department, each and every day that violation exists beyond the time limit set for compliance shall constitute a separate offense and the penalties prescribed in this section shall be applicable to each separate offense.

515.3 The Department of Consumer and Regulatory Affairs may apply to the Superior Court of the District of Columbia for injunctive relief to enjoin a violation or threatened violation under this chapter without the necessity of showing that there does not exist an adequate remedy at law.

515.4 Neither the issuance of a permit under the provisions of this chapter nor the compliance with its provisions or with any condition imposed by a government official under this chapter shall relieve any person of any responsibility for damage to persons or property resulting from the issuance of the permit, or as otherwise imposed by law, nor impose any liability upon the District of Columbia for damages to persons or property.

515.5 Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this chapter pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this chapter shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.302A2

SOURCE: §2 of the Soil Erosion and Sedimentation Control Act of 1977, D.C. Law 2-23, §8-2:808, 24 DCR 792 (July 22, 1977); as amended by §9 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 Technical and Clarifying Amendments Act of 1990, D.C. Law 8-237, §8-2:808), 38 DCR 314, 320 (January 11, 1991).

HISTORICAL NOTE: Prior to July 22, 1977, the District of Columbia Council published Final Rulemakings under Regulation No. 69-54, approved December 26, 1969, effective April 11, 1970, §8-2:805; and Regulation No. 71-28, approved August 27, 1971, 18 DCR 5 (September 6, 1971), §8-2:809, 8 DCRR, Health Regulations (1965 Edition);

EDITOR'S NOTE: D.C. Law 2-68 renumbered 8 DCRR §8-2:808 as 8 DCRR §8-2:815.

516 - 525 [RESERVED]

526 STORM WATER MANAGEMENT: APPLICABILITY

526.1 No person shall, unless exempt, engage in any earth movement or land change within the District of Columbia without instituting appropriate storm water management measures to control or manage runoff from such developments. These measures shall conform to the provisions in §§526 through 535 of this chapter.

SOURCE: Final Rulemaking published at 35 DCR 21 (January 1, 1988).

527 STORM WATER MANAGEMENT: EXEMPTIONS

527.1 The following development activities shall be exempt from the provisions of §§526 through 535 of this chapter:

(a) Minor land disturbing activities such as home gardening and individual home landscaping repairs and maintenance work;

(b) Single family dwelling utility service connections and construction or utility construction where the excavated material is removed from the job site;

(c) Tilling, planting, or harvesting of agricultural or horticultural crops;

(d) Installation of fence and sign posts or poles;

(e) Emergency work to protect life, list or property, and emergency repairs; Provided, that if the land disturbing activity would have required an approved erosion and sedimentation control plan if the activity were not an emergency, then the land disturbed shall be shaped and stabilized in accordance with the requirements of the Department;

(f) Additions or modifications to existing single family residential structures, detached garages, sheds, swimming pools or similar improvement;

(g) Construction or grading operations, or both, that do not disturb more than five thousand square feet (65,000 ft.^{2}) of land area, unless such construction

or grading operations shall be part of an approved subdivision plan which contains provisions for storm water management; or

(h) Residential development consisting of single family dwellings each of which shall be situated on lots of two or more acres;

SOURCE: Final Rulemaking published at 35 DCR 21 (January 1, 1988).

528 STORM WATER MANAGEMENT: WAIVERS AND VARIANCES

528.1 The Director of the Department of Consumer and Regulatory Affairs, or his or her designee, may waive the storm water management requirements for individual developments, Provided, that the applicant first submits to the Department, a written request containing descriptions, drawings, and any other information that shall be necessary to evaluate the proposed development. Separate written requests for waivers shall be submitted for each addition, extension, or modification to a development.

528.2 In order to be eligible for a waiver, an applicant shall demonstrate that storm water runoff from the subject property will not adversely impact the receiving wetlands, water course, or waterway because:

(a) The proposed development will not generate more than ten percent (10%) increase in the two-year pre-development peak discharge rate;

(b) The site is surrounded by developed areas which are served by an existing network of public storm drainage systems of adequate capacity to accommodate the runoff from the proposed development; except for the following:

(1) Shopping centers;

(2) Industrial or commercial developments;

(3) Subdivision; and

(4) Roads; or

(c) Provisions that control the direct outfall to tidewater when one inch (1 in.) of rainfall accumulates meet required infiltration standards and specifications.

528.3 The Director may grant a variance from any of the provisions in §§526 through 535 of this chapter if there are exceptional circumstances applicable to the site, and where such strict adherence to these provisions will result in unnecessary hardship or practical difficulty.

528.4 A written request for variance shall be submitted to the Director, stating the specific variance sought and the reason.

SOURCE: Final Rulemaking published at 35 DCR 21, 22 (January 1, 1988).

529 STORM WATER MANAGEMENT: REQUIREMENTS

529.1 Before any person develops any land in the District of Columbia, the Department's storm water management criteria shall be met.

529.2 Every applicant shall comply with the following minimum storm water runoff control requirements:

(a) Submit management measures necessary to maintain the post-development peak discharges for a twenty-four hour, two- and fifteen-year frequency storm event at a level that is equal to or less than the respective, twenty-four hour, two- and fifteen-year pre-development peak discharge rate through storm water management practices that control the volume, timing and rate of flows;

(b) Where a development is planned in which the storm water runoff will increase the downstream discharge into an area designated as a flood hazard watershed, as delineated on the *National Flood Insurance Flood Hazard Boundary Maps* (FHBM), the developer shall complete an analysis of the downstream peak discharge for a one hundred (100) year frequency storm event, and shall install the appropriate controls to avoid exceeding this peak discharge;

(c) Where runoff is discharged into an off-site storm water management facility, the applicant shall provide controls in accordance with those mandated by the Department in the *Stormwater Management Guidebook*;

(d) Any storm water discharge facility which may receive storm water run-off from areas which may be potential sources of oil and grease contamination in concentrations exceeding ten (10) milligrams per liter (mg/l), shall include a baffle, skimmer, grease trap or other mechanism which prevents oil and grease from escaping the storm water discharge facility in concentrations that would violate or contribute to the violation of applicable water quality standards in the receiving waters of the District;

(e) Any storm water discharge facility which receives storm water runoff from areas used to confine animals and which discharges directly into receiving waters shall be designed to prevent at least eighty-five percent (85%) of the organic animal wastes from escaping the storm water discharge facility. The discharge from the facility shall not violate the water quality standards in the receiving waters of the District; and

(f) All storm water management plans, shall conform to the District of Columbia's erosion and sediment control plans and flood management plans.

SOURCE: Final Rulemaking published at 35 DCR 21, 23 (January 1, 1988).

530 STORM WATER MANAGEMENT: MEASURES

530.1 Any development constructed in the District of Columbia shall establish measures for the management of storm water runoff. Any one, or a combination of, the following measures may be used:

(a) On-site infiltration of runoff;

(b) Flow attenuation by use of open vegetated swales and natural depressions;

(c) Storm water retention structures; or

(d) Storm water detention structures.

SOURCE: Final Rulemaking published at 35 DCR 21, 24 (January 1, 1988).

531 STORM WATER MANAGEMENT: PLAN

531.1 Every applicant shall submit to the Department a storm water management plan which meets the requirements of §§526 through 535 of this chapter.

531.2 The plan shall contain the following information:

(a) Supporting computations, drawings, and information sufficient to evaluate the environmental composition of the affected areas;

(b) The potential impacts of the proposed land development on water resources;

(c) The effectiveness and acceptability of measures for managing storm water runoff; and

(d) Maintenance and construction schedules.

531.3 The applicant shall certify on each drawing that all clearing, grading, drainage construction, and development shall be accomplished in strict accordance with the approved plan. Each plan submitted shall be signed by a professional engineer, licensed in the District of Columbia.

531.4 Each plan shall include, without limitation, the following information:

(a) Site characteristics:

(1) Topography survey showing existing and proposed contours, including area necessary to determine downstream analysis for proposed storm water management facility;

(2) Soils investigation including borings for construction of small ponds and infiltration practices (where applicable);

(3) Description of all water courses, impoundments and wetlands on, or adjacent to the site, or into which storm water flows;

(4) Delineation of one-hundred (100) year floodplain, (if applicable); and

(5) Structure classification (U.S. Department of Agriculture Soil Conservation Service (SCS) Pond Standard 378).

(b) Computations:

(1) Hydrological;

(2) Hydraulic; and

(3) Structural;

(c) Other items:

(1) Vicinity maps;

(2) Drainage area map showing the watershed boundaries, drainage area, and storm water flow paths;

(3) Proposed improvements including location of buildings or other structures, impervious surfaces, and storm drainage facilities, (if applicable);

(4) Location of utilities;

(5) Structural details for all components of the proposed drainage systems and storm water management facilities;

(6) Timing schedules and sequence of development clearing, including stripping, rough grading, construction, final grading, and vegetative stabilization;

(7) Maintenance responsibility and schedule;

(8) Notes on drawings specifying materials to be used;

(9) Construction materials and specifications as specified by the SCS or American Society for Testing and Materials CASTM);

(10) Location of easements;

(11) Estimate of storm water management construction cost; and

(12) All storm water management plans shall be prepared utilizing a standard drawing size of 24 in. x 36 in. Unless otherwise approved, one of the following scales shall be used for the detailed storm water management plan; 1 in. equals 20 ft., 1 in. equals 30 ft., 1 in. equals

40 ft., 1 in. equals 50 ft. or 1 in. equals 80 ft. The drafting media used to prepare all plans shall yield first or second generation reproducible drawings with a minimum letter size of No. 4 (⅛ in.).

531.5 Following the receipt of an applicant's plan, the Department shall have ten (10) working days to approve or disapprove the plan. If a decision cannot be rendered within the ten (10) working days, the applicant shall be so notified in writing. The Department then shall have five (5) additional working days in which to render a final decision.

531.6 The approved plan shall serve as the basis for all outlined construction requiring storm water management.

SOURCE: Final Rulemaking published at 35 DCR 21, 24 (January 1, 1988).

532 STORM WATER MANAGEMENT: PERMITS

532.1 No nonpoint source permit shall be issued by the Department for any parcel or lot unless a storm water management plan meeting the requirements of §§526 through 535 has been approved by the Department.

532.2 Where applicable, no nonpoint source permit shall be issued until the Department receives the following certifications:

(a) Recorded easements for the storm water management facility; and

(b) Easements to provide adequate access for inspection and maintenance from a public right-of-way.

532.3 [Reserved]

532.4 Any nonpoint source permit issued may be suspended or revoked after a written notice to the permittee for any of the following reasons;

(a) Violation of the conditions of the storm water management plan;

(b) Changes in site runoff characteristics upon which a waiver was granted;

(c) Construction which is not in accordance with the approved plans;

(d) Noncompliance with correction notice(s) or stop work order(s); or

(e) The existence of an immediate danger in a downstream area as determined by the Department.

SOURCE: Final Rulemaking published at 35 DCR 21, 26 (January 1, 1988).

533 STORM WATER MANAGEMENT: INSPECTION

533.1 The Department, through its authorized representative, shall conduct on-site inspections at stages of construction as determined by the Department.

533.2 The developer shall notify the Department twenty-four (24) hours prior to beginning the construction of any on-site or off-site storm water management facility subject to these regulations.

533.3 The professional engineer for the project shall accompany the Department representative on all on-site inspections.

533.4 No scheduled storm water management work shall proceed until the Department's authorized representative, accompanied by the professional engineer responsible for certifying the "As-Built" plans, inspects and approves the work previously completed.

533.5 The applicant shall promptly correct in the manner specified any portion of the work which does not comply with the approved plans.

533.6 A final inspection shall be conducted by the Department upon completion of the storm water management facility to determine if the completed work is constructed in accordance with approved plans.

SOURCE: Final Rulemaking published at 35 DCR 21, 27 (January 1, 1988).

534 STORM WATER MANAGEMENT: MAINTENANCE

534.1 The Department shall establish guidelines for inspection procedures to ensure proper maintenance of all storm water management facilities.

534.2 The owner of the property on which a storm water management facility has been constructed, or any other person or agent in control of such property, shall maintain the facility in good condition, and promptly repair and restore whenever necessary all grade surfaces, walls, drains, structures, vegetation, erosion and sediment control measures, and other protective devices.

534.3 A maintenance schedule for any storm water management facility shall be developed and submitted as part of the storm water management plan.

534.4 A covenant stating the property owner's specific maintenance responsibilities shall be recorded with the owner's deed, at the Recorder of Deeds, 515 D Street, N.W., Washington, D.C. 20001.

534.5 Failure or refusal to maintain a storm water management facility in proper condition shall result in corrective action by the Department. Any costs incurred from corrective measures by the Department shall be assessed against the property on which the facility is located. Additionally, any violator may be fined in accordance with the penalty section of this chapter.

SOURCE: Final Rulemaking published at 35 DCR 21, 27 (January 1, 1988).

535 STORM WATER MANAGEMENT: GUIDEBOOK

535.1 The design requirements to be used in complying with §§526 through 535 of this chapter shall be those designs and specifications adopted by the Department and set forth in the Department's *Storm Water Management Guidebook.*

SOURCE: Final Rulemaking published at 35 DCR 21, 28 (January 1, 1988).

536 - 537 [RESERVED]

538 GUIDELINES FOR EROSION AND SEDIMENTATION CONTROL

538.1 The following are guidelines for erosion and sediment control planning in the District of Columbia:

(a) Study the development area and evaluate the soil limitations and other conditions such as topography, natural drainage, geology, and accessibility;

(b) Select a development plan that is compatible with the site conditions;

(c) Identify existing features that can be used in the development to prevent erosion, such as vegetation, wildlife habitat, water areas, and topsoil;

(d) Prepare a development plan which will minimize existing site limitations and provide for erosion and sediment control measures;

(e) Limit grading to areas of workable sizes so as to limit the duration of exposure of disturbed and unprotected areas;

(f) Strip and stockpile topsoil for later use on areas to be stabilized by permanent vegetation. Protect the stockpiled material with mulch or temporary vegetation;

(g) Control runoff either by diverting or conveying it safely through the areas with structural measures;

(h) Install debris basins and other appropriate erosion and sediment control structures prior to or during the first phase of land grading;

(i) Seed/sod and mulch debris basins, diversions, waterways and related structures immediately after they are built.

(j) Employ sediment traps to protect inlets or storm sewers below silt-producing areas;

(k) Establish temporary cover by seeding or mulching graded areas except streets and parking areas where underground utilities are planned which may otherwise be exposed for a period greater than thirty (30) days before permanent stabilization can be achieved. This practice should be accomplished as soon as rough grading work is done; and

(l) Stabilize all streets and parking areas, within thirty (30) days of final grading, with base course crushed stone.

538.2 All appropriate conservation practices shall be applied on the first disturbed section of land before the next section is opened up.

SOURCE: Final Rulemaking published at 25 DCR 1033 (July 28, 1978), incorporating text of Proposed Rulemaking published at 24 DCR 10522 (June 9, 1978); 8 DCRR, Health Regulations (1965 Edition).

EDITOR'S NOTE: Under the *Final Rulemaking published* at 25 DCR 1033 (July 28, 1978), the Department of *Environmental* Services adopted the Handbook for Erosion and Sediment Control (February, 1977). Sections 538 through 545 were published in that Handbook.

539 EROSION CONTROL PRINCIPLES: DESIGN

539.1 Erosion and sediment control measures shall be applied to erodible material exposed by any project activity.

539.2 Whenever possible grading will be limited to only those areas which are involved in current construction activities.

539.3 All areas exposed and unprotected shall be protected within a minimum amount of time.

539.4 Adequate erosion control measures shall be in place prior to and during the time of exposure.

539.5 The period of exposure shall not exceed one hundred twenty (120) days.

539.6 Temporary or permanent stabilization shall be installed during or immediately upon completion of rough grading activities.

539.7 In most cases, a combination of limited grading, limited time of exposure, and a judicious selection of erosion control practices will prove to be the most practical solution.

539.8 The maximum area that can be exposed at any one time shall be limited to seven hundred fifty thousand square feet (750,000 ft.^{2}).

539.9 All cut and fill slopes will be protected against stormwater run-off by use of diversions, which will be paved or otherwise protected by vegetation or matting from erodible velocities or volumes. On cut and fill slopes of equal or greater inclination than three horizontal to one vertical (3:1), critical area stabilization methods will be applied. Slopes flatter than 3:1 may require the application of critical area stabilization depending on soil characteristics.

539.10 Cut and fill slopes will be protected in five foot (5 ft.) vertical increments as each increment is completed. When constructed out-of-season for planting, critical area stabilization will be used for protection until permanent protection can be provided.

SOURCE: Final Rulemaking published at 25 DCR 1033 (July 28, 1978), incorporating text of Proposed Rulemaking published at 24 DCR 10522 (June 9, 1978); 8 DCRR, Health Regulations (1965 Edition).

EDITOR'S NOTE: Under the Final Rulemaking published at 25 DCR 1033 (July 28, 1978), the Department of Environmental Services adopted the Handbook for Erosion and Sediment Control (February, 1977). Sections 538 through 545 were published in that Handbook.

540 EROSION CONTROL PRINCIPLES: ROADWAY PROJECTS

540.1 Rough graded rights-of-way awaiting installation of utilities or pavement must be protected by the installation of interceptor dikes across rights-of-way so located as to limit roadway grade to a length between dikes of not more than three hundred feet (300 ft.).

540.2 Temporary diversion dikes and flumes shall be used to carry run-off down fill slopes to a suitable outlet.

540.3 Permanent drainage structures including diversions at top-of-slope cuts and diversions to lead run-off to storm sewers or other suitable outlets, shall be installed at completion of rough grading.

540.4 When topography and right-of-way permit and are acceptable, the use of sediment basins can occasionally be employed to trap sediment before it can leave the site. Generally these basins are not desirable in conjunction with construction of urban streets and highways.

SOURCE: Final Rulemaking published at 25 DCR 1033 (July 28, 1978), incorporating text of Proposed Rulemaking published at 24 DCR 10522 (June 9, 1978); 8 DCRR, Health Regulations (1965 Edition).

EDITOR'S NOTE: Under the Final Rulemaking published at 25 DCR 1033 (July 28, 1978), the Department of Environmental Services adopted the Handbook for Erosion and Sediment Control (February, 1977). Sections 538 through 545 were published in that Handbook.

541 EROSION CONTROL PRINCIPLES: UNDERGROUND UTILITIES

541.1 No more than five hundred feet (500 ft.) of trench shall be open at any one time.

541.2 All excavated material is to be placed on the uphill side of trenches.

541.3 Temporary or permanent stabilization will be installed immediately upon completion of refilling.

541.4 The use of natural and artificial grass filter strips to collect sediment from excavated material, and the use of mulches and matting to minimize erosion of these materials are practices which will result in satisfactory erosion controls for many projects.

SOURCE: Final Rulemaking published at 25 DCR 1033 (July 28, 1978), incorporating text of Proposed Rulemaking published at 24 DCR 10522 (June 9, 1978); 8 DCRR, Health Regulations (1965 Edition).

EDITOR'S NOTE: Under the Final Rulemaking published at 25 DCR 1033 (July 28, 1978), the Department of Environmental Services adopted the Handbook for Erosion and Sediment Control (February, 1977). Sections 538 through 545 were published in that Handbook.

542 EROSION CONTROL PRINCIPLES: BUILDING, DEMOLITION, AND SITE DEVELOPMENT PROJECTS

542.1 Erosion can be further checked by the installation of gutters and downspouts which shall be accomplished at the earliest practical time.

542.2 Precautions shall be taken to dissipate the velocity of water existing from downspouts to a non-eroding velocity or provisions made to pipe directly to storm drains.

542.3 Retention of as much natural vegetation on the site as practicable is required. Removal of vegetation shall be limited to that which is necessary for construction or landscaping activities.

542.4 The vegetated areas retained may act as a filter to trap sediment and keep it on site.

542.5 In certain cases, the installation of small dikes constructed around the low lying perimeters of a job site is desirable to trap any sediment and keep it on site. These perimeter dikes act as small sediment basins and are consequently most effective only if other means or erosion control cannot be employed.

542.6 Design details of these and other control principles are embodied in Standards and Specifications for Soil Erosion and Sediment Control in Developing Areas. Copies shall be available in the Department of Consumer and Regulatory Affairs, Environmental Control Division.

SOURCE: Final Rulemaking published at 25 DCR 1033 (July 28, 1978), incorporating text of Proposed Rulemaking published at 24 DCR 10522 (June 9, 1978); 8 DCRR, Health Regulations (1965 Edition).

EDITOR'S NOTE: Under the Final Rulemaking published at 25 DCR 1033 (July 28, 1978), the Department of Environmental Services adopted the Handbook for Erosion and Sediment Control (February, 1977). Sections 538 through 545 were published in that Handbook.

543 CLASSIFICATION OF PROJECTS

543.1 A project shall be classified and processed as a Minor Project if it meets the following criteria:

(a) Less than fifty square feet (50 ft.^{2}) of earth is disturbed; or

(b) The total construction cost does not exceed twenty-five hundred dollars ($2500).

543.2 A plan shall not be required when earth disturbing activities are limited to individual spread footings to support columns, fence post holes, and for utility

service connections and repairs. Applicants in this category shall complete the Application for Minor Construction Projects (ES-560).

543.3 Projects which do not meet the criteria for minor projects or which include razing activities shall be classified and processed as a Major Project. An erosion and sediment control plan shall be required for all major projects.

543.4 Erosion and sediment control measures for major projects may be shown on site or grading plats, or on a separate erosion and sediment control plat.

SOURCE: *Final Rulemaking published at* 25 DCR 1033 (July 28, 1978), incorporating text of Proposed Rulemaking published at 24 DCR 10522 (June 9, 1978); 8 DCRR, Health Regulations (1965 Edition).

EDITOR'S NOTE: *Under the Final Rulemaking* published at 25 DCR 1033 (July 28, 1978), the Department of Environmental Services adopted the Handbook for Erosion and Sediment Control (February, 1977). Sections 538 through 545 were published in that Handbook.

544 EROSION AND SEDIMENT CONTROL PLAN

544.1 The title shall indicate the plat contains the erosion and sediment control plan.

544.2 Two (2) reproducible plats, along with the completed soil erosion and sediment control information sheet, will be submitted to the Planning Division. If completion of construction is expected to be accomplished in three (3) months or less, prints may be substituted.

544.3 The plat shall show the following:

(a) Size and location of all erosion and sediment control measures;

(b) Details of erosion and sediment control measures;

(c) Approximate limits of clearing and grading;

(d) Phasing of development to minimize area and duration of exposure;

(e) Crushed stone dike on all access roads that are above grade;

(f) Stabilized construction entrance for construction projects on all access roads;

(g) Soils report, including recommendations are required prior to approval of proposed construction projects located in areas on unstable soils, identified in the Christiana-Sunnyside Association by the District of Columbia Soil Survey. This report may be obtained from a reputable Soil Testing Service;

544.4 A plat shall not be required for small demolition projects; however, proposed erosion and sediment control measures shall be outlined on the soil erosion sediment control information sheet.

544.5 All erosion and sediment control plans shall be approved by the Department of Consumer and Regulatory Affairs, Environmental Control Division, before a permit can be issued.

SOURCE: Final Rulemaking published at 25 DCR 1033 (July 28, 1978), incorporating text of Proposed Rulemaking published at 24 DCR 10522 (June 9, 1978); 8 DCRR, Health Regulations (1965 Edition).

EDITOR'S NOTE: Under the Final Rulemaking published at 25 DCR 1033 (July 28, 1978), the Department of Environmental Services adopted the Handbook for Erosion and Sediment Control (February, 1977). Sections 538 through 545 were published in that Handbook.

545 INSPECTION AND ENFORCEMENT

545.1 Periodic inspections of all projects shall be conducted by the Department of Consumer and Regulatory Affairs, to ascertain compliance with the provisions of this chapter.

545.2 Violations shall be submitted to the District of Columbia Corporation Counsel, Criminal Division, for enforcement.

SOURCE: Final Rulemaking published at 25 DCR 1033 (July 28, 1978), incorporating text of Proposed Rulemaking published at 24 DCR 10522 (June 9, 1978); 8 DCRR, Health Regulations (1965 Edition).

EDITOR'S NOTE: Under the Final Rulemaking published at 25 DCR 1033 (July 28, 1978), the Department of Environmental Services adopted the Handbook for Erosion and Sediment Control (February, 1977). Sections 538 through 545 were published in that Handbook.

599 DEFINITIONS

599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed

Adverse Impact - any deleterious effect on waters or wetlands, including quality, quantity, surface area, special composition, aesthetics or usefulness for human or natural uses which are or may be harmful or injurious to human health, welfare, safety or property. (35 DCR 28)

Applicant - any person who requests approval of development. (35 DCR 28)

Aquifer - a porous water bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water. (35 DCR 28)

Clearing - the removal of trees and brush from the land, excluding the ordinary mowing of grass, pruning of trees or other forms of long-term landscape maintenance. (35 DCR 28)

Construction - any on-site activity which will result in the creation of a new storm water discharge facility, including the building, assembling, expansion, modification or alteration of the existing contours of the property, the erection of buildings or other structures, or any part thereof, or land clearing. (35 DCR 28)

Department - the Department of Consumer and Regulatory Affairs.

Director - the *Director* of the Department of Consumer and Regulatory Affairs or the Director's representative, agent, or designee.

Erosion - the process by which the ground surface is worn away by the action of wind and/or water.

Erosion and sedimentation control standards and specifications - the written procedures, requirements or plans to control erosion and sedimentation as officially adopted by the Department of Consumer and Regulatory Affairs of the District of Columbia pursuant to this chapter.

Excavation or Cut - an act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated and the conditions resulting from those actions.

Grading - any stripping, excavating, stockpiling, or any combination thereof, including the conditions resulting from those actions.

Land disturbing activity - any earth movement or land change which may result in soil erosion from water or wind and the movement of sediments in the District of Columbia, including, but not limited to, stripping, grading, excavating, transporting and filling of land, construction or demolition of buildings or structures.

The term "land disturbing activity" shall not include any minor land disturbing activity such as the following:

(a) Home gardening an individual home landscaping, repairs, and maintenance work;

(b) *Single family dwelling* utility service connections and construction of connections or utility construction where the excavated material is removed from the job site;

(c) Tilling, planting, or harvesting or agricultural or horticultural crops;

(d) Installation of fence and sign posts or poles; or

(e) Emergency work to protect life, limb or property, and emergency repairs; Provided, that if the land disturbing activity would have required an approved erosion and sedimentation control plan if the activity were not an emergency, then the land disturbed shall be shaped and stablized in accordance with the requirements of the Department of Consumer and Regulatory Affairs. (D.C. Law 10-166)

Landfilling - any act by which soil is deposited, placed, or pushed, where it had not previously been located.

Mayor - the Mayor of the District of Columbia or his or her designee.

Permit Applicant - the lawful owner of any property where a soil disturbing activity is to take place, or the lawful owner's designated representative who applies to the Department of Consumer and Regulatory Affairs for a building permit. When work is to be done under contract the lawful owner of the property is responsible for securing the building permit.

Person - any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, cooperative, or any other legal entity.

Sedimentation - the deposit of or transportation of soil from one place to another as a result of an erosion process.

Soil - all earth material of whatever origin that overlies bedrock and may include the decomposed zone of bedrock which can be readily excavated by mechanical equipment.

Soil erosion and sedimentation control plan - a document to be prepared by a permit applicant and submitted to the Department of Consumer and Regulatory Affairs for approval before a building permit can be issued by the District.

Stripping - any activity which removes or significantly disturbs the vegetative surface cover including clearing, grubbing of stumps and rock mat, and top soil removal.

SOURCE: Section 8-2:802 of the Soil Erosion and Sedimentation Control Act of 1977, D.C. Law 2-23, 24 DCR 792 (July 22, 1977); as amended by §8-2:802 of the Water Quality Standard Approval Act of 1977, D.C. Law 2-68, 24 DCR 6809 (February 17, 1978); by Final Rulemaking published at 35 DCR 21, 28 (January 1, 1988); 8 DCRR, Health Regulations (1965 Edition); and by §4 of the Soil Erosion and Sedimentation Control Amendment Act of 1994, D.C. Law 10-166, 41 DCR 4892, 4893 (July 22, 1994).



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NCRC



Little

Ordway Street Existing Condition Photos

ShawPittman LLP

CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2003 a copy of the foregoing information was hand delivered to the following parties:

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c/o Nancy MacWood, Chairperson
3417 Woodley Road, N.W.
Washington, D.C. 20016

The Friends of NCRC
c/o Anne Large
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Washington, D.C. 20016

The Cleveland Park Neighbors
c/o Richard Nettler, Esq.
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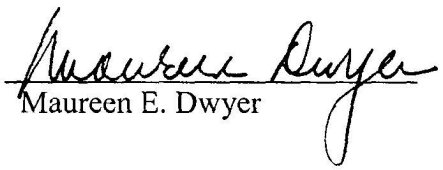
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