

Overview of 2013 Stormwater Rule



For more information,
visit ddoe.dc.gov/swregs.



2013 Stormwater Rule

- Effective July 19, 2013.
- Includes new requirements and provisions:
 - Stormwater management performance standards.
 - Erosion & sediment control (ESC) for land disturbance $\geq 50\text{SF}$.
 - Stormwater Retention Credit (SRC) certification and trading.
- Includes plan for transitioning to new stormwater management performance requirements.
- ESC requirements, SRC provisions, and other requirements effective immediately.

SW Performance Requirements

Types of Projects that Trigger SW Requirements:

➤ Major land-disturbing activity

Definition: Land disturbance $\geq 5,000$ SF.

➤ Major substantial improvement activity

Definition: Renovation of or addition to a structure that exceeds the following cost and size thresholds:

- Cost of project $\geq 50\%$ of pre-project assessed value of structure.
- Combined footprint of structure(s) exceeding cost threshold and any land disturbance $\geq 5,000$ SF.

SW Performance Requirements

Major land-disturbing activity

- Retention standard: Retain the first 1.2” of rainfall on site or by combining on-site and off-site retention.
- Detention requirements: Maintain peak discharge:
 - From 2-year storm to pre-development conditions (meadow standard used).
 - From 15-year storm to pre-project conditions.
- For land disturbance in existing Public Right of Way (PROW), achieve retention of stormwater from PROW in PROW to Maximum Extent Practicable (MEP).

SW Performance Requirements

Major substantial improvement activity

- Retain the first 0.8” of rainfall on site or through a combination of on-site and off-site retention.
- For land disturbance in existing Public Right of Way (PROW), achieve retention of stormwater from PROW in PROW to Maximum Extent Practicable (MEP).

Practical Approach: On-Site Flexibility

- Performance standards allow project to choose from thirteen Best Management Practice (BMP) categories.
- Project can use “over control” to retain more than the 1.2” storm volume in one area and less in another.
- Harvested water treatment requirements based on risk associated with end use – not always maximum.
- A project can achieve on-site retention with a “Shared BMP” that is located off site and to which the project conveys stormwater.

Practical Approach: Off-Site Flexibility

- Free to go off site after achieving minimum of 50% of required retention on site.
- Below 50% minimum, project must demonstrate that on-site retention is infeasible or environmentally harmful.
- Two off-site options:
 - In-lieu fee (ILF) payment to DDOE = \$3.50/gallon/year.
 - Privately tradable Stormwater Retention Credits (SRCs).
- Off-site volume is an ongoing obligation that can be:
 - Met on yearly or multi-year basis.
 - Met with a mix of ILF & SRCs and mix can change.
 - Reduced in the future by increasing on-site retention.



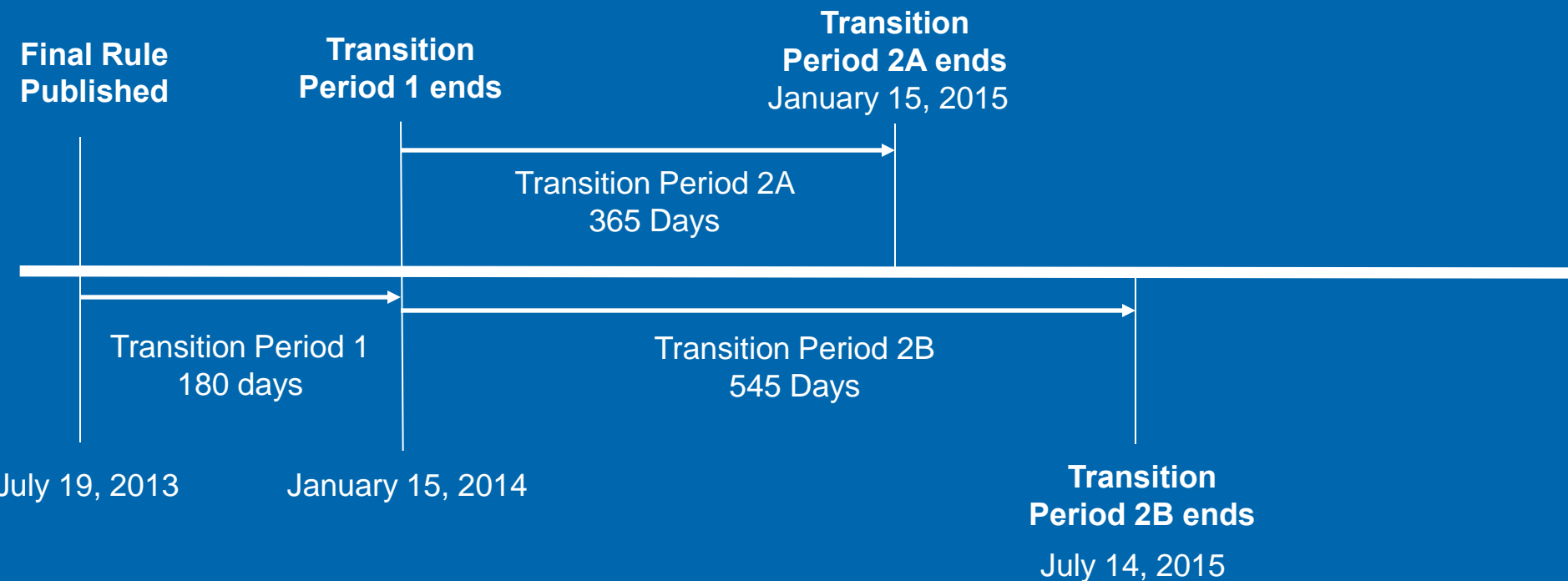
Transition Plan



Transition Period 1

- Regulated projects comply with existing regulations.
- Tied to submittal of first SW Management Plan as part of building permit application process.

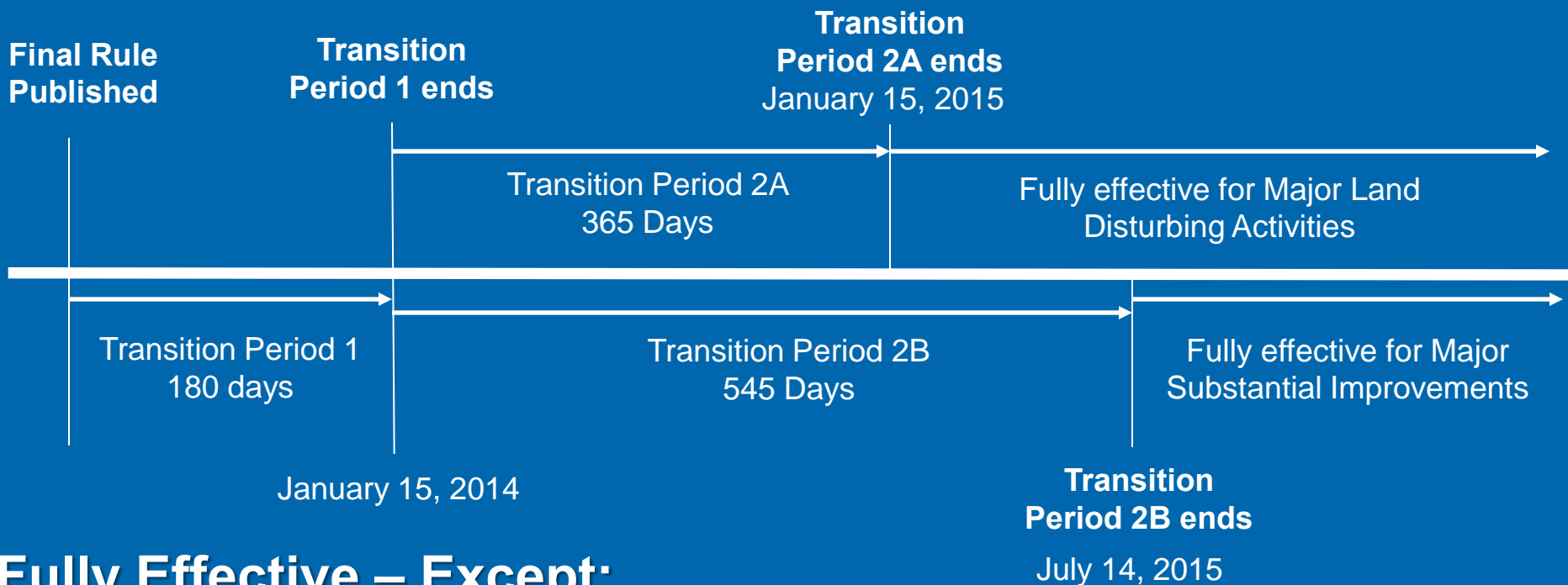
Transition Plan



Transition Period 2A and 2B*

- Minimum on-site retention requirement waived.
- Entire retention volume may be achieved off site.
- ❖ (2A – Major Land-disturbing Activities; 2B – Major Substantial Improvement Activities)

Transition Plan



Fully Effective – Except:

- 1) Certain projects (“Advanced Design”) with unexpired approval by Zoning Com. or NCPC - Subject to TP when application submitted.
- 2) Additional grounds for on-site relief for projects with unexpired approval (from HPRB, CFA, BZA, DCOP, NCPC) that conflicts with on-site BMP – If application submitted prior to end of TP2A/TP2B.

More information available at:
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