

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION



OFFICE OF THE DIRECTOR

December 29, 2010

Christophe A. G. Tulou
Director
District Department of Environment
1200 First Street, NE 5th Floor
Washington, DC 20002

Dear Director Tulou:

I am excited to share with you the District Department of Transportation's (DDOT) Low Impact Development (LID) Action Plan which lays out the steps, costs, and timeline to implement LID and reduce impervious surface in DDOT projects and work permitted in public space. This plan was mandated in the "Comprehensive Stormwater Management Enhancement Act of 2008." DDOT has made significant strides toward implementing LID over the last several years and the District Department of Environment (DDOE) has been a strong agency partner in that progress.

The LID Action Plan addresses what has been accomplished, what can be done in the near term, and what will require a longer timeline and additional funding to implement. DDOT is committed to implementing LID projects and will utilize best practices to develop standards for LID. There will be a significant amount of technical and procedure development, and staff training needed to implement these new practices into the agency. Additional staff may be needed to carry out more projects and oversee private implementation and maintenance of the projects.

DDOT is anticipating that new stormwater requirements will be forthcoming from DDOE and the city's MS4 permit. We look forward to working closely with DDOE as we work towards this new level of stormwater management. Moreover, DDOT appreciates the annual funding from the Stormwater Permit Compliance Enterprise Fund and from other sources through DDOE. We look forward to continued collaboration to identify funding sources to implement LID in this difficult budgetary environment.

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Thank you for your continued advocacy and support on this very important issue. Should you have any questions, please do not hesitate to contact Ronaldo Nicholson, DDOT's Chief Engineer, at (202) 671-4691 or at ronaldo.nicholson@dc.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Gabe Klein', with a long horizontal flourish extending to the right.

Gabe Klein



**LID Action Plan
In Response To
Comprehensive
Stormwater Management
Enhancement Amendment Act
of 2008**

December 29, 2010

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LID ACTION PLAN in response to Comprehensive Stormwater Management Enhancement Amendment of 2008

Forward

Background

The District of Columbia has endeavored to introduce low impact development (LID) stormwater management techniques into its environmental toolkit in recent years. DDOT has advanced the promotion and use of LID in a number of ways, including the Great Streets Program (2005), the Anacostia Waterfront Transportation Architecture Design Guidelines (2005), the development of the DDOT Sustainability Plan (2010) and the DDOT Action Agenda (2010). DDOT has launched design and construction of pilot projects using LID techniques, such as the AWI Riverwalk, Nannie Helen Burroughs Avenue, Nebraska Ave, Pennsylvania Avenue, and many others. DDOT staff has also partnered with designers and construction contractors to encourage use of these techniques and promote their success. A number of other accomplishments already achieved are described throughout this document.

As a continuation of these efforts, and in response to Councilmember Jim Graham's directive as follow up to the Stormwater Management Task Force, DDOT presents herewith our action plan as called for in legislation entitled Comprehensive Stormwater Management Enhancement Act of 2008 (CSMEA Act), included in Attachment A, which reads:

"Within one year of the effective date of this section, the Director of the Department of Transportation ("DDOT") shall submit to the Director an action plan recommending policies

and measures to reduce impervious surfaces and promote LID projects in the public space. The action plan shall incorporate:

- (1) New DDOT policies to reduce impervious surface and employ other LID measures in right-of-way construction projects and retrofit projects*
- (2) A revised DDOT public space permitting process and the development of a mechanism to minimize storm-water runoff from the public right-of-way*
- (3) Requirements and incentives for private developers to reduce impervious surface and employ LID measures when their projects extend into the public right-of-way*
- (4) Policies, including fees, for the use of public space to manage storm-water runoff from private property*
- (5) Policies to address ongoing maintenance of LID or storm-water best management practices installed in public right-of-way areas adjacent to private property*
- (6) Strategies to remove impediments to LID projects on residential properties relating to public space, and*
- (7) Costs for each recommendation and a recommended timeline for funding in the Mayor's proposed budget. The Mayor shall incorporate these recommendations in the next and subsequent proposed annual budgets."*

Low Impact Development

Low impact development (LID) is a sustainable stormwater management approach that is used to restore the natural ability of an urban site to absorb stormwater. By means of infiltration, evapotranspiration, and reuse of rainwater, LID techniques manage water and water pollutants at the source and thereby prevent or reduce the impact of development on rivers, streams, lakes, coastal waters, and ground water.

New and redevelopment projects have a multitude of opportunities to incorporate LID into the infrastructure, yet it is more difficult to incorporate these facilities into dense urban or retrofit projects, as a greater number of site constraints will exist which limit the possibilities. Often times, the soil in urban areas is poor, which makes infiltration more difficult. Utility conflicts and mature trees can also be an issue. Competing interests for the use of the public space in urban areas can also pose a challenge -- some LID facilities require a large area in order to be effective and this may be difficult when trying to balance pedestrian, biking, transit and vehicular traffic in the same limited space. But even with these challenges, there are opportunities to introduce LID features in an urban area, has been proven in such cities as Seattle, Chicago, Portland, and Philadelphia. The most common LID Practices that work successfully for urban street rights of way are bioretention (rain gardens), grass swales, tree box filters, vegetated filter strips, and pervious pavements. These have been and will be the primary practices implemented in the District of Columbia as this action plan is carried out.



Sample Bioretention/Rain Garden



Sample Pervious Pavers

Guiding Plans and Documents

There are a number of guiding documents that will be utilized as the plan is executed. Some of these guiding documents have been authored by DDOT, and others are mandates from EPA. Over the course of the implementation, some of the DDOT guiding plans may require revision, to create a cohesive and consistent approach to this effort. DDOT documents include:

- [Anacostia Waterfront Initiative Transportation Architecture Design Standards \(2005\)](http://www.scribd.com/doc/83991242) – Includes seventeen (17) low impact development measures, plans, and construction details.
www.scribd.com/doc/83991242
- [Public Realm Design Handbook \(2008\)](http://ddot.dc.gov/DC/DDOT/Projects+and+Planning/Standards+and+Guidelines/Public+Realm+Design+Manual) – Encourages the use of LID to manage stormwater and includes design drawings for the sunken LID Tree pit adjacent to the street and sidewalk to capture and treat runoff.
ddot.dc.gov/DC/DDOT/Projects+and+Planning/Standards+and+Guidelines/Public+Realm+Design+Manual
- [DDOT Action Agenda \(2010\)](http://ddot.dc.gov/DC/DDOT/About+DDOT/Who+We+Are/Action+Agenda) – Minimize impervious surfaces within the right-of-way (ROW) and mimic natural systems to supplement the management of storm water. Start a Green Streets initiative whereby unused roadway space can be transformed to landscaped refuges, seating areas, or wider pedestrian zones. Support improved storm water management systems and low impact development in both commercial and residential areas of the District. ddot.dc.gov/DC/DDOT/About+DDOT/Who+We+Are/Action+Agenda
- [DDOT Sustainability Plan \(2010\)](http://ddot.dc.gov/DC/DDOT/Projects+and+Planning/Environment/Sustainability+Plan) – Minimize environmental impact of transportation infrastructure, with goals to use low impact development approach to manage storm runoff, with a target of treating 5% annually using these methods.
ddot.dc.gov/DC/DDOT/Projects+and+Planning/Environment/Sustainability+Plan
- [Complete Streets Policy \(2010\)](http://ddot.dc.gov/DC/DDOT/About+DDOT/News+Room/Public+Notices/DDOT+Issues+Complete+Streets+Policy) - Improvements to the ROW shall consider environmental enhancements including, but not limited to: reducing ROW storm water runoff, improving water quality, and prioritizing and allocating sustainable tree space and planting areas (both surface and subsurface). ddot.dc.gov/DC/DDOT/About+DDOT/News+Room/Public+Notices/DDOT+Issues+Complete+Streets+Policy

EPA permit documents include:

- [DC MS4 Permit \(2004\)](http://www.ddoe.dc.gov/ddoe/frames.asp?doc=/ddoe/lib/ddoe/stormwaterdiv/permit_august_2004.pdf) - A shift in focus from just the minimum storm water controls required under local ordinances to programs that encourage the use of functional landscape to enhance the aesthetic and habitat value at new parking lots/developments; Low impact development practices such as improved tree boxes, reduced road length/width, and use of infiltration, porous pavements, grassy swales and filter strips where appropriate. www.ddoe.dc.gov/ddoe/frames.asp?doc=/ddoe/lib/ddoe/stormwaterdiv/permit_august_2004.pdf
- [MS4 BMP Enhancement Package \(2007\)](http://www.ddoe.dc.gov/ddoe/frames.asp?doc=/ddoe/lib/ddoe/stormwaterdiv/epa_letter_agreement_august_2008.pdf) – To the extent feasible, DDOT will comply with all LID options in the Anacostia Waterfront Initiative Transportation Architecture Design Standards for all DDOT transportation infrastructure projects. The City shall make best efforts to devise an LID plan and schedule to be completed no later than December 2014, identifying locations and a schedule.
www.ddoe.dc.gov/ddoe/frames.asp?doc=/ddoe/lib/ddoe/stormwaterdiv/epa_letter_agreement_august_2008.pdf

LID Project Funding

DDOT's LID projects have been funded from a range of sources. In federally funded transportation construction projects, LID can be included in the funding allocation for the project. There are limited opportunities to fund stand-alone stormwater retrofit projects with federal funding. Most stormwater retrofit projects have been funded through the local Stormwater Permit Compliance Enterprise Fund, and this funding source will be relied upon to continue LID implementation and retrofit projects. LID and impervious surface removal projects have also been funded from ARRA funds through the Clean Water State Revolving Fund Green Reserve. DDOT has been funded for four stormwater staff positions from the Stormwater Compliance Enterprise Fund to advance LID in DDOT projects and current staff levels within PPSA have supported some LID initiatives. Some actions within the plan can be carried out under current staff levels and some will need additional staff, as noted. DDOT will continue to work with the District Department of Environment (DDOE) to identify and secure funding for LID projects.

The Action Plan

The overall goal of the action plan is to set the groundwork for success in meeting the requirements of the anticipated changes to the stormwater regulations, which will require a higher level of water management for all construction projects. Moving forward with this action plan is critical for DDOT to institute the changes needed to comply with these new regulations.

This action plan has been developed by a broad group of DDOT staff, with representation from the Infrastructure Project Management Administration (IPMA), the Policy, Planning and Sustainability Administration (PPSA), including the Public Space Policy (PS) and Permitting Branches, and the Urban Forestry Administration (UFA). For the purposes of this document, the group is named the Stormwater Management Working Group (SWM-WG). The SWM-WG will be supplemented with additional stakeholders, including Transportation Operations Administration (TOA), as the plan is carried out. The action plan is organized as follows:

- A strategy statement which mirrors the language of the Comprehensive Stormwater Management Enhancement Amendment of 2008;
- A summary of the current practice, and/or progress achieved to date, related to that strategy;
- A set of tactics and steps, both near term and longer term, which will lead to the further achievement of that strategy. These steps identify such items as technical analysis, evaluation processes, policy development, and procedures/guidelines development needed to create consensus and build a complete stormwater program to achieve the goals;
- The lead group, proposed timeframe, and funding needed to implement the steps of the plan.

Strategy 1: New DDOT policies to reduce impervious surface and employ other LID measures in right-of-way construction projects and retrofit projects (CSMEA Act Item #1)

New DDOT Policies which strive to reduce impervious surface and/or implement LID measures in construction projects/retrofit projects, include the following:

- Complete Streets Policy - reduce ROW storm water runoff, improve water quality, and prioritize and allocate sustainable tree space (2010)
- DDOT Action Agenda - includes goals to reduce impervious surface and use LID to manage stormwater from the ROW (2010)
- Sustainability Plan – calls for treating stormwater runoff and reducing runoff volume from impervious surface in the ROW using LID (2010)

Progress Made to Date:

1. Created LID design guide chapter in AWI Architecture Design Guidelines that includes 17 methods to implement LID (2005)
2. Encourage LID stormwater techniques in Design and Engineering Manual, Chapter 2, Preliminary Design, Section 2.3.11.1 (2005)
3. Implemented initial LID projects within DDOT construction and retrofit projects:
 - Benning Road NE bridge – Kingman Island bioretention areas (2004)
 - Irving Street Cloverleaf NE, bioretention retrofits (2007)
 - I-295 SE grass swale retrofit (2007)
 - Anacostia Riverwalk Trail SE & NE bioretention areas & bioswales (2008)
 - Nebraska Avenue NW bioswales (2009)
4. Monitored Benning Road bioretention area for pollutant removal through Howard University (2004-2006)
5. Great Streets program includes principles to “refresh” the streets by ensuring that the infrastructure works with local systems to enhance the natural and human environments (established 2005)
 - H St NE & Benning Rd (west of River): permeable paving, new Starburst park (2005-2010)
 - Nannie Helen Burroughs Ave NE - EPA Green Highway - bioretention areas, bioretention planters, bioswales, & permeable sidewalk pavement (2006-2012)
 - Pennsylvania Ave SE: bioretention areas, permeable paving, planted median (2006-2011)
 - Georgia Ave NW: bioretention areas, permeable paving, road lane conversion to park area (2006-2014)
 - Minnesota Ave NE: bioretention areas, permeable sidewalk pavement, reduced impervious surface (2006–2013)
6. Implementing LID retrofit pilot projects for demonstration of the suite of LID options (2009 – 2012)
 - LID curb bumpouts for traffic calming, Ft Dupont St & Q St SE, Erie St SE
 - Streetside stormwater management adjacent to park areas: East Beach Dr NW & Fitch Pl NE
 - Alley conversion for green infrastructure stormwater management at Q St & 45th St NW
 - Green Alleys using permeable pavement – citywide in MS4 area
 - Impervious surface removal in tree space and public space – citywide
 - River Smart DC - full neighborhood retrofit of maximum LID in three small sewersheds in the Rock Creek watershed to measure volume reduction and validate the Green Buildout model in partnership with DDOE and DC Water
 - Additional retrofit project sites will be identified and implemented in the MS4 area
7. Coordinating with DDOE for implementing LID retrofit projects in the ROW at Jay St NE, 34th St SE, Golden Triangle, and Shepherd St NW (2008 – 2011)
8. Including LID in both new construction projects and Transportation Planning Studies for future construction projects:
 - 14th St NW
 - 1st Pl. & Galloway NE
 - Oregon Avenue NW
 - Oxon Run Trail
 - Livability Studies
 - K St NW Transitway
 - 11th St SE bridge
 - Metropolitan Branch Trail
 - 9th St NE bridge
 - Klingle Valley Trail
 - Watts Branch Bridges

ACTION STEPS (Strategy 1, continued)

<u>Near Term Tactics:</u>		
9. Continue to implement LID and look for impervious surface reduction opportunities in planning, design, and construction projects.		
10. Evaluate all completed LID projects for effectiveness and durability of design, construction, and maintenance.		
Timeframe: January 2011 – September 2014	Lead: SWM-WG	Cost: \$500,000⁵ (Evaluation)
11. Develop Drainage Manual to guide drainage design from the ROW, including strategies to provide SWM, reduce volume and improve water quality.		
Timeframe: January 2011 – July 2012	Lead: IPMA	Cost: \$200,000^{3,5} (non LID aspect of manual = \$400,000)
12. Evaluate/ develop all options for reducing impervious surface in the ROW OPTIONS INCLUDE (but not limited to): a) Maximize tree space and pervious surface options in furnishing zone b) Identify and implement sidewalk widths based on use and density of street c) Use vegetated medians where appropriate d) Ensure lane widths and number of lanes do not exceed level of service requirements for roadway e) Use permeable pavements	13. Evaluate/develop all LID Options for managing stormwater from the ROW OPTIONS Include (but not limited to): a) Vegetated infiltration & filtration systems such as bioretention areas, bioswales, and rain gardens b) Permeable paving systems (pervious concrete, porous asphalt, paver blocks – concrete, cobbles) c) Subsurface storage or filter system (Sand filters, rock infiltration trench, storage tanks) d) Filter Catch basins – inserts or filter systems	
14. Start a DDOT Green Streets Program to include all aspects of incorporating LID and reducing impervious surface in the ROW.		
15. Establish design guidelines and standards for LID systems in the ROW. <ul style="list-style-type: none"> Develop design criteria and guidance, detail drawings, specifications, and cost estimates for use of each LID practice. 		
16. Develop a city-wide master plan to identify all LID retrofit and impervious surface reduction opportunities in the public ROW. <ul style="list-style-type: none"> Use developed DDOT planning studies and Transportation Improvement Plan to match sites with construction opportunities. Coordinate with and use existing Watershed Implementation Plans available from DDOE which have already identified LID opportunities in the Anacostia River, Rock Creek, Watts Branch, Pope Branch, and Oxon Run watersheds. Coordinate with and use outcomes from Capital Space project, and with results of Green Build-Out Model to identify high impact areas. Revise goals for impervious surface reduction in Action Agenda and LID implementation in Sustainability Agenda based on master plan. 		
Timeframe: January 2011 – September 2013	Lead: SWM-WG	Cost: \$1,500,000⁵
17. Develop a policy for the implementation of Maximum Extent Practicable (MEP) for stormwater retention requirements which will be specified in the anticipated MS4 permit and anticipated updated DC Municipal Regulations. Coordinate with DDOE to achieve concurrence.		
Timeframe: January 2011 - September 2012	Lead: SWM-WG	Cost: Handled at current staff level

ACTION STEPS (Strategy 1, continued)Longer Term Tactics:

18. Adopt revised standards, design criteria, design details, and construction specifications and update appropriate DDOT documentation, including:

- *Design and Engineering Manual*
- *Context Sensitive Design Guidelines*
- *Standard Specifications for Highways & Structures*
- *Standard Drawings*
- *Drainage Manual*
- *Public Realm Design Handbook*
- *Sustainability Plan*

Timeframe: October 2013 - September 2014

Lead: SWM-WG

Cost: \$300,000^{3,5}

19. Incorporate accepted stand-alone projects into TIP starting in planning for Fiscal Year 2012, defining both budget and schedule. Include SWM costs in construction project budgets for TIP.

20. Implement processes to ensure proper oversight and quality control for the implementation of LID projects in DDOT construction and retrofit projects, which may include (but are not limited to):

- a) Design review process by staff and/or consultants
- b) Construction oversight by staff inspectors and/or contract inspectors
- c) Process for stormwater management designs to meet MEP requirements for DDOE stormwater permit review
- d) Training for DDOT staff, including project managers, transportation planners, construction engineers, construction inspectors, and public space inspectors.
- e) Qualifications and criteria that design consultants must meet
- f) Certifications and/or qualifications that construction contractors must meet.

Timeframe: January 2011 – September 2013

Lead: SWM-WG

Cost: \$200,000^{4 or 5} per year (initial)

21. Roll out full implementation of the initiative in FY 2015, with appropriate communications to DC agencies and consultant and construction community.

Timeframe: October 2014 forward (as defined in step 19)

Lead: SWM-WG

Cost: To be defined in step 19 (TIP budget)

Strategy 2: Requirements and incentives for private developers to reduce impervious surface and employ LID measures when their projects disturb the public right-of-way (CSMEA Act Item #3).

ACTION STEPS:

<p><u>Progress Made to Date:</u></p> <p>1. Coordinated with private development projects to implement LID areas to manage stormwater in the public space:</p> <p>a) The Yards SE – streetside stormwater planters (2007-present)</p> <p>b) City Center NW – streetside stormwater planters (2007 – present)</p> <p>c) Extreme Makeover Home: (48th & Meade St NE) pervious concrete sidewalk (2009)</p> <p>d) Constitution Square (2007-2010)</p> <p>e) Casey Trees Headquarters – streetside stormwater planters (2008-2010)</p> <p>2. Evaluating development projects through voluntary DDOT Preliminary Design Review Meeting (PDRM) process for opportunities to incorporate LID measures. Encouraging private developers to implement these options.</p> <p>3. Began discussions with District Department of Environment to establish offsite mitigation process for constrained development sites.</p>	<p><u>Near Term Tactics:</u></p> <p>4. Explore incentives/means to obtain higher developer participation in the PDRM process, which helps ensure that LID and reduced impervious surfaces are considered.</p> <p>OPTIONS INCLUDE (but not limited to):</p> <p>a) Accelerated reviews</p> <p>b) Mandatory PDRM at 30% design phase for projects above a defined threshold.</p> <p>5. Begin performing reviews of all projects that disturb streetscape for LID and reduced impervious options (not just those that participate in PDRM).</p>	<p><u>Longer Term Tactics:</u></p> <p>6. Evaluate options for long term implementation, including DDOE in these strategy discussions, as appropriate.</p> <p>OPTIONS INCLUDE (but not limited to):</p> <p>a) Establish policy/formula for maximum impervious surface allowances in the public space portion disturbed by the private development project.</p> <p>b) Subject the Public Space area controlled by the abutting site to the same stormwater requirements as the site for sites with public space disturbance above a certain threshold.</p> <p>c) Implement a credit to the proposed Public Inconvenience Fee based on a percentage of the cost for each stormwater reduction practice proposed beyond the current requirements.</p> <p>d) Adopt an impervious surface fee, based on the square footage of impervious surface area on public space controlled by the abutting site beyond the established maximums.</p> <p>e) Recommend a policy on closing of unimproved alleys by the private sector.</p> <p>7. Work with DDOE to establish offsite mitigation framework, defining roles of DDOT and DDOE in the process.</p>		
	<p>Timeframe: April 2011-September 2012</p>			
	<p>Lead: SWM-WG</p>		<p>Cost: \$150,000⁵</p>	
	<p>Timeframe: January 2011-December 2011</p>		<p>8. Draft and publish regulations in the DCMR to define requirements and incentives for stormwater reduction practices to be installed by private developers when their project disturbs the public space.</p> <ul style="list-style-type: none"> • Reconcile other chapters of the Regulations (Title 12, Title 24) as well 	
	<p>Lead: PPSA</p>		<p>Cost: See Strategy 4, Item 10</p>	
<p>Timeframe: September 2012 – September 2013</p>			<p>Lead: PPSA-PS</p>	
<p>Cost: \$25,000²</p>				

Strategy 3: Policies, including fees, for the use of public space to manage stormwater runoff from private property (CSMEA Act Item #4).

ACTION STEPS

<p><u>Current Policy:</u></p> <p>1. Stormwater runoff from private property must be treated on private property.</p>	<p><u>Near Term Tactics:</u></p> <p>2. Bearing in mind that the Public Space is a limited and non-renewable resource with which DDOT carries out its mission, establish a working group of public and private stakeholders to evaluate options for consideration, to form the new policy.</p> <p>OPTIONS INCLUDE (but not limited to):</p> <p>a) Develop qualifying criteria defining specific cases when use of public space for treatment of stormwater runoff from private property will be considered. Qualifying criteria may include hardship thresholds, building retrofit projects, space/dimension design criteria, and whether it serves the public interest.</p> <p>b) Disallow subsurface stormwater facilities if proposed for the sidewalk portion of public space where subsurface space is limited or would conflict with other streetscape options or opportunities for installing SWM practices that treat stormwater from the street ROW.</p> <p>c) Reserve DDOT’s right to reclaim the ROW for transportation purposes.</p> <p>d) Require maintenance covenant for allowed facilities (see Strategy 5).</p> <p>e) Support the use of pipes to carry stormwater under the ROW to an off-site treatment facility.</p> <p>3. Establish an annual fee for use of public space for management of stormwater runoff from private property.</p>	<p><u>Longer Term Tactics:</u></p> <p>4. Draft and publish regulations in the DCMR to define requirements and fees for the use of public space for stormwater management or the conveyance of stormwater runoff.</p> <ul style="list-style-type: none"> • <i>Reconcile other chapters of the Regulations (eg. Title 12, Title 24) as well.</i> <p><u>Notes:</u></p> <p>i. This regulation will address both Strategy 3 and Strategy 2, presented previously.</p> <p>ii. Implementation of Strategy 4, which amends the Public Space Permit process, will incorporate the policies, fees, and other new elements introduced by Strategies 2 and 3.</p>	
<p>Timeframe: April 2011 - September 2012</p>		<p>Timeframe: September 2012 – September 2013</p>	
<p>Lead: SWM-WG</p>		<p>Cost: \$150,000⁵</p>	
<p>Lead: PPSA-PS</p>		<p>Cost: \$25,000²</p>	

Strategy 4: A revised DDOT public space permitting process and the development of a mechanism to minimize stormwater runoff from the public right-of-way (CSMEA Act Item #2).

ACTION STEPS

**** Please note, the tactics in this strategy are established primarily to address the DCMR revisions of Strategies 2 and 3****

<p><u>Current Practice:</u></p> <ol style="list-style-type: none"> Holding PDRM’s with developers at 30% design and 80% design, on a voluntary basis, and encouraging installation of green space in ROW during these meetings. In some cases, reviewing impervious surface areas during the PDRM. Recently added DDOE to the PDRM as an additional reviewer. Include check boxes on the PDRM application indicating if SWM is proposed within the public space. Began development of a GIS-based electronic database of approved streetscape plans and associated dimensions. 	<p><u>Near Term Tactics:</u></p> <ol style="list-style-type: none"> Update the Public Space Permit Application to include check boxes for stormwater management on the Public Space. Update the Public Space Permit Application to add a spot for describing the approved street distribution or streetscape requirements. <ul style="list-style-type: none"> Review public space permit applications that disturb streetscape to ensure SWM measures and impervious areas are reviewed and that streetscape plans and sidewalk widths are cross-checked. Coordinate with Offices of Zoning and Planning to convey LID and impervious reduction goals, and incorporate these into the overall PUD and Zoning Reviews. 	<p><u>Longer Term Tactics:</u></p> <ol style="list-style-type: none"> Provide the resources to track the public space permit projects and ensure compliance with LID/reduced impervious surface strategies: <ul style="list-style-type: none"> Procure necessary software enhancements for managing and tracking the public space permit projects from the PDRM stage forward. Hire a dedicated reviewer, possibly within IPMA, to review PS permit applications for stormwater runoff from private property into the ROW, stormwater management within public space, and extent of impervious surface. Update and Maintain GIS Database of approved street distributions and planned streetscape locations. Provide guidance to permit applicants on new requirements via the Public Realm Design Handbook and DDOT website.
	<p>Timeframe: February 2011 – December 2011</p>	
	<p>Lead: PPSA</p>	<p>Cost: \$50,000²</p>
	<p>9. Plan briefings for Public Space Committee, Zoning Commission, and Board of Zoning Adjustments to inform them of DDOT’s current and revised policies for stormwater management and reduced impervious surface.</p>	<p>12. Coordinate with other current development review processes: <ul style="list-style-type: none"> Zoning Reviews – Ensure that the DDOT review within the zoning review process addresses outcomes of the SWM – LID action plan (Include Board of Zoning Adjustment and Zoning Commission). PUD Review – Coordinate with Office of Planning to convey new requirements. DCRA – Communicate the new requirements. </p>
	<p>Timeframe: Beginning October 2013 (or after regulations take effect)</p>	
<p>Lead: PPSA</p>	<p>Cost: \$30,000² per year</p>	
<p>Timeframe: October 2011 - September 2012</p>		
<p>Lead: SWM-WG</p>		
<p>Cost: \$250,000^{3,6} - 2011 \$125,000^{2 or 5} per year thereafter</p>		

Strategy 5: Policies to address ongoing maintenance of LID or stormwater best management practices installed in public right-of-way areas adjacent to private property (CSMEA Act Item #5).

Policies and Goals enumerated under Strategy 1 – i.e., the Complete Streets Policy, DDOT Action Agenda and Sustainability Plan -- will require that all SWM facilities in public space remain effective, thus all must be regularly maintained.

Progress Made to Date:

1. Coordinated with DDOE to address maintenance of LID stormwater practices within ROW for the interim.
2. Drafted a maintenance schedule for bioretention/rain gardens.
3. Participating on the DDOE LID Maintenance Task Force.
4. Initial development of a LID maintenance training program in partnership with the University of District of Columbia Community College and DDOT's Business Opportunity and Workforce Development Center.
5. Requiring maintenance covenants for SWM facilities installed in the public space by private developers.
6. Identified options for maintenance moving forward:
 - *In-House (UFA, Street & Bridge Maintenance (SBM))*
 - *DPW (street sweep for permeable pavements)*
 - *Contract Out*
 - *Establishing MOU's with DDOE for maintenance of SWM/LID retrofits DDOE is installing in DDOT ROW.*

Strategy 5: Policies to address ongoing maintenance of LID or stormwater best management practices installed in public right-of-way areas adjacent to private property (CSMEA Act Item #5), continued

ACTION STEPS

<p><u>Near Term Tactics:</u></p> <p>7. Set a plan for 2011-2012 using internal forces and/or contractors to maintain vegetated facilities.</p> <ul style="list-style-type: none"> • 2011 – approximately 22 LID sites <p>8. Engage DPW and DDOT/SBM to handle sweeping maintenance on the permeable pavements as needed.</p> <ul style="list-style-type: none"> • 2011 – possibly 10 sites <p>9. Implement the University of DC LID maintenance training program (see progress to date, item 4)</p> <p>10. Engage the EOM Office of the Clean City for opportunities with Adopt-A-Block program.</p>		<p><u>Longer Term Tactics:</u></p> <p>11. Evaluate options for maintenance of DDOT installed practices</p> <p>OPTIONS INCLUDE (but not limited to):</p> <p>a) Vegetated facilities:</p> <ul style="list-style-type: none"> • DDOT UFA (in-house, or contracted out) • Summer Youth program • Neighborhood and community groups (longer term) <p>b) Pervious Pavements:</p> <ul style="list-style-type: none"> • DPW • Asset Management • Contract Out <p>c) Underground elements (underdrains, connections):</p> <ul style="list-style-type: none"> • DC Water • Asset Management • Contract Out <p>12. Evaluate options for maintenance of practices installed by private property owner in the public space.</p> <p>OPTIONS INCLUDE (but not limited to):</p> <p>a) Maintained by private property owner: A Covenant of Maintenance Agreement, filed with the Recorder of Deeds</p> <p>b) Maintained by City Agency: Property owner will pay an annual maintenance fee.</p> <p>13. Coordinate w/ all affected agencies on final maintenance plan.</p>	
		<p>Timeframe: December 2010 – December 2012 (evaluation) January 2013 and forward (implement maintenance)</p>	
		<p>Lead: SWM-WG</p>	<p>Cost: 2013 - \$300k; 2014 - \$400k; 2015 - \$500k ^(Options)</p>
		<p>14. Develop database (GIS) of all SWM and LID practice locations to facilitate appropriate maintenance.</p>	
<p>Timeframe: January 2011 - December 2012</p>		<p>Timeframe: January 2011- December 2012 (initial), with continuous updates</p>	
<p>Lead: IPMA</p>	<p>Cost: 2011-\$200k; 2012 - \$200k ^{2, 3, 4, 5}</p>	<p>Lead: SWM-WG</p>	<p>Cost: \$40,000 ^{2 & 3, or 5} (initial)</p>

Strategy 6: Strategies to remove impediments to LID projects on residential properties relating to public space (CSMEA Act Item #6).

ACTION STEPS

<p><u>Current Practice:</u></p> <p>1. In partnership with DDOE, DDOT has provided a batch permit for the RiverSmart Homes program, which allows homeowners to install pervious paving, rain gardens, cisterns, bayscaping, and plant trees on the public parking (with some conditions).</p> <ul style="list-style-type: none"> • An MOU between DDOE and DDOT is in place for the RiverSmart Homes program. <p>2. For residences not participating in the RiverSmart Homes program, property owners are still allowed to perform these activities, but must apply for a public space permit and in some cases, go before Public Space Committee for approval.</p>	<p><u>Near Term Tactics:</u></p> <p>3. Encourage homeowners that want to install these practices to participate in the RiverSmart Homes program.</p> <ul style="list-style-type: none"> • Add link to DDOT’s Public Space permit website to DDOE’s RiverSmart Homes program. <p>4. Change the permitting process so that homeowners not participating in the RiverSmart Homes program can obtain a Public Space permit for LID implementations as described in the RiverSmart Homes program without going before the Public Space Committee. (Create criteria for a staff level approval for these permits.)</p>	<p><u>Longer Term Tactics:</u></p> <p>5. Evaluate options for further implementation.</p> <p>OPTIONS INCLUDE (but not limited to):</p> <p>Low-cost permits for projects where residential property owner:</p> <ul style="list-style-type: none"> a) replaces impervious paving with pervious paving on the public parking, but exclude unpermitted vehicle parking pads; b) installs rain-gardens on the public parking between the public sidewalk and the private property line, provided no under drain will be installed requiring plumbing excavation and inspection; c) closes their existing curb cut and restores the public space; d) replaces impervious lead walk from the sidewalk to their residence with pervious paving; or e) removes paving and replaces it with plantings (grasses, perennials, shrubs, trees). <p>6. Modify Special Tree Removal/Permit section of DCMR, to allow impervious surface removal and LID implementation as mitigation options when a tree is removed and the loss must be mitigated.</p>	
		<p>Timeframe: April 2011 - September 2012</p>	
		<p>Lead: SWM-WG</p>	<p>Cost: \$30,000²</p>
		<p>7. Implement the adopted options into an initiative, which would be operated at the staff level, including the proper technical reviews.</p> <p>8. Public Space Permits to track facilities and update database (for maintenance).</p>	
		<p>Timeframe: October 2012 – September 2013</p>	
<p>Lead: PPSA-PS</p>	<p>Cost: \$10,000²</p>	<p>Lead : SWM-WG</p>	
<p>Cost: \$25,000^{5 or 6} (Plus Strategy 5, step 14)</p>			

ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

**2009 Summer
Supp.**

**West Group
Publisher**

To amend the District Department of the Environment Establishment Act of 2005 to establish stormwater management programs to reduce the amount of stormwater pollutants that are discharged into District rivers and streams and to collect scientific data on the effects of low impact development on reducing stormwater runoff and the potential for aggressive use of low impact development technologies to reduce the cost and size of any large-scale civil engineering solutions to reducing stormwater pollution of the area's waterways, to expand the authority and responsibilities of the Director of the District Department of the Environment relating to Stormwater Permit compliance and activities, to elevate the Stormwater Permit Compliance Enterprise Fund to the program level and to include fund activities in the Mayor's annual budget, to establish a Stormwater User Fee Discount Program to offer incentives to encourage the installation of innovative stormwater management controls, to provide for the reduction of impervious surfaces in public space, to institutionalize progressive stormwater management practices for District agencies, to expand the membership of the Stormwater Advisory Panel to improve stormwater management coordination between District agencies, and to create limitations on the usage and sale of coal tar pavement product; to amend the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 to modify the stormwater user fee structure using a city-wide impervious area methodology, and thereby establish a more accurate and equitable assessment of stormwater runoff generated from properties, and the costs associated with managing that runoff, to provide adequate and stable funding for MS4 permit implementation, to permit owners of properties charged stormwater user fees to contest stormwater user fee bills, and to require the Mayor to offer financial assistance programs to mitigate the impact of increases in stormwater user fees on low-income residents of the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Stormwater Management Enhancement Amendment Act of 2008".

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Sec. 2. The District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 8-151.01) is amended to read as follows:

Amend
§ 8-151.01

“Sec. 101. Definitions.

“For the purposes of this act, the term:

“(1) “CapStat” means an accountability program that examines performance data to improve government services to make the District of Columbia government run more efficiently, using a methodical process for focusing the attention of government representatives on improving performance in priority issues that cross agency boundaries.

“(2) “DDOE” means the District Department of the Environment.

“(3) “Director” means the Director of the District Department of the Environment.

“(4) “Environment” means the physical conditions and natural resources of the District, including the land, air, water, minerals, flora, and fauna in the District, and the waters adjacent to the District.

“(5) “Environmental Management System” or “EMS” means an interagency data system to inventory, track, and report on progress towards performance standards and activities. The term “EMS” includes an adaptive management approach that incorporates planning, implementing, monitoring, evaluating, and adjusting the interagency data system.

“(6) “Impervious area stormwater user fee” or “stormwater user fee” means a fee that attributes the cost of conveying stormwater run-off via a sewer from a given property, to the quantity of stormwater run-off generated from that same property, by use of impervious surface as a surrogate metric.

“(7) “Impervious surface” means a surface area that either prevents or retards the entry of water into the ground as occurring under natural conditions, or that causes water to run off the surface in greater quantities or at an increased rate of flow, relative to the flow present under natural conditions.

“(8) “Low Impact Development” or “LID” means stormwater management practices that mimic site hydrology under natural conditions, by using design techniques in construction and development that store, infiltrate, evaporate, detain, or reuse and recycle runoff.

“(9) “MS4” means the Municipal Separate Storm Sewer System serving approximately two-thirds of the District, and comprised of 2 independent piping systems: one system for sewage from homes and businesses, and one system for stormwater.

“(10) “Natural conditions” means the state of the environment prior to anthropogenic intervention.

“(11) “Primacy” means the grant or delegation of authority under certain federal environmental laws that allows states and the District to assume primary authority to enforce and implement the environmental laws and promulgate regulations pursuant to those laws.

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“(12) “SDWA” means the Safe Drinking Water Act, approved December 16, 1974 (88 Stat. 1660; 42 U.S.C. § 300f *et seq.*).

“(13) “Sewer” shall have the same meaning as provided in section 201(9) of the Water and Sewer Authority Establishment and Department of Public Work Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.01(9)).”

“(14) “Stormwater best management practice” means a structure used to reduce the volume or the pollutant content of a stormwater discharge.

“(15) “Stormwater Permit” or “MS4 Permit” means NPDES No. DC0000221, issued April 20, 2000 to the District of Columbia by the Environmental Protection Agency.”.

(b) A new Title I-A is added to read as follows:

“TITLE I-A. STORMWATER MANAGEMENT.

“Sec. 151. Stormwater Administration.

“(a) There is established within the District Department of the Environment a Stormwater Administration (“Administration”), pursuant to section 103(b)(2). The Administration shall be responsible for monitoring and coordinating the activities of all District agencies, including the activities of the District of Columbia Water and Sewer Authority (“DC WASA”), which are required to maintain compliance with the Stormwater Permit. The Director shall designate a Stormwater Administrator to manage the Administration.

“(b) The expenses of the Administration shall be disbursed from the Stormwater Permit Compliance Enterprise Fund established pursuant to section 152.

“(c) The District Department of Transportation, the Department of Public Works, the Office of Planning, the Office of Public Education Facilities Modernization, the Office of Property Management, the Department of Parks and Recreation, and DC WASA, and any other District agency identified by the Director (“Stormwater Agencies”), shall comply with all requests made by the Director relating to stormwater related requests, compliance measures, and activities, including the adoption of specific standards, and the submission of information, plans, proposed budgets, or supplemental budgets related to stormwater activities. In coordination with the submission of the report required by subsection (f) of this section, the Stormwater Agencies shall submit annual reports of steps implemented to fulfill or exceed their MS4 Permit obligations, as defined by the Director.

“(d) At least once each fiscal year in a CapStat or comparable session, the Mayor shall review the compliance of the Stormwater Agencies with the requests made by the Director relating to MS4 Permit compliance and activities.

“(e) All budgets submitted by the Mayor to the Council shall include a written determination by the Director of whether the budget adequately funds MS4 Permit compliance and activities. The Director shall inform the Council of any deficiency, and indicate the revisions that shall be made to correct the deficiency.

“(f) The Director shall provide to the Mayor, the Council, and the public, the annual report submitted to the Environmental Protection Agency (“EPA”) under the terms of the Stormwater Permit.

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“(g) Within one year of the effective date of this section, the Director shall institute an Environmental Management System to inventory, track, and report on pollution prevention and stormwater management activities, and to hold the Stormwater Agencies accountable for progress toward meeting the performance standards and obligations required to meet the stormwater management plan of the Stormwater Permit.

“Sec. 152. Stormwater Permit Compliance Enterprise Fund.

“(a) There is established within the District Department of the Environment a Stormwater Permit Compliance Enterprise Fund (“Enterprise Fund”), pursuant to section 103(b)(2). The Director shall allocate the Fund resources to carry out the MS4 Permit activities that have the greatest impact on reducing stormwater pollution.

“(b) Beginning in fiscal year 2010 and each year thereafter, the Mayor shall propose the Fund with an agency level budget. The Mayor shall submit to the Council, as part of the annual budget, proposed budgets that include expenditures of the Enterprise Fund for stormwater programs, including intra-District funds sufficient to fulfill the MS4 Permit obligations of the Stormwater Agencies. The proposed budgets may include funding for large-scale, multiyear projects. The Mayor shall establish benchmark and performance-measure outcomes that connect stormwater programs with funding levels.

“(c) All revenues, proceeds, and moneys collected from the stormwater user fee or from grants made for stormwater activities that are collected or received, shall be credited to the Enterprise Fund and shall not, at any time, be transferred to, lapse into, or be commingled with the General Fund of the District of Columbia, the Water and Sewer Authority General Fund, the Cash Management Pool, or any other funds or accounts of the District of Columbia.

“(d) Monies from the Enterprise Fund shall only be used to fund the costs of complying with the MS4 Permit, including grants for stormwater activities, all administrative, operating, and capital costs of DC WASA and the agencies identified by the Director as having specific responsibilities under the, MS4 Permit and the Stormwater Administration established pursuant to section 151. The Enterprise Fund shall also be used for DC WASA’s costs of billing and collecting the stormwater user fee, as authorized by District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 104; D.C. Official Code § 34-2101.01 *et seq.*).

“(e) Monies shall not be disbursed from the Enterprise Fund for costs associated with:

“(1) Stormwater management activities carried out prior to April 20, 2000, except to the extent those costs increased to comply with the terms of the Stormwater Permit; or

“(2) Stormwater management activities otherwise required by law or regulation, unless specifically permitted by the Director.

“(f) Within 90 days of the effective date of this section, the Office of the Chief Financial Officer shall convene quarterly meetings to coordinate with the fiscal officers of the Stormwater Agencies to ensure that each agency can access the Enterprise Fund to implement its activities in a timely manner.

“Sec. 153. Stormwater User Fee Discount Program.

“(a) Within one year of the enactment of an impervious area stormwater user fee by DC

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WASA, the Mayor shall establish a Stormwater User Fee Discount Program to be coordinated between DC WASA and the Administration.

“(b) The program shall allow property owners who implement measures to manage stormwater runoff from their properties to receive a discount on the stormwater user fee assessed to them under section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.16).

“(c) Stormwater user fee discounts approved by the Mayor shall be retroactive to no earlier than the date of the implementation of the impervious area stormwater fee. A property owner may not qualify for a stormwater user fee discount until the stormwater management measures for which they seek a discount are demonstrated to be fully functional.

“(d) Any discount earned under this section will be revocable upon a finding by the Mayor of non-performance. Upon a finding of non-performance, the Mayor may require reimbursement of any portion of fees discounted to date.

“(e) Findings of non-performance by the Mayor may be appealed by an applicant pursuant to rules established by the Mayor.

“(f) Failure to reimburse may result in a lien being placed upon the property without further notice to the owner. The Mayor may enforce the lien in the same manner as in District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 102; D.C. Official Code § 34-2407.02).

“Sec. 154. Stormwater management and Low Impact Development grants.

“(a) The Mayor, in coordination with DC WASA, shall establish a grant program to provide Enterprise Funds for grants and direct services to property owners in the District to employ LID or stormwater best management practices.

“(b) Funding for such grants will be contingent on maintaining adequate Enterprise Funds to address District obligations pursuant to the MS4 Permit.

“(c) Within one year of the effective date of this section, the Director of the Department of Transportation (“DDOT”) shall submit to the Director an action plan recommending policies and measures to reduce impervious surfaces and promote LID projects in the public space. The action plan shall incorporate:

“(1) New DDOT policies to reduce impervious surface and employ other LID measures in right-of-way construction projects and retrofit projects;

“(2) A revised DDOT public space permitting process and the development of a mechanism to minimize stormwater runoff from the public right-of-way;

“(3) Requirements and incentives for private developers to reduce impervious surface and employ LID measures when their projects extend into the public right-of-way;

“(4) Policies, including fees, for the use of public space to manage stormwater runoff from private property;

“(5) Policies to address ongoing maintenance of LID or stormwater best management practices installed in public right-of-way areas adjacent to private property;

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“(6) Strategies to remove impediments to LID projects on residential properties relating to public space; and

“(7) Costs for each recommendation and a recommended timeline for funding in the Mayor’s proposed budget. The Mayor shall incorporate these recommendations in the next and subsequent proposed annual budgets.

“(d)(1) Within one year of the effective date of this section, the Director, together with the Stormwater Agencies, shall prepare a study recommending policies and measures developed to implement LID and stormwater best management practices on District properties. The Mayor shall incorporate these recommendations in the next and subsequent proposed annual budgets.

“(2) For each LID or stormwater best management practice installed, the Mayor shall require a maintenance agreement by District agencies to provide for their ongoing operation and maintenance to ensure installed practices continue to function as designed and installed to provide stormwater pollution reductions.

“(e) The Director shall include among DDOE’s public educational efforts a campaign to inform the public on the benefits of preventing pollution from stormwater runoff, and to provide recommendations on how the general public can help keep the District’s waterways free of pollution. The Director shall also initiate outreach actions with upstream jurisdictions to encourage their implementation of similar stormwater reduction activities.

“(f) The Director shall work with DC WASA to collect and evaluate scientific data on the effects of low impact development on reducing stormwater runoff to develop a plan for aggressive use of low impact development technologies to reduce the cost and size of any large-scale civil engineering solutions to reducing stormwater pollution of the area’s waterways. The Director shall inform the Stormwater Advisory Panel, and representatives of upstream jurisdictions, the Washington Metropolitan Area Transit Authority, and the federal government of the scientific data and analyses drawn from the data.

“Sec. 155. Stormwater Advisory Panel.

“(a) There is established within the District Department of the Environment a Stormwater Advisory Panel (“Panel”), pursuant to section 103(b)(2). The Panel shall coordinate the responsibilities of the agencies and DC WASA, and shall prepare comprehensive recommendations to the Council that identify the best means by which the District can meet or exceed all present and future federal regulatory and permit requirements, pertaining to the discharge of stormwater into receiving waters.

“(b) The Panel shall be comprised of the executive officers with responsibilities pursuant to the MS4 Permit, with oversight responsibility for the administrative and financial aspects of stormwater management, or that engage in activities that impact the District’s stormwater discharge:

“(1) The members of the Panel shall be:

“(A) The City Administrator;

“(B) The Chief Financial Officer;

“(C) The Director, who will serve as the Panel’s Chair;

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- “(D) The Stormwater Administrator;
- “(E) The Director of the Department of Transportation;
- “(F) The Director of the Department of Public Works;
- “(G) The Director of the Office of Planning;
- “(H) The Director of the Office of Public Education Facilities

Modernization;

- “(I) The Director of the Office of Property Management;
- “(J) The Director of the Department of Parks and Recreation; and
- “(K) The General Manager of DC WASA.

“(2) The Director may designate additional members from other agencies whose activities impact the District’s stormwater runoff.

“(3) The Director shall engage and encourage participation from representatives of the Washington Metropolitan Area Transit Authority and the federal government, including the U.S. General Services Administration and the National Parks Service.

“(c) The Panel shall hold its first meeting within 90 days of the effective date of this section. The Panel shall hold at least one public hearing to receive testimony from citizens with respect to the issues stated in subsection (e)(1) and (2) of this section.

“(d) The Panel shall meet at least 2 times each year.

“(e) The Panel shall provide its recommendations in the annual report required to be submitted to EPA Region III under the MS4 Permit. The report shall make specific findings on:

“(1) Whether the existing allocation of stormwater management responsibilities among District agencies are capable of fulfilling or exceeding present and future regulatory requirements for stormwater discharge, and if not, what changes need to be made or new government entities created;

“(2) Comprehensive recommendations, specific standards adopted, and steps implemented by the respective agency to fulfill or exceed its obligation to meet its share of federal regulatory and MS4 Permit requirements pertaining to the discharge of stormwater into receiving waters; and

“(3) Whether the existing stormwater user fee structure and rates are equitable and sufficient for the District to fulfill or exceed its present and future regulatory requirements for stormwater discharge, and, if not, what changes in fee structure and rate would be required to fulfill these responsibilities.

“(f) Within one year of the effective date of this section, the Panel shall provide to the Council and the Mayor a study of the needs for achieving water quality compliance from the District’s stormwater runoff.

“(g) Panel members shall ensure that their agencies participate in the Environmental Management System to track compliance with the District’s MS4 Permit obligations and other stormwater management responsibilities required to reduce pollution to the District’s waters.

“(h) Within 120 days after the effective date of this act, the Panel shall establish a Technical Working Group (“TWG”) of agency technical staff.

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“(1) The TWG shall consist of the following 14 members:

“(A) Each Panel member shall appoint one member of the TWG.

“(B) The Mayor, the Chairman of the Council of the District of Columbia, and the Chairman of the Council committee with oversight over the District Department of the Environment shall each appoint one member; provided, that the appointees shall be non-agency stakeholders who are geographically diverse, and shall have expertise in stormwater management, land development, hydrology, natural resources conservation, environmental protection, environmental law, or other similar stormwater management expertise.

“(2) TWG members shall serve a 2-year term, and without compensation.

“(3) The Chairperson of the TWG shall be the Stormwater Administrator.

“(4) The TWG shall attend monthly meetings with the Stormwater Administrator and coordinate tracking and reporting of stormwater management activities of their agencies’ efforts. The TWG shall also:

“(A) Advise the Panel on technical matters and respective agency MS4 Permit compliance requirements;

“(B) Make recommendations to the Panel regarding existing District agency rules, regulations, and policies that might create barriers to the implementation of LID or stormwater best management practices in the District; and

“(C) Suggest programmatic incentives for best management practices which were successfully implemented in other jurisdictions to promote the implementation of these stormwater management practices on new and existing properties in the District.

“(5) DDOE shall provide staff assistance to the TWG.”.

(c) A new Title I-B is added to read as follows:

“TITLE I-B. PRODUCT LIMITATION OF STORMWATER MANAGEMENT.

“Sec. 181. Coal tar limitations.

“(a) For the purposes of this section, the term “coal tar pavement product” means a material that contains coal tar and is for use on an asphalt or concrete surface, including a driveway or parking lot.

“(b) No person shall sell, offer for sale, use, or permit to be used, on property he or she owns, a coal tar pavement product.

“(c)(1) Any person who violates this section shall be liable to the District for a civil penalty in an amount not to exceed \$ 2,500 for each violation.

“(2) For any violation, each day of the violation shall constitute a separate offense and the penalties prescribed shall apply separately to each offense.

“(3) Adjudication of any infraction of this section shall be pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

“(d) This section shall apply as of July 1, 2009.”.

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Sec. 3. The Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2201.01 *et seq.*), is amended as follows:

(a) Section 201(9A) and (9B) (D.C. Official Code § 34-2202.01(9A) and (9B)) are repealed. Amend
§ 34-2202.01

(b) Sections 206a, 206b, and 206c (D.C. Official Code §§ 34-2202.06a, 34-2202.06b, and 34-2202.06c) are repealed. Repeal
§§ 34-
2202.06a,
34-2202.06b,
34-2202.06c

(c) Section 216 (D.C. Official Code § 34-2202.16) is amended as follows:

(1) Subsections (d-1) through (d-3) are amended to read as follows:

“(d-1) The Authority shall collect a stormwater user fee established by the Director of the District Department of the Environment (“Director”), which charge the Director shall establish by rule and may from time to time amend. Amend
§ 34-2202.16

“(d-2) The fee shall be collected from each property in the District of Columbia, and shall be based on an impervious area assessment of the property.

“(d-3) The Mayor shall coordinate the development and implementation of the MS4 stormwater user fee with DC WASA’s impervious area surface charge, to ensure that both fee systems employ consistent methodologies.”.

(2) New subsections (d-4), (d-5), (d-6), and (d-7) are added to read as follows:

“(d-4) The Mayor shall offer financial assistance programs to mitigate the impact of any increases in stormwater user fees on low-income residents of the District, and shall evaluate the applicability of similar existing District low-income assistance programs to the stormwater user fee.

“(d-5) A landlord shall not pass a stormwater user fee charge to a tenant which is more than the stormwater user fee charge prescribed by the Director

“(d-6) The stormwater user fee shall be the obligation of the property owner. Failure to pay the stormwater user fee shall result in a lien being placed upon the property without further notice to the owner. The Mayor may enforce the lien in the same manner as in section 104 of the District of Columbia Public Works Acts of 1954, approved May 18, 1954 (68 Stat.102; D.C. Official Code § 34-2407).

“(d-7) Any owner or occupant of a property that is charged a stormwater user fee may contest a stormwater user fee bill rendered for managing stormwater runoff, according to the same procedures provided to owners or occupants of properties that receive water and sewer services, under section 1805 of the District of Columbia Public Works Act of 1954, effective June 13, 1990 (D.C. Law 8-136; D.C. Official Code § 34-2305).”.

Sec. 4. Rules.

Within 180 days of the effective date of this act, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding

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Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated December 15, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION



ADMINISTRATIVE ISSUANCE SYSTEM

DEPARTMENTAL ORDER NO. 06-2010

DATE: October 18, 2010

SUBJECT: DDOT Complete Streets Policy

WHEREAS, The District and the nation have seen significant improvements and innovations in transportation and technology;

WHEREAS, The District enjoys a rich and diverse population in ethnicity, lifestyle, generation, and family type;

WHEREAS, The mission of DDOT is to develop and maintain a cohesive, sustainable transportation system that delivers safe, affordable, and convenient ways to move people and goods — while protecting and enhancing the environmental and cultural resources of the District;

WHEREAS, DDOT is committed to achieving an exceptional quality of life in the nation's capital through more sustainable travel practices, safer streets, and outstanding access to goods and services, and central to this commitment is providing next-generation, energy-efficient alternatives to single occupancy driving in the District;

WHEREAS, DDOT has created this Complete Streets Policy to maintain and accommodate the diverse needs of all people, to promote economic activity and goods movement, to enhance the natural environment within the right of way for users and wildlife, and maintain flexibility in implementation, and to remain consistent with DDOT's mission and vision; and

WHEREAS, The expected outcome of this policy is to expand and enhance the entire transportation network for all modes while maintaining existing or future priorities along each corridor;

NOW THEREFORE, By virtue of the authority vested in me as Director of the District Department of Transportation by section 3 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02, it is hereby **ORDERED** that DDOT employees will use the Complete Streets Policy in the development, execution and evaluation of DDOT projects:

I. Policy

- a. The District's transportation network as a whole shall accommodate the safety and convenience of all users, recognizing that certain individual corridors have modal priorities. While these priorities should remain and be encouraged along specific corridors, connectivity throughout the network for users of all modes is essential. Examples of modal priorities include, but are not limited to, residential streets, green streets, school routes, and corridors that are important to transit, freight, commuter traffic, retail;
- b. All transportation projects shall reflect the land-use, transportation, and green space needs of the city-wide transportation network, be sensitive to its various contexts, and should improve, not diminish, network connectivity;
- c. All transportation and other public space projects shall accommodate and balance the choice, safety, and convenience of all users of the transportation system including pedestrians, users with disabilities, bicyclists, transit users, motorized vehicles and freight carriers, and users with unique situations that limit their ability to use specific motorized or non-motorized modes to ensure that all users, especially the most vulnerable can travel safely, conveniently and efficiently within the right of way;
- d. Pedestrian, bike, and transit Level of Service (LOS), in addition to vehicle measurements, shall be evaluated to ensure proposed alternatives balance, as appropriate, the needs of all users of the right of way.
 - i. The planner or designer shall calculate and design for an appropriate combination of LOS that accommodates all users;
 - ii. The planner and designer shall also refer to previously established plans to ensure consistency;
- e. Wherever possible, projects should help DDOT achieve goals as set by the Action Agenda or subsequent strategic plan;
- f. Improvements to the right of way shall consider environmental enhancements including, but not limited to: reducing right-of-way storm water run-off, improving water quality, prioritizing and allocating sustainable tree space and planting areas (both surface and subsurface), reusing materials and/or using recycled materials, and promoting energy conservation and efficiency wherever possible;

II. Procedures

- a. The aforementioned policies shall be employed in all transportation planning, design, review, operations, major maintenance projects (such as milling and overlay), new construction and reconstruction projects, except where prohibited by federal and District law (such as interstates, non-motorized trails);
- b. Routine daily maintenance and operation activities (such as potholes and cracked ceilings) are specifically exempt from this Policy. Any other exceptions require written justification, documentation, and approval by the DDOT Director or Delegate. Exceptions may be granted based upon documented safety issues, excessive cost, or absence of need.

III. Issuance Applicability

This Order is to be given to each DDOT employee for his or her review based on the applicability of this policy to his or her job.

IV. Applicability

This Order shall apply to all DDOT employees.

V. Effective Date

This policy shall take effect immediately upon the execution of this Order.

Gabe Klein
Director



Date

10/18/10