

### **3.13 Proprietary Practices**

**Definition.** Proprietary practices are manufactured stormwater treatment practices that utilize settling, filtration, absorptive/adsorptive materials, vortex separation, vegetative components, and/or other appropriate technology to manage the impacts stormwater runoff

Proprietary practices may be used to achieve treatment compliance, provided they have been approved by the District and meet the performance criteria outlined in this specification. Historically, proprietary practices do not provide retention volume. Proprietary practices will not be valued for retention volume unless the practice can demonstrate the occurrence of retention processes.

#### **3.13.1 Proprietary Practice Feasibility Criteria**

Individual proprietary practices will have different site constraints and limitations. Manufacturer's specifications should be consulted to ensure that proprietary practices are feasible for application on a site-by-site basis.

#### **3.13.2 Proprietary Practice Conveyance Criteria**

All proprietary practices must be designed to safely overflow or bypass flows from larger storm events to downstream drainage systems. The overflow associated with the 2-year and 15-year design storms must be controlled so that velocities are non-erosive at the outlet point (i.e., to prevent downstream erosion).

Manufactured treatment devices may be constructed on-line or off-line. On-line systems receive upstream runoff from all storms, providing runoff treatment for the stormwater quality design storm and conveying the runoff from larger storms through an overflow. In off-line devices, most or all of the runoff from storms larger than the stormwater quality design storm bypass the device through an upstream diversion or other mechanism.

#### **3.13.3 Proprietary Practice Pretreatment Criteria**

Individual proprietary practices may require pretreatment, or may be appropriate for use as pretreatment devices. Manufacturer's specifications should be consulted to determine the device-specific pretreatment requirements.

#### **3.13.4 Proprietary Practice Design Criteria**

The basic design parameters for a proprietary practice will depend on the techniques it employs to control stormwater runoff and remove particulate and dissolved pollutants from runoff. In general, the design of devices that treat runoff with no significant storage and flow rate attenuation must be based upon the peak design flow rate. However, devices that do provide storage and flow rate attenuation must be based, at a minimum, on the design storm runoff volume and, in some instances, on a routing of the design runoff hydrograph. Hydrologic design is discussed further in Appendix H.

Appendix S includes details of the verification process and the required data submittals for determination of proprietary practice performance.

### **3.13.5 Proprietary Practice Landscaping Criteria**

Proprietary devices may or may not require landscaping considerations. Manufacturer's specifications should be consulted to determine any landscaping requirements for the device.

### **3.13.6 Proprietary Practice Construction Sequence**

The construction and installation of individual proprietary practices will vary based on the specific proprietary practice. Manufacturer's specifications should be consulted to determine the device specific construction sequencing requirements. DDOE's construction inspection checklist for generic structural BMPs can be found in Appendix K.

### **3.13.7 Proprietary Practice Maintenance Criteria**

In order to ensure effective and long-term performance of a proprietary practice, regular maintenance tasks and inspections are required.

All proprietary practices should be inspected by a qualified professional and maintained in accordance with the manufacturer's instructions and/or recommendations and any maintenance requirements associated with the device's verification by DDOE.

DDOE's maintenance inspection checklist for generic structural BMPs and the Maintenance Service Completion Inspection form can be found in Appendix L.

**Declaration of Covenants.** A declaration of covenants that includes all maintenance responsibilities to ensure the continued stormwater performance for the BMP is required. The declaration of covenants specifies the property owner's primary maintenance responsibilities, and authorizes DDOE staff to access the property for inspection or corrective action in the event the proper maintenance is not performed. The declaration of covenants is attached to the deed of the property. A template form is provided at the end of Chapter 5 (see Figure 5.4), although variations will exist for scenarios where stormwater crosses property lines. The covenant is between the property and the Government of the District of Columbia. It is submitted through the Office of the Attorney General. All SWMPs have a maintenance agreement stamp that must be signed for a building permit to proceed. A maintenance schedule must appear on the SWMP. Additionally, a maintenance schedule is required in Exhibit C of the declaration of covenants.

Covenants are not required on government properties, but maintenance responsibilities must be defined through a partnership agreement or a memorandum of understanding.

**Waste Material.** Waste material from the repair, maintenance, or removal of a BMP or land cover shall be removed and disposed of in compliance with applicable federal and District law.

### **3.13.8 Proprietary Practice Stormwater Compliance Calculations**

Proprietary practices receive retention value when explicitly approved by the District. Pollutant removal (TSS EMC reduction) may be awarded for specific practices provided that they meet the performance criteria outlined in Section 3.13.4. Proprietary Practice Design Criteria.

