

**Focused Session on Erosion and Sediment Control - Summary of Discussion**  
District's Proposed Rulemaking on Stormwater Management and Soil Erosion and Sediment  
Control and Draft Stormwater Management Guidebook

**Date:** November 1, 2012

**Attendees:**

Daniel Arking – Holland and Knight  
Jim Ashe – Washington Metropolitan Area Transit Authority (WMATA)  
Dan Duke – Bohler  
Brian McLaughlin – WC Smith  
Suzanna Sterling-Dyer – WMATA  
Andrew Williamson – Balfour Beatty

On behalf of DDOE:

Alan Barak  
Sheila Besse  
Tim Karikari  
Maria Reddick  
Brian Van Wye

[The conversation tracked Erosion and Sediment Control (ESC) questions submitted by the DC Building Industry Association (DCBIA) and responded to by DDOE in a document dated October 26, 2012. The document is available at <http://ddoe.dc.gov/node/367152>. The numbering of questions comes from that document. The notes below represent additional comments not already captured in the October 26 document.]

**Related to Question III.1**

**Comment:** This requirement will end up forcing the phasing of some projects and thereby significantly increase costs. Though DDOE may have experience with some large projects where there have been problems, there are many other projects where large areas are exposed without ESC being a problem. DDOE might consider limiting the maximum area that can drain into a given type of ESC practice. That is the direction that Virginia, Maryland, and Pennsylvania are headed.

Another thought is that this could be tied into the “Responsible Person” requirement in § 547, so that such a person would have to be on site at all times during construction, above a certain threshold size.

A complicating problem on some sites is that there is sometimes a disconnect between DDOE plan reviewers and inspectors, with DDOE inspectors changing the ESC design that has been approved by a plan review engineer, even in situations where there has not been any failure at all related to ESC.

**DDOE:** DDOE plans to give further consideration to how to achieve the environmental objective without imposing undue constraints. Please include specific examples in comments of how this requirement would become a problem on sites.

### **Related to Question III.2**

**Question:** What constitutes contamination for the purposes of this section? Is this just meant to apply to situations where contamination can be seen or smelled? Is focus on fuel-related components addressed through Underground Storage Tank (UST) program or other substances such as cinder ballast? This rule may not be the right format and place for these requirements. It may make more sense to stick with the existing process and procedure until a more detailed rule on this topic is developed.

**DDOE:** DDOE recognizes the need to be more specific and plans to give its approach further consideration.

### **Related to Question III.4**

**Question:** What is meant by “topsoil?” The term has different meanings for geologists versus contractors? This should be clarified.

**DDOE:** DDOE’s intent here is for soil to be used that will adequately support seed growth.

**Comment:** It would be helpful to specify that or describe it as having high organic content or something to that effect.

### **Related to Question III.6**

**Comment:** DDOE’s written response to the question is helpful, but it still seems overly broad.

**DDOE:** The intent has to do with being able to require additional technical information, when necessary in a site-specific circumstance.

**Comment:** It would be more acceptable if it were limited to a request for additional technical detail that is germane to implementation of practices.