

## **Section 3.12 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 runoff reduction processes.

### **3.12.1 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.

### **3.12.2 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-yr and 15-yr design storms should 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.

### **3.12.3 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.

### **3.12.4 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.

DDOE will determine performance based on its evaluation of data submitted for proprietary practices. The evaluation process shall be based upon one of the following:

1. Verification of the device's runoff reduction contribution and TSS removal rates by DDOE. This verification should be conducted in accordance with an established protocol to ensure that technologies are evaluated in a uniform manner assuring minimum standards for quality assurance and quality control (QA/QC).
2. Verification of the device's runoff reduction contribution and TSS removal rates by another state or government agency, provided that such verification is conducted in accordance with a protocol that is accepted by DDOE.

Appendix T includes details of the verification process and the required data submittals.

### **3.12.5 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.

### **3.12.6 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.

### **3.12.7 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 and maintained in accordance with the manufacturer's instructions and/or recommendations and any maintenance requirements associated with the device's verification by DDOE.

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. An example form is provided at the end of Chapter 5 though variations will exist for scenarios where stormwater crosses property lines. The covenant is between the property and the District Government. It is submitted through the Office of the Attorney General (OAG). 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 schedule 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 from the repair, maintenance, or removal of a BMP or land cover change shall be removed, and the maintenance contractor shall submit a written report to DDOE within forty-eight (48) hours after disposing of the waste material. The report shall include:

- (a) The name, address, phone number, and business license number of the contractor transporting the waste materials;
- (b) Date of removal;
- (c) The address of the BMP;
- (d) Type of BMP serviced;
- (e) Amount and type of waste material removed;
- (f) The name and location of the facility where the waste material was disposed of; and
- (g) A sworn statement that disposal was in compliance with applicable federal and District law.

### **3.12.8 Proprietary Practice Stormwater Compliance Calculations**

Proprietary practices will receive no retention value unless 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 3.12.4. Proprietary Practice Design Criteria*.

### **3.12.9 References**

No references.