

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 10-166

"Soil Erosion and Sedimentation Control Amendment Act of 1994".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 10-536 on first and second readings, June 7, 1994, and June 21, 1994, respectively. Following the signature of the Mayor on July 8, 1994, this legislation was assigned Act No. 10-279, and published in the July 22, 1994, edition of the D.C. Register (Vol.41 page 4892) and transmitted to Congress on July 15, 1994 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-166 effective August 26, 1994.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 15,18,19,20,21,22,25,26,27,28,29

August 1,2,3,4,5,8,9,10,11,12,15,16,17,18,19,22,23,24,25

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 8, 1994

To amend the Construction Codes Approval and Amendment Act of 1986 and title 12 of the District of Columbia Municipal Regulations to require federal facilities to obtain permits for land disturbing activities; and to amend title 8 of the Health Regulations of the District of Columbia to remove an exemption for federal facilities from compliance with the Soil Erosion and Sedimentation Control Act of 1977.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Soil Erosion and Sedimentation Control Amendment Act of 1994".

Sec. 2. Section 4(c) of the Construction Codes Approval and Amendment Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Code § 5-1303(c)), is amended to read as follows:

Section
5-1303

"(c) Except for permit requirements for land disturbing activities, the Construction Codes shall not apply to public buildings or premises owned by the United States government, including appurtenant structures and portions of buildings, premises, or structures, that are under the exclusive control of an officer of the United States government in his or her official capacity. If a lessor is responsible for the maintenance and repairs to property leased to the United States government, the property shall not be deemed to be under the exclusive control of an officer of the United States government."

Sec. 3. Section 100.3.1 of title 12 of the District of Columbia Municipal Regulations is amended to read as follows:

DCMR

"100.3.1 *Exemption from jurisdiction:* Except for permit requirements for land disturbing activities, the Construction Codes shall not apply to public buildings or premises owned by the United States government, including appurtenant structures and portions of buildings, premises, or structures, that are under the exclusive control of an officer of the United States government in his or her official capacity. If a lessor is responsible for the maintenance and repairs to property leased to the United States government, the property shall not be deemed to be under the exclusive control of an officer of the United States government."

Sec. 4. Part 8, chapter 2 of title 8 of the Health Regulations of the District of Columbia, effective December 26, 1969 (21 DCMR 500 *et seq.*), is amended as follows:

(a) Section 8-2:802(e) (21 DCMR 599.1) is amended to read as follows:

"(e) **Land Disturbing Activity** - any earth movement or land change which may result in soil erosion from water or wind and the movement of sediments in the District of Columbia, including but not limited to, stripping, grading, excavating, transporting and filling of land, construction or demolition of buildings or structures. The term "Land disturbing activity shall not include any minor land disturbing activity such as:

"(1) Home gardening and individual home landscaping, repairs, and maintenance work;

"(2) Single family dwelling utility service connections and construction thereof or utility construction where the excavated material is removed from the job site;

"(3) Tilling, planting, or harvesting of agricultural or horticultural crops;

"(4) Installation of fence and sign posts or poles; or

"(5) Emergency work to protect life, limb or property, and emergency repairs, provided that, if the land disturbing activity would have required an approved erosion and sedimentation control plan if the activity were not an emergency, then the land disturbed shall be shaped and stabilized in accordance with the requirements of the Department of Consumer and Regulatory Affairs."


(b) Section 8-2:808 (21 DCMR 508) is amended by adding new subsections (d) and (e) to read as follows:

"(d) Upon notice from the Director that work involving a land disturbing activity is being conducted contrary to the provisions of the Health Regulations of the District of Columbia, effective December 26, 1969 (21 DCMR 500 *et seq.*), or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing, state the conditions under which work may be resumed, and be given to the owner of the property involved, the owner's agent, or the person doing the work.

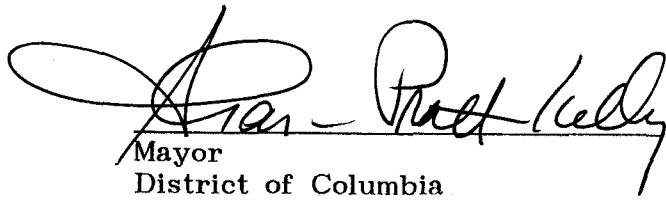
"(e) Any person who shall continue any work related to the particular land disturbing activity for which a stop work order has been served, except such work as that person is directed to perform to correct a violation or unsafe condition, shall be liable to a fine pursuant to section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Code § 6-2704)."

Sec. 5. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)),

and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: July 8, 1994



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 10-536

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-7-94

VOICE VOTE: Approved

Recorded vote on request Chavous

Absent: _____

ROLL CALL VOTE: -- RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

June 22, 1994
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 6-21-94

VOICE VOTE: Approved

Recorded vote on request _____

Absent: Barry, Lightfoot and Smith

ROLL CALL VOTE: -- RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

June 22, 1994
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request _____

Absent: _____

ROLL CALL VOTE: -- RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date