

# **DISTRICT OF COLUMBIA HAZARDOUS WASTE LAWS**

## **DISTRICT OF COLUMBIA HAZARDOUS WASTE MANAGEMENT ACT OF 1977** effective March 16, 1978, as amended (D.C. Law 2-64; D.C. Code §§ 8-1301 to 8-1322)

### **Section 8-1301. Purposes and Findings**

- (a) The purposes of this chapter are:
- (1) To insure safe and effective hazardous waste management;
  - (2) To establish a program of regulation over the generation, storage, transportation, treatment, and disposal of hazardous waste and fuel containing hazardous waste and the production, marketing, distribution, and burning of fuel produced from or containing hazardous waste; and
  - (3) To reduce or eliminate at the source, wherever feasible and as expeditiously as possible, the generation of hazardous waste and the release of toxic chemicals in the District of Columbia.
- (b) The Council of the District of Columbia finds that:
- (1) Increasing production and consumption rates, continuing technological development, and energy requirements have led to the generation of greater quantities of hazardous waste;
  - (2) The problems of disposing of hazardous waste are increasing as a result of air and water pollution controls and a shortage of available landfill sites;
  - (3) While it is technologically and financially feasible for hazardous waste generators to reduce and eliminate wastes generated, and to dispose of their wastes in a manner which has a less adverse impact on the environment than current practices, such knowledge is not being utilized to the extent possible;
  - (4) Even though the District of Columbia is not heavily industrialized, there is a significant daily hazardous waste disposal problem;

- (5) The public health and safety, and the environment, are threatened where hazardous wastes are not managed in an environmentally sound manner;
- (6) In accordance with section 101(b) of the Federal Solid Waste Disposal Act, approved November 8, 1984 (98 Stat. 3224; 42 U.S.C.S. § 6902(b)), it is the policy of the District of Columbia that, wherever feasible, the generation of hazardous waste and the release of toxic chemicals is to be reduced or eliminated as expeditiously as possible; and
- (7) Other states and local jurisdictions that have implemented source reduction technical assistance programs for businesses have shown programs to be cost-effective.

**HISTORY:** 1973 Ed., § 6-521; Mar. 16, 1978, D.C. Law 2-64, § 2, 24 DCR 6289; 1981 Ed., § 6-701; Aug. 10, 1984, D.C. Law 5-103, § 2(a), 31 DCR 3032; Oct. 18, 1989, D.C. Law 8-37, § 2(a), 36 DCR 5748; Mar. 8, 1991, D.C. Law 8-229, title I, § 102(a), 38 DCR 246.

## **Section 8-1302. Definitions**

For purposes of this chapter:

- (1) The term "disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment, be emitted into the air, or discharged into any waters, including ground waters.
- (1A) The term "guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator.
- (2) The term "hazardous waste" means any waste or combination of wastes of a solid, liquid, contained gaseous, or semisolid form which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, as established by the Mayor, may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Such wastes include, but are not limited to, those which are toxic, carcinogenic, flammable, irritants, strong sensitizers, or which generate pressure through decomposition, heat or other means, as well as containers and receptacles previously used in the transportation, storage, use or application of the substances described as a hazardous waste.
- (3) The term "generation" means the act or process of producing hazardous waste.
- (3A) The term "generator" means any person by site whose act or process produces hazardous waste or whose act first causes a hazardous waste to be subject to regulation.

- (3B) The term "manifest" means the form used for identifying the quantity, composition, and the origin, routing and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.
- (4) The term "Mayor" means the Mayor of the District of Columbia or his or her designated agent.
- (5) The term "person" means any individual, partnership, corporation (including a government corporation), trust, association, firm, joint-stock company, organization, commission, the District or federal government, or other entity.
- (5A) The term "person responsible" means a person who is or has been the generator of hazardous waste, the owner or operator of a site that contains or a vehicle that transports hazardous waste, or a person who by contract, agreement, or otherwise arranges or has arranged for disposal or treatment of hazardous waste.
- (5B)
  - (A) The term "source reduction" means any practice that:
    - (i) Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment, including fugitive emissions, prior to recycling, treatment, or disposal; and
    - (ii) Reduces the hazard to public health and the environment associated with the release of a hazardous substance, pollutant, or contaminant.
  - (B) The term "source reduction" includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.
  - (C) The term "source reduction" does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity that is not integral to and necessary for the production of a product or the provision of a service.
- (6) The term "storage" means containment in such a manner as not to constitute disposal.
- (6A) The term "toxic chemical" means a chemical or chemical category listed in *40 CFR 372.65*.
- (7) The term "transport" means the movement from the point of generation to any intermediate site, and finally to the point of ultimate storage or disposal.
- (8) The term "treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of a hazardous waste so as to neutralize or as to render it

nonhazardous, safer for transport, amenable for recovery or storage, or reduced in volume.

- (9) The term "treatment facility" means a location for treatment, including an incinerator or a facility where generation has occurred.

**HISTORY:** 1973 Ed., § 6-522; Mar. 23, 1978, D.C. Law 2-64, § 3, 24 DCR 6289; 1981 Ed., § 6-702; Aug. 10, 1984, D.C. Law 5-103, § 2(b), 31 DCR 3032; Oct. 18, 1989, D.C. Law 8-37, § 2(b), 36 DCR 5748; Mar. 8, 1991, D.C. Law 8-229, title I, § 102(b), 38 DCR 246; Feb. 5, 1994, D.C. Law 10-68, § 15(a), 40 DCR 6311.

### **Section 8-1303. Permits**

- (a) It is unlawful to own, construct, substantially alter, or operate any hazardous waste treatment, storage, or disposal facility or site or to generate, store, transport, treat, or dispose of any hazardous waste except in accordance with the terms of the permit issued by the Mayor for the facility, site, or activity.
- (b) The Mayor may issue, vary, or modify the terms of a permit or suspend, revoke, or deny a permit to achieve the purposes of this chapter, except that the Mayor may not issue a permit for a period that exceeds 10 years. The terms of any permit for a treatment, storage, or disposal facility shall require that the permit holder take corrective action within or beyond the facility boundary if necessary to protect human health and the environment. The Mayor may establish the appropriate permit fee according to costs associated with its issuance.
- (c) Any license issued pursuant to this section shall be issued as an Environmental Materials endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of Chapter 28 of Title 47.

**HISTORY:** 1973 Ed., § 6-523; Mar. 23, 1978, D.C. Law 2-64, § 4, 24 DCR 6289; 1981 Ed., § 6-703; Aug. 10, 1984, D.C. Law 5-103, § 2(c), 31 DCR 3032; Oct. 18, 1989, D.C. Law 8-37, § 2(c), 36 DCR 5748; Apr. 20, 1999, D.C. Law 12-261, § 2003(h), 46 DCR 3142; Oct. 28, 2003, D.C. Law 15-38, § 3(m), 50 DCR 6913.

### **Section 8-1304. Hazardous Waste Management Plan**

Within 6 months of the effective date of this chapter, the Mayor shall publish in the District of Columbia Register a hazardous waste management plan for the District of Columbia, which shall include, as a minimum:

- (1) A description of the criteria for determining what constitutes a hazardous waste;
- (2) Identification of the types and quantities of hazardous wastes generated in the District of Columbia, of hazardous wastes which may be amenable for recycling or reuse, of current hazardous waste management practices, of proper procedures for the handling, storage and transportation of hazardous wastes and

of the best methods and facilities or sites (including possible extrajurisdictional sites) for the storage, treatment or disposal of hazardous wastes; and

- (3) A comparison of the alternatives, costs and benefits of public and private transportation, storage, treatment, and disposal of hazardous wastes.

**HISTORY:** 1973 Ed., § 6-524; Mar. 23, 1978, D.C. Law 2-64, § 5, 24 DCR 6289; 1981 Ed., § 6-704.

### **Section 8-1305. Rules and Regulations**

- (a) Within 3 months after publication of the plan required in § 8-1304, the Mayor shall adopt, in accordance with § 2-505, and may thereafter revise as appropriate, rules and regulations necessary to carry out the purposes and provisions of this chapter, including, but not limited to, rules and regulations regarding the following aspects of proper hazardous waste management:
  - (1) Criteria for determining what constitutes a hazardous waste;
  - (2) Generation, storage, treatment, and disposal of hazardous wastes;
  - (3) Transportation, containerization, and labeling of hazardous wastes (consistent with those issued by the United States Department of Transportation);
  - (4) On-site handling, including the separation and combination of hazardous wastes;
  - (5) Operation and maintenance of hazardous waste treatment or disposal facilities or sites;
  - (6) Certification of supervisory personnel at hazardous waste treatment or disposal facilities or sites;
  - (7) Procedures and requirements for the use of a manifest or form which identifies the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage;
  - (8) Marketing, distribution, and burning of fuel produced from a hazardous waste or containing a hazardous waste; and
  - (9) Requirements for on-site and off-site corrective action by owners or operators of a disposal, storage, and treatment facility.
- (b) At the time of publication of the proposed rules and regulations referred to in this section, a copy of the same shall be provided to the Council of the District of Columbia.
- (c) The proposed rules shall be submitted to the Council for a 45-day period of review excluding 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.

**HISTORY:** 1973 Ed., § 6-525; Mar. 23, 1978, D.C. Law 2-64, § 6, 24 DCR 6289; 1981 Ed., § 6-705; Aug. 10, 1984, D.C. Law 5-103, § 2(d), 31 DCR 3032; Oct. 18, 1989, D.C. Law 8-37, § 2(d), 36 DCR 5748.

### **Section 8-1306. Variance**

The Mayor may grant a variance not to exceed 180 days upon a showing that compliance with the requirements of this chapter or the rules and regulations promulgated pursuant thereto would result in an unreasonable financial hardship, and that the public health and welfare would not be endangered.

**HISTORY:** 1973 Ed., § 6-526; Mar. 23, 1978, D.C. Law 2-64, § 7, 24 DCR 6289; 1981 Ed., § 6-706.

### **Section 8-1307. Inspections; Analyses; Right of Entry; Notice; Posting**

- (a) For the purpose of enforcing this chapter or any rule or regulation promulgated pursuant to this chapter, the Mayor may at any reasonable time, within reasonable limits, and in a reasonable manner, upon presenting appropriate credentials to the owner, operator or agent in charge:
  - (1) Enter without delay any place where hazardous wastes are or have been generated, stored, treated, transported, or disposed;
  - (2) Inspect and obtain samples of any waste, or substance used in the treatment of waste;
  - (3) Inspect and copy any records, reports, information, or test results relating to the purposes of this chapter. Each such inspection shall be commenced and completed with reasonable promptness.
- (b) If the officer or employee obtains any samples prior to leaving the premises, he or she shall give to the owner, operator, or agent in charge, a receipt describing the sample obtained, and if requested, a portion of each such sample equal in volume or weight to the portion retained. If any analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.
- (c) When there is a threat to human health or the environment, or a release of hazardous waste into the environment, and the responsible party or address is unknown, or cannot be located, written notice shall be served by conspicuously posting the notice on the property where the threat exists or the release occurred and sending a copy to the last known address via certified mail.
- (d) When dangerous chemicals and hazardous waste on property pose an imminent threat to human health or the environment, the Mayor may post the property and restrict access. The posting shall provide the public with notice that a dangerous

condition exists and shall prohibit the owner from removing or handling the waste without prior approval by the Mayor.

**HISTORY:** 1973 Ed., § 6-527; Mar. 23, 1978, D.C. Law 2-64, § 8, 24 DCR 6289; 1981 Ed., § 6-707; Aug. 10, 1984, D.C. Law 5-103, § 2(e), 31 DCR 3032; Oct. 18, 1989, D.C. Law 8-37, § 2(e), 36 DCR 5748.

### **Section 8-1308. Appeal Procedures**

Any person adversely affected by an action taken pursuant to the provisions of this chapter or the rules and regulations promulgated thereto is entitled to a hearing before the Mayor upon filing with the Mayor, within 15 days of the date of such action, a written request for a hearing. Such hearing shall be held in accordance with other contested case procedures under the provisions of the District of Columbia Administrative Procedure Act (§ 2-509). The decision on the appeal shall be final.

**HISTORY:** 1973 Ed., § 6-528; Mar. 23, 1978, D.C. Law 2-64, § 9, 24 DCR 6289; 1981 Ed., § 6-708.

### **Section 8-1309. Suspension and Revocation of Permit**

- (a)
  - (1) The Mayor may suspend a permit issued in accordance with § 8-1303 if the holder of the permit is in violation of this chapter or the rules promulgated pursuant to the chapter.
  - (2) Written notice of the suspension shall be served upon the affected party or the party's designated agent.
- (b)
  - (1) Where a permit has been suspended, the person affected has the right to reapply for a permit.
  - (2) If the person is able to demonstrate an ability and willingness to comply with the permit and with the provisions of this chapter and the rules, the Mayor may grant a new permit.
- (c)
  - (1) Where there is a history of repeated violations or where a permit has been previously suspended, the Mayor may revoke a permit, upon a showing of subsequent violation, and upon providing the affected party, or the party's designated agent, with written notice of the intent to revoke the permit and with an opportunity for a hearing prior to revocation.
  - (2) The revocation shall take effect 15 days after the notice has been given, unless a written request for a hearing is received by the Mayor within that period.
- (d) The Mayor may immediately revoke a permit upon an initial violation of the chapter or the rules where the violation presents an imminent and substantial endangerment to the public health, the public welfare, or the environment.

**HISTORY:** 1973 Ed., § 6-529; Mar. 23, 1978, D.C. Law 2-64, § 10, 24 DCR 6289; 1981 Ed., § 6-709; Aug. 10, 1984, D.C. Law 5-103, § 2(f), 31 DCR 3032.

### **Section 8-1310. Injunction**

If the Mayor finds that any person is operating a storage, treatment, or disposal facility, or is generating or transporting hazardous wastes in an illegal, unsafe, or otherwise improper manner that endangers the public health, the public welfare, or the environment, the Mayor may request the Corporation Counsel to commence appropriate civil action in the Superior Court of the District of Columbia to secure a temporary restraining order, a preliminary injunction, a permanent injunction, or other appropriate relief.

**HISTORY:** 1973 Ed., § 6-530; Mar. 23, 1978, D.C. Law 2-64, § 11, 24 DCR 6289; 1981 Ed., § 6-710; Aug. 10, 1984, D.C. Law 5-103, § 2(g), 31 DCR 3032.

### **Section 8-1311. Penalties**

- (a) (1) Whenever the Mayor has reason to believe that there has been a violation of this chapter, the rules promulgated pursuant to this chapter, a threat to human health or the environment, or a release of hazardous waste into the environment, the Mayor may give written notice of the alleged violation, threat, or release to the person responsible and order the person to monitor, test, or take corrective measures that the Mayor considers reasonable and necessary.
- (2) The notice shall state the nature of the violation, threat, or release and allow a reasonable time for the performance of the necessary corrective measures.
  - (A) If a person fails to comply with the notice within the time period stated in the notice, the Mayor shall take corrective action necessary to alleviate or terminate the violation, threat, or release to protect human health or the environment.
  - (B) The Mayor may recover the costs of corrective action incurred by the District of Columbia government from any person responsible by requesting the Corporation Counsel to commence appropriate civil action in the Superior Court of the District of Columbia.
- (b) (1) Any person who violates this chapter or the rules shall be liable for a civil penalty in an amount not to exceed \$ 25,000 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.



- (c) (1) Any person who knowingly violates this chapter or the rules shall be punished by a fine not to exceed \$ 25,000 or imprisonment not to exceed 1 year, or both.
  - (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) Prosecutions for violations of this subsection shall be brought by the Corporation Counsel.
- (d) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this chapter, or any rules or regulations issued under the authority of this chapter, pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this chapter shall be pursuant to Chapter 18 of Title 2.

**HISTORY:** 1973 Ed., § 6-531; Mar. 23, 1978, D.C. Law 2-64, § 12, 24 DCR 6289; 1981 Ed., § 6-711; Aug. 10, 1984, D.C. Law 5-103, § 2(h), 31 DCR 3032; Oct. 5, 1985, D.C. Law 6-42, § 418, 32 DCR 4450; Oct. 18, 1989, D.C. Law 8-37, § 2(f), 36 DCR 5748.

### **Section 8-1312. Severability**

Each separate provision of this chapter shall be deemed independent of any other provision of this chapter, and if any provision, sentence, clause, section, or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this chapter or their application to other parts or circumstances. It is hereby declared to be the legislative intent that this chapter would have been enacted if such illegal, invalid, or unconstitutional provision, sentence, clause, section, or part had not been included therein, and if the person or circumstances to which this chapter or any part thereof is inapplicable had been specifically exempted therefrom.

**HISTORY:** 1973 Ed., § 6-532; Mar. 23, 1978, D.C. Law 2-64, § 13, 24 DCR 6289; 1981 Ed., § 6-712.

### **Section 8-1313. Dust Suppression and Road Treatment**

The use of waste, used oil, or other material, which is contaminated or mixed with dioxin or any other hazardous waste for dust suppression or road treatment in the District of Columbia, is prohibited.

**HISTORY:** Mar. 23, 1978, D.C. Law 2-64, § 15, as added Oct. 18, 1989, D.C. Law 8-37, § 2(g), 36 DCR 5748; 1981 Ed., § 6-713.

#### **Section 8-1314. Actions Against Guarantor**

- (a) Any claim arising from conduct of an owner or operator of a hazardous waste treatment, storage, or disposal facility for which evidence of financial responsibility is required, may be asserted directly against the guarantor that provides evidence of financial responsibility if:
  - (1) The owner or operator is in bankruptcy, reorganization, or arrangement pursuant to *11 U.S.C.S. § 101* et seq.; or
  - (2) The owner or operator is likely to be solvent at the time of judgment, but jurisdiction cannot be obtained with reasonable diligence in any state or federal court.
- (b) In any claim asserted against a guarantor pursuant to subsection (a) of this section, the guarantor shall be entitled to invoke all rights and defenses that would have been available to the owner or operator of the hazardous waste storage, treatment, or disposal facility if an action had been brought against the owner or operator by the claimant and that would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.
- (c) The total liability of any guarantor shall be limited to the aggregate amount that the guarantor has provided as evidence of financial responsibility to the owner or operator.

**HISTORY:** Mar. 23, 1978, D.C. Law 2-64, § 16, as added Oct. 18, 1989, D.C. Law 8-37, § 2(g), 36 DCR 5748; 1981 Ed., § 6-714.

#### **Section 8-1315. Hazardous Waste and Toxic Chemical Source Reduction**

Within 1 year from March 8, 1991, the Mayor shall:

- (1) Provide general information that publicizes the advantages of and opportunities for hazardous waste and toxic chemical source reduction, including the requirements of this subchapter, to government agencies, business and trade associations, business conferences, and trade fairs;
- (2) Prioritize and target business sectors that require the greatest assistance in accordance with § 8-1316;
- (3) Provide assistance to any business identified in § 8-1316, as well as other businesses, through the transfer of technical information from other source reduction programs, databases, and research institutes. The Mayor may facilitate research relationships with universities or other institutions to promote the purposes of this subchapter;
- (4) Establish, at a minimum, a library of source reduction literature pertinent to District businesses identified in accordance with § 8-1316 that contains an on-

line computer link-up with established pollution prevention data bases that include data bases operated by the United States Environmental Protection Agency ("EPA");

- (5) Prepare and present conferences, seminars, publications, and other programs as may be appropriate to provide targeted businesses with access to the information available on hazardous waste and toxic chemical source reduction;
- (6) Train designated inspectors to assess hazardous waste and toxic chemical source reduction plans and audits;
- (7) Secure funding and provide for coordination to the maximum extent practicable between designated District government agencies and the EPA to promote the use of source reduction techniques by businesses, training, and other programs in accordance with section 6605 of the Omnibus Budget Reconciliation Act of 1990, approved November 5, 1990 (Pub. L. No. 101-508) ("Pollution Prevention Act"); and
- (8) Assess and collect a fee on the generation of hazardous waste and emission of toxic chemicals.

**HISTORY:** Mar. 16, 1978, D.C. Law 2-64, § 17, as added Mar. 8, 1991, D.C. Law 8-229, title I, § 102(c), 38 DCR 246; 1981 Ed., § 6-731.

### **Section 8-1316. Identification of Major Generators of Hazardous Waste and Releasers of Toxic Chemicals**

- (a) Within 180 days of March 8, 1991, the Mayor shall determine and present to the Council a report that identifies the following:
  - (1) Businesses that belong to the 3 largest 3-digit United States Department of Commerce Standard Industrial Classifications ("SICs") of generators of hazardous waste in the District;
  - (2) Businesses that belong to the 3 largest 3-digit SIC users of toxic chemicals in the District;
  - (3) Businesses that belong to the 3 largest 3-digit SIC releasers of toxic chemicals in the District; and
  - (4) The top 25% of businesses, including any District or United States government operations, that generate or release the largest amount of hazardous waste or toxic chemicals in the District.
- (b) Within 30 days after the Mayor has presented the report specified in subsection (a) of this section to the Council, the Mayor shall notify in writing each business identified that the business is subject to the provisions of this subchapter.
- (c) Every 4 years following March 8, 1991, the Mayor shall reassess the findings required by subsection (a) of this section and make any change in the reporting or targeting of technical assistance indicated.

**HISTORY:** Mar. 16, 1978, D.C. Law 2-64, § 18, as added Mar. 8, 1991, D.C. Law 8-229, title I, § 102(c), 38 DCR 246; 1981 Ed., § 6-732.

### **Section 8-1317. Annual Hazardous Waste and Toxic Chemical Reports**

- (a) Within 270 days of March 8, 1991, and annually thereafter, a business shall submit EPA Form R to the Mayor, including Part III #8, pursuant to *40 CFR 372.85*, if the business:
  - (1) Releases a toxic chemical subject to regulation in accordance with *40 CFR 372*;
  - (2) Generates hazardous waste subject to regulation in accordance with *40 CFR 261, 262, 263, or 264*; or
  - (3) Is identified in § 8-1316.
- (b) The Mayor shall require the submission of additional source reduction and recycling data collected in accordance with section 6607 of the Pollution Prevention Act, or other federal legislation or regulations.
- (c) EPA Form R, and any additional data required, shall be signed by a senior-level manager who shall be liable for any inaccuracies contained in the submission.

**HISTORY:** Mar. 16, 1978, D.C. Law 2-64, § 19, as added Mar. 8, 1991, D.C. Law 8-229, title I, § 102(c), 38 DCR 246; 1981 Ed., § 6-733.

### **Section 8-1318. Hazardous Waste and Toxic Chemical Source Reduction Plans**

- (a) Pursuant to rules issued by the Mayor in accordance with § 8-1322, beginning on January 1, 1992, and every 4 years thereafter, each business required to submit EPA Form R, and any additional data required, in accordance with § 8-1317, including any District or federal government operations where applicable, shall submit a source reduction plan to the Mayor.
- (b) Any source reduction plan submitted to the Mayor shall include the following:
  - (1) A statement of facility-wide management policy regarding hazardous waste and toxic chemical reduction;
  - (2) A statement of the scope and objectives of the plan, including the anticipated facility-wide reduction for each hazardous waste generated or toxic chemical used during the next 4 years;
  - (3) An identification of the type and amount of any hazardous waste generated or toxic chemical released into the environment; and
  - (4) A comprehensive economic and technical evaluation of appropriate technologies, procedures, and training programs to achieve hazardous

waste and toxic chemical source reduction, including a schedule for and the estimated costs of implementation of the reduction.

**HISTORY:** Mar. 16, 1978, D.C. Law 2-64, § 20, as added Mar. 8, 1991, D.C. Law 8-229, title I, § 102(c), 38 DCR 246; 1981 Ed., § 6-734.

**Section 8-1319. Establishment of a Hazardous Waste and Toxic Chemical Release Source Reduction Fund and Fee**

- (a) There is established within the District Treasury a nonlapsing revolving fund to be known as the Hazardous Waste and Toxic Chemical Source Reduction Fund ("Fund"). The Fund shall consist of any revenue collected pursuant to this subchapter and any funds paid to the District to assist in source reduction programs, including any grants received from EPA in accordance with § 6605 of the Pollution Prevention Act.
- (b) Pursuant to rules issued by the Mayor in accordance with § 8-1322, beginning on June 1, 1992, and annually thereafter, any business identified in § 8-1316 that generates hazardous waste or releases a toxic chemical shall pay a fee to offset the actual operating and administrative costs of the implementation of the hazardous waste and toxic chemical source reduction program. The fee shall take into account the amount of the hazardous waste generated or toxic chemical released, the size of the business, and consequent ability to pay.
- (c) On or before December 31, 1993, the Mayor shall review the income received from the fee, the assessment structure mandated by subsection (b) of this section, and propose any necessary amendment to the rules or this subchapter.

**HISTORY:** Mar. 16, 1978, D.C. Law 2-64, § 21, as added Mar. 8, 1991, D.C. Law 8-229, title I, § 102(c), 38 DCR 246; 1981 Ed., § 6-735; Feb. 5, 1994, D.C. Law 10-68, § 15(b), 40 DCR 6311.

**Section 8-1320. Hazardous Waste and Toxic Chemical Fee Waivers**

- (a) Pursuant to rules issued by the Mayor in accordance with § 8-1322, any business may receive a waiver of the fee if the Mayor finds that the business has met the following conditions:
  - (1) Satisfied the requirements of this subchapter that pertain to the business;
  - (2) Performed and submitted a hazardous waste and toxic chemical source reduction audit to the Mayor; and
  - (3) Successfully implemented source reduction techniques so that the generation of hazardous waste or toxic chemical usage has been significantly reduced to levels identified in the technical literature for that standard industrial classification as representative of the best source reduction practice.

- (b) Industrial classifications that engage in off-site recycling to reclaim the resource value of waste as the best management strategy for minimizing waste may substitute recycling for the source reduction techniques specified in subsection (a)(3) of this section. At no time shall incineration, with or without energy recovery, be regarded as source reduction or recycling for the purposes of this subchapter.

**HISTORY:** Mar. 16, 1978, D.C. Law 2-64, § 22, as added Mar. 8, 1991, D.C. Law 8-229, title I, § 102(c), 38 DCR 246; 1981 Ed., § 6-736.

### **Section 8-1321. Confidential Business Information**

No trade secret or commercial or financial information submitted by a business to the District government pursuant to the requirements of this subchapter shall be disclosed to the public, if the Mayor determines that the disclosure would result in a substantial harm to the competitive position of the business in accordance with § 2-534(a)(1).

**HISTORY:** Mar. 16, 1978, D.C. Law 2-64, § 23, as added Mar. 8, 1991, D.C. Law 8-229, title I, § 102(c), 38 DCR 246; 1981 Ed., § 6-737.

### **Section 8-1322. Rules**

- (a) Within 180 days from March 8, 1991, the Mayor shall, pursuant to subchapter I of Chapter 5 of Title 2, issue rules to implement the provisions of this subchapter, including rules regarding the criteria for preparation of source reduction plans and the imposition of source reduction fees. The Mayor shall consult and give significant weight to the recommendations of the Litter and Solid Waste Reduction Commission in the issuance of rules to implement this subchapter.
- (b) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding 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.

**HISTORY:** Mar. 16, 1978, D.C. Law 2-64, § 24, as added Mar. 8, 1991, D.C. Law 8-229, title I, § 102(c), 38 DCR 246; 1981 Ed., § 6-738.

**ILLEGAL DUMPING ENFORCEMENT ACT OF 1994**  
effective May 20, 2994, as amended (D.C. Law 10-62; D.C. Code §§ 8-901 to 8-905)

**Section 8-901. Definitions**

For the purposes of this chapter, the term:

- (1) "Commercial purpose" means for the purpose of a person's economic gain.
- (1A) "Dispose" means to discharge, deposit, dump, or place any solid waste in the District of Columbia.
- (2) "District" means the District of Columbia.
- (2A) "Hazardous waste" means any waste or combination of wastes of a solid, liquid, contained gaseous, or semisolid form which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, as established by the Mayor, may:
  - (A) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating, reversible, illness; or
  - (B) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Such wastes include, but are not limited to, those which are toxic, carcinogenic, flammable, irritants, strong sensitizers, or which generate pressure through decomposition, heat, or other means, as well as containers and receptacles previously used in the transportation, storage, use or application of the substances described as a hazardous waste.
- (3) "Mayor" means the Mayor of the District of Columbia.
- (3A) "Medical waste" means solid waste from medical research, medical procedures, or pathological, industrial, or medical laboratories. Medical waste includes, but is not limited to, the following types of solid waste:
  - (A) Cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures;
  - (B) Pathological waste, including tissues, organs, and body parts that are removed during surgery or autopsy;

- (C) Human blood waste and products of blood, including serum, plasma, and other blood components;
  - (D) Sharps that have been used in patient care or medical research, or industrial laboratories, including hypodermic needles, syringes, pasteur pipettes, broken glass, and scalpel blades;
  - (E) Contaminated animal carcasses, body parts, and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals;
  - (F) Waste from surgery or autopsy that was in contact with infectious agents, including soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads, and surgical gloves;
  - (G) Laboratory waste from medical, pathological, pharmaceutical, or other research, commercial, or industrial laboratories that was in contact with infectious agents, including slides, and cover slips, disposable gloves, laboratory coats, and aprons;
  - (H) Dialysis waste that was in contact with the blood of patients undergoing hemodialysis, including contaminated disposable equipment and supplies such as tubing, filters, disposable sheets, towels, gloves, aprons, and laboratory coats;
  - (I) Discarded medical equipment and parts that were in contact with infectious agents;
  - (J) Biological waste and discarded materials contaminated with blood, excretion, exudates and secretion from human beings or animals who are isolated to protect others from communicable diseases; and
  - (K) Such other waste material that results from the administration of medical care to a patient by a health care provider and is found by the Mayor to pose a threat to human health or the environment.
- (4) "Motor vehicle" means any conveyance propelled by an internal combustion engine, electricity, or steam.
  - (5) "Person" means any individual, partnership, corporation (including a government corporation), trust, association, firm, joint stock company, organization, commission, the District or federal government, or any other entity.
  - (6) "Solid waste" means combustible or incombustible refuse. Solid waste includes dirt, sand, sawdust, gravel, clay, loam, stone, rocks, rubble, building rubbish, shavings, trade or household waste, refuse, ashes, manure, vegetable matter, paper, dead animals, garbage or debris of any kind, any other organic or inorganic material or thing, or any other offensive matter.

**HISTORY:** 1981 Ed., § 6-2911; Nov. 20, 1993, D.C. Law 10-62, § 2, 40 DCR 7237; May 20, 1994, D.C. Law 10-117, § 2, 41 DCR 524; May 9, 1995, D.C. Law 11-12, § 3(a), 42 DCR 1265; Apr. 18, 1996, D.C. Law 11-110, § 15(a), 43 DCR 530; Apr. 29, 1998, D.C. Law 12-90, § 2(a), 45 DCR 1308.



## **Section 8-902. Prohibition and Penalties**

- (a) It shall be unlawful for any person to dispose or cause or permit the disposal of solid waste, hazardous waste, or medical waste in or upon any street, lot, park, public place, or any other public or private area, whether or not for a commercial purpose, unless the site is authorized for the disposal of solid waste, hazardous waste or medical waste by the Mayor.
- (b)
  - (1) Any person who violates subsection (a) of this section shall be liable to arrest.
  - (2) Any person who disposes of solid waste which is neither hazardous nor medical waste in violation of subsection (a) of this section, shall be guilty of a misdemeanor, and shall be subject to a fine not to exceed \$ 1,000 for each offense, or shall be imprisoned for a period not to exceed 90 days, or both. Any person who disposes of solid waste for a commercial purpose shall be guilty of a felony, and shall be subject to a fine for each offense not to exceed \$ 25,000, or shall be imprisoned for a period not to exceed 5 years, or both.
  - (3) Any person who knowingly disposes of hazardous waste in violation of subsection (a) of this section shall be guilty of a felony, and subject to a fine for each offense not to exceed \$ 25,000, and a term of imprisonment not to exceed 5 years.
  - (4) Any person who knowingly disposes of medical waste in violation of subsection (a) of this section shall be guilty of a felony, and subject to a fine for each offense not to exceed \$ 25,000, and a term of imprisonment not to exceed 5 years.
- (c) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of this chapter, or any rules or regulations issued under the authority of this chapter, provided that a civil fine up to \$ 5,000 may be assessed for each offense. Any person who knowingly disposes of hazardous waste in violation of this chapter shall be liable for a civil penalty in an amount not to exceed \$ 25,000 for each violation. Adjudication of any civil infraction of this chapter shall be enforced by the Mayor pursuant to § 8-802.
- (d) In addition to any other penalties provided in this section, a person's ownership interest in a motor vehicle used in violating this chapter shall be subject to seizure and forfeiture. All seizures and forfeitures of motor vehicles under this chapter shall be in accordance with § 8-905.
- (e) The Mayor is authorized to establish and collect a reasonable fee for the cost of towing and storing seized motor vehicles. A storage fee shall not be charged for the first 24-hour period following the seizure of a motor vehicle. If a person is

found not liable for a violation of this chapter, the Mayor shall waive any towing and storage fees assessed under this chapter and refund any penalties paid.

- (f) Any person violating subsection (a) of this section, shall also be liable and responsible for paying 3 times the cost and expense incurred by the Mayor for cleaning and clearing the site where the unlawful disposal occurred and for properly disposing of the solid waste. Payment by the violator shall be made within 10 days of demand by the Mayor.
- (g) The Mayor may deny, revoke, or not renew the business license, permit, or motor vehicle registration issued, or to be issued, to any person who has committed a violation of this chapter, provided that the business license, permit, or motor vehicle registration is substantially related to the commission of the offense of unlawful disposal of solid waste in the District. The business license, permit, or motor vehicle registration may not be issued or reissued until all fines, penalties, and fees assessed under this section have been fully satisfied.
- (h) The Mayor may impose any sanction provided in Chapter 8 of this title, to the extent that it is not inconsistent with this chapter.

**HISTORY:** 1981 Ed., § 6-2912; Nov. 20, 1993, D.C. Law 10-62, § 3, 40 DCR 7237; May 20, 1994, D.C. Law 10-117, § 3, 41 DCR 524; May 9, 1995, D.C. Law 11-12, § 3(b), 42 DCR 1265; Feb. 27, 1996, D.C. Law 11-94, § 13, 42 DCR 7172; Apr. 18, 1996, D.C. Law 11-110, § 15(b), 43 DCR 530; Apr. 29, 1998, D.C. Law 12-90, § 2(b), 45 DCR 1308.

### **Section 8-903. Enforcement**

The Mayor may establish a special law enforcement unit with police powers to enforce this chapter, Chapter 8 of this title, Chapter 13 of this title, subchapter II of Chapter 1 of this title, and the Water and Sanitation Codes, as compiled in 21 DCMR 700, et seq.

**HISTORY:** 1981 Ed., § 6-2913; Nov. 20, 1993, D.C. Law 10-62, § 4, 40 DCR 7237; May 20, 1994, D.C. Law 10-117, § 4, 41 DCR 524.

### **Section 8-904. Bounty**

The Mayor is authorized to offer and pay rewards for information that, in the opinion of the Mayor, leads to the apprehension and charging of any person for violating § 8-902(a) and the collection of a penalty or fine from the person.

**HISTORY:** 1981 Ed., § 6-2914; May 20, 1994, D.C. Law 10-117, § 5, 41 DCR 524.

## **Section 8-905. Forfeitures**

- (a) All motor vehicles which are used, or intended to be used, to transport, or in any manner to facilitate a violation of this chapter shall be subject to forfeiture, except that:
  - (1) No motor vehicle used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;
  - (2) No motor vehicle is subject to forfeiture under this section by reason of any act or omission that the owner establishes was committed or omitted by a third party without the owner's knowledge and consent; and
  - (3) A forfeiture of a motor vehicle encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of, nor consented to, the act or omission.
- (b) A motor vehicle subject to forfeiture under this section may be seized by law enforcement officials upon process issued by the Superior Court of the District of Columbia having jurisdiction over the motor vehicle, or without process if authorized by law.
- (c) (1) A motor vehicle taken or detained under this section shall not be subject to replevin, but shall be deemed to be in the custody of the Mayor. When a motor vehicle is seized under this chapter, the Mayor shall:
  - (A) Place the motor vehicle under seal;
  - (B) Remove the motor vehicle to a place designated by the Mayor; or
  - (C) Remove the motor vehicle to an appropriate location for disposition in accordance with law.
- (2) (A) After a proper showing of probable cause for the seizure of the motor vehicle is made, the Mayor shall cause notice of the seizure and the Mayor's intention to forfeit and sell or otherwise dispose of the motor vehicle in accordance with this section to be published for at least 2 successive weeks in a local newspaper of general circulation. In addition, the Mayor shall provide written notice of the seizure together with information on the applicable procedures for claiming the motor vehicle to each party who is known, or in the exercise of reasonable diligence should be known, by the Mayor to have a right of claim to the seized motor vehicle. Notice to each party shall be by registered or certified mail, return receipt requested.
- (B) Any person claiming an interest in the motor vehicle may, at any time within 30 days from the date of receipt or publication of notice, whichever is later, of seizure, file with the Mayor a claim stating his

or her interest in the motor vehicle. Upon the filing of a claim, the claimant shall give a bond to the District in the sum of \$ 2,500 or 10% of the fair market value of the claimed motor vehicle (as appraised by the Chief of the Metropolitan Police Department), whichever is lower, but not less than \$ 250, with sureties to be approved by the Mayor. In case of forfeiture of the claimed motor vehicle, the costs and expenses of the forfeiture proceedings shall be deducted from the bond. Any costs that exceed the bond amount and the proceeds from the sale of the conveyance shall be paid by the claimant. In determining the fair market value of the motor vehicle seized, the Chief of the Metropolitan Police Department shall consider any verifiable and reasonable evidence of value that the claimant may present. The balance of the proceeds shall be transferred to the Department of Public Works and used to offset the cost of implementing this chapter and Chapter 8 of this title, and to abate solid waste nuisances. Subject to the enactment of appropriations, excess monies shall be used to fund recycling activities in accordance with § 8-1015.

- (C) If a claim and bond (or application for a waiver of bond) are not filed within 30 days of receipt or publication of notice, whichever is later, and the Mayor determines that the motor vehicle is forfeitable under this section, the Mayor shall declare the motor vehicle forfeited and shall dispose of the motor vehicle in accordance with the provisions of paragraph (3) of this subsection. If the Mayor determines that the seized motor vehicle is not forfeitable under this section, and is not otherwise subject to forfeiture, the Mayor shall return the motor vehicle to its rightful owner.
- (D) If the seized motor vehicle is not forfeited or disposed of in accordance with subparagraph (C) of this paragraph, the Mayor shall request the Corporation Counsel to apply to the Superior Court of the District of Columbia for forfeiture of the motor vehicle.
- (E) Whenever any person who has an interest in forfeited conveyance files with the Mayor, either before or after the sale or disposition of motor vehicle, a petition for remission or mitigation of the forfeiture, the Mayor shall remit or mitigate the forfeiture upon the terms and conditions as the Mayor deems reasonable if the Mayor finds that:
  - (i) The forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to violate the law; or
  - (ii) Mitigating circumstances justify the remission or mitigation of the forfeiture.
- (F) In all suits or actions brought for forfeiture of any motor vehicle seized under this section when the motor vehicle is claimed by any person, the burden of proof shall be on the claimant once the

Mayor has established probable cause as provided in subsection (a) of this section.

- (3) When a motor vehicle is forfeited under this section, the Mayor shall:
  - (A) Retain the motor vehicle for official use; or
  - (B) Sell the motor vehicle if it is not required by law to be destroyed and is not harmful to the public. All proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs shall be deducted from the proceeds.
- (4) Any property contained in the motor vehicle at the time of seizure may be held for evidentiary purposes until such time as the forfeiture proceeding is concluded, or the Corporation Counsel determines that the property is no longer needed for evidentiary purposes, whichever is sooner. Any property that is not needed for evidentiary purposes may be returned to the person who has a right of claim to the property. The Mayor may dispose of any solid waste contained in the motor vehicle at the time of seizure and collect up to 3 times the cost and expense incurred for the proper disposal. If it appears to the Mayor that any property seized under this section is liable to perish, waste, or be greatly reduced in value by the keeping, or that the expense of keeping is disproportionate to the value of the property, the Mayor may proceed to advertise and sell the property at auction or otherwise dispose of the property.
- (d) In the event of seizure pursuant to subsection (b) of this section, proceedings under subsection (c) of this section shall be instituted promptly.

**HISTORY:** 1981 Ed., § 6-2915; Nov. 20, 1993, D.C. Law 10-62, § 5, 40 DCR 7237; renumbered May 20, 1994, D.C. Law 10-117, § 6, 41 DCR 524.

**Sections 2, 6, and 7 of the Solid Waste Facility Permit Act of 1995 effective February 27, 1996 (D.C. Law 11-94; D.C. Code §§ 8-1051, 8-1055, 8-1056)**

**Section 8-1051. Definitions**

For the purpose of this subchapter, the term:

- (1) "Composting facility" means any location or structure which uses a microbial process to convert organic material, including wood, paper, mulch, or yard or food waste into a soil amendment.
- (2) "Construction and demolition wastes" means the waste building materials and rubble resulting from construction, remodeling, repair, and demolition operation on houses, commercial buildings, pavements, and other structures.
- (3) "Existing solid waste facility" means a solid waste facility in construction, including site preparation, or operating on March 23, 1995.
- (4) "Final disposal" means depositing or placing solid waste for its final location.
- (5) "Intermediate materials recycling facility" means a fully enclosed structure used for the receipt, separation, storage, conversion, baling, briquetting, crushing, compacting, grinding, shredding, or processing of paper, metal, glass, plastics, tires, bulk waste, or other nonbiodegradable recyclable materials for the purpose of reutilization of such materials. The term "intermediate materials recycling facility" shall not include a facility used for the storage or processing of biodegradable materials, construction and demolition wastes, white goods, and hazardous substances, as defined in § 8-109.02(4), and the rules and regulations pursuant thereto.
- (6) "Open solid waste facility" means any privately owned or operated solid waste disposal or solid waste handling facility where solid waste is stored or processed outside of a fully enclosed building or structure.
- (7) "Person" means any individual, partnership, corporation, trust, association, firm, joint stock company, organization, commission, or any other private entity.
- (8) "Recyclable material" means material which would otherwise become solid waste, and that may be collected, separated, or processed and returned to the economic mainstream as a raw material or product.
- (9) "Residue" means the solid waste, as measured by weight, requiring disposal after recyclable material is removed during or after processing.
- (10) "Solid waste" means garbage, refuse, construction and demolition waste or any other waste product, including solid, liquid, semisolid, or contained gaseous

material, resulting from commercial, industrial, or government operation, or residential or community activity.

- (11) "Solid waste disposal facility" means any facility where solid waste is discharged, deposited, tipped, dumped, or placed for final disposal, including an incinerator, waste-to-energy facility, rubble fill, or landfill.
- (12) "Solid waste facility" means any privately owned or operated solid waste disposal facility or solid waste handling facility, which accepts solid waste that is not the incidental by-product of the facility's manufacturing or operational processes.
- (13) "Solid waste handling facility" means any facility where solid waste temporarily is deposited, or placed for processing, at any time prior to its final disposal at a solid waste disposal facility.
- (14) "Source separated" means the end result when recyclable material is separated from solid waste at its point of origin for separate collection and processing.
- (15) "Substantially alter" means to make any physical modification to a solid waste facility which increases or decreases the solid waste facility's maximum annual capacity, by more than 10% per year, as indicated in the solid waste facility's solid waste facility permit, or in any way alters or modifies the method by which the waste is processed or disposed, or which increases the amount of any air pollutant not previously emitted.
- (16) "Abate" means to control disease vectors including rats and other vermin.
- (17) "Arterial road" means a traffic route of 4 or more lanes with traffic controlled by traffic signal lights.
- (18) "Best Available Control Technology" or "BACT" means measures, processes, methods, systems, or techniques to contain the emission of odors and air and liquid pollutants through procedures including enclosing processes or systems to eliminate emissions, and by collecting, capturing or treating pollutants before release from a process, stack, storage or fugitive emissions point.
- (19) "Facility" means any building, structure, or portion of a site where solid waste is handled or stored.
- (20) "Hazardous waste" means any waste defined as hazardous in § 8-1302(2).
- (21) "Infectious waste" shall include, but is not limited to, the following types of solid waste:
  - (A) Cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures;
  - (B) Pathological wastes, including tissues, organs, and body parts that are removed during surgery or autopsy;

- (C) Waste human blood and products of blood, including serum, plasma, and other blood components;
  - (D) Sharps that have been used in patient care or in medical, research, or industrial laboratories, including hypodermic needles, syringes, pasteur pipettes, broken glass, and scalpel blades;
  - (E) Contaminated animal carcasses, body parts, and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals;
  - (F) Wastes from surgery or autopsy that were in contact with infectious agents, including soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads, and surgical gloves;
  - (G) Laboratory wastes from medical, pathological, pharmaceutical, or other research, commercial, or industrial laboratories that were in contact with infectious agents, including slides and cover slips, disposable gloves, laboratory coats and aprons;
  - (H) Dialysis wastes that were in contact with the blood of patients undergoing hemodialysis, including contaminated disposable equipment and supplies such as tubing, filters, disposable sheets, towels, gloves, aprons, and laboratory coats;
  - (I) Discarded medical equipment and parts that were in contact with infectious agents;
  - (J) Biological waste and discarded materials contaminated with blood, excretion, exudates or secretion from human beings or animals who are isolated to protect others from communicable diseases; and
  - (K) Any other waste material that results from the administration of medical care to a patient by a health care provider and is found by the Department of Health to pose a threat to human health or the environment.
- (22) "Operations area" means any area where solid waste handling or related activities including storage, heavy equipment operations, truck idling, covering, uncovering, cleaning, queuing or parking occurs.
- (23) "Radioactive hazardous waste" means any waste which contains or is contaminated with low level radioactive waste material emitting primarily gamma or beta radiation registering above normal background levels.
- (24) "Residential street" means any street on which 50% or more of the street frontage is used for residential purposes, for residential and non-business property, or is zoned as residential property. The designation of a street as a residential street shall be determined block-by-block.
- (25) "Site" means the total area of any lot or lots that are partially or completely occupied by a solid waste handling facility or its operations area or any lot or lots owned or leased by the owner or operator of a solid waste handling facility that are adjacent to a lot or lots that are partially or completely devoted to solid waste handling operations.



- (26) "Tracking" means the deposit of a trail of liquid, liquid waste, muck, dust or of any garbage on public space by vehicles entering and exiting solid waste facilities.

**HISTORY:** 1981 Ed., § 6-3451; Feb. 27, 1996, D.C. Law 11-94, § 2, 42 DCR 7172; June 11, 1999, D.C. Law 12-286, § 2(a), 46 DCR 3435.

## **Section 8-1055. Reporting and Operating Requirements**

- (a) Owners and operators of solid waste facilities subject to the provisions of this subchapter shall submit periodic reports to the Mayor at the times specified by regulation. The reports shall contain all information the Mayor considers reasonably necessary to determine compliance with this subchapter. Records necessary to comply with this reporting requirement shall be maintained in a central location at each solid waste facility for a period of time prescribed by the Mayor. The Mayor may provide by rulemaking that failure to submit periodic reports or maintain records may result in the imposition of a fine of up to \$ 25,000, suspension or revocation of a solid waste facility permit, or both.
- (b) The information contained in the periodic reports and the application shall be considered proprietary and held confidential by the District.
- (c) All new and existing solid waste facilities holding interim and permanent operating permits pursuant to this subchapter shall comply with the following operating and reporting requirements and prohibitions:
- (1) Within six months from the effective date of the Solid Waste Facility Permit Amendment Act of 1998 each solid waste facility shall develop a traffic flow plan showing the routes used by inbound and outbound vehicles to the facility from the nearest arterial roads and any other arterial roads used by inbound or outbound vehicles. If the facility is located on an arterial road, the traffic flow plan shall encompass an area of no less than four blocks from the solid waste facility in any direction.
  - (2) No solid waste facility permit shall be issued until the traffic control plan has been assessed and approved by the Department of Public Works, which may set reasonable criteria for each plan as it deems necessary. Each solid waste facility shall submit traffic flow plans to the Department of Public Works. Each facility shall provide in notice in the District of Columbia Register, of its traffic flow plan to each Advisory Neighborhood Commission ("ANC") adjacent to the ANC in which the solid waste facility is operating and through which any of the inbound or outbound vehicles pass through for comment, publish the plan in a newspaper of general circulation in the District of Columbia and post the complete plan at the solid waste facility for public review. ANC comments must be submitted no later than 45 days after publication. A copy of any study, survey, professional opinion, or other materials relied upon by a solid waste facility in developing or submitting a traffic flow plan shall be provided to any requesting ANC.

- (3) The traffic flow plan shall be designed to maximize use of truck routes or other arterial traffic routes of 4 or more lanes and to minimize truck traffic on residential streets or through residential areas. The plan shall include, at a minimum, a map designating the proposed travel routes for all trucks traveling to and from the facility and a plan for enforcement of the traffic flow plan by the facility. Inbound vehicles shall use arterial roads except when collecting waste. Outbound vehicles shall only use arterial or heavier roads, except for roads identified and approved in a facility's traffic flow plan. The traffic flow plan shall be implemented immediately upon approval by the Department of Public Works.
- (4) Tracking by vehicles entering or exiting solid waste facilities on public space is prohibited. The emission of dust and odors onto public space or adjoining private or personal property from solid waste facilities is prohibited.
- (5) Each solid waste facility shall clean the streets immediately adjacent to the facility and those streets designated as proposed travel routes in its traffic flow plan at least once a week as needed with mechanical street sweeping equipment. The waste collected from the street sweeping equipment shall be transported to a licensed land field.
- (6) Solid waste facilities shall install an entry and exit system, using BACT, as soon as practicable, but no later than 180 days from the effective date of the Solid Waste Facility Permit Amendment Act of 1998, to prevent dust and odors from escaping from the facility and to prevent animals and disease vectors from entering or exiting the facility. Truck doors or bays to the facility shall remain closed except when a vehicle is entering or exiting the facility.
- (7) Each solid waste facility shall establish and maintain clean, waste-free paths within the facility pursuant to BACT. All trucks or other vehicles that use public roads must remain on those waste-free paths while within the facility.
- (8) Each solid waste facility shall maintain a tire cleaning area near the exit to the facility. The tire cleaning area shall be designed to employ BACT standards. All waste water used in the facility shall be directed to a treatment area within the facility or to a municipal water treatment plant. Any waste water directed to a municipal water treatment plant shall conform with all applicable local and federal pre-treatment standards. The tires of trucks or other facility vehicles that use public roads shall be cleaned in the tire cleaning area before the trucks or other vehicles may exit the facility.
- (9) Each existing solid waste facility shall continuously abate for disease vectors within a 4 block radius of the site, or demonstrate to the satisfaction of the Department of Health, Environmental Health Administration and the Department of Consumer and Regulatory Affairs that the facility is not providing vector harborage. The owner or operator

- of the solid waste facility shall provide reasonable notice to the community and seek permission to conduct abatement activities on all private properties within the 4 block radius before commencing abatement. Bait and traps shall not be placed on private property without the consent of the owner or occupant of the property. Bait and traps shall not be placed in open areas that are accessible to children or pets. Abatement shall be conducted according to environmental standards and safety protocols used by the Office of Rodent Control of the Department of Public Works.
- (10) Each solid waste facility shall comply with the ventilation requirements established in 21 DCMR § 731.15(d)(6).
  - (11) Solid waste facilities shall not operate between the hours of 7:00 P.M. and 6:00 A.M.
  - (12) A solid waste facility shall not accept infectious, hazardous or radioactive waste and shall post signs warning persons entering the site that infectious, hazardous and radioactive waste is not permitted on the site. Each facility shall be required to install and maintain, in good working order, equipment capable of detecting radioactive waste. Any waste that enters a facility and triggers radiation detection equipment shall be prevented from leaving the facility or dumping waste at the facility.
  - (13) Each shipment of waste received by a solid waste handling facility shall be accompanied by a written manifest which shall contain:
    - (A) The date and time when the shipment arrived at the facility;
    - (B) The name and address of the transporter;
    - (C) A description of the types of waste in the shipment;
    - (D) The amount of waste received in the shipment;
    - (E) The name and address of each broker or customer who arranged or contracted for the transportation or disposal of waste in the shipment;
    - (F) The tag and registration number of each truck used to transport the shipment to and from the facility;
    - (G) The name and location of the final disposal facility to which the waste in the shipment will be directed;
    - (H) The date and time when the shipment departs the facility; and
    - (I) A certification by both the transporter and the owner or operator of the solid waste facility that no hazardous, infectious or radioactive hazardous waste was knowingly introduced by them into the facility.
  - (14) The solid waste handling facility shall provide a monthly summary of the information contained in the manifests to the Department of Health and shall maintain copies of these manifests and make them available for inspection for a minimum of one year after the waste was received at facility.

- (15) Each solid waste facility shall develop an inspection, monitoring, and control plan to detect and prevent the handling of hazardous wastes, infectious wastes or radioactive wastes and shall submit that plan to the Department of Health for review and approval. The plan must include, at a minimum:
- (A) Random inspections of incoming shipments;
  - (B) Inspection of suspicious shipments;
  - (C) Records of inspections, which must be maintained at the solid waste facility for a minimum of one year;
  - (D) Training of facility personnel to recognize illegal materials or suspicious shipments;
  - (E) Installation of radiation monitoring devices to screen all incoming shipments for radioactive activity higher than normal background levels; and
  - (F) Provision for proper disposal or treatment of hazardous, infectious or radioactive wastes at licensed off-site facilities.
- (16) The solid waste facility shall immediately notify the Department of Health and shall detain the shipment to allow for inspection by the Department of Health, if incoming shipments are found to contain hazardous, infectious or radioactive hazardous wastes. The shipment shall be secured to prevent access by unauthorized personnel, isolated from the main waste handling areas, and held in a manner to protect it from the elements, vermin, or other disease vectors and to prevent it from contaminating the solid waste handling facility or the surrounding community.
- (17) The solid waste facility shall dispose of the hazardous, infectious or radioactive hazardous waste or shall direct the transporter to dispose of the wastes as outlined in its inspection, monitoring and control plan or as otherwise ordered by the Department of Health, immediately after inspection by the Department of Health or notification that it will not inspect the shipment. In no event shall the hazardous, infectious or radioactive hazardous waste remain on site for more than 24 hours.
- (18) The solid waste facility shall provide a summary of its inspection activities in monthly reports to the Department of Health. These reports shall:
- (A) Include the number of shipments received and the number of inspections conducted during the previous month;
  - (B) Identify by date and manifest number all shipments which were detained as a result of these inspections;
  - (C) Provide the reason for detention of any shipment;
  - (D) Identify the final disposal site for each detained shipment; and

- (E) Provide a copy of the manifest for each detained shipment, including the names and addresses of the transporter of the detained shipment and all brokers or customers who arranged for the transportation or disposal of waste in the detained shipment.

**HISTORY:** 1981 Ed., § 6-3455; Feb. 27, 1996, D.C. Law 11-94, § 6, 42 DCR 7172; June 11, 1999, D.C. Law 12-286, § 2(b), 46 DCR 3435.

### **Section 8-1056. Inspections**

The Mayor shall have the right to randomly and periodically inspect any solid waste facility located in the District, and all records, documents, or data compilations retained by the solid waste facility, for the purpose of ensuring compliance with this subchapter. Inspections shall generally take place while the solid waste facility is in operation.

**HISTORY:** 1981 Ed., § 6-3456; Feb. 27, 1996, D.C. Law 11-94, § 7, 42 DCR 7172.