

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D. C. Law 2-64

"District of Columbia Hazardous Waste Management  
Act of 1977"

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. 2-163, on first and second readings November 22, 1977 and December 6, 1977, respectively. Following the signature of the Mayor on January 20, 1978, this legislation was assigned Act No. 2-133, published in the February 3, 1978, edition of the D. C. Register and transmitted to both Houses of Congress 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 the following legislation as D. C. Law 2-62, effective March 16, 1978.



STERLING TUCKER  
Chairman of the Council

(Vol. 24, D. C. Register, 6289, February 3, 1978)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 23, 1977

To establish a hazardous waste management program for the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Hazardous Waste Management Act of 1977".

Sec. 2. Purposes and Findings.

(1) The purposes of this act are:

- (1) to insure safe and effective hazardous waste management; and
- (2) to establish a program of regulation over the storage, transportation, treatment, and disposal of hazardous wastes 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;

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Sec. 2. Purposes and Findings.

(a) The purposes of this act are:

- (1) to insure safe and effective hazardous waste management; and
- (2) to establish a program of regulation over the storage, transportation, treatment, and disposal of hazardous waste in the District of Columbia.

(b) The Council of the District of Columbia finds that:

- (1) increasing production and consumption rates, continuing technological developments, and energy requirements have led to the generation of greater quantities of hazardous waste;
- (2) the problems of disposal 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 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; and

(5) the public health and safety and the environment are threatened where hazardous wastes are not managed in an environmentally sound manner.

### Sec. 3. Definitions.

For purposes of this act:

(a) 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.

(b) The term "hazardous waste" means any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form which because of its quantity, concentration, or physical, chemical, or infectious characteristics, as established by the Mayor, may (i) 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.

(c) The term "generation" means the act or process of producing hazardous waste.

(d) The term "Mayor" means the Mayor of the District of Columbia or his or her designated agent.

(e) 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.

(f) The term "storage" means containment in such a manner as not to constitute disposal.

(g) 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.

(h) 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.

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

Sec. 4. Permits.

(a) One year after the effective date of this act, it will be unlawful to construct, substantially alter, or operate any hazardous waste treatment or disposal facility or site, or to store, transport, treat, or dispose of any hazardous waste without first obtaining a permit from the Mayor for such facility, site, or activity.

(b) The Mayor is authorized to issue, vary or modify the terms of any permit, or to suspend, revoke, or deny a permit to achieve the purposes of this act, except that the Mayor may not issue a permit for a period exceeding one (1) year.

The Mayor may establish the appropriate permit fee to cover the costs associated with its issuance.

Sec. 5. Hazardous Waste Management Plan.

Within six (6) months of the effective date of this act, 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:

- (a) a description of the criteria for determining what constitutes a hazardous waste;
- (b) 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 extra-jurisdictional sites) for the storage, treatment or disposal of hazardous wastes; and
- (c) a comparison of the alternatives, costs and benefits of public and private transportation, storage, treatment, and disposal of hazardous wastes.

Sec. 6. Rulemaking.

(a) Within three (3) months after publication of the plan required in section 5 of this act, the Mayor shall

adopt, in accordance with the District of Columbia Administrative Procedure Act, approved October 21, 1968 (92 Stat. 1203; D.C. Code, sec. 1-1503), and may thereafter revise as appropriate, rules and regulations necessary to carry out the purposes and provisions of this act, including, but not limited to:

(1) rules and regulations regarding the following aspects of proper hazardous waste management:

(A) criteria for determining what constitutes a hazardous waste;

(B) storage, treatment, and disposal of hazardous wastes;

(C) transportation, containerization, and labeling of hazardous wastes (consistent with those issued by the United States Department of Transportation);

(D) on-site handling, including the separation and combination of hazardous wastes;

(E) operation and maintenance of hazardous waste treatment or disposal facilities or sites;

(F) certification of supervisory personnel at hazardous waste treatment or disposal facilities or sites;

and

(G) procedures and requirements for the use of manifests or forms 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.

(b) At the time of publication of the proposed rules and regulations referred to in this section by a copy of the same shall be provided to the Council of the District of Columbia.

Sec. 7. Variance.

The Mayor may grant a variance not to exceed one hundred and eighty (180) days upon a showing that compliance with the requirements of this act 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.

Sec. 8. Inspections, Right of Entry.

(a) For the purpose of enforcing this act or any rule or regulation promulgated pursuant to this act, 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 generated, stored, treated, 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 act.

Each such inspection shall be commenced and completed within reasonable promptness.

(5) 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.

Sec. 9. Appeal Procedures.

Any person adversely affected by an action taken pursuant to the provisions of this act or the rules and regulations promulgated thereto, is entitled to a hearing before the Mayor upon filing with the Mayor within fifteen (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 (32 Stat. 1210; D.C. Code, sec. 1-1509). The decision on the appeal

shall be final.

Sec. 10. Suspension and Revocation of a Permit.

(a) The Mayor may suspend a permit issued in accordance with section 4 of this act for a period not to exceed three (3) months if the holder of the permit is in violation of this act or the rules and regulations promulgated pursuant thereto. Written notice of the suspension shall be served upon the affected party or his or her designated agent, if no appeal is filed within ten (10) days of receipt of this notice, the suspension shall become final.

(b) Where there is a history of repeated violations and/or 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 his or her designated agent, with written notice of the intent to revoke the permit, with an opportunity for a hearing prior to revocation. The revocation shall take effect fifteen (15) days after the notice has been given, unless a written request for a hearing is received by the Mayor within that period.

(c) Where a permit has been revoked, the person affected has the right to reapply for a permit. If this person is able to demonstrate an ability and willingness to comply with the permit and with the provisions of this act, and the

rules and regulations promulgated pursuant thereto, the Mayor may consider granting this new permit.

Sec. 11. Injunction.

Notwithstanding any other provision of this act, if the Mayor finds that any person is operating a storage, treatment, or disposal facility or site, or is transporting hazardous wastes in an illegal, unsafe, or otherwise improper manner as to endanger the public health or welfare, the Mayor may order such person to immediately discontinue the act. Upon failure to comply with this order, the Mayor may request the Corporation Counsel to commence appropriate civil action in the District of Columbia Superior Court to secure a temporary restraining order, a preliminary injunction, a permanent injunction, or other appropriate relief.

Sec. 12. Penalties.

(a) Whenever the Mayor has reason to believe that there has been a violation of this act or of the rules and regulations promulgated pursuant thereto, the Mayor may, in lieu of, or in addition to any other enforcement procedure, give written notice of such alleged violation to the person or persons responsible therefor, and order those persons to take such corrective measures as are deemed reasonable and necessary. This notice shall state the nature of the

violation and shall allow reasonable time for the performance of the necessary corrective measures. If a person fails to comply with this notice within the time period stated in the notice, the Mayor shall institute such action as may be necessary to terminate the violation.

(b) Notwithstanding any other provision of this act, any person who violates any provision of this act or of the rules and regulations promulgated pursuant thereto, shall be punished by a fine not to exceed ten thousand dollars (\$10,000) or imprisonment not to exceed six (6) months, or both. In the event of any violation, each and every day of such violation shall constitute a separate offense, and the penalties prescribed herein shall be applicable to each such separate offense.

Sec. 12. Severability.

Each separate provision of this act shall be deemed independent of any other provision of this act, 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 act or their application to other parts or circumstances. It is hereby declared to be the

legislative intent that this act shall 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 act or any part thereof is inapplicable had been specifically exempted therefrom.

Sec. 14. Effective Date.

This act shall take effect as provided in section 502(c) of the District of Columbia Self-Government and Governmental Reorganization Act.

**RECORD OF OFFICIAL COUNCIL ACTION**

Docket No: 2-183

First Reading Action: November 22, 1977

VOICE VOTE: Adopted Unanimously (4 abs.) D Moore

Lawrence M. Wilson  
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	ATT.	NAT.	Y.	A.S.	COUNCIL MEMBER	ATT.	NAT.	Y.	A.S.	COUNCIL MEMBER	ATT.	NAT.	Y.	A.S.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLAND									
DIXON					SPACKLETON									
R-Resistant Vote    A-Absent    N-Non-Voter    Y-Yes														

\_\_\_\_\_  
Secretary to the Council

Amended First Reading Action: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

\_\_\_\_\_  
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	ATT.	NAT.	Y.	A.S.	COUNCIL MEMBER	ATT.	NAT.	Y.	A.S.	COUNCIL MEMBER	ATT.	NAT.	Y.	A.S.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLAND									
DIXON					SPACKLETON									
R-Resistant Vote    A-Absent    N-Non-Voter    Y-Yes														

\_\_\_\_\_  
Secretary to the Council

Final Reading or Emergency Action: December 6, 1977

VOICE VOTE: Adopted Unanimously (4 abs.) Clarke, Wilson, Dixon, D Moore

Lawrence M. Wilson  
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	ATT.	NAT.	Y.	A.S.	COUNCIL MEMBER	ATT.	NAT.	Y.	A.S.	COUNCIL MEMBER	ATT.	NAT.	Y.	A.S.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLAND									
DIXON					SPACKLETON									
R-Resistant Vote    A-Absent    N-Non-Voter    Y-Yes														

RECORD OF OFFICIAL COUNCIL ACTION (Page 2)

Docket No. 2-163

Presented to the Mayor: JAN 8 1978

[Signature]  
Secretary to the Council

Action of the Mayor: 20 JAN 1978

- Approved:  Disapproved:
- Disapproved in part -- "Reference Document": \_\_\_\_\_
- \* "Budget Actions."

[Signature]  
Mayor of the District of Columbia

Returned Without Action \_\_\_\_\_

Executive Secretary, D. C.

Enacted without Mayor's Signature \_\_\_\_\_

Secretary to the Council

Council Reenactment: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AGE	RACE	SEX	REL.	COUNCIL MEMBER	AGE	RACE	SEX	REL.	COUNCIL MEMBER	AGE	RACE	SEX	REL.
TUCKER					MASON					SPAULDING				
HARRY					MOORE, S.					WILSON				
BARRY					MOORE, L.					WINTER				
CLARKE					ROLAND									
BOYD					SHARPLEY									

Secretary to the Council

Presented to the President: \_\_\_\_\_

Secretary to the Council

Action of the President: \_\_\_\_\_

- Reenactment Approved
- Mayor's Veto Sustained

President of the U. S.

Submitted to the Congress: \_\_\_\_\_

Secretary to the Council

Senate Action: \_\_\_\_\_  
Resolution Number: \_\_\_\_\_

House Action: \_\_\_\_\_  
Resolution Number: \_\_\_\_\_

Secretary of the Senate

Clerk of the House

Enacted Without Congressional Action: