

COUNCIL OF THE DISTRICT OF COLUMBIA

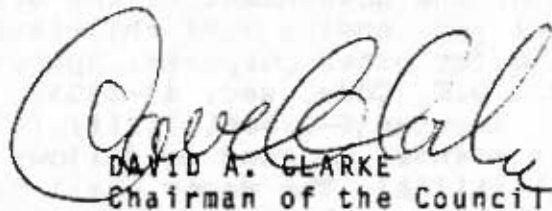
NOTICE

D.C. LAW 7-157

"District of Columbia Solid Waste Disposal  
Amendment Temporary Act of 1988".

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. 7-518 on first and second readings, June 28, 1988, and July 12, 1988, respectively. Following the signature of the Mayor on July 15, 1988, this legislation was assigned Act No. 7-212, published in the September 2, 1988, edition of the D.C. Register, (Vol. 35 page 6565) and transmitted to Congress on July 25, 1988 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 7-157, effective September 29, 1988.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 25,26,27,28,29

August 1,2,3,4,5,8,9,10,11

September 7,8,9,12,13,14,15,16,19,20,21,22,23,26,27,28

EFFECTIVE  
DATE SEP 29 1988

AN ACT

Codification,  
District of Columbia Code  
(1989 Supplement)D.C. ACT 7-212

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

EFFECTIVE  
DATE JUL 15 1988

To amend, on a temporary basis, the Solid Waste Regulations to adjust the solid waste disposal fee, impose a waste reduction and recycling surcharge, and provide for future fee-setting formulas and fee schedules.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Solid Waste Disposal Amendment Temporary Act of 1988".

Sec. 2. Section 8-3:606 of the Solid Waste Regulations, issued June 29, 1971 (Reg. 71-21; 21 DCMR 700.1 et seq.), is amended as follows:

D.C.M.R.

(a) Section 8-3:606(e)(ii) (21 DCMR 712.2) is amended to read as follows:

"(e)(ii) Licenses shall date from the first Monday in March of each year and expire on the Saturday preceding the first Monday in March of the following year, but may be prorated in accordance with the provisions of paragraph 5 of section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 623; D.C. Code, sec. 47-2805)."

(b) Section 8-3:606(e)(iii) (21 DCMR 719.3, 719.4, & 719.5) is amended to read as follows:

"(e)(iii)(A) The Mayor shall determine the fee to be paid to deposit each ton of solid waste at a waste handling facility owned by, operated by, or under contract to the District of Columbia, or at the sanitary landfill called the I-95 Resource Recovery, Land Reclamation, and Recreation Complex in Fairfax County, Virginia. The fee shall be paid by each licensed solid waste collector and other solid waste disposers unless, upon written application, the Mayor waives the fee of a solid waste disposer. For the purposes of this regulation, a "solid waste disposer" is a person who is a resident of the District of Columbia and who is not required

by regulation to obtain a solid waste collector license in the District of Columbia.

"(B)(1) From the effective date of the District of Columbia Solid Waste Disposal Amendment Emergency Act of 1988 until such time as the Mayor publishes the fee-setting formulas in accordance with subparagraph (C) of this section, the applicable fees for the disposal of solid waste, other than that listed in sub-subparagraph (2) of this section, at a waste handling facility owned by, operated by, or under contract to the District, or at the sanitary landfill called the I-95 Resource Recovery, Land Reclamation, and Recreation Complex in Fairfax County, Virginia, shall be \$22.25 for each ton disposed, with a minimum fee of \$5.50 for each load weighing 500 pounds or less. In accordance with the provisions of subparagraph (D) of this section, this solid waste disposal fee includes a waste reduction and recycling surcharge of \$2.00 per ton, with a minimum surcharge of \$0.50 for each load weighing 500 pounds or less. The surcharge shall be used to offset the cost of implementing a solid waste reduction and multi-material recycling program.

"(2) From the effective date of the District of Columbia Solid Waste Disposal Amendment Emergency Act of 1988 until such time as the Mayor publishes the fee-setting formulas in accordance with subparagraph (C) of this section, the applicable fees for the disposal of asbestos, infectious waste, or vehicle tires at a waste handling facility owned by, operated by, or under contract to the District, or at the sanitary landfill called the I-95 Resource Recovery, Land Reclamation, and Recreation Complex in Fairfax County, Virginia, shall be \$52.00 for each ton disposed, with a minimum fee of \$13.00 for each load weighing 500 pounds or less. In accordance with the provisions of subparagraph (D) of this section, this solid waste disposal fee includes a waste reduction and recycling surcharge of \$2.00 per ton, with a minimum surcharge of \$0.50 for each load weighing 500 pounds or less. The surcharge shall be used to offset the cost of implementing a solid waste reduction and multi-material recycling program.

"(C)(1) The Mayor shall establish fee-setting formulas to govern the imposition of solid waste disposal fees. The Mayor may modify the fee-setting formulas on an annual basis.

"(2) The solid waste disposal fee-setting formulas shall be based upon the District's expenses for solid waste disposal operations during the prior fiscal year. The Mayor shall take into account the costs of operating the disposal facilities, including maintenance and administrative costs, engineering services,

debt retirement or reserves, and other expenses attributable to operating the District's solid waste disposal facilities.

"(3) The solid waste disposal fee-setting formulas may take into account the cost differences arising from the types of waste disposed, the method of disposal, and the site of disposal. The solid waste disposal fee-setting formulas may be derived by averaging total system costs, by prorating the costs of disposal at a specific facility, or by prorating the cost of disposal for a specific type of waste, as determined to be most cost-effective by the Mayor.

"(D) The Mayor may impose a surcharge to be included in the solid waste disposal fee for the purpose of offsetting the cost of operating the Mayor's recycling and waste reduction programs. The surcharge shall be used to offset the cost of implementing a solid waste reduction and multi-material recycling program. The amount of the surcharge shall be included in the solid waste disposal fee-setting formulas."

(c) Section 8-3:606(e)(iv) (23 DCR 8749) is amended to read as follows:

"(iv)(A) The Mayor shall, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.) ("APA"), issue proposed rules regarding the solid waste disposal fee-setting formulas, including the amount of the surcharge authorized by this section. 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. Nothing in this section shall affect any requirements imposed upon the Mayor by the APA.

"(B) The Mayor shall, pursuant to the APA, issue proposed rules regarding the solid waste disposal fee schedule, including the surcharge authorized by this section. The financial data upon which the proposed rules shall be based are the expenses incurred by the District of Columbia for solid waste disposal operations during the previous fiscal year. 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. Nothing in this section shall affect any requirements imposed upon the Mayor by the APA.

"(C) The Mayor may publish and submit to the Council the proposed rules regarding the solid waste disposal fee-setting formulas and the solid waste disposal fee schedule simultaneously."

"(D) By January 1st of each year, the Mayor shall submit to the Council a report on all revenue collected from solid waste disposal fees and surcharges authorized during the prior fiscal year. The report shall include a listing of the total tonnage of refuse disposed of by the District at the SWRC #1, Ft. Totten and the I-95 Landfill Resource Recovery, Land Reclamation, and Recreation Complex in Fairfax County, Virginia. In addition, the report shall detail the tonnage collected by commercial haulers and by the District government."

(d) Section 8-3:606(e) (21 DCMR 719.1 et seq.) is amended by inserting a new paragraph (v) to read as follows:


"(v)(A) If a solid waste collector fails to pay an outstanding solid waste disposal fee within 30 calendar days of the billing date, the solid waste collector shall pay to the District, in addition to the disposal fee, a late charge of 1.5% for each month, or portion of a month, of delinquency.

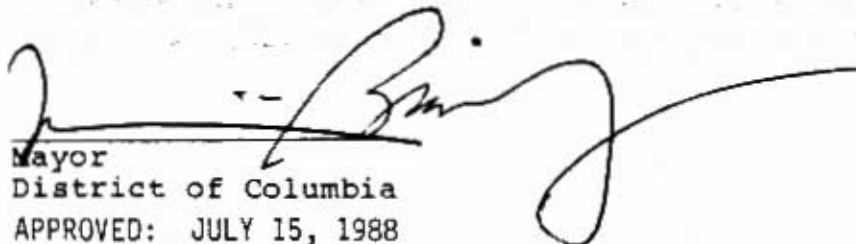
"(B) If a solid waste collector has any solid waste disposal fees or late charges outstanding 90 calendar days after the billing date, the Mayor may suspend the solid waste collector from use of the District's solid waste disposal facilities until the account is paid in full."

Sec. 3. (a) 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, sec. 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.



(b) This act shall expire on the 225th day of its having taken effect.

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED: JULY 15, 1988



# COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Seven

## RECORD OF OFFICIAL COUNCIL VOTE

37-518

DOCKET NO: \_\_\_\_\_

☐ Item on Consent Calendar

☒ ACTION & DATE: Adopted First Reading, 6-28-88

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: all present

☐ 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					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith  
Secretary to the Council

7-15-88  
Date

☒ Item on Consent Calendar

☒ ACTION & DATE: Adopted Final Reading, 7-12-88

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: Thomas and Winter

☐ 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					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith  
Secretary to the Council

7-15-88  
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					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date