

ENROLLMENT(S)



COUNCIL OF THE DISTRICT OF COLUMBIA

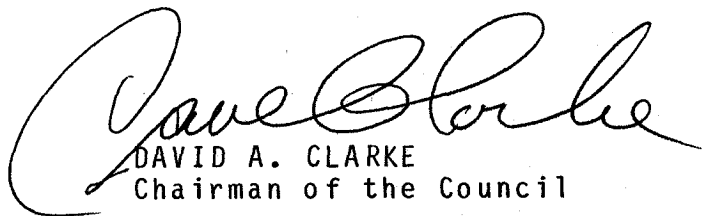
NOTICE

D.C. LAW 8-16

"District of Columbia Solid Waste Disposal Act
of 1989".

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. 8-13 on first and second readings, May 2, 1989, and May 16, 1989, respectively. Following the signature of the Mayor on May 26, 1989, this legislation was assigned Act No. 8-33, published in the June 9, 1989, edition of the D.C. Register, (Vol. 36 page 4155) and transmitted to Congress on June 5, 1989 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 8-16, effective July 25, 1989.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June 5,6,7,8,9,12,13,14,15,16,19,20,21,22,23,26,27,28,29

July 10,11,12,13,14,17,18,19,20,21,24

JUL 25 1989

CODIFICATION,
District of Columbia Code
(1990 Supplement)

AN ACT

D.C. ACT 8 - 33

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 26 1989

To amend 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 Act of 1989".

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 1st Monday in March of each year and expire on the Saturday preceding the 1st 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 government, 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 purpose of this regulation, a "solid waste disposer" is a person who is a resident of the District and who is not required by

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

"(B)(1) Until 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 paragraph at a waste handling facility owned by, operated by, or under contract to the District government, or at the sanitary landfill called the I-95 Resource Recovery, Land Reclamation, and Recreation Complex in Fairfax County, Virginia, shall be \$25.25 for each ton disposed, with a minimum fee of \$6.30 for each load that weighs 500 pounds or less. In accordance with the provisions of subparagraph (D) of this paragraph, the solid waste disposal fee includes a waste reduction and recycling surcharge of \$5.00 per ton, with a minimum surcharge of \$1.75 for each load that weighs 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) Until the Mayor publishes the fee-setting formulas in accordance with subparagraph (C) of this paragraph, 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 government, or at the sanitary landfill called the I-95 Resource Recovery, Land Reclamation, and Recreation Complex in Fairfax County, Virginia, shall be \$55.00 for each ton disposed, with a minimum fee of \$13.75 for each load that weighs 500 pounds or less. In accordance with the provisions of subparagraph (D) of this paragraph, the solid waste disposal fee includes a waste reduction and recycling surcharge of \$5.00 per ton, with a minimum surcharge of \$1.75 for each load that weighs 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 government'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, anticipated landfill replacement costs, incinerator repairs, and other expenses attributable to operating the District government's solid waste disposal facilities.

"(3) The solid waste disposal fee-setting formulas may take into account the cost differences that arise 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, prorating the costs of disposal at a specific facility, or prorating the cost of disposal for a specific type of waste, whichever is determined to be most cost-effective by the Mayor.

"(D) The Mayor shall impose a surcharge to be included in the solid waste disposal fee for the purpose of offsetting the cost of implementing and operating the Mayor's 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 the 45-day review period, the proposed rules shall be deemed approved.

"(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 government for solid waste disposal operations during the previous fiscal year, anticipated landfill replacement costs, and anticipated incinerator repair costs. 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 the 45-day review period, the proposed rules shall be deemed approved.

"(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 government 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) is amended by inserting a new paragraph (v) to read as follows:

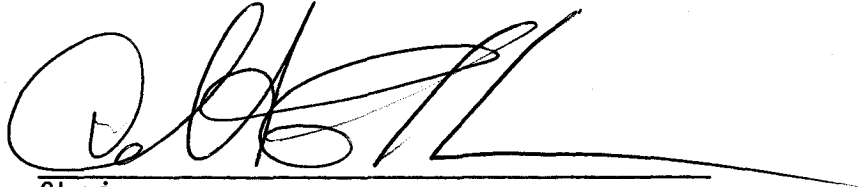
"(v)(A) If a solid waste collector fails to pay an outstanding solid waste disposal fee within 30 calendar days of the billing date, the solid waste collector shall pay to the District government, in addition to the disposal fee, a late charge of 1.5% for each month, or any portion of a month, of delinquency.

"(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 government's solid waste disposal facilities until the account is paid in full.

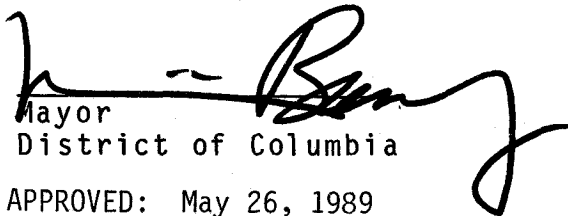
"(C) The Mayor may impose a fine of up to \$500 against any solid waste collector who delivers any materials required to be recycled pursuant to District law or regulation for disposal to any waste handling facility described in section 2(b) of the District of Columbia Solid Waste Disposal Act of 1989."

Sec. 3. 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: May 26, 1989



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-13

☒ Item on Consent Calendar

☒ ACTION & DATE: Adopted First Reading, 5-2-89

☒ VOICE VOTE: Approved

Recorded vote on request

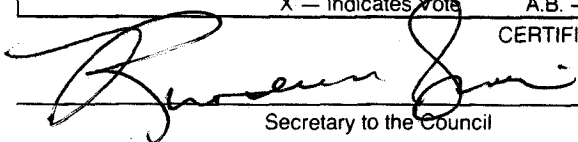
Absent: Ray and Rolark

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

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

CERTIFICATION RECORD



Secretary to the Council

5-22-89

Date

☒ Item on Consent Calendar

☒ ACTION & DATE: Adopted Final Reading, 5-16-89

☒ VOICE VOTE: Approved

Recorded vote on request

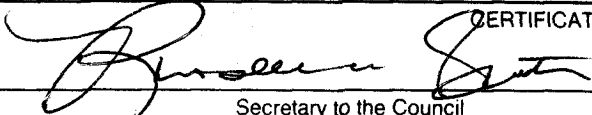
Absent: all present

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

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

CERTIFICATION RECORD



Secretary to the Council

5-22-89

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

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

CERTIFICATION RECORD

Secretary to the Council

Date