

AN ACT

Bill 19-1032
Act 19-662
effective
January 31,
2013

Codification
District of
Columbia
Official Code
2001 Edition

To establish a certification program to ensure the accuracy of reported recycling rates for construction and demolition projects seeking credit under the terms of the Green Building Act of 2006, a similar certification system, or the construction codes, to delegate certification authority to the District Department of the Environment, to authorize the District Department of the Environment to assess fees, to grant rulemaking authority over the certification program to the Mayor, to grant certification revocation authority to the Mayor, to direct the District Department of the Environment to set penalties for noncompliance with the act and rules promulgated by the Mayor, and to establish the Construction and Demolition Waste Recycling Fund.

Construction
and
Demolition
Waste
Recycling
Accountability
Act of 2012

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Construction and Demolition Waste Recycling Accountability Act of 2012”.

Sec. 2. Definitions.

For the purposes of this act, the term:

New
Subchapter II,
Chapter 10,
Title 8

(1) “Certified facility” means a waste disposal or materials recovery facility that the Department verifies as reporting accurate, transparent, reliable, and auditable waste recovery, use, and recycling rates pursuant to section 3.

New
§ 8-1071

(2) “Construction and demolition waste” means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operation on houses, commercial buildings, pavements, and other structures.

(3) “Department” means the District Department of the Environment.

(4) “Person” means an individual, business, or entity that transports or disposes of construction and demolition waste for commercial purposes, or contracts with another party for the transport or disposal of construction and demolition waste. “Person” shall not include residential property owners who generate construction and demolition waste while performing construction and demolition projects at their personal residence and transport the waste in their own vehicles.

(5) “Recycling” means a resource recovery method that involves the collection and treatment of waste material that can be reprocessed and returned to the economic mainstream as raw material or products. “Recycling” shall not include salvaging or reusing building materials.

Sec. 3. Certification.

**New
§ 8-1072**

(a) On or before July 1, 2014, the Department shall establish procedures to certify that construction and demolition waste disposal or materials recovery facilities provide accurate, transparent, reliable, and auditable information about waste recovery, use, and recycling rates.

(b) The Department shall publish a list on its website identifying certified facilities.

(c) The Department may assess fees on waste disposal and materials recovery facilities to recover the costs of developing and administering the certification program.

(d) The Department of Consumer and Regulatory Affairs shall determine whether an entity seeking credit for recycling construction and demolition waste has satisfied the requirements of section 4(a) and (b).

Sec. 4. Construction and demolition recycling accountability.

**New
§ 8-1073**

(a) Beginning 60 days after the Department gives public notice that it has certified at least 4 construction and demolition waste facilities, persons seeking credit for recycling construction and demolition waste under the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*) (“Green Building Act”), a similar certification system, or the construction codes shall use a certified facility for waste disposal or materials recovery; provided, that persons who transfer construction and demolition waste to a facility before the Department issues public notice of the certification of at least 4 construction and demolition waste facilities shall be exempt from compliance with this section.

(b) Credit shall not be applied toward compliance with the Green Building Act, a similar certification system, or the construction codes for construction and demolition waste transferred to an uncertified facility.

(c) The requirement to use a certified facility shall not apply to salvaged or deconstructed building materials intended for reuse and transported to a facility for storage and processing before reuse.

Sec. 5. Rules.

**New
§ 8-1074**

The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

Sec. 6. Revocation.

The Mayor may remove a facility from the list of certified facilities if it is found to be in violation of rules promulgated by the Mayor for certified facilities.

**New
§ 8-1075**

Sec. 7. Penalties.

**New
§ 8-1076**

(a) The Department shall determine the structure for penalties issued to persons for violations of this act and rules promulgated by the Mayor pursuant to section 5, and the Department shall publish notice of the fine schedule and any periodic updates.

(b) The Department may assess a fine, as set forth in regulations, on a person pursuant to subsection (a) of this section.

Sec. 8. Construction and Demolition Waste Recycling Fund.

**New
§ 8-1077**

(a) There is established as a nonlapsing, special purpose revenue fund the Construction and Demolition Waste Recycling Fund (“Fund”). The Fund shall be administered by the Director of the Department and used to develop, promote, and implement the certification program required under section 3.

(b) Revenue obtained from the Department’s certification program for waste disposal and materials recovery facilities, including fees assessed under section 3 and fines collected under section 7, shall be deposited into the Fund as of the effective date of this act.

(c) All funds deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.

Sec. 9. Applicability.

**Delayed
Applicability**

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Sec. 10. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 11. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.