

COUNCIL OF THE DISTRICT OF COLUMBIA

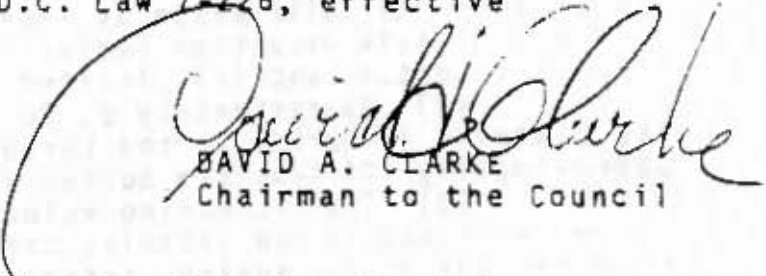
NOTICE

D.C. LAW 7-226

"D.C. Solid Waste Management and Multi-Material  
Recycling 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. 7-378 on first and second readings, November 29, 1988, and December 13, 1988, respectively. Following the signature of the Mayor on January 10, 1989, this legislation was assigned Act No. 7-301, published in the January 20, 1989, edition of the D.C. Register, (Vol. 36 page 595) and transmitted to Congress on January 23, 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 7-226, effective March 16, 1989.

  
DAVID A. CLARKE  
Chairman to the Council

Dates Counted During the 30-day Congressional Review Period:

January 24,25,26,27,30,31  
February 1,2,3,6,7,8,9,21,22,23,24,27,28  
March 1,2,3,6,7,8,9,10,13,14,15

EFFECTIVE DATE MAR 16 1989

Codification,  
New Chapter 34 of title 6  
District of Columbia Code  
(1989 Supp.)

AN ACT

D.C. ACT 7 - 301

IN THE COJNCIL OF THE DISTRICT OF COLUMBIA

JAN 19 1989

To establish policy for the District of Columbia for the comprehensive management of solid waste and a multi-material recycling program, require the source separation of certain recyclable materials, establish target dates for a percentage reduction in municipal solid waste, and establish an Office of Recycling within the Department of Public Works.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988".

Sec. 2. Findings.

New, Sect  
6-3401

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

(1) The District of Columbia ("District") disposes of its solid waste by incineration at the Benning Road Solid Waste Reduction Center #1 ("SWRC #1") or burying it at the Lorton Landfill, located on Interstate 95.

(2) Approximately 2,000 tons of solid waste from the District is buried in the Lorton Landfill each day and approximately 700 tons are burned at SWRC #1 each day.

(3) The increasing volume and variety of solid waste generated in the District create conditions that threaten the public health, safety, and well-being by contributing to land pollution, a waste of resources, the production of flies, rodents, litter, and the general deterioration of the environment.

(4) The traditional methods of solid waste management for the District, which are directed largely at land disposal and incineration, may not meet the future demands of the growing amount of municipal solid waste and the increase in non-biodegradable materials contained in solid waste.

(5) Methods of solid waste management that emphasize source reduction and recycling are essential to

the long-range preservation of the health, safety, and well-being of the public, the economic productivity and environmental quality of the District, and the conservation of resources.

(6) Removing certain materials from the District solid waste stream will decrease the flow of solid waste to the Lorton Landfill, aid in the conservation of valuable resources, and reduce substantially the required capacity of proposed solid waste disposal facilities.

(7) There is no office, division, or personnel, within the District government, devoted specifically to the issues attendant to recycling.

(8) The Council can most appropriately demonstrate its long-term commitment to environmental protection and effective solid waste management by establishing a proper solid waste separation and recycling program and increasing the purchase of recycled products by agencies and instrumentalities of the District government.

(9) Many other jurisdictions, including Fairfax County, Virginia; Montgomery County, Maryland; and many states, including New Jersey, California, and Washington, include recycling as part of their solid waste stream management.

(10) Private group recycling efforts within the District should be encouraged and coordinated with the efforts of the District government.

(11) Efforts should be made by the District government to explore the feasibility of establishing joint recycling programs with neighboring jurisdictions.

### Sec. 3. Purposes.

In enacting this act, the Council supports the following purposes:

New, Section  
6-3402

(1) To increase the life-expectancy of the Interstate 95 Landfill and decrease the need for future expansion of alternative refuse disposal facilities through a comprehensive program of solid waste stream reduction.

(2) To develop alternative methods of recovering resources from solid waste, recommend uses for the recovered resources, and determine the impact of the distribution of the resources in existing markets.

(3) To identify methods of collection, reduction, and separation that will promote more efficient use of solid waste disposal facilities and contribute to more effective programs for the reuse of solid waste.

(4) To employ District government procurement procedures to develop market demand for recovered resources, with special emphasis on maximum District government use of recycled paper.

(5) To encourage public agencies, private organizations, and individuals to participate in the reclamation and recycling of resources from solid wastes.

(6) To promote policies of energy conservation, environmental protection, economic productivity, and cost-effectiveness in the District.

#### Sec. 4. Definitions.

For the purposes of this act, the term:

New, Section  
6-3403

(1) "Commercial solid waste stream" means that part of the solid waste stream that is not collected by the District government.

(2) "Commercial property" means any property that does not receive solid waste collection services from the District government.

(3) "Compost" means the substance produced through the decomposition of organic materials, including wood, paper, mulch, yard, and food waste, that is capable of being used as a soil amendment.

(4) "Composting" means the decomposition of organic materials to form compost.

(5) "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.

(6) "Disposition" means the transport, placement, reuse, sale, donation, transfer, or temporary storage, for a period not exceeding 6 months, of recyclable materials for all possible uses except disposal as solid waste.

(7) "Intermediate processing facility" means a facility where commingled solid waste can be separated, processed, stored, assembled, and prepared for sale or other disposition, except incineration or burial.

(8) "Market" means the disposition of recyclable materials that are source separated in the District and exchanged for fair market value.

(9) "Multi-material recycling buy-back center" means any publicly or privately operated facility that pays the public for recyclable materials.

(10) "Office building" means any commercial establishment where the primary functions are the transaction of administrative, business, civic, or professional services including any library, museum, university or other facility where handling goods, wares, or merchandise, in limited quantities, is accessory to the primary occupancy or use.

(11) "Paper" means all newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, memo paper, duplicator paper, continuous

form paper, envelopes, printed material, or related cellulosic material containing not more than 10% by weight or volume of non-cellulosic material such as laminates, binders, coatings, or saturants.

(12) "Paper product" means any paper item or commodity, including paper napkins, towels, corrugated and other cardboard, construction material, toilet tissue, and related cellulosic products containing not more than 10% by weight or volume of non-cellulosic materials such as laminates, binders, coating, or saturants.

(13) "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.

(14) "Recyclable material" means material that would otherwise become municipal solid waste, and that may be collected, separated, or processed and returned to the economic mainstream as a raw material or product.

(15) "Recycled paper" means any paper the total weight of which is not less than 40% secondary waste paper material.

(16) "Recycled paper product" means any paper product consisting of not less than 40% secondary waste paper material.

(17) "Recycling service" means the service provided by a person engaged in the business of recycling, including the collection, processing, storage, purchase, sale, or disposition of recyclable materials.

(18) "Residential solid waste stream" means that part of the solid waste stream that is collected by the District government.

(19) "Residential property" means property that receives solid waste collection services from the District government including, single family dwellings and any building or structure containing 3 or fewer dwelling units used exclusively for residential purposes. Residential properties shall also include condominiums and cooperatives, if the occupants choose to participate in the recycling program using District collection services.

(20) "Source separated recyclable material" means a recyclable material, including paper, metal, glass, yard waste, office paper, or plastic that is stored separately from residential and commercial solid waste for the purposes of collection, disposition, and recycling.

(21) "Solid waste" means garbage, refuse, or any other waste product including, solid, liquid, semisolid, or contained gaseous material resulting from an industrial, commercial, or government operation or a community activity.

(22) "Solid waste stream" means all residential and commercial garbage or refuse generated within the

District that, unless recycled, would be disposed of by landfilling or incineration.

(23) "White goods" means refrigerators, stoves, ice freezers or appliances that may contain chlorofluorocarbons.

(24) "Yard waste" means any organic material, except food, and includes wood, mulch, leaves, or plants.

Sec. 5. Solid waste management policy for the District.

New, Section  
6-3404

(a) The following waste management hierarchy is established for the District:

- (1) Volume reduction at the source;
- (2) Recycling, composting, and reuse; or
- (3) Disposal in landfill facilities.

(b) Beginning on October 1, 1989, and every 2 years after that date, the Mayor shall submit to the Council, for review, a comprehensive solid waste management plan consistent with the purposes in section 3 and the hierarchy in subsection (a) of this section. The plan shall include the following:

- (1) A comprehensive analysis of the solid waste stream composition of the District for the next 10 years;
- (2) A comprehensive analysis of the solid waste disposal and recycling systems of the District for the next 20 years, including an assessment of the life expectancy of the Lorton Landfill;
- (3) An analysis of the market for recycled materials;
- (4) An analysis of recycling opportunities in the Washington Metropolitan Area;
- (5) An analysis of the feasibility of establishing local markets for recyclable materials in and near the District; and
- (6) An assessment of the risks of waste management alternatives.

(c) The Mayor shall consult with the Litter and Solid Waste Reduction Commission established pursuant to section 2 of the Litter and Solid Waste Reduction Act of 1985, effective February 21, 1986 (D.C. Law 6-84; D.C. Code, sec. 2-3201), and private entities and individuals in implementing the provisions of this act.

Sec. 6. Priority for recycling.

New, Section  
6-3405

The Mayor shall not construct or retrofit any facility in the District for the purpose of solid waste incineration or resource recovery through incineration until all of the provisions of this act are implemented or a 25% reduction in the solid waste stream is achieved through District-wide recycling, whichever comes first.

Sec. 7. Recyclable materials recovery targets.

New, Section  
6-3406

(a) The Mayor shall adhere to recovery targets for recyclable materials which shall include, at a minimum, the following schedule:

(1) The recycling of at least 10% of the total commercial solid waste stream of the prior year by the end of the first full year that the mandatory source separation requirements of section 8(a) are in effect;

(2) The recycling of at least 15% of the total solid waste stream of the prior year by the end of the first full year that the mandatory source separation requirements of section 8(c) are in effect;

(3) The recycling of at least 35% of the total solid waste stream of the District by October 1, 1992; and

(4) The recycling of at least 45% of the total solid waste stream of the District by October 1, 1994.

(b) For the purpose of this section, the term "total solid waste stream" means the sum of the solid waste stream disposed of as solid waste by the District, measured in tons, plus the total number of tons of recyclable materials recycled.

Sec. 8. Mandatory source separation program.

New, Section  
6-3407

(a) By October 1, 1989, occupants of commercial property shall separate from their solid waste, bundle or containerize, and provide for the recycling of all newspaper. In addition, occupants of office buildings, including the District government, shall separate for collection and provide for the recycling of all paper, as required by the Mayor by rules issued pursuant to section 20.

(b) By October 1, 1990, occupants of commercial property shall separate for collection and provide for the recycling of all glass and metal.

(c) By October 1, 1989, occupants of residential property shall separate from their solid waste and separately bundle or containerize all yard waste and newspaper for recycling, as required by the Mayor by rules pursuant to section 20. The Mayor shall provide recycling collection services for yard waste and newspaper no less than twice each month and notify all residents receiving collection services from the District of scheduled collection days as required by subsection (e) of this section.

(d) By April 1, 1990, occupants of residential property shall separate from their solid waste and containerize all metals and glass in 1 bin as required by the Mayor by rules issued pursuant to section 20. The Mayor shall provide collection services and establish a collection

schedule to implement this subsection pursuant to subsection (e) of this section.

(e) The Mayor shall, by July 1, 1989, and at least once every 6 months after that date, notify all persons occupying residential premises within the District of local recycling opportunities, the dates for collection of source separated materials, and all other source separation requirements of this act. In order to fulfill the notification requirements of this subsection, the Mayor shall advertise in a newspaper with wide circulation in the District, post in public places, and mail notice with the residential water and sewer bills as the Mayor deems necessary and appropriate.

#### Sec. 9. Establishment of Office of Recycling.

(a) The Office of Recycling is established as a single administrative unit within the executive office of the Director of the Department of Public Works to administer the recycling program in the District.

New, Section  
6-3408

(b) The duties of the Office shall include, to:

- (1) Coordinate, supervise, and implement the mandatory source separation program established by section 8, including a system to respond to citizen inquiries;
- (2) Ensure the adherence of the District to target dates for solid waste reduction pursuant to section 7;
- (3) Develop an educational and promotional campaign, in conjunction with the Litter and Solid Waste Reduction Commission, for commercial and residential solid waste generators on the mandatory source separation program and recycling;
- (4) Research the technology available for solid waste utilization, including recycling;
- (5) Identify potential markets for recyclable materials and obtain statements of interest for recovered materials;
- (6) Identify the amount and characteristics of the solid waste stream in the District;
- (7) Provide an assessment of the potential impact of alternative methods of solid waste management, including the public health, physical, social, economic, fiscal, environmental, and aesthetic implications;
- (8) Conduct and evaluate the results of public forums or surveys of local citizen opinion on solid waste management practices in conjunction with the Litter and Solid Waste Reduction Commission;
- (9) Make site analyses;
- (10) Coordinate efforts to stimulate markets for recycled materials, including District government purchasing policies;



(11) Serve as a liaison between the District and neighboring jurisdictions in developing a regional recycling and waste reduction campaign; and

(12) Develop a monthly household hazardous waste collection day to educate citizens on household hazardous waste and convenient and safe disposal through separate collection.

(c) Within 90 days of the effective date of this act, the Mayor shall designate a Recycling Coordinator who shall head the Office of Recycling.

Sec. 10. Right to recycle individual solid waste not limited.

New, Section  
6-3409

Nothing in this act shall limit the right of an individual to donate, sell, or otherwise dispose of his or her recyclable materials.

Sec. 11. Multi-material recycling buy-back centers and intermediate processing facilities.

New, Section  
6-3410

(a) The Mayor shall establish, on or before October 1, 1989, at least 1 multi-material buy-back center in the District, which shall be publicly or privately operated and pay the public for recyclable materials.

(b) The Mayor shall establish at least 1 intermediate processing facility in the District to receive recyclable materials designated for source separation pursuant to this act and any other recyclable materials designated by the Mayor.

Sec. 12. Contracting authority.

New, Section  
6-3411

The Mayor may enter into contracts or agreements on behalf of the District for recycling services or the operation of a multi-material recycling buy-back center and an intermediate processing facility for the collection, storage, processing, and disposition of recyclable materials designated to be source separated pursuant to this act, if these services are not otherwise provided by the District government.

Sec. 13. Compost materials use requirements.

New, Section  
6-3412

The Mayor shall, to the maximum extent practicable and feasible, use compost materials in any land maintenance activity operated with public funds and make compost materials available to the public.

Sec. 14. District procurement policies.

New, Section  
6-3413

(a) The Mayor shall modify all bid specifications relating to the purchase of paper and paper products to promote the maximum purchase of paper and products made from recycled paper and recycled paper products. Preference

shall be given to recycled paper and recycled paper products, unless the price of the paper and paper products is not competitive for the purpose intended. For the purposes of this section, the term "competitive" means a price within 10% of the price of items that are manufactured or produced from virgin paper products.

(b) The Mayor shall make a yearly written determination as to whether the price of recycled paper and recycled paper products is competitive, and on the percentage of recycled paper and recycled paper products purchased by the District government during the prior year. The Mayor shall submit a copy of the report to the Council on January 1, 1990, and on January 1st of each subsequent year.

(c) Unless the price of recycled paper and recycled paper products is not competitive as determined by the Mayor pursuant to subsection (b) of this section, the percentage of the total amount of paper or paper products made from recycled paper or recycled paper products purchased by the District shall be as follows:

- (1) Not less than 15% by October 1, 1990;
- (2) Not less than 30% by October 1, 1991; and
- (3) Not less than 45% by October 1, 1992.

(d) The Mayor, after formal advertisement and solicitation of proposals for recycled paper or recycled paper products, may award a contract for paper or paper products manufactured or produced from virgin paper products in the manner prescribed by law, if no competitive proposals for recycled paper or recycled paper products are received. The award of a contract for virgin paper products shall not relieve the Mayor of any future obligation to contract for recycled paper or recycled paper products.

(e) The Mayor shall investigate other products that are recyclable or composed, in whole or in part, of recycled materials that can be purchased for use by the District government and submit a report on the findings of the investigation and a plan for the purchase of other recycled products including glass, plastics, and tires within 6 months after the effective date of this act.

Sec. 15. Annual reporting requirements; submission of plan.

New, Section  
6-3414

(a) Beginning on January 15, 1991, and on each January 15th of each subsequent year, the Mayor shall submit a recycling report to the Council for review, which shall contain the following:

- (1) The tonnage of solid waste generated, disposed of, and recycled by the District;
- (2) An evaluation of the mandatory recycling program established pursuant to this act;

- (3) The tonnage of paper collected and recycled from District government offices;
  - (4) The revenue generated through the disposition of recycled materials for the District;
  - (5) The approximate cost avoidance achieved through the District's mandatory recycling program.
  - (6) The overall success of meeting the recovery targets set forth in section 7 of this act;
  - (7) An evaluation of markets for recycled materials and how District policies have stimulated markets;
  - (8) An evaluation of the educational and promotional campaign on the mandatory source separation program as developed by the District of Columbia Recycling Coordinator pursuant to section 9 of this act.
- (b) By October 1, 1989, the Mayor shall submit to the Council a plan for the following:
- (1) The recovery of tires from the solid waste stream for reuse, recycling, or other disposition;
  - (2) The segregation, treatment, labeling, tracking, transportation, and disposition of medical, infectious, and hazardous waste;
  - (3) The recycling and reuse of construction and demolition wastes;
  - (4) The provision of tax incentives and low interest loans to District businesses that use recycled products or purchase or lease recycling equipment;
  - (5) The recycling of plastic polystyrene and polyvinyl chloride containers.

Sec. 16. Recycling surcharge.

The Mayor shall maintain a recycling surcharge on all private haulers of solid waste who dispose of solid waste through the solid waste disposal system of the District to offset the cost of developing new and additional methods of solid waste management. Money generated from this surcharge shall be used to fund recycling activities in the District, no more than 25% of which shall go to fund the recycling educational and promotional activities of the Litter and Solid Waste Reduction Commission.

New, Section  
6-3415

Sec. 17. Information clearinghouse.

The Mayor shall maintain a central clearinghouse for information regarding the implementation of this act and recycling in general. The clearinghouse shall provide data regarding solid waste research and planning, solid waste management policies, markets for recyclable materials, and regional cooperation.

New, Section  
6-3416

Sec. 18. Enforcement.

New, Section  
6-3417

(a) The provisions of this act, including the establishment of a schedule of fines for violations of this act, shall be enforced by the Mayor pursuant to the Litter Control Administration Act of 1985, effective, March 25, 1986 (D.C. Law 6-100; D.C. Code, sec. 6-2901 et seq.).

(b) In addition to the penalties imposed pursuant to subsection (a) of this section, the Mayor may refuse to collect or dispose of any solid waste that is not separated as required by this act or any rules issued pursuant to section 20.

(c) The Mayor may deny the issuance or renewal of a license to engage in commercial collection or transportation of solid wastes by vehicle if the applicant does not guarantee that recyclable materials separated as required by this act or by rules issued pursuant to section 20 of this act will be recycled.

Sec. 19. Conforming amendment.

(a) Section 3(a)(1) of the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Code, sec. 6-2902), is amended by adding the phrase "the District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1987," after the word "enforce".

Section  
6-2902

(b) Section 3 of the Litter and Solid Waste Act of 1985, effective February 21, 1986 (D.C. Law 6-84; D.C. Code, sec. 2-3202), is amended by adding the phrase "and recycling" after the word "reduction" wherever it appears.

Section  
2-3202

(c) Section 3(c) of the Litter and Solid Waste Act of 1985 (D.C. Code, sec. 2-3202(c)), is amended by adding a new paragraph (8) to read as follows:

Section  
2-3202

"(8) The development of a comprehensive educational and promotional campaign on recycling for generators of commercial and residential solid waste."


Sec. 20. Rules.

Within 90 days after the effective date of this act, the Mayor shall, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.), issue proposed rules to implement the provisions of this act. 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.

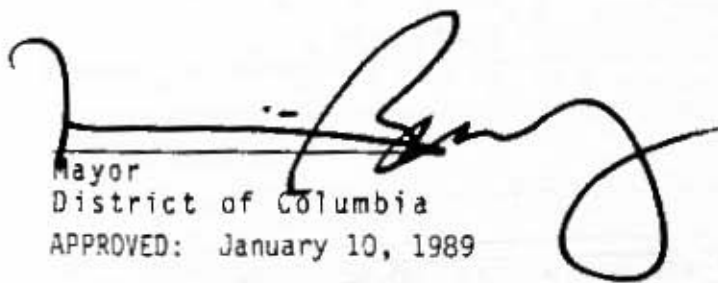
New, Section  
6-3418

Sec. 21. Effective date.

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)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED: January 10, 1989



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Seven

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO. 37-378

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-29-88

VOICE VOTE: Approved

Recorded vote on request

Absent: 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					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

*Rosemary Smith*  
Secretary to the Council

12-22-88  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-13-88

VOICE VOTE: Approved

Recorded vote on request

Absent: Wilson Smith

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

*Rosemary Smith*  
Secretary to the Council

12-22-88  
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