

ENROLLMENT(S)



COUNCIL OF THE DISTRICT OF COLUMBIA

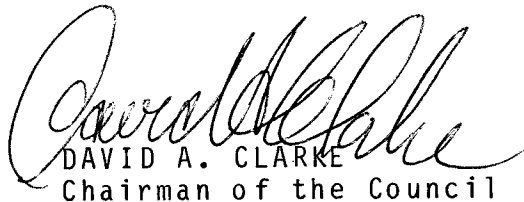
NOTICE

D.C. LAW 8-37

"District of Columbia Hazardous Waste Management Act of 1977 Amendment 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. 8-216 on first and second readings, June 27, 1989, and July 11, 1989, respectively. Following the signature of the Mayor on July 27, 1989, this legislation was assigned Act No. 8-66, published in the August 11, 1989, edition of the D.C. Register, (Vol. 36 page 5748) and transmitted to Congress on August 4, 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 8-37, effective October 18, 1989.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

August 4

September 6,7,8,11,12,13,14,15,18,19,20,21,22,25,26,27,28,29

October 2,3,4,5,6,10,11,12,13,16,17

OCT 18 1989

Codification,
District of Columbia Code
(1990 Supplement)

AN ACT

D.C. ACT 8 - 66

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 27 1989

To amend the District of Columbia Hazardous Waste Management Act of 1977 to strengthen the District of Columbia government's hazardous waste program and make District law consistent with the most recent federal amendments that govern the regulation of hazardous waste.

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 Amendment Act of 1989".

Sec. 2. The District of Columbia Hazardous Waste Management Act of 1977, effective March 16, 1978 (D.C. Law 2-64; D.C. Code, sec. 6-701 et seq.), is amended as follows:

(a) Section 2(a)(2) (D.C. Code, sec. 6-701(a)(2)) is amended to read as follows:

Section
6-701

"(2) To establish a program of regulation over the generation, storage, transportation, treatment, and disposal of hazardous waste and fuel containing hazardous waste and the production, marketing, distribution, and burning of fuel produced from or containing hazardous waste."

(b) Section 3 (D.C. Code, sec. 6-702) is amended by adding the following new paragraphs:

Section
6-702

"(1-a) The term "guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator.

"(5-a) The term "person responsible" means a person who is or has been the generator of hazardous waste, the owner or operator of a site that contains or a vehicle that transports hazardous waste, or a person who by contract, agreement, or otherwise arranges or has arranged for disposal or treatment of hazardous waste."

(c) Section 4 (D.C. Code, sec. 6-703) is amended to read as follows:

Section
6-703

"(a) It is unlawful to own, construct, substantially alter, or operate any hazardous waste treatment, storage, or

disposal facility or site or to generate, store, transport, treat, or dispose of any hazardous waste except in accordance with the terms of the permit issued by the Mayor for the facility, site, or activity.

"(b) The Mayor may issue, vary, or modify the terms of a permit or 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 that exceeds 10 years. The terms of any permit for a treatment, storage, or disposal facility shall require that the permit holder take corrective action within or beyond the facility boundary if necessary to protect human health and the environment. The Mayor may establish the appropriate permit fee according to costs associated with its issuance."

(d) Section 6 (D.C. Code, sec. 6-705) is amended as follows:

Section
6-705

(1) Subsection (a)(1)(H) is amended to read as follows:

"(H) Marketing, distribution, and burning of fuel produced from a hazardous waste or containing a hazardous waste.";

(2) A new subsection (a)(1)(I) is added to read as follows:

"(I) Requirements for on-site and off-site corrective action by owners or operators of a disposal, storage, and treatment facility."; and

(3) A new subsection (b) is added to read as follows:

"(b) 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."

(e) Section 8 (D.C. Code, sec. 6-707) is amended to read as follows:

Section
6-707

"(c) When there is a threat to human health or the environment, or a release of hazardous waste into the environment, and the responsible party or address is unknown, or cannot be located, written notice shall be served by conspicuously posting the notice on the property where the threat exists or the release occurred and sending a copy to the last known address via certified mail.

"(d) When dangerous chemicals and hazardous waste on property pose an imminent threat to human health or the environment, the Mayor may post the property and restrict access. The posting shall provide the public with notice that a dangerous condition exists and shall prohibit the owner from removing or handling the waste without prior approval by the Mayor."

(f) Section 12(a) (D.C. Code, sec. 6-711(a)) is amended to read as follows:

Section
6-711

"(a)(1) Whenever the Mayor has reason to believe that there has been a violation of this act, the rules promulgated pursuant to this act, a threat to human health or the environment, or a release of hazardous waste into the environment, the Mayor may give written notice of the alleged violation, threat, or release to the person responsible and order the person to monitor, test, or take corrective measures that the Mayor considers reasonable and necessary.

"(2) The notice shall state the nature of the violation, threat, or release and allow a reasonable time for the performance of the necessary corrective measures.

"(A) If a person fails to comply with the notice within the time period stated in the notice, the Mayor shall take corrective action necessary to alleviate or terminate the violation, threat, or release to protect human health or the environment.

"(B) The Mayor may recover the costs of corrective action incurred by the District of Columbia government from any person responsible by requesting the Corporation Counsel to commence appropriate civil action in the Superior Court of the District of Columbia."

(g) The following new sections are added to read to follows:

New, Section
6-713

"Sec. 15. Dust suppression and road treatment.

"The use of waste, used oil, or other material, which is contaminated or mixed with dioxin or any other hazardous waste for dust suppression or road treatment in the District of Columbia, is prohibited.

"Sec. 16. Actions against guarantor.

New, Section
6-714

"(a) Any claim arising from conduct of an owner or operator of a hazardous waste treatment, storage, or disposal facility for which evidence of financial responsibility is required, may be asserted directly against the guarantor that provides evidence of financial responsibility if:

"(1) The owner or operator is in bankruptcy, reorganization, or arrangement pursuant to An Act To establish a uniform law on the Subject of Bankruptcies, approved November 6, 1978 (92 Stat. 2549; 11 U.S.C. 101 et seq.); or

"(2) The owner or operator is likely to be solvent at the time of judgment, but jurisdiction cannot be obtained with reasonable diligence in any state or federal court.

"(b) In any claim asserted against a guarantor pursuant to subsection (a) of this section, the guarantor shall be entitled to invoke all rights and defenses that

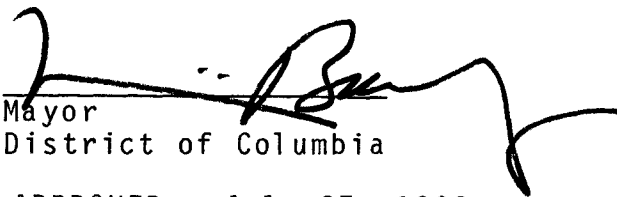
would have been available to the owner or operator of the hazardous waste storage, treatment, or disposal facility if an action had been brought against the owner or operator by the claimant and that would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

"(c) The total liability of any guarantor shall be limited to the aggregate amount that the guarantor has provided as evidence of financial responsibility to the owner or operator."

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: July 27, 1989



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-216

Item on Consent Calendar
 ACTION & DATE: Adopted First Reading, 6-27-89
 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

Russell Smith
 Secretary to the Council

7-14-89
 Date

Item on Consent Calendar
 ACTION & DATE: Adopted Final Reading, 7-11-89
 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

Russell Smith
 Secretary to the Council

7-14-89
 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