

# ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

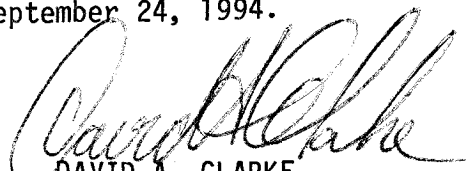
NOTICE

D.C. LAW 10-178

"District of Columbia Solid Waste Management and  
Multi-Material Recycling Act of 1988  
Amendment Act of 1994".

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. 10-10 on first, amended first, and second readings, June 7, 1994, June 21, 1994 and July 5, 1994 respectively. Following the signature of the Mayor on July 26, 1994, this legislation was assigned Act No. 10-303, and published in the August 5, 1994, edition of the D.C. Register (Vol.41 page 5205) and transmitted to Congress on August 1, 1994 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 10-178 effective September 24, 1994.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

August 1,2,3,4,5,8,9,10,11,12,15,16,17,18,19,22,23,24,25,26

September 12,13,14,15,16,19,20,21,22,23

AN ACT

D.C. ACT 10-303

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 26, 1994

To amend the Litter and Solid Waste Act of 1985 to change the name of the Litter and Solid Waste Reduction Commission to the Environmental Planning Commission; to amend the District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988 to remove the requirement that the District provide recycling collection services to selected condominiums and cooperatives, to revise the comprehensive plan submittal date, to authorize the Mayor to mandate the source separation of any specified waste stream component, to require an annual report on the recycling surcharge, and to calculate recyclable materials recovery targets; to authorize the Mayor to issue grants for solid waste and recycling research, collecting, marketing and other services to universities, nonprofit institutions, and businesses; to amend chapter 20 of title 21 of the District of Columbia Municipal Regulations to make conforming amendments and to amend the District of Columbia Real Property Tax Revision Act of 1974 to conditionally include certain unimproved real property in the Class 4 Property classification.

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 Amendment Act of 1994".

Sec. 2. The Litter and Solid Waste Act of 1985, effective February 21, 1986 (D.C. Law 6-84; D.C. Code § 2-3201 *et seq.*), is amended as follows:

(a) Section 2(a) (D.C. Code § 2-3201(a)) is amended by striking the phrase "Litter and Solid Waste Reduction Commission" and inserting the phrase "Environmental Planning Commission" in its place.

Section  
2-3201

(b) Section 4(a) (D.C. Code § 2-3203(a)) is amended by striking the phrase "A Commission on Litter and Solid Waste Fund" and inserting the phrase "An Environmental Planning Fund" in its place.

Section  
2-3203

Sec. 3. The District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988, effective March 16, 1989 (D.C. Law 7-226; D.C. Code § 6-3401 *et seq.*), is amended as follows:

(a) Section 4(19) (D.C. Code § 6-3403(19)) is amended by striking the last sentence.

Section  
6-3403

(b) Section 5 (D.C. Code § 6-3404) is amended as follows:

Section  
6-3404

(1) Subsection (b) is amended by striking the phrase "Beginning on October 1, 1989 and every 2 years after that date" and inserting the phrase "On October 1, 1989, December 1, 1993, and every two years thereafter" in its place.

(2) Subsection (c) is amended by striking the phrase "Litter and Solid Waste Reduction Commission" and inserting the phrase "Environmental Planning Commission" in its place.

(c) Section 7 (D.C. Code § 6-3406) is amended as follows:

Section  
6-3406

(1) Subsection (b) is amended to read as follows:

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

(2) A new subsection (c) is added to read as follows:

"(c) The calculation of the recyclable materials recovery targets shall consist of the sum of the total solid waste stream divided by the sum of the residential and commercial recyclable materials recycled."

(d) Section 8 (D.C. Code § 6-3407) is amended as follows:

Section  
6-3407

(1) Subsection (d) is amended by striking the word "bin" and inserting the word "container" in its place.

(2) A new subsection (f) is added to read as follows:

"(f) The Mayor shall have the authority to mandate the source separation and recycling of any other component of the solid waste stream by owners and occupants of residential and commercial properties in the District of Columbia."

(e) Section 9(b) (D.C. Code § 6-3408(b)) is amended as follows:

Section  
6-3408

(1) Paragraphs (3) and (8) are amended by striking the phrase "Litter and Solid Waste Reduction Commission" and inserting the phrase "Environmental Planning Commission" in its place.

(2) Paragraph (12) is amended by striking the word "monthly" and inserting the phrase "semi-annual" in its place.

(f) Section 12 (D.C. Code § 6-3411) is amended by designating the existing text as subsection (a) and by adding a new subsection (b) to read as follows:

Section  
6-3411

"(b) The Mayor may issue grants for solid waste and recycling research, collecting, marketing, and other services to universities and nonprofit institutions, and businesses with funds generated by the recycling surcharge authorized pursuant to section 16."

(g) Section 15(b)(4) (D.C. Code § 6-3414(b)(4)) is amended by inserting the phrase "and residents" after the word "businesses".

Section  
6-3414

(h) Section 16 (D.C. Code § 6-3415) is amended as follows:

Section  
6-3415

(1) The existing text is designated as subsection (a).

(2) The newly designated subsection (a) is amended by striking the phrase "Litter and Solid Waste Reduction Commission" and inserting the phrase "Environmental Planning Commission" in its place.

(3) New subsections (b) and (c) are added to read as follows:

"(b) On January 15th of each year the Mayor shall submit to the Council the following:

"(1) An annual report on all income received from the recycling surcharge during the previous fiscal year;

"(2) A line-item report on all disbursements made from the recycling surcharge during the previous fiscal year; and

"(3) A proposed plan for the use of all monies in the recycling surcharge for the current fiscal year.

"(c) The proposed plan submitted by the Mayor pursuant to subsection (b)(3) of this section shall be submitted to the Council for approval, in whole or in part, by resolution. The expenditure of recycling surcharge monies shall be subject to Council approval of the annual report required to be submitted pursuant to subsection (b)(1) of this section."

Sec. 4. Chapter 20 of title 21 of the District of Columbia Municipal Regulations is amended as follows:

DCMR

(a) Subsection 2003.6 is amended by striking the phrase "MF&B cans and GF&B containers without lids or bottle tops" and inserting the phrase "GF&B containers without lids or bottle tops and MF&B cans" in its place.

(b) Section 2010 is amended as follows:

(1) Subsection 2010.1(a) is amended by striking the phrase "; and" and inserting a period in its place.

(2) Subsection 2010.1(b) is repealed.

(3) Subsection 2010.2(a) is amended by striking the phrase ", except in accordance with Section 2010.1(b)".

(4) Subsection 2010.3 is repealed.

(c) Sections 2011, 2012, 2013, and 2014 are repealed.

(d) Subsection 2021.3 is amended as follows:

(1) Paragraph (c) is amended by striking the word "and".

(2) Paragraph (d) is amended by striking the period and inserting a semicolon in its place.

(3) New paragraphs (e), (f), and (g) are added to read as follows:

"(e) The square footage of the property;

"(f) The number of units within the building, if the property is an apartment building, condominium, or cooperative; and

"(g) The number of full-time and part-time employees employed at the property."

(e) Subsection 2050.1 is amended by adding a new sentence at the end to read as follows:

"This registration is in addition to any license required by section 710."

(f) Subsection 2061.1 is amended as follows:

(1) By striking the heading "RESIDENTIAL CONDOMINIUMS AND COOPERATIVE NEWSPAPERS (RECEIVING DPW COLLECTION SERVICE)" and all text under this heading;

(2) By amending the heading "COMMERCIAL ESTABLISHMENTS" as follows:

(A) The subheading "APARTMENT BUILDINGS AND CONDOMINIUMS/COOPERATIVES NOT RECEIVING DPW COLLECTION" is amended by striking the phrase "NOT RECEIVING DPW COLLECTION".

(B) The subheading "CONDOMINIUMS/COOPERATIVES NOT RECEIVING DPW COLLECTION AND APARTMENT BUILDINGS" is amended by striking the phrase "NOT RECEIVING DPW COLLECTION"; and

(3) By amending the heading "HAULERS" by striking the existing text under the heading and inserting the following text in its place:

| Violation   | Scheduled Fines      |                |
|---|----------------------|----------------|
|   | 1st & 2nd<br>Offense | 3rd<br>Offense |
| Failure to have a valid recycling registration<br>(21 DCMR 2050.1)  | \$100                | \$250          |
| Failure to provide for the recycling of all materials collected for recycling purposes<br>(21 DCMR 2050.8)          | \$100                | \$500          |
| Failure to provide monthly reports<br>(21 DCMR 2051.1)  | \$100                | \$500          |
| Failure to provide monthly reports -- Self-implementers<br>(21 DCMR 2051.2)   | \$ 50                | \$100          |
| Hauling recyclable materials mixed with trash delivered to a D.C. solid waste disposal facility<br>(21 DCMR 2052.2) | \$100                | \$500          |

(f) Section 2099 is amended as follows:

(1) The definition of "Contaminants" is amended by striking the phrase "not only" and by inserting a period after the word "garbage" and striking the rest of the definition.

(2) The definition of "Household Waste" is amended by inserting the phrase "at a residential property" after the word "disposal".

(3) The definition of "Registration Packet" is repealed.

(4) The definition of "Undue Hardship" is amended by striking the word "means".

Sec. 5. Section 412(a)(c-2) of the District of Columbia Real Property Tax Revision Act of 1974, effective November 20, 1979 (D.C. Law 3-37; D.C. Code § 47-813(c-2)), is amended by adding a new subparagraph (G) to read as follows:

"(G) Class 4 Property shall include, as of June 30 of the preceding tax year, the unimproved real property that is within the Northeast No. 1/Eckington Yards Special Treatment Area and the Buzzard Point/Near Southeast Development Opportunity Area, as designated on the District of Columbia Generalized Land Use Map dated November 1992 that is part of the Comprehensive Plan, provided that the real property

Section  
47-813

is zoned for commercial development and the real property owner is engaged in predevelopment activities as supported by written documentation. For the purpose of this subparagraph, "predevelopment activities" means completion of 1 of the following:


"(i) Preparation of subdivision or large tract review applications;

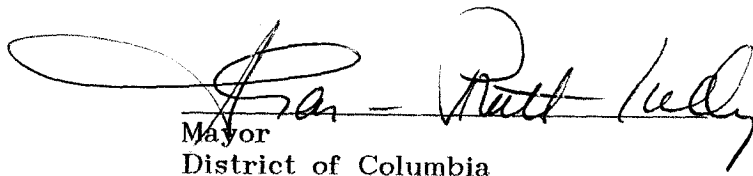
"(ii) Preparation or application for District permits or authorizations to proceed with development;

"(iii) Participation in special planning or transportation studies prepared in conjunction with the District; or

"(iv) Completion of environmental assessment or mitigation studies prepared in conjunction with the District."

Sec. 6. 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 § 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 26, 1994



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 10-10

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-7-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry, Chavous, Lightfoot and Smith

ROLL CALL VOTE - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 4 rows of member names (CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.)

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

CERTIFICATION RECORD

Signature of Secretary to the Council

Date: July 11, 1994

Item on Consent Calendar

ACTION & DATE: Adopted Amended First Reading, 6-21-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry and Smith

ROLL CALL VOTE - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 4 rows of member names (CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.)

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

CERTIFICATION RECORD

Signature of Secretary to the Council

Date: July 11, 1994

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 7-5-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Brazil and Thomas

ROLL CALL VOTE - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 4 rows of member names (CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.)

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

CERTIFICATION RECORD

Signature of Secretary to the Council

Date: July 11, 1994