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A BILL
20-641

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish a sustainable solid waste management hierarchy and require mandatory source separation of solid waste in the District, to require private collection properties to provide adequate waste collection on the property and annually communicate information about source separation requirements to individuals who discard solid waste at the property, to require collectors to label waste containers and submit quarterly reports to the Mayor, to require collectors to register with the Office of Waste Diversion, to establish an Office of Waste Diversion within the Department of Public Works, to establish an Interagency Waste Reduction Working Group, to require the Mayor to ensure that training for employees who enforce the District’s waste laws addresses the requirements of this act, to authorize the Mayor to enter into contracts for solid waste collection and disposal services, the operation of recycling and composting facilities, and marketing or selling recyclable or compostable materials, to authorize the Mayor to impose fees on the disposal of solid waste at solid waste facilities, to establish a Solid Waste Diversion Fund, to require the Mayor to submit annual updates to the Council about waste diversion in the District, to require electronics manufacturers to submit electronic waste management plans to the Mayor, to require manufacturers of electronic waste to register with the Mayor, to require electronics manufacturers to accept covered electronic equipment sold under the manufacturer's brand name and on a one-to-one basis with a purchase of covered electronic equipment, to establish minimum collection standards for electronics manufacturers, to require electronics manufacturers to label and provide return information with covered electronic equipment, to ban the disposal of covered electronic equipment as trash in the District, to require electronics manufacturers submit annual reports to the Mayor; to amend the Litter Control Administrative Act of 1985 to authorize the Mayor to enforce provisions of the Sustainable Solid Waste Management Amendment Act of 2014; to repeal An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, and for other purposes; to repeal 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 eleven, and for other purposes; to repeal An Act To provide for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia; to repeal An Act Authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes; to repeal An Act For the disposal of combustible refuse from places

43 outside of the city of Washington; to repeal section 3 of the District of Columbia
44 Comprehensive Plan for a Multi-Material Recycling System Act of 1987; and to repeal
45 portions of the Solid Waste Management and Multi-Material Recycling Act of 1988.

46
47 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
48 act may be cited as the “Sustainable Solid Waste Management Amendment Act of 2014”.

49 **TITLE I. WASTE MANAGEMENT, REDUCTION, AND RECOVERY.**

50 **SUBTITLE A. SOLID WASTE REDUCTION AND RECOVERY.**

51 Sec. 101. Definitions.

52 For the purposes of this subtitle, the term:

53 (1) “Collector” means a person engaged in the collection or transportation of
54 solid waste in the District.

55 (2) “Compost” means a stable, organic substance produced by a controlled
56 decomposition process that can be used as a soil additive, fertilizer, growth media, or other
57 beneficial use.

58 (3) “Composting” or “composted” means the series of activities, including
59 separation, collection, and processing, through which materials are recovered or otherwise
60 diverted from the solid waste stream for conversion into compost.

61 (4) “Compostable” means made solely of materials that break down into, or
62 otherwise become part of, usable compost in a safe and timely manner in an appropriate
63 program.

64 (5) “Compost collection program” means a waste collection program,
65 implemented either directly or through contract, that provides regular collection of separated
66 compostable materials for public collection properties.

67 (6) “DDOE” means the District Department of the Environment.

68 (7) “Disposition” means the transport, placement, reuse, sale, donation, transfer,
69 or temporary storage, for a period not exceeding 6 months, of recyclable materials for all
70 possible uses except disposal as trash.

71 (8) “DPW” means the Department of Public Works.

72 (9) “Incineration” means a form of solid waste disposal through combustion or
73 thermal conversion of solid waste materials into ash, flue gas, fuel, or heat; provided, that
74 recycling, composting, anaerobic digestion of compostable solid waste, and conversion of
75 compostable solid waste into biofuel are not considered incineration.

76 (10) “Intermediate processing facility” means a facility where solid waste can be
77 separated, processed, stored, assembled, and prepared for sale or other disposition, except
78 incineration or burial.

79 (11) “Private collection property” means a property that does not receive solid
80 waste collection services from the District.

81 (12) “Public collection property” means a property that receives solid waste
82 collection from the District either directly or through contract.

83 (13) “Recyclable” means made solely of materials that can be recycled using the
84 District’s recycling collection program.

85 (14) “Recycle” or “Recycled” or “Recycling” means the series of activities
86 including separation, collection, and processing, through which materials are recovered or
87 otherwise diverted from the solid waste stream for use as raw materials or in the manufacture of
88 products other than fuel.

89 (15) “Solid waste” means garbage, refuse, trash, or any other waste or waste
90 product, including recyclable, compostable, or otherwise reusable material, whether in solid,
91 liquid, semisolid, or contained gaseous state, resulting from an industrial, commercial,
92 residential, or government operation or community activity; provided, that the following are not
93 considered solid waste for the purpose of this subtitle:

94 (A) Hazardous waste, as defined in section 2(2A) of the Illegal Dumping
95 Enforcement Amendment Act of 1994, effective May 20, 1994 (D.C. Law 10-117, D.C. Official
96 Code § 8-901(2A));

97 (B) Medical waste, as defined in section 2(3A) of the Illegal Dumping
98 Enforcement Amendment Act of 1994, effective May 20, 1994 (D.C. Law 10-117, D.C. Official
99 Code § 8-901(3A)); and

100 (C) Construction and demolition waste subject to sections 406 and 503 of
101 Title 12K of the District of Columbia Municipal Regulations (12K DCMR § 406; 503).

102 (16) “Sustainable solid waste management hierarchy” means the prioritization of
103 solid waste diversion and disposal activities in the District set forth in section 102.

104 (17) “Solid waste stream” means all solid waste generated within the District.

105 (18) "Source separation" means the separation of solid waste at the point of
106 discard into the categories required under section 103.

107 (19) "SWEEP" means DPW's Solid Waste Education and Enforcement Program.

108 (20) "Trash" means solid waste that is collected for disposal by incineration or
109 landfill.

110 (21) "Waste diversion" means activities that result in solid waste source
111 reduction, reuse, recycling, composting, or conversion of compostable solid waste into biofuel.

112 (22) "Waste diversion rate" means the percentage of the solid waste stream, by
113 weight, that is successfully diverted from landfilling and incineration through source reduction,
114 reuse, recycling, composting, and conversion of compostable solid waste into biofuel.

115 Sec. 102. Sustainable solid waste management hierarchy.

116 To the maximum extent practicable, the District shall direct its solid waste management
117 policies and diversion activities in the following order of priority:

118 (1) Source reduction and reuse;

119 (2) Recycling or composting of solid waste, or conversion of compostable solid
120 waste into biofuel; and

121 (3) Landfill or incineration of solid waste.

122 Sec. 103. Mandatory source separation.

123 (a)(1) Solid waste in the District shall be separated at the point of discard into the
124 following categories:

125 (A) Recyclable materials;

126 (B) Compostable materials; and

127 (C) Trash.

128 (2) Section 103(a)(1)(B) shall apply upon the Mayor's implementation of a
129 compost collection program; provided, that the Mayor may require that private collection
130 properties or subcategories of private collection properties separate compostable materials before
131 the implementation of a compost collection program.

132 (b) The Mayor shall make public a list of recyclable materials; and, upon the
133 implementation of a compost collection program established by the Mayor, compostable
134 materials. The Mayor shall review the list on a bi-annual basis to determine whether additional
135 materials should be added or removed.

136 (c) By January 1, 2016, the Mayor shall submit a report to the Secretary of the Council
137 regarding the feasibility of and progress made toward implementing a compost collection
138 program.

139 (d) The Mayor may establish a uniform color, design, and labeling scheme for public
140 collection property waste containers in the District.

141 Sec. 104. Mandatory adequate waste collection.

142 (a) A private collection property owner shall provide adequate waste collection service,
143 including:

144 (1) Supplying waste containers to make source separation accessible for
145 individuals discarding solid waste at the property. The containers shall:

146 (A) Be capable of containing reasonably anticipated source separated
147 waste generated at the location; and

148 (B) Bear or be near visible signage indicating the category of source
149 separated material by visuals or description or shall comply with a color scheme established by
150 the Mayor; and

151 (2) Annually communicating information to individuals discarding solid waste at
152 the property regarding the types of materials that must be source separated at the property; and

153 (3) Ensuring annual training on the property's source separation requirements of
154 any janitorial staff employed at the property.

155 (b) The Mayor may require a private collection property owner to submit a source
156 separation plan outlining the steps the property owner will take to implement the requirements of
157 this subtitle.

158 Sec. 105. Collector obligations.

159 (a) A collector shall appropriately and visibly label any solid waste container the
160 collector provides to a property to indicate, by visuals or description, the category of waste for
161 which the container is intended, unless the container complies with a color scheme established
162 by the Mayor.

163 (b) A collector shall submit an annual report to the Mayor that includes the following
164 information:

165 (1) The total tonnage of solid waste collected in the District by the collector in the
166 previous calendar year;

167 (2) A breakdown of the total tonnage reported in subsection (b)(1) of this section
168 by the individual tonnage of solid waste source separated as required by section 103 that was
169 collected for delivery to recycling, composting, landfill, incineration, and any other waste
170 processing or disposal facilities;

171 (3) The names, locations, and tonnage of solid waste delivered to recycling,
172 composting, landfill, incineration, and other waste processing or disposal facilities; and

173 (4) Any other information the Mayor may require.

174 (c) A collector shall retain records of solid waste collected and disposed of for 3 years or
175 a different period as prescribed by the Mayor.

176 (d) To ensure compliance with this section, the Mayor may inspect all records,
177 documents, or data compilations in the possession or control of a collector during normal
178 operating hours.

179 (e) Information submitted to the Mayor pursuant to subsection (b) of this section may not
180 be distributed publicly except in aggregate numbers by year, facility name, type, and waste type
181 as part of the reporting required by section 113. Collector-specific information shall be
182 designated confidential. Except as otherwise provided by law or court order, collector-specific
183 information may be used only by the Mayor, the Mayor's agents and employees, other District
184 agencies, and, as authorized by the Mayor, by the United States Environmental Protection
185 Agency.

186 (f) Failure to submit an annual report required in section 105(b) or to maintain a record
187 pursuant to section 105(c) of this section may result in one or more of the following penalties:

188 (1) A maximum fine of \$25,000; or

189 (2) Suspension or revocation of a collector’s registration or license.

190 Section 106. Collector registration.

191 (a) A collector shall register with the Office of Waste Diversion before operating in the
192 District in accordance with this section.

193 (b) The Office of Waste Diversion shall issue registrations annually for collectors and
194 vehicles engaged in the collection and transportation of solid waste in the District. No collector
195 registration shall be issued unless the collector:

196 (1) Certifies that recyclable or compostable materials source separated as required
197 by this subtitle will be delivered to a recycling or composting facility, as appropriate;

198 (2) Provides a list of all vehicles used to collect solid waste in the District,
199 including any information the Office requires about the vehicles; and

200 (3) Beginning on October 1, 2016, has submitted the annual report required under
201 section 105(b) for the previous year.

202 (c)The Mayor may establish separate registration procedures or requirements for
203 collectors and vehicles based upon the type of solid waste collected or transported.

204 (d) The Mayor shall establish registration fees to offset the costs of administering this
205 subtitle.

206 Sec. 107. Office of Waste Diversion.

207 There is established an Office of Waste Diversion (“Office”) within the Department of
208 Public Works. The duties of the Office shall include:

209 (1) Coordinating and supervising the implementation of the provisions of this
210 subtitle;

211 (2) Implementing the source separation education and outreach program
212 developed pursuant to section 108;

213 (3) Supervising and developing a system to respond to citizen inquiries about
214 mandatory source separation;

215 (4) Serving as a liaison between the District and neighboring jurisdictions in
216 developing regional waste reduction and diversion campaigns;

217 (5) Implementing policies for reducing the generation of solid waste in the
218 District and increasing the District's solid waste diversion rate developed by the Interagency
219 Waste Reduction Working Group;

220 (6) Publishing annually on its website the reports issued to the Council under
221 section 113; and

222 (7) Registering all collectors and vehicles engaged in the collection or
223 transportation of solid waste in accordance with section 106.

224 Sec. 108. Interagency Waste Reduction Working Group.

225 (a) There is established an Interagency Waste Reduction Working Group ("Working
226 Group") that shall regularly evaluate the District's solid waste management and diversion
227 activities and policies and sustainable waste management and diversion practices, policies, and
228 techniques that could be established in the District. The purpose of the Working Group shall be
229 to advise and guide the Mayor, the Council, and the Office of Waste Diversion on sustainable

230 solid waste management and waste diversion policy in the District in accordance with the
231 sustainable solid waste management hierarchy established under section 102.

232 (b) The Working Group shall be composed of at least 7 members selected by the Mayor
233 from District agencies that have expertise and experience in solid waste management,
234 environmental policy development, and implementation of public waste diversion programs,
235 including, at a minimum, DPW and DDOE.

236 (c) The Working Group shall, at a minimum:

237 (1) Advise the Office of Waste Diversion in the implementation of policies,
238 outreach, and enforcement techniques that have the potential to reduce the generation of solid
239 waste in the District and increase the District's solid waste diversion rate;

240 (2) Develop a zero waste plan for the District outlining steps the District can take
241 to achieve at least an 80% waste diversion rate;

242 (3) Design and ensure the development of education and outreach programs with
243 purpose of reducing the generation of solid waste and increasing the waste diversion rate in the
244 District;

245 (4) Design and guide the development of educational materials reflecting the
246 District's source separation requirements;

247 (5) Ensure that the educational materials developed pursuant to this section are
248 updated at least every 5 years and upon the addition of a new source separation requirement;

249 (6) Ensure issuance and accuracy, to the maximum extent practicable, of the
250 reports and studies required by section 113; and

251 (7) Meet at least quarterly to fulfill the requirements of this section and to
252 evaluate the effectiveness of the programs established pursuant to this section.

253 (d) The source separation education materials developed pursuant to subsection (c)(4) of
254 this section shall be placed on the DPW and DDOE websites and posted in public places where
255 such materials are customarily placed.

256 Sec. 109. Enforcement training.

257 The Mayor shall ensure that training designed for employees who enforce the District's
258 waste laws and regulations addresses the requirements of this subtitle and the policies established
259 by the Interagency Waste Reduction Working Group pursuant to section 108.

260 Sec. 110. Contract and licensing authority.

261 (a) The Mayor may enter into a contract or agreement for a period not to exceed 10 years
262 for:

263 (1) Solid waste collection, disposal, and diversion services;

264 (2) The operation of recycling buy-back centers, composting facilities, and
265 intermediate processing facilities for the collection, storage, processing, and disposition of source
266 separated recyclable or compostable materials; and

267 (3) The marketing and sale of recyclable and compostable materials.

268 (b) The Mayor may purchase or lease any equipment necessary to facilitate the marketing
269 and sale of recycling or compostable materials.

270 (c) The Mayor may issue to universities, nonprofit institutions, and businesses grants for
271 solid waste research, collection, marketing, and other services.

272 (d)(1) The Mayor may designate, select, or acquire, by purchase a site or sites that are
273 suitable for the purpose of solid waste disposal or diversion.

274 (2) The Mayor may acquire a site or sites that are suitable for the purpose of solid
275 waste disposal or diversion through condemnation, in accordance with the provisions of Chapter
276 13 of Title 16 of the D.C. Official Code

277 (3) The Mayor shall submit a proposed site to the Council for a 45-day period of
278 review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council
279 does not approve or disapprove the proposed site, in whole or in part, by resolution within this
280 45-day review period, the proposed site shall be deemed approved.

281 Sec. 111. Solid waste disposal and reduction fees.

282 (a) The Mayor shall impose:

283 (1) A fee on the disposal of solid waste at solid waste disposal facilities owned by
284 the District sufficient to cover the costs of operating, maintaining, and improving the solid waste
285 facilities. Revenue from this fee shall be deposited in the Solid Waste Disposal Cost Recovery
286 Fund established under section 6011 of the Fiscal Year 2008 Budget Support Act of 2008,
287 effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-325.91).

288 (2) A surcharge on the disposal of solid waste at the District's solid waste disposal
289 facilities of, at a minimum, \$1 per ton. Revenue from this surcharge shall be deposited in the
290 Solid Waste Diversion Fund established under section 112.

291 (b) The Mayor may impose a fee on public collection property owners; provided, that:

292 (1) The Mayor provides the Council with an analysis of the feasibility and
293 expected economic outcomes of implementing the fee;

294 (2) Any rules or regulations implementing the fee shall be approved by the
295 Council; and

296 (3) The fee is proportional to the amount of trash generated at the property.

297 (c) Failure to comply with this section may result in an assessment of twice the amount of
298 the fee or surcharge due.

299 Sec. 112. Solid Waste Diversion Fund.

300 (a) There is established as a special fund the Solid Waste Diversion Fund ("Fund"),
301 which shall be administered by the Department of Public Works in accordance with subsection
302 (c) of this section.

303 (b) Revenue from the following sources shall be deposited in the Fund:

304 (1) The surcharge established under section 111(a)(2);

305 (2) Any funds in the District Recycle Program Fund as of the effective date of this
306 section; and

307 (3) Other funds designated by the Mayor.

308 (c) Money in the Fund shall be used to offset the cost of developing new and additional
309 methods of solid waste diversion in the District.

310 (d) The money deposited into the Fund, and interest earned, shall not revert to the
311 unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal
312 year, or at any other time.

313 Sec. 113. Reporting requirements.

314 (a) On February 28, 2016, and annually thereafter, the Mayor shall provide a solid waste
315 diversion update to the Council that shall include, at a minimum:

316 (1) The total tonnage of solid waste collected in the District, from both private
317 collection and public collection properties;

318 (2) A breakdown of the total tonnage reported in subsection (a)(1) of this section
319 by the individual tonnage of solid waste that was collected for delivery to recycling, composting,
320 landfill, incineration, and any other waste processing or disposal facilities;

321 (3) The names, locations, and tonnage of solid waste delivered to the recycling,
322 compost, landfill, incineration, and other waste processing or disposal facilities;

323 (4) A calculation of the District's solid waste diversion rate for the previous year;
324 and

325 (5) A calculation of the District's per-capita solid waste generation for the
326 previous year.

327 (b) On January 31, 2018, and every 4 years thereafter, the Mayor shall issue a waste
328 characterization study describing solid waste generation, collection, recycling, composting,
329 diversion, and management in the District.

330 Sec. 114. Rules; enforcement

331 (a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure
332 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue
333 rules to implement the provisions of this subtitle within one year of its effective date.

334 (b) Rules and standards adopted pursuant to any act repealed or superseded by this
335 subtitle shall remain in effect unless replaced or repealed by rules and standards promulgated in
336 accordance with this subtitle.

337 (c) The Mayor may establish civil penalties or fines to enforce the provisions of this
338 subtitle and regulations promulgated pursuant to this subtitle.

339 (d) The Mayor may require a private collection property owner found in violation of
340 section 103 more than once in a period of 6 months to submit a source separation plan.

341 **SUBTITLE B. EXTENDED MANUFACTURER RESPONSIBILITY FOR**
342 **ELECTRONIC WASTE.**

343 Sec. 115. Definitions.

344 For the purposes of this subtitle, the term:

345 (1) "Brand" means a manufacturer's name, brand designation, make or model
346 name or number, or other nomenclature by which covered electronic equipment is offered for
347 sale by a manufacturer.

348 (2) "Covered electronic equipment" means computers and computer peripherals,
349 including keyboards, electronic pointing devices, printers, computer monitors and display
350 devices, laptops or other portable computers, and portable digital music players that have
351 memory capability and are battery-powered, televisions, and television peripherals. Covered
352 electronic equipment does not include a motor vehicle or part of a motor vehicle, a mobile
353 phone, household appliances, equipment that is functionally or physically part of a larger piece
354 of equipment intended for use in an industrial, research and development or commercial setting,

355 security or anti-terrorism equipment, monitoring and control instrument or system, thermostat,
356 hand-held transceiver, server other than a small-scale server, cash register or retail self-checkout
357 system, stand-alone storage product intended for use in industrial, research and development, or
358 commercial settings, medical equipment that contains a cathode ray tube, a flat panel display or
359 similar video display device, and is not separate from the larger piece of equipment, or other
360 medical devices as defined under the Federal Food Drug, and Cosmetic Act.

361 (3) "Product label" means information on the surface of covered electronic
362 equipment that must be permanently attached to, printed, or engraved on or incorporated in any
363 other permanent manner on the equipment and obvious and visible to users of the equipment.

364 (4) "Manufacturer" means a person who:

365 (A) Manufactures, imports, assembles, or substantially assembles covered
366 electronic equipment for sale in the District by means of retail, wholesale, or electronic
367 commerce, under its own or another brand name or label, or without affixing a brand name or
368 label;

369 (B) Sells in the District by means of retail, wholesale, or electronic
370 commerce, under its own brand name or label, covered electronic equipment produced by
371 another person; or

372 (C) Owns a brand name or label that it licenses to another person for use
373 on covered electronic equipment sold in the District by means of retail, wholesale, or electronic
374 commerce.

375 Sec. 116. Manufacturer registration.

376 (a) By January 1, 2016, a manufacturer shall not sell or offer for sale or deliver to
377 retailers for subsequent sale new covered electronic equipment, unless:

378 (1) The equipment is labeled with a readily visible brand identifying the
379 manufacturer; and

380 (2) The manufacturer has registered with the Mayor pursuant to subsection (b) of
381 this section; provided, that the Mayor may establish a *de minimis* level of covered electronic
382 equipment sales in the District that shall be exempt from the provisions of this section.

383 (b) By January 1, 2016, and annually thereafter, a manufacturer shall submit an
384 application for registration with the Mayor that shall include:

385 (1) The name, address, and contact information of a person responsible for
386 ensuring compliance with this subtitle;

387 (2) The fee established under section 117;

388 (3) A report disclosing:

389 (A) A list of the brands of covered electronic equipment the manufacturer
390 sells in the District;

391 (B) Annual data of the manufacturer's covered electronic equipment sold
392 in the District during the previous 3 calendar years;

393 (C) The total weight or an estimate of the total weight of covered
394 electronic equipment sold in the previous year;

395 (D) The total weight of electronic equipment collected and recycled
396 through the manufacturer's electronics recycling program in the previous year;

397 (E) Compliance with the minimum collection standards applicable in
398 accordance with section 118; and

399 (F) The end markets and electronic recyclers utilized by the manufacturer
400 in the previous year;

401 (4) A description of the manufacturer's electronics recycling program in the
402 District, including details for the collection, handling, disposition, recycling or reuse of collected
403 electronic equipment and the location of anticipated recycling facilities and end markets;

404 (5) A description of convenient methods by which a District resident can return
405 covered electronic equipment, and methods by which the manufacturer will inform District
406 residents and businesses about its electronics recycling program;

407 (6) If the manufacturer has not attained the collection standards established in
408 section 118, a description of how the manufacturer plans to attain those standards;

409 (7) A certification that the manufacturer's collection, handling, and recycling or
410 reuse of covered electronic equipment complies with local state, federal, and international laws
411 and regulations; and

412 (8) A certification that vendors who recycle or reuse covered electronic
413 equipment collected under the manufacturer's waste management plan have a valid certification
414 under the e-Stewards Standard for Responsible Electronics Recycling and Reuse of Electronic
415 Equipment certification program; and

416 (9) Any other information as may be required by the Mayor.

417 (c) The Mayor shall approve or disapprove a registration application within 180 days of a
418 manufacturer's submission. The Mayor may approve a submitted application that does not
419 conform to each requirement of this subtitle upon a showing of good cause by the manufacturer.
420 If the Mayor approves an application, the Mayor shall expeditiously notify the manufacturer. If
421 the Mayor disapproves an application, the Mayor shall expeditiously notify the manufacturer and
422 specify the reasons for disapproval. The Mayor shall approve or disapprove a resubmitted
423 application within 90 days of resubmission.

424 (d) The Mayor may establish a procedure and timeframe for the modification or renewal
425 of applications under this section.

426 Sec. 117. Registration and shortfall fees.

427 (a) A manufacturer's application for registration under section 116 shall be accompanied
428 by:

429 (1) A registration fee of at least \$1,000; and

430 (2) Beginning January 1, 2017, if the manufacturer did not meet the collection
431 standards applicable under section 118, a shortfall fee determined by multiplying at least \$0.30
432 by the number of additional pounds of covered electronic equipment that the manufacturer
433 should have collected.

434 (b) The Mayor may increase the fees and modify the fee structures established by this
435 section through rulemaking.

436 (c) Fees collected under this section shall be used for the purpose of offsetting the cost of
437 implementing this subtitle, and may be used to support District waste diversion activities and
438 programs.

439 Sec. 118. Manufacturer responsibilities.

440 (a) A manufacturer shall collect or arrange for the collection of a minimum amount of
441 covered electronic equipment for recycling on an annual basis. The minimum amount shall be
442 determined by:

443 (1) Applying the minimum collection standard established in subsection (b) of
444 this section to the average annual sales of the manufacturer's covered electronic equipment in the
445 District, reported by weight, during the previous 3 calendar years; or

446 (2) A formula established by the Mayor through rulemaking consistent with the
447 minimum collection standards established under this section.

448 (b) The minimum collection standard for covered electronic equipment shall be: 25% by
449 January 1, 2017; 50% by January 1, 2020; and 80% by January 1, 2022. The Mayor may increase
450 the minimum collection standard through rulemaking.

451 (1) For the purposes of calculating achievement of a manufacturer's minimum
452 collection standard, a manufacturer may count the collection of a single item of covered
453 electronic equipment as twice its weight when that item is donated free of charge for reuse to the
454 District's public schools, or to any not-for-profit organization with a principal mission of
455 assisting low-income children or families. To qualify for this credit, the covered electronic

456 equipment must be no more than 3 years old, in full working condition, and accepted in writing
457 by the recipient as a donation.

458 (2) The Mayor may grant a one-year waiver, in whole or in part, from the
459 minimum collection standards, where a manufacturer has demonstrated that the standard could
460 not be met despite best efforts because the manufacturer has substantially increased the amount
461 of covered electronic equipment sold within the District over the 3-year period during which
462 compliance with the minimum collection standard is to be calculated.

463 (c) Beginning January 1, 2017, a manufacturer shall accept, on a one-to-one basis with
464 the purchase of the same type of covered electronic equipment, covered electronic equipment
465 that is offered for return by a person in the District.

466 (d) Beginning January 1, 2017, a manufacturer shall provide at the point of sale
467 information on how a person can return purchased covered electronic equipment for recycling.

468 Sec. 118. Beginning January 1, 2017, the Mayor shall post on the District's website
469 information describing available electronic recycling programs in the District.

470 Sec. 119. Disposal ban.

471 (a) Beginning January 1, 2018, no person shall dispose of covered electronic equipment
472 as solid waste in the District except through recycling programs or other methods approved by
473 the Mayor.

474 (b) Beginning January 1, 2017, it shall be prohibited for a manufacturer to dispose of
475 covered electronic equipment as solid waste in the District except through recycling programs or
476 other methods approved by the Mayor.

477 Sec. 120. Confidential information and trade secrets.

478 Information submitted to the Mayor pursuant to this subtitle may be designated by the
479 Mayor as confidential upon a showing of good cause by the person submitting. Except as
480 otherwise provided by law or court order, information the Mayor deems confidential may be
481 used only by the Mayor, the Mayor's agents and employees, other District agencies, and, as
482 authorized by the Mayor, United States Environmental Protection Agency.

483 Sec. 121. Rules; enforcement.

484 (a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure
485 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue
486 rules to implement the provisions of this subtitle within one year of its effective date. The Mayor
487 may expand the definition of covered electronic equipment to include items exempted in this
488 section 115(2) after January 1, 2017.

489 (b) Rules and standards adopted pursuant to any act repealed or superseded by this
490 subtitle shall remain in effect unless replaced or repealed by rules and standards promulgated in
491 accordance with this subtitle.

492 (c) The Mayor may establish civil penalties or fines to enforce the provisions of this
493 subtitle and the regulations promulgated pursuant to this subtitle.

494 **TITLE II. WASTE CONTROL AND ENFORCEMENT AMENDMENTS.**

495 Sec. 201. The Litter Control Administrative Act of 1985, effective March 25, 1986 (D.C.
496 Law 6-100; D.C. Official Code § 8-801, *et seq.*), is amended as follows:

497 (a) Section 3(a)(1) (D.C. Official Code § 8-802(a)(1)) is amended by striking the phrase
498 “the District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988,”
499 and inserting the phrase “the Sustainable Solid Waste Management Amendment Act of 2014,
500 introduced January 7, 2014 (D.C. Bill 20-641)” in its place.

501 (b) Section 8a (D.C. Official Code § 8-807.01) is amended as follows:

502 (1) Section 8a (D.C. Official Code § 8-807.01) is amended as follows:

503 (A) Subsection (b) is amended by striking the word “continuing” and
504 inserting the phrase “non-lapsing” in its place.

505 (B) Subsection (c) is amended to read as follows:

506 “(c) Monies deposited into the Fund shall be used to offset some of the costs of
507 implementing this act, the costs of the abatement of solid waste nuisances, and to fund waste
508 recovery and recycling education and activities in accordance with the Sustainable Solid Waste
509 Management Amendment Act of 2014, introduced January 7, 2014 (D.C. Bill 20-641).”.

510 (c) Section 13(b) (D.C. Official Code § 8-812(b)) is amended by striking the phrase
511 “Metropolitan Police Department district,” and inserting the phrase “Ward,” in its place.

512 **TITLE III. REPEALERS.**

513 Sec. 301. Repealers.

514 (a) Chapter 176, paragraph 137, line 25 of An Act Making appropriations to provide for
515 the expenses of the government of the District of Columbia for the fiscal year ending June
516 thirtieth, eighteen hundred and ninety-six, and for other purposes, approved March 2, 1895 (28
517 Stat. 758; D.C. Official Code § 8-701), is amended by repealing the phrase “The Mayor is hereby

518 authorized to make necessary regulations for the collection and disposition of garbage in the
519 District of Columbia, and to annex to said regulations such penalties as will secure the
520 enforcement thereof.”.

521 (b) Chapter 248, paragraph 117 of An Act Making appropriations to provide for the
522 expenses of the government of the District of Columbia for the fiscal year ending June thirtieth,
523 nineteen hundred and eleven, and for other purposes, approved May 18, 1910 (36 Stat. 389; D.C.
524 Official Code § 8-702), is repealed.

525 (c) Section 6 of Chapter 67 of An Act To provide for the collection and disposal of
526 garbage and miscellaneous refuse of the District of Columbia, approved May 6, 1918 (40 Stat.
527 541; D.C. Official Code § 8-703), is repealed.

528 (d) An Act Authorizing the acquisition of land in the District of Columbia and the
529 construction thereon of two modern, high-temperature incinerators for the destruction of
530 combustible refuse, and for other purposes, approved March 4, 1929 (45 Stat. 1549; D.C.
531 Official Code § 8-705 *et seq.*), is repealed.

532 (e) Chapter 286 of An Act For the disposal of combustible refuse from places outside of
533 the city of Washington, approved May 15, 1930 (46 Stat. 334; D.C. Official Code § 8-711), is
534 repealed.

535 (f) Section 3 of the District of Columbia Comprehensive Plan for a Multi-Material
536 Recycling System Act of 1987, effective July 25, 1987 (D.C. Law 7-19; D.C. Official Code § 8-
537 1102), is repealed.

538 (g) Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 18a, 20, 22, 23, 24, 25,
539 25a, and 26 of the Solid Waste Management and Multi-Material Recycling Act of 1988, effective
540 March 16, 1989 (D.C. Law 7-226; D.C. Official Code §§ 8-1001-1023), is repealed.

541 **TITLE IV. FISCAL IMPACT AND EFFECTIVE DATE.**

542 Sec. 401. Fiscal impact statement.

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

546 Sec. 402. Applicability.

547 (a) Title I, Subtitle A, sections 101, 102, 103(a),(b),(d), 104, 105, 106, 107, 108, 109,
548 110, 111, 112, 113, and 114 shall apply as of the effective date of this act.

549 (b) Title I, Subtitle A, section 103(c) shall apply upon the inclusion of its fiscal effect in
550 an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget
551 Director of the Council in a certification published by the Council in the District of Columbia
552 Register.

553 (c) Title I, Subtitle B shall apply as of the effective date of this act.

554 (d) Title II shall apply as of the effective date of this act.

555 (e) Title III shall apply as of the effective date of this act.

556 Sec. 403. Effective date.

557 This act shall take effect following approval by the Mayor (or in the event of veto by the
558 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as

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559 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
560 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
561 Columbia Register.