

Councilmember Kenyan McDuffie

Councilmember Mary M. Cheh

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Cheh introduced the following bill, which was referred to the Committee on \_\_\_\_\_.

To require mandatory source separation of solid waste in the District; to require properties, events, and facilities to ensure adequate waste collection and communicate information about source separation to tenants, employees, and customers; to require waste collectors to label waste containers, report properties that repeatedly violate source separation requirements to DPW, and submit quarterly reports to DPW; to establish an office of waste diversion within DPW and a zero waste working group made up of DPW and DDOE employees; 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 waste reduction fees and collection fees; to require DPW to submit annual updates to the Council on the amount and disposition of the District's solid waste; to require electronics manufacturers to submit electronic waste management plans to DPW; 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 solid waste in the District; to require electronics manufacturers submit annual reports to DPW; to require food service businesses and District agencies to use compostable or recyclable disposable food service ware; to require DPW to publicize a list of affordable recyclable or compostable disposable food service ware products; to provide exemptions and waivers for the requirement to use compostable or recyclable food service ware; to authorize DPW to issue rules and establish penalties for violations of the provisions of this act; to amend the Litter Control Administrative Act of 1985 to authorize the Mayor to enforce provisions of the Waste Management Modernization Amendment Act of 2014; to require the Department of Public Works Solid Waste Education and Enforcement inspectors to attend a training course on the District's waste recovery and recycling provisions; to require that Department of Public Works Solid

1 Waste Education and Enforcement inspectors affix to a citation a one-page pamphlet on  
2 the District’s source separation requirements; to require that a property issued a citation  
3 pursuant to the Litter Control Administration Act of 1985 must be reinspected within 45  
4 days of the issuance of the citation; to require that some monies deposited into the Solid  
5 Waste Nuisance Abatement Fund be used to fund waste recovery and recycling education  
6 activities; to repeal An Act Making appropriations to provide for the expenses of the  
7 government of the District of Columbia for the fiscal year ending June thirtieth, eighteen  
8 hundred and ninety-six, and for other purposes; to repeal An Act Making appropriations  
9 to provide for the expenses of the government of the District of Columbia for the fiscal  
10 year ending June thirtieth, nineteen hundred and eleven, and for other purposes; to repeal  
11 An Act To provide for the collection and disposal of garbage and miscellaneous refuse of  
12 the District of Columbia; to repeal An Act Authorizing the acquisition of land in the  
13 District of Columbia and the construction thereon of two modern, high-temperature  
14 incinerators for the destruction of combustible refuse, and for other purposes; to repeal  
15 An Act For the disposal of combustible refuse from places outside of the city of  
16 Washington; to repeal section 3 of the District of Columbia Comprehensive Plan for a  
17 Multi-Material Recycling System Act of 1987; and to repeal the Solid Waste  
18 Management and Multi-Material Recycling Act of 1988.

19  
20  
21 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

22 That this act may be cited as the “Waste Management Modernization Amendment Act of  
23 2014”.

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

25 **SUBTITLE A. DEFINITIONS.**

26 Sec. 101. Definitions.

27 For the purposes of this title, the term:

28 (1) “Adequate waste collection service” means that a residential property,  
29 commercial property, event, or other facility generating solid waste is serviced by a  
30 collector for the solid waste sources separated as required by section 103 of this act, and  
31 that the level of service is sufficient to contain the waste generated at that residential  
32 property, commercial property, event, or other facility generating waste.

1           (2) “Affordable” means able to be purchased for a maximum of 15% more than  
2 the purchase cost of the non-compostable or non-recyclable alternative.

3           (3) “Brand name” means a manufacturer’s name, brand designation, make or  
4 model name or number, or other nomenclature by which covered electronic equipment is  
5 offered for sale by a manufacturer.

6           (4) “Collector” means any person engaged in the collection or transportation of  
7 solid waste.

8           (5) “Commercial property” means a property that does not receive solid waste  
9 collection services from the District.

10          (6) “Compost” means a stable, organic substance produced by a controlled  
11 aerobic decomposition process that can be used as a soil additive, fertilizer, growth  
12 media, or other beneficial use.

13          (7) “Compostable” means made solely of materials that break down into, or  
14 otherwise become part of, usable compost in a safe and timely manner in an appropriate  
15 program.

16          (8) “Compost collection program” means a District waste collection program,  
17 implemented either directly or through contract, which provides regular collection of  
18 separated compostable materials.

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

22          (10) “Covered electronic equipment” means any computer central processing unit,  
23 cathode ray tube, cathode ray tube device, keyboard, electronic mouse or similar pointing

1 device, television, printer, computer monitor, including liquid crystal display and plasma  
2 screens, or similar video display device that includes a screen that is greater than 4 inches  
3 measured diagonally and one or more circuit boards, a laptop or other portable computer,  
4 or a portable digital music player that has memory capability and is battery-powered.

5 “Covered electronic equipment” does not include any automobile, mobile phone,  
6 household appliances, equipment that is functionally or physically part of a larger piece  
7 of equipment intended for use in an industrial, research, and development or commercial  
8 setting, or security, anti-terrorism or medical equipment that utilizes a cathode ray tube, a  
9 cathode ray tube device or a flat panel display or similar video display device that is not  
10 separate from the larger piece of equipment.

11 (11) “Disposable food service ware” means containers, bowls, plates, trays,  
12 cartons, cups, lids, straws, forks, spoons, knives, napkins, and other items that are  
13 designed for one-time use for beverages, prepared food, or leftovers from meals prepared  
14 by a food service business. The term “disposable food service ware” shall not include  
15 items composed entirely of aluminum.

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

19 (13) “DDOE” means the District Department of the Environment.

20 (14) “DPW” means the Department of Public Works.

21 (15) “Food service business” means restaurants, fast food restaurants, cafés,  
22 delicatessens, coffee shops, grocery stores, vending trucks or carts, business or

1 institutional cafeterias, and other businesses selling or providing food within the District  
2 for consumption on or off of the premises.

3 (16) “Intermediate processing facility” means a facility where comingled solid  
4 waste can be separated, processed, stored, assembled, and prepared for sale or other  
5 disposition, except incineration or burial.

6 (17) “Product label” means information on the surface of covered electronic  
7 equipment, which must be permanently attached to, printed, or engraved on or  
8 incorporated in any other permanent manner on the equipment, and obvious and visible to  
9 users of the equipment.

10 (18) “Manufacturer” means a person who:

11 (A) Assembles or substantially assembles, or has assembled or  
12 substantially assembled, covered electronic equipment for sale in the District;

13 (B) Manufactures or has manufactured covered electronic equipment  
14 under its own brand name or any other brand name for sale in the District;

15 (C) Sells or has sold, under its own brand name, covered electronic  
16 equipment produced by another person for sale in the District;

17 (D) Owns a brand name that it licenses or has licensed to another person  
18 for use on covered electronic equipment sold in the District; or

19 (E) Imports or has imported covered electronic equipment for sale in the  
20 District; or

21 (F) Manufactures or has manufactured covered electronic equipment for  
22 sale in the District without affixing a brand name.

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

5           (20) “Recyclable” means made solely of materials that can be recycled using the  
6 District’s available recycling collection programs.

7           (21) “Residential property” means a property that receives solid waste collection  
8 services from the District. Residential property shall include, at a minimum, single family  
9 dwellings and a building or structure containing 3 or fewer dwelling units.

10          (22) “Solid waste” means garbage, refuse, trash, or any other waste or waste  
11 product, including solid, liquid, semisolid, or contained gaseous material, resulting from  
12 an industrial, commercial, or government operation or community activity; provided, that  
13 the following are not solid waste for the purpose of this title:

14                 (A) Hazardous waste shall have the same meaning as provided in section  
15 2(2A) of the Illegal Dumping Enforcement Amendment Act of 1994, effective May 20,  
16 1994 (D.C. Law 10-117, D.C. Official Code § 8-901(2)(2A)).

17                 (B) Medical waste shall have the same meaning as provided in section  
18 2(3A) of the Illegal Dumping Enforcement Amendment Act of 1994, effective May 20,  
19 1994 (D.C. Law 10-117, D.C. Official Code § 8-901(2)(3A)).

20          (23) “Solid waste stream” means all solid waste generated within the District.

21          (24) “Source separation” means the separation of solid waste at the point of  
22 discard into the categories required under section 102 of this act.

23          (25) “SWEEP” means DPW’s Solid Waste Education and Enforcement Program.

(26) “Trash” means solid waste that is designated for incineration, thermal destruction, or landfill disposal by the collector.

(27) “Waste diversion rate” means the percentage of the District solid waste stream that is diverted from incineration, thermal destruction, or landfill disposal.

#### **SUBTITLE B. SOLID WASTE REDUCTION AND RECOVERY.**

Sec. 102. Mandatory source separation.

(a) All solid waste in the District must be separated at the point of discard into the following categories:

(1) Recyclable materials;

(2) Compostable materials; and

(3) Trash.

(b) The Mayor shall make public a list of recyclable and compostable materials. The Mayor shall be review the list on a bi-annual basis to determine whether additional materials should be added to the list. The Mayor shall not remove materials from the list without listing additional materials so that the total quantity, by weight, of all materials eligible for source separation does not decrease. At a minimum, the list shall include glass, metal, and paper.

(c) Subsection (a)(2) of this section shall apply upon the Mayor’s implementation of a compost collection program; provided, that the Mayor may require that commercial properties or subcategories of commercial properties separate compostable materials before the implementation of a compost collection program.

1 (d) Beginning on January 1, 2016, and annually thereafter until the Mayor  
2 implements a compost collection program, DPW shall submit a report on the feasibility  
3 of and progress made toward implementing a compost collection program.

4 Sec. 103. Mandatory adequate waste collection.

5 (a) A commercial property owner, event manager, and other facility generating  
6 waste that does not receive solid waste collection service from the District shall provide  
7 adequate waste collection service for waste generated at the property, event, or facility.

8 (b) A commercial property owner shall:

9 (1) Supply appropriate waste containers, placed in appropriate locations,  
10 to make source separation convenient for tenants, employees, contractors, and customers  
11 on the property. The containers shall:

12 (i) Be of appropriate number and size to contain reasonably  
13 anticipated source separated waste generated at the location; and

14 (ii) Bear or be near visible signage indicating the category of  
15 source separated material, unless the containers comply with a color scheme established  
16 by the Mayor under section 108(b) of this act.

17 (2) Communicate information to tenants, employees, contractors, and  
18 customers regarding the types of materials that must be source separated at the property.  
19 This information must be easily accessible and may be in the form of a sign, notice, flyer,  
20 email, website, or other appropriate communication media. Updated information must be  
21 communicated on an annual basis and upon any changes to source separation  
22 requirements at the property;

1                   (3) Provide annual training on the property's source separation  
2 requirements to any janitorial staff employed at the property; and

3                   (c) DPW may require a commercial property to submit a source separation plan  
4 outlining the steps the property will take to implement the requirements of this act.

5                   Sec. 104. Collectors.

6                   (a) A collector shall appropriately and visibly label any waste containers the  
7 collector provides to a property to indicate the category of waste for which the containers  
8 are intended, unless the containers comply with a color scheme established by the Mayor  
9 under section 108(b) of this act.

10                  (b) A collector shall provide written notice to a property found to have significant  
11 amounts of incorrect materials in waste containers. If a collector issues a property more  
12 than 2 notices in 30 days, or another time period as DPW may require, the collector shall  
13 inform DPW through electronic communication, or as required by DPW.

14                  (c) A collector shall submit quarterly reports to DPW containing all information  
15 that DPW considers reasonably necessary to determine compliance with this act. The  
16 reports shall include, at a minimum:

17                         (1) The total tonnage of solid waste collected in the District by the  
18 Collector in the previous calendar year;

19                         (2) A breakdown of the total tonnage reported in subsection (c)(1) of this  
20 section, in terms of the individual tonnage of solid waste that was sent to recycling,  
21 compost, landfill, incineration, and any other waste processing facilities;

22                         (3) The locations of the recycling, compost, landfill, incineration, and  
23 other waste processing facilities to which the collected solid waste was sent; and

1                   (4) A list of the properties given notices as required by subsection (b) of  
2 this section.

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

5                   (e) For purposes of ensuring compliance with this section, the Mayor may  
6 periodically inspect all records, documents, or data compilations in the possession or  
7 control of a collector. An inspection shall take place during normal operating hours.

8                   (f) Failure to comply with the provisions of this section or section 107 of this act  
9 may result in one or more of the following penalties:

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

11                   (2) An assessment of twice the amount of the fee or surcharge due; or

12                   (3) Suspension or revocation of a collector's license.

13                   Sec. 105. Office of waste diversion and zero waste working group.

14                   (a) Office of Waste Diversion. The Office of Waste Diversion is established as a  
15 single administrative unit within the executive office of the Director of DPW. The duties  
16 of the Office shall include to:

17                   (1) Coordinate and supervise the implementation of the provisions of this  
18 title;

19                   (2) Implement the source separation education and outreach program  
20 developed pursuant to subsection (d)(1) of this section;

21                   (3) Supervise and develop a system to respond to citizen inquiries about  
22 mandatory source separation;

1 (4) Serve as a liaison between the District and neighboring jurisdictions in  
2 developing regional waste reduction and diversion campaigns;

3 (5) Research and develop policies for increasing the District's solid waste  
4 diversion rate; and

5 (6) License businesses and vehicles to engage in the collection or  
6 transportation of solid waste.

7 (b) No later than January 1, 2015, the Director of DPW shall coordinate with the  
8 Director of DDOE to establish a zero waste working group with the purpose of reducing  
9 the amount of solid waste generated in the District and increasing the District's waste  
10 diversion rate.

11 (c) There shall be at least 6 members of the zero waste working group appointed  
12 by the Director of DPW and the Director of DDOE.

13 (d) The zero waste working group shall, at a minimum:

14 (1) Develop a source separation education and outreach program to  
15 increase the District's waste diversion rate;

16 (2) Develop source separation education materials;

17 (3) Review and update the education materials developed pursuant to this  
18 section at least every 5 years and upon the addition of a new source separation  
19 requirement;

20 (4) Develop and implement a training program for DPW SWEEP  
21 inspectors, which shall, at a minimum, include a regular evaluation of each SWEEP  
22 inspector's knowledge of the District's solid waste laws, regulations, and educational  
23 programs; and

1 (5) Meet bi-monthly to evaluate the effectiveness of the program  
2 established pursuant to this section.

3 (e) The source separation education materials developed pursuant to this section  
4 shall, at a minimum, be placed on DPW and DDOE websites and made available to  
5 District households by posting recycling information in public places where such  
6 materials are customarily placed.

7 Sec. 106. Contract and licensing authority.

8 (a) The Mayor may enter into contracts or agreements on behalf of the District  
9 for:

10 (1) Solid waste collection and disposal services;

11 (2) The operation of recycling buy-back centers, composting facilities, and  
12 intermediate processing facilities for the collection, storage, processing, and disposition  
13 of source separated recyclable or compostable materials.

14 (b) The Mayor may enter into contracts to market and sell recyclable and  
15 compostable materials, and may purchase or lease any equipment necessary to facilitate  
16 the marketing and sale of the materials.

17 (c) The Mayor may issue grants for solid waste research, collecting, marketing,  
18 and other services to universities and nonprofit institutions, and businesses with funds  
19 generated from the fees authorized in section 107 of this act.

20 Sec. 107. Waste reduction fees.

21 (a)(1) The Mayor shall impose a recycling surcharge on all persons who dispose  
22 of solid waste through the solid waste disposal system of the District to offset the cost of  
23 developing new and additional methods of solid waste management.

1 (2) The Mayor shall provide a credit to apply to the recycling surcharge  
2 imposed by this subsection for persons who pay the fee imposed by subsection (b) of this  
3 section which credit shall be equivalent to the recycling surcharge imposed by this  
4 subsection.

5 (b) The Mayor shall impose a collection fee, for the privilege of collection solid  
6 waste as a commercial activity, on all persons licensed to collect solid waste in the  
7 District. The collection fee shall be equivalent to the recycling surcharge authorized in  
8 subsection (a) of this section.

9 (c) Revenue generated from the recycling surcharge and collection fee required by  
10 this section shall be used for the purposes set forth in subsection (a)(1) of this section.

11 Any monies not expended at the end of a fiscal year shall revert to the unrestricted fund  
12 balance of the General Fund of the District of Columbia.

13 (d) The Mayor may impose a waste reduction fee on residential properties;  
14 provided, that:

15 (1) DPW provides the Council an analysis evaluating the feasibility and  
16 expected economic outcomes of implementing the fee;

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

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

21 Sec. 108. Rules and enforcement.

22 (a) The Mayor, pursuant to Title I of the District of Columbia Administrative  
23 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et*

1 *seq.*), shall issue rules to implement the provisions of this act within 180 days of its  
2 effective date.

3 (b) The Mayor may establish a uniform color scheme for waste containers in the  
4 District.

5 (c) The provisions of this subtitle, including the establishment of a schedule of  
6 fines for violations, shall be enforced by the Mayor pursuant to the Litter Control  
7 Administrative Act of 1985, effective March 26, 1986 (D.C. Law 6-100; D.C. Official  
8 Code § 8-801 *et seq.*); provided that:

9 (1) For the first violation of a residential property, the penalty shall not  
10 exceed \$100.

11 (2) Fees for violations of section 102 and section 103 of this act shall vary  
12 in proportion to the amount of waste produced at a property.

13 (d) In addition to penalties imposed pursuant to subsection (c) of this section, the  
14 Mayor may refuse to collect or dispose of any solid waste not separated as required by  
15 this act or any rules issued pursuant to this act.

16 (e) The Mayor may deny the issuance or renewal of a license to engage in  
17 commercial collection or transportation of solid waste if the applicant does not guarantee  
18 that materials separated as required by this act will be recycled or composted, as  
19 appropriate.

20 Sec. 109. Reporting requirements.

21 (a) On January 31, 2015, and annually thereafter, DPW shall provide a solid waste  
22 diversion update to the Council. The annual update shall include:

(1) The total tonnage of solid waste collected in the District, from both commercial and residential properties;

(2) A breakdown of the total tonnage reported in subsection XXX(c)(1), in terms of the individual tonnage of solid waste that was sent to recycling, compost, landfill, incineration, and any other waste processing facilities.

(3) The locations of the recycling, compost, landfill, incineration, and other waste processing facilities to which the collected solid waste was sent.

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

**SUBTITLE C. EXTENDED MANUFACTURER RESPONSIBILITY FOR ELECTRONIC WASTE.**

Sec. 110. Manufacturer electronic waste management plan.

(a) No later than July 1, 2016, a manufacturer shall submit to DPW an electronic waste management plan for the collection, handling, and recycling or reuse of covered electronic equipment. An entity or person that becomes a manufacturer after July 1, 2016 shall submit a waste management plan for the collection, handling, and recycling or reuse of covered electronic equipment before selling covered electronic equipment in the city.

(b) A manufacturer's submission of an electronic waste management plan shall be accompanied by a minimum fee of \$1,000.

(c) All fees collected under this section shall be used solely for the purpose of offsetting the cost of implementing this subtitle.

(d) An electronic waste management plan shall include, at a minimum:

1 (1) Details for the collection, handling, and recycling or reuse of covered  
2 electronic equipment as required by this subtitle, including convenient methods by which  
3 a person can return to the manufacturer covered electronic equipment;

4 (2) Methods by which the manufacturer will inform District residents and  
5 businesses about its waste management plan, which shall include at a minimum, an  
6 internet website and a toll-free telephone number;

7 (3) Information about the manufacturer's plan for the disposition of  
8 covered electronic equipment, including details about and the location of anticipated end  
9 markets and recyclers expected to be utilized by the manufacturer;

10 (4) A description of how the manufacturer plans to attain the collection  
11 standards established in section 112 of this act;

12 (5) Annual city sales data of the manufacturer's covered electronic  
13 equipment for the previous 3 calendar years;

14 (6) A list of the manufacturer's brand names;

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

18 (8) Any other information as may be required by DPW.

19 (e) An electronic waste management plan may provide for the sharing of  
20 resources by one or more manufacturers; provided, that the plan meets the requirements  
21 of this section. An electronic waste management plan providing for the sharing of  
22 resources shall include a list of manufacturers participating in the plan.

1 (f) DPW shall approve or disapprove a submitted electronic waste management  
2 plan within 180 days of submission by a manufacturer. DPW may approve a submitted  
3 electronic waste management plan that does not conform with each requirement of this  
4 subtitle upon a showing of good cause by the manufacturer. If DPW approves an  
5 electronic waste management plan, it shall expeditiously notify the manufacturer. If DPW  
6 disapproves the plan, it shall expeditiously notify the manufacturer and specify the  
7 reasons for disapproval. DPW shall approve or disapprove a resubmitted electronic waste  
8 management plan within 90 days of resubmission.

9 (g) A manufacturer of covered electronic equipment shall implement its approved  
10 electronic waste management plan beginning July 1, 2016, or 180 days after DPW  
11 approves its plan, whichever date is later.

12 (h) DPW may establish a procedure for modification of electronic management  
13 plans, including the imposition of an administrative fee.

14 Sec. 111. Manufacturer collection responsibility.

15 (a) Beginning July 1, 2016, or 180 days after a manufacturer's electronic waste  
16 management plan is approved by DPW, a manufacturer shall accept covered electronic  
17 equipment that is or was sold under the manufacturer's brand name, or has been  
18 assembled, manufactured, or imported by the manufacturer, for collection, handling, and  
19 recycling or reuse.

20 (b) Beginning July 1, 2018, or 180 days after a manufacturer's electronic waste  
21 management plan is approved by DPW, a manufacturer shall accept, on a one-to-one  
22 basis with the purchase of the same type of covered electronic equipment, covered  
23 electronic equipment that is offered for return by any person in the District.

1           Sec. 112. Minimum collection standards.

2           (a) A manufacturer shall, pursuant to its electronic waste management plan,  
3 collect its share of covered electronic equipment. A manufacturer's share of covered  
4 electronic equipment is determined by applying the minimum collection standard to the  
5 average annual sales of the manufacturer's covered electronic equipment in the District,  
6 reported by weight, during the previous 3 calendar years.

7           (b) The minimum collection standard for covered electronic equipment is 25% by  
8 July 1, 2017, 50% by January 1, 2020, and 65% by January 1, 2022.

9           (c) For the purposes of calculating achievement of a manufacturer's minimum  
10 collection standard, a manufacturer may count the collection of a single item of covered  
11 electronic equipment as twice its weight when that item is donated free of charge for  
12 reuse to the District's public schools, or to any not-for-profit organization with a principal  
13 mission of assisting low-income children or families. To qualify for the donation reuse  
14 credit, the covered electronic equipment must be no older than 3 years old, in full  
15 working condition, and accepted in writing by the recipient as a donation.

16           (d) DPW may increase the minimum collection standard by rulemaking.

17           (e) DPW may grant a one-year waiver, in whole or in part, from the minimum  
18 collection standards, where a manufacturer has demonstrated that the standard could not  
19 be met despite best efforts because the manufacturer has substantially increased the  
20 amount of covered electronic equipment sold within the District over the 3-year period  
21 during which compliance with the minimum collection standard is to be calculated.

22           Sec. 113. Product labeling and return information.

1 (a) Beginning July 1, 2017, or 180 days after a manufacturer's electronic waste  
2 management plan is approved by DPW, whichever date is later, it shall be prohibited for  
3 a manufacturer to sell or distribute for sale covered electronic equipment in the District  
4 unless the equipment has a product label that identifies the manufacturer.

5 (b) Beginning July 1, 2017, a manufacturer shall provide at the point of sale  
6 information on how a person can return covered electronic equipment pursuant to the  
7 manufacturer's waste management plan.

8 (c) Beginning July 1, 2017, DPW shall post all information provided to it from  
9 manufacturers describing how covered electronic equipment can be returned pursuant to  
10 a specific manufacturer's electronic waste management plan.

11 Sec. 114. Disposal ban.

12 (a) Beginning July 1, 2018, it shall be prohibited for a person to dispose of  
13 covered electronic equipment as solid waste in the District.

14 (b) Beginning July 1, 2017, it shall be prohibited for a manufacturer to dispose of  
15 covered electronic equipment as solid waste in the District.

16 Sec. 115. Rules and enforcement.

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

21 (b) The provisions of this subtitle, including the establishment of a schedule of  
22 fines for violations of this subtitle, shall be enforced by the Mayor pursuant to the Litter

1 Control Administrative Act of 1985, effective March 26, 1986 (D.C. Law 6-100; D.C.  
2 Official Code § 8-801 *et seq.*).

3 Sec. 116. Reporting requirements.

4 (a) By July 1, 2017, and annually thereafter, a manufacturer shall submit a report  
5 to DPW that includes the following information for the previous calendar year:

6 (1) Any approved modifications to the manufacturer's electronic waste  
7 management plan;

8 (2) Sales data for the manufacturer's covered electronic equipment in the  
9 District;

10 (3) The quantity of covered electronic equipment collected for recycling or  
11 reuse in the District, expressed both in terms of total weight and as a percentage of the  
12 average annual sales of covered electronic equipment sold in the District, reported by  
13 weight, during the previous 3 calendar years, and categorized by the type of covered  
14 electronic equipment collected pursuant to the manufacturer's electronic waste  
15 management plan, and further categorized, to the extent possible, by the quantity of  
16 covered electronic equipment collected from individuals, businesses, and government  
17 entities;

18 (4) Compliance with the minimum performance standards set pursuant to  
19 section 112 of this act;

20 (5) The end markets and electronic recyclers utilized by the manufacturer,  
21 including details on the methods of collection and handling, disassembly or physical  
22 recovery operations, the locations of these operations and end markets, and compliance

1 with applicable laws and regulations related to the disposition, recycling, and reuse of  
2 covered electronic equipment;

3 (6) Information about the manufacturer's methods of informing residents  
4 and businesses about its waste management plan, including the number of visits to the  
5 manufacturer's website and calls to the toll-free telephone number; and

6 (7) Any other information required by DPW.

7 Sec. 117. Confidential information and trade secrets.

8 Information submitted to DPW or the Mayor pursuant to this subtitle may be  
9 designated by DPW or the Mayor as confidential upon a showing of good cause by the  
10 person submitting. Except as otherwise provided by law or court order, such information  
11 may be used only by DPW or the Mayor, its agents and employees, other District  
12 agencies, and as authorized by the Mayor, employees of the United States Environmental  
13 Protection Agency.

14 **SUBTITLE D. DISPOSABLE FOOD SERVICE WARE.**

15 Sec. 118. Compostable or recyclable disposable food service ware required.

16 (a) A District facility, agency, and department using disposable food service ware  
17 shall use compostable or recyclable disposable food service ware unless there is no  
18 suitable affordable compostable or recyclable product available as determined by the  
19 Mayor in accordance with this subtitle; provided, that disposable food service ware  
20 supplies already purchased as of the effective date of this subtitle may be used until the  
21 supplies are exhausted, including disposable food service ware supplies that the District  
22 is obligated to purchase under any contracts in force on the effective date of this subtitle.

1 (b) District contractors and lessees using disposable food service ware shall use  
2 compostable or recyclable disposable food service ware unless there is no suitable  
3 affordable compostable or recyclable product available as determined by the Mayor in  
4 accordance with this subtitle; provided, that disposable food service ware supplies  
5 already purchased as of the effective date of this subtitle may be used until the supplies  
6 are exhausted, including disposable food service ware supplies that the District contractor  
7 or lessee is obligated to purchase under any contracts in force on the effective date of this  
8 subtitle.

9 (c) Effective July 1, 2018, a food service business shall not sell or provide food or  
10 beverages, for consumption on or off the premises, in disposable food service ware unless  
11 the disposable food service ware is compostable or recyclable.

12 (d) Subsection (c) of this section shall not apply to prepackaged foods or  
13 beverages that a food service business sells or otherwise provides to its customers that  
14 have been filled and sealed outside of the District before receipt by the food service  
15 business.

16 Sec. 119. Recyclable and compostable food service ware list.

17 No later than 180 days after the effective date of this subtitle, DPW shall make  
18 public a list of vendors offering affordable compostable or recyclable disposable food  
19 service ware products. DPW shall update this list annually for at least 5 years after it is  
20 first published.

21 Sec. 120. Exemptions and waiver.

22 (a) If DPW determines that there is no available affordable compostable or  
23 recyclable alternative to a disposable food service ware item, it shall list this item on a

1 publicly available exemption list. Section 118 of this act shall not apply to a food service  
2 ware item on the exemption list. Upon the removal of a food service ware item from the  
3 exemption list, section 118 of this act shall not apply to that item for 6 months. DPW  
4 shall review the exemption list annually to determine whether any items should be  
5 removed because an affordable compostable or recyclable alternative has become  
6 available.

7 (b) A food service business may seek a waiver from the requirements of section  
8 118 of this act by submitting a request to DPW. DPW shall, consistent with this subtitle,  
9 waive any specific requirements of this subtitle for a period of up to one year if the food  
10 service business seeking the waiver has demonstrated that strict application of the  
11 requirements would create an undue hardship or practical difficulty not generally  
12 applicable to other food service businesses in similar circumstances. DPW's decision to  
13 grant or deny such a waiver shall be in writing and shall be final.

14 Sec. 121. Rules and enforcement.

15 (a) DPW, pursuant to Title I of the District of Columbia Administrative Procedure  
16 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §2-501 *et seq.*), shall  
17 issue rules to implement the provisions of this subtitle within 180 days of its effective  
18 date.

19 (b) The provisions of this subtitle, including the establishment of a schedule of  
20 fines for violations of this subtitle, shall be enforced by the Mayor pursuant to the Litter  
21 Control Administrative Act of 1985, effective March 26, 1986 (D.C. Law 6-100; D.C.  
22 Official Code § 8-801 *et seq.*); provided that:

23 (1) For the first violation, the penalty shall not exceed \$100;

1 (2) No more than one penalty shall be imposed upon a food service  
2 business within a 7-day period; and

3 (3) If payment of any amounts due under this subtitle is not received on or  
4 before the due date, a penalty shall be added.

## 5 **TITLE II. WASTE CONTROL AND ENFORCEMENT AMENDMENTS**

6 Sec. 201. The Litter Control Administrative Act of 1985, effective March 25,  
7 1986 (D.C. Law 6-100; D.C. Official Code § 8-801, *et seq.*), is amended as follows:

8 (a) Section 3(a)(1) (D.C. Official Code § 8-802(a)(1)) is amended by striking the  
9 phrase “the District of Columbia Solid Waste Management and Multi-Material Recycling  
10 Act of 1988,” and inserting the phrase “the Waste Management Modernization  
11 Amendment Act of 2014, introduced January 7, 2014 (D.C. Bill \_\_\_\_\_)” in its place.

12 (b) Section 4 (D.C. Official Code § 8-803) is amended as follows:

13 (1) A new subsection (b-1a) is added to read as follows:

14 “(b-1a)(1) Upon the establishment of a training program pursuant to the Waste  
15 Management Modernization Amendment Act of 2014, introduced January 7, 2014 (D.C.  
16 Bill \_\_\_\_\_), an inspector in the Department of Public Works Solid Waste Education and  
17 Enforcement Program (“SWEEP”) shall enforce the District’s waste recovery and  
18 recycling provisions only after the inspector has been trained according to the program.

19 “(2) The primary responsibility of SWEEP inspectors, with the  
20 exception of Vector Control SWEEP inspectors described in subsection (b-1) of this  
21 section, shall be to investigate the compliance of housing providers and commercial  
22 establishments with all solid waste, waste recovery, and recycling regulations enforced

1 by the Department of Public Works as provided in the Waste Management Modernization  
2 Amendment Act of 2014, introduced January 7, 2014 (D.C. Bill \_\_\_\_).

3 “(3) The Department shall identify areas in the District most in  
4 need of enforcement, including commercial establishments, and shall focus the efforts of  
5 SWEEP inspectors in those areas.”.

6 (2) Subsection (d) is amended as follows:

7 (A) Paragraph (7) is amended by striking the word “and”.

8 (B) Paragraph (8) is amended by striking the period and inserting  
9 the phrase “; and” in its place.

10 (C) A new paragraph (9) is added to read as follows:

11 “(9) A one-page pamphlet or similar document summarizing the types of  
12 source separated materials required to be collected at the property.”.

13 (c) Section 7(b) (D.C. Official Code § 8-806(b)) is amended by striking the phrase  
14 “within a reasonable time of the date of issuance” and inserting the phrase “within 45  
15 days of the date of issuance”.

16 (d) Section 8(c)(1) (D.C. Official Code § 8-807(c)(1)) is amended by striking the  
17 word “; and” and inserting the word “; or”.

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

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

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

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

1           “(c) Monies deposited into the Fund shall be used to offset some of the costs of  
2     implementing this chapter, the costs of the abatement of solid waste nuisances, and to  
3     fund waste recovery and recycling education and activities in accordance with the Waste  
4     Management Modernization Amendment Act of 2014, introduced January 7, 2014 (D.C.  
5     Bill \_\_\_\_).”

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

### 9           **TITLE III. REPEALERS.**

#### 10          Sec. 301. Repealers.

11          (a) Chapter 176, paragraph 137, line 25 of An Act Making appropriations to  
12     provide for the expenses of the government of the District of Columbia for the fiscal year  
13     ending June thirtieth, eighteen hundred and ninety-six, and for other purposes, approved  
14     March 2, 1895 (28 Stat. 758; D.C. Official Code § 8-701), is amended by repealing the  
15     phrase “The Mayor is hereby authorized to make necessary regulations for the collection  
16     and disposition of garbage in the District of Columbia, and to annex to said regulations  
17     such penalties as will secure the enforcement thereof.”.

18          (b) Chapter 248, paragraph 117 of An Act Making appropriations to provide for  
19     the expenses of the government of the District of Columbia for the fiscal year ending  
20     June thirtieth, nineteen hundred and eleven, and for other purposes, approved May 18,  
21     1910 (36 Stat. 389; D.C. Official Code § 8-702), is repealed.

1 (c) Section 6 of Chapter 67 of An Act To provide for the collection and disposal  
2 of garbage and miscellaneous refuse of the District of Columbia, approved May 6, 1918  
3 (40 Stat. 541; D.C. Official Code § 8-703), is repealed.

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

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

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

14 (g) The Solid Waste Management and Multi-Material Recycling Act of 1988,  
15 effective March 16, 1989 (D.C. Law 7-226; D.C. Official Code § 8-1001, *et seq.*), is  
16 repealed.

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

18 Sec. 401. Fiscal impact statement.

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

22 Sec. 402. Effective date.

1           This act shall take effect following approval by the Mayor (or in the event of veto  
2   by the Mayor, action by the Council to override the veto), a 30-day period of  
3   Congressional review as provided in section 602(c)(1) of the District of Columbia Home  
4   Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-  
5   206.02(c)(1)), and publication in the District of Columbia Register.