

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To establish a sustainable solid waste management hierarchy and require mandatory source separation of solid waste in the District, to require a private collection property 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 a collector to label waste containers and submit quarterly reports to the Mayor, to require a collector 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 an electronics manufacturer to label and provide return information with covered electronic equipment, register with the Mayor, and submit applicable fees, to establish minimum collection standards for an electronics manufacturer, to require an electronics manufacturer 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 prohibit the disposal of covered electronic equipment as trash in the District, and to require an electronics manufacturer to 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 outside of the city of Washington; to repeal section 3 of the District of Columbia

Comprehensive Plan for a Multi-Material Recycling System Act of 1987; and to repeal portions of the Solid Waste Management and Multi-Material Recycling Act of 1988.

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

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

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

**Sec. 101. Definitions.**

For the purposes of this subtitle, the term:

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

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

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

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

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

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

(7) “Disposition” means the transport, placement, reuse, sale, donation, transfer, or temporary storage, for a period of no longer than 6 months, of recyclable materials for all possible uses except disposal as trash.

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

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

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

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

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

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

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

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

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

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

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

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

(17) “Source separation” means the separation of solid waste at the point of discard into the categories required under section 103.

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

(19) “SWEET” means DPW’s Solid Waste Education and Enforcement Program.

(20) “Trash” means solid waste that is collected for disposal by incineration or landfill.

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

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

**Sec. 102. Sustainable solid waste management hierarchy.**

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

(1) Source reduction and reuse;

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

(3) Landfill or incineration of solid waste.

**Sec. 103. Mandatory source separation.**

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

- (A) Recyclable materials;
- (B) Compostable materials; and
- (C) Trash.

(2) Paragraph (1)(B) of this subsection shall apply upon the Mayor's implementation of a compost collection program; provided, that the Mayor may require that private collection properties or subcategories of private collection properties separate compostable materials before the implementation of a compost collection program.

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

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

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

Sec. 104. Mandatory adequate waste collection.

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

(1) Supplying waste containers to make source separation accessible for individuals discarding solid waste at the property; provided, that the containers shall:

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

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

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

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

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

Sec. 105. Collector obligations.

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

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

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

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

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

(4) Any other information the Mayor may require.

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

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

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

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

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

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

#### Sec. 106. Collector registration.

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

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

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

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

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

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

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

**Sec. 107. Office of Waste Diversion.**

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

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

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

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

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

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

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

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

**Sec. 108. Interagency Waste Reduction Working Group.**

(a) There is established an Interagency Waste Reduction Working Group (“Working Group”) that shall regularly evaluate the District’s solid waste management and diversion activities and policies, and sustainable waste management and diversion practices, policies, and techniques that could be established in the District. The purpose of the Working Group shall be to advise and guide the Mayor, the Council, and the Office of Waste Diversion on sustainable solid waste management and waste diversion policy in the District in accordance with the sustainable solid waste management hierarchy established in section 102.

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

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

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

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

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

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

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

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

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

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

**Sec. 109. Enforcement training.**

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

**Sec. 110. Contract and licensing authority.**

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

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

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

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

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

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

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

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

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

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

(a) The Mayor shall impose:

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

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

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

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

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

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

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

**Sec. 112. Solid Waste Diversion Fund.**

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

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

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

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

(3) Other funds designated by the Mayor.

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

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

**Sec. 113. Reporting requirements.**

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

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

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



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

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

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

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

**Sec. 114. Rules; enforcement.**

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

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

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

(d) The Mayor may require a private collection property owner found in violation of section 104 more than once in a period of 6 months to submit a source separation plan.

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

**Sec. 115. Definitions.**

For the purposes of this subtitle, the term:

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

(2) "Collection event" means an event lasting at least 4 hours within normal daylight hours at which a District resident, small nonprofit, or small business can drop off, free of charge, unwanted covered electronic equipment for recycling or reuse.

(3) "Collection site" means a location at which a District resident, small nonprofit organization, or small business can drop off, free of charge, unwanted covered electronic equipment for recycling or reuse during normal business hours.

(4) "Covered electronic equipment" means computers and computer peripherals, including keyboards, electronic pointing devices, printers, computer monitors and display devices, laptops or other portable computers, and portable digital music players that have memory capability and are battery-powered, televisions, and television peripherals. The term "covered electronic equipment" does not include a motor vehicle, part of a motor vehicle, or a component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised

dealer, including replacement parts for use in a motor vehicle; telephones of any type, including mobile telephones, a personal digital assistant, a global positioning system, or a hand-held gaming device, household appliances, or covered electronic equipment that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, air purifier, water heater, or exercise equipment, equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, research and development or commercial setting, security or anti-terrorism equipment, monitoring and control instrument or system, thermostat, hand-held transceiver, server other than a small-scale server, cash register or retail self-checkout system, stand-alone storage product intended for use in industrial, research and development, or commercial settings, medical equipment that contains a cathode ray tube, a flat panel display or similar video display device, and that is not separate from the larger piece of medical equipment, or other medical devices as defined under the Federal Food, Drug, and Cosmetic Act.

(5) “Covered electronic equipment stewardship program” means a recycling effort for covered electronic equipment established by a manufacturer, partnership, or representative organization.

(6) “Covered entity” means a District household or small nonprofit or small business entity that procures covered electronic equipment through retail channels.

(7) “Manufacturer” means a person who:

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

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

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

(8) “Market share” means the total pounds of covered electronic equipment sold by a manufacturer to District residents and businesses in the previous year divided by the total pounds of all covered electronic equipment sold to District residents and businesses in the previous year.

(9) “Partnership” means an organization of manufacturers created to work together to meet the total minimum collection shares of its member manufacturers under section 119(a)(2).

(10) “Product label” means information on the surface of covered electronic equipment that must be permanently attached to, printed, or engraved on or incorporated in a permanent manner on the equipment and obvious and visible to users of the equipment.

(11) “Representative organization” means an organization created to provide convenient collection service to District residents under section 119(a)(3) and to develop and oversee implementation of a District plan consisting of one or more covered electronic

equipment stewardship programs in the District. A representative organization may also oversee plans in other jurisdictions.

(12) “Retailer” means a person engaged in retail sales.

(13) “Reuse” means a process by which covered electronic equipment or a component of covered electronic equipment is used for the same purpose for which it was originally purchased.

Sec. 116. District covered electronics waste diversion goal.

In implementing this subtitle, the District shall strive to divert at least 80% of covered electronic equipment waste, estimated based on best available information, to be generated in the District annually from landfill or incineration through recycling or reuse by 2032, and to ensure electronics manufacturer responsibility for the recycling of covered electronic equipment waste.

Sec. 117. Registration.

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

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

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

(b) By January 1, 2016, and annually thereafter, a manufacturer or its partnership or representative organization as provided in subsection (c) of this section shall submit an application for registration with the Mayor that shall include:

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

(2) The registration fees applicable under section 118;

(3) A report disclosing:

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

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

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

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

(E) Compliance with section 119; and

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

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

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

(6) If the manufacturer has not attained compliance with section 119, a description of how the manufacturer plans to attain compliance;

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

(8) A signed statement certifying that vendors who recycle or reuse covered electronic equipment collected under the manufacturer's waste management program have a valid third-party accredited certification as recognized by the Mayor;

(9) If the applicant is a representative organization established to provide convenient collection service to District residents under subsection 119(a)(3), an implementation plan that includes:

(A) A description of the convenient collection system established by the organization, including the collection sites at which the representative organization will ensure continuous service, and how the organization, through public outreach and other means, determined where public collection sites would be located to meet the needs of District residents;

(B) A description of public outreach and awareness activities undertaken to ensure District residents are aware of the availability and location of collection sites and events;

(C) The market share percentage of each manufacturer in the representative organization and a description of how the representative organization will allocate responsibility across member manufacturers to ensure compliance with this subtitle, including how the organization will take into account the economic value of different types of covered electronic equipment;

(D) Sufficient information, including financial and operational information, to allow the Mayor to confirm the consistency of the plan with this subtitle; and

(10) Any other information as may be required by the Mayor by rule.

(c) A partnership established to meet the total minimum collection shares of its member manufacturers under section 119(a)(2) may, and a representative organization established to provide convenient collection service to District residents under section 119(a)(3) shall, submit a single application for registration including the items listed under subsection (b) of this section on behalf of its member manufacturers; provided, that the application shall also include a list of member manufacturers and their market shares, as well as any other individual manufacturer data, information, or certification required by the Mayor through rulemaking.

(d)(1) The Mayor shall approve or disapprove a registration application and notify the applicant in writing or by electronic mail within 45 days of an individual manufacturer's submission and within 60 days of a partnership or representative organization's submission. If the Mayor disapproves an application, the Mayor shall specify the reasons for disapproval. The Mayor shall approve or disapprove a resubmitted application within 30 days of resubmission.

(2) In determining whether to approve the registration application and implementation plan of a representative organization established to provide convenient collection service to District residents under section 119(a)(3), the Mayor shall consider:

- (A) The pounds per capita of covered electronics equipment waste generated in the District in the previous year, as estimated using best available data;
- (B) The total market share of the representative organization's members and the pounds per capita of covered electronics equipment collected by the representative organization in the previous program year;
- (C) The total pounds per capita of covered electronics equipment collected by all manufacturers under this subtitle in the previous program year;
- (D) Best practices in similar jurisdictions with pounds per capita electronics recycling rate data;
- (E) Whether the convenient collection system outlined in the representative organization's implementation plan is sufficient to provide convenient and equitable collection opportunities to District residents; and
- (F) The District's progress toward the goal established in section 116 of this subtitle.

(e) The Mayor may establish a procedure and timeframe for the modification or renewal of manufacturer, partnership, and representative organization applications under this section by rule.

(f) A retailer shall not be subject to penalties for selling or offering to sell covered electronic equipment received from a manufacturer whose registration under this section has expired or been revoked if the manufacturer was registered at the time that the retailer took possession of the covered electronic equipment and the sale occurred within 6 months of the expiration or revocation.

**Sec. 118. Registration and shortfall fees.**

(a)(1) A manufacturer that sold less than 100 units of covered electronic equipment in the District in the previous year shall be exempt from paying an annual registration fee.

(2) For an individual manufacturer that sold at least 100 units but less than 250 units of covered electronic equipment in the District in the previous year, the individual manufacturer's application for registration under section 117 shall be accompanied by a registration fee of \$500.

(3) For an individual manufacturer that sold 250 or more units of covered electronic equipment in the District in the previous year, the manufacturer's application for registration under section 117 shall be accompanied by a registration fee of \$1,000.

(4) A partnership's application for registration under section 117 shall be accompanied by a registration fee in the amount of the sum of its member manufacturers' registration fees, or \$10,000, whichever is less.

(5) A representative organization's application for registration under section 117 shall be accompanied by a registration fee in the amount of \$10,000.

(6) A manufacturer participating in a partnership or representative organization shall be exempt from paying an individual annual registration fee.

(b) Beginning January 1, 2017, if a manufacturer or partnership did not comply with section 119(a)(1) or (2) in the previous program year, the manufacturer's or partnership's application for registration under section 117 shall be accompanied by a shortfall fee. The shortfall fee shall be determined by multiplying the difference of the weight of covered electronic equipment collected and recycled or reused by the manufacturer or the partnership and the manufacturer's minimum collection share by \$0.30 or the sum of the partnership's member manufacturers' minimum collection shares by \$0.30.

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

(d) Fees collected under this section shall be used exclusively for the purpose of offsetting the cost of implementing this subtitle, including administering and enforcing the provisions related to supervision of a representative organization.

**Sec. 119. Manufacturer responsibilities.**

(a) Beginning January 1, 2016, and annually thereafter, a manufacturer shall either:

(1) Collect and recycle or arrange for the collection and recycling or reuse of the manufacturer's minimum collection share of covered electronic equipment as established under subsection (b) of this section;

(2) Join a partnership of manufacturers to jointly collect or arrange for the collection and recycling or reuse of the sum of each member manufacturer's minimum collection share of covered electronic equipment as established under subsection (b) of this section; or

(3) Join a representative organization created by manufacturers to establish a convenient collection service for District residents, small nonprofit organizations, and small businesses that consists of, at a minimum:

(A) One permanent publicly accessible collection site in each ward of the District; provided, that, in a ward where there is no feasible location for a permanent collection facility, a collection event made available on a quarterly basis shall fulfill this requirement;

(B) Public outreach and awareness activities to District residents through the representative organization's website and other means to ensure that District residents are aware of the availability and location of collection sites and events; and

(C) Acceptance and recycling or arranging for the recycling or reuse of all covered electronic equipment brought to the sites by covered entities free of charge.

(b)(1) A manufacturer's minimum collection share for covered electronic equipment under subsection (a)(1) of this section shall be:

(A) In 2016, the amount of covered electronic equipment collected by the manufacturer in 2016;

(B) In 2017, 40% of the average annual sales of the manufacturer's covered electronic equipment in the District, reported by weight, during the previous reporting year;

(C) In 2018, 50% of the average annual sales of the manufacturer's covered electronic equipment in the District, reported by weight, during the previous 2 reporting years;

(D) In 2019 and beyond, 80% of the average annual sales of the manufacturer's electronic equipment in the District, reported by weight, during the previous 3 calendar years; or

(E) An amount calculated by a formula established by the Mayor through rulemaking; provided, that the sum of all manufacturer minimum collection shares under the formula, if manufacturers required to comply with this subtitle met their minimum collection share, shall equal at least 60% of the total weight of covered electronic equipment that the Mayor estimates was generated by District residents and businesses in the previous year.

(2) For the purposes of calculating a manufacturer or partnership's achievement of its minimum collection share as set forth in subsection (b) of this section, the manufacturer or partnership may count the collection of a single item of covered electronic equipment as twice its weight when that item is donated free of charge for reuse to the District's public or charter schools, to public or charter schools in counties adjoining the District, or to any nonprofit organization with a principal mission of assisting low-income children or families. To qualify for this credit, the covered electronic equipment must be no more than 3 years old, in full working condition, and accepted in writing by the recipient as a donation.

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

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

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

(f) A manufacturer, partnership, or representative organization shall not be liable for damages arising from information stored on covered electronic equipment collected from the manufacturer's, partnership's, or representative organization's recovery programs that comply with this subtitle.

#### Sec. 120. Agency responsibilities.

(a) Beginning January 1, 2015, the Mayor shall work with any interested manufacturers, partnerships, or representative organizations to identify District properties that could be utilized for ongoing collection opportunities or collection events.

(b) Upon approval of a manufacturer, partnership, or representative organization registration, the Mayor shall provide information on an appropriate public website about the

available electronic recycling opportunities in the District, including collection sites and collection events. The website shall also include the definition of covered electronic equipment, the proper methods for disposal of covered electronic equipment, the proper methods for disposal of noncovered equipment, and links to relevant portions of manufacturers' websites. The Mayor may fulfill this requirement by providing a link to a website managed by a third party that contains the required information.

(c) If the District chooses to receive collection or recycling services from a manufacturer, partnership, or representative organization established under this subtitle for covered electronic equipment waste collected by the District, the District shall not charge the manufacturer, partnership, or representative organization for the cost of collection services and shall offer the manufacturer, partnership, or the representative organization the covered electronic equipment at no cost. Nothing in this subtitle shall require a manufacturer, partnership, or representative organization to provide recycling services for covered electronic equipment waste collected by the District.

**Sec. 121. Disposal ban.**

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

(b) Beginning January 1, 2017, no manufacturer shall dispose of covered electronic equipment as solid waste in the District except through recycling programs or other methods approved by the Mayor.

**Sec. 122. Confidential information and trade secrets.**

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

**Sec. 123. Supervision; immunity from liability.**

(a) The Mayor shall supervise the implementation of this subtitle and manufacturer, partnership, and representative organization activities conducted in connection with this subtitle, including commercial and competitive behavior; provided, that nothing in this section is intended to, or does, create a private right of action against the government of the District of Columbia and its officers, employees, agents, representatives, contractors, successors, and assigns based upon compliance or noncompliance with its provisions.

(b) Notwithstanding the provisions of Chapter 45 of Title 28, a manufacturer or manufacturers and a partnership or representative organization may negotiate, enter into agreements with, share the burdens of their operation with, and conduct business with each other in accordance with this subtitle in ways that may affect competition. No manufacturer,



partnership, or representative organization shall be prosecuted, held liable, or subject to penalties or damages under Chapter 45 of Title 28, for actions conducted in accordance with this subtitle.

**Sec. 124. Reporting requirements.**

(a) On March 1, 2017, and annually thereafter, the Mayor shall submit a report to the Council regarding implementation of the provisions in this subtitle and estimating, based on best available information, the progress the District has made toward achieving the goal outlined in section 116. The annual reports shall be posted on the Mayor's website by April 1 of each year.

(b) By March 1, 2019, the Mayor shall submit a report to the Council analyzing the effectiveness of the provisions outlined in this subtitle in meeting the goal established in section 116, and recommending any changes necessary to ensure that the goal may be met as early as possible. The report shall further advise the Council whether the convenient collection service alternative to the minimum collection share requirement allowed under section 119(a)(3) has generated per capita collection rates similar to the best performing electronics waste programs in other jurisdictions, considering relevant differences in covered electronic equipment and the electronics waste stream.

**Sec. 125. Limitation in the event of a federal program.**

Upon the establishment and implementation of a federal program for the collection and recycling or reuse of covered electronic equipment discarded by households, sections 115, 116, 117, 118, 119, 120, 121, 122, 123, and 124 shall not apply to that covered electronic equipment.

**Sec. 126. Rules; enforcement.**

(a)(1) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this subtitle within one year of its effective date.

(2) The Mayor may expand the definition of covered electronic equipment to include items exempted in section 115(4); provided, that the Mayor shall not do so before January 1, 2018; provided further, that the Mayor shall not include household appliances. Before issuing such a rule, the Mayor shall provide a report and economic analysis to the Council outlining the reasons that expanding the definition is beneficial to the District's electronics waste diversion activities and will likely result in higher recycling or reuse rates of the electronic equipment that the Mayor proposes to include.

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

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

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

(a) Section 3(a)(1) (D.C. Official Code § 8-802(a)(1)) is amended by striking the phrase "the District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988,"

and inserting the phrase “the Sustainable Solid Waste Management Amendment Act of 2014, passed on 2nd reading on July 14, 2014 (Enrolled version of Bill 20-641),” in its place.

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

(1) Subsection (b) is amended by striking the word “continuing” and inserting the word “nonlapsing” in its place.

(2) Subsection (c) is amended to read as follows:

“(c) Monies deposited into the Fund shall be used to offset some of the costs of implementing this act, the costs of the abatement of solid waste nuisances, and to fund waste recovery and recycling education and activities in accordance with the Sustainable Solid Waste Management Amendment Act of 2014, passed on 2nd reading on July 14, 2014 (Enrolled version of Bill 20-641).”.

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

### TITLE III. REPEALERS.

#### Sec. 301. Repealers.

(a) Chapter 176, paragraph 137, line 25 of 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, approved March 2, 1895 (28 Stat. 758; D.C. Official Code § 8-701), is repealed.

(b) Chapter 248, paragraph 117 of 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, approved May 18, 1910 (36 Stat. 389; D.C. Official Code § 8-702), is repealed.

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

(d) 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, approved March 4, 1929 (45 Stat. 1549; D.C. Official Code § 8-705 *et seq.*), is repealed.

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

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

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

**TITLE IV. APPLICABILITY, FISCAL IMPACT, AND EFFECTIVE DATE.**

**Sec. 401. Applicability.**

Section 103(c) shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

**Sec. 402. Fiscal impact statement.**

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

**Sec. 403. Effective date.**

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

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia