

ENROLLMENT(S)

(5)



COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-90

"Illegal Dumping Enforcement Amendment Act of 1998"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 12-167, on first and second readings, December 4, 1997 and January 6, 1998, respectively. Following the signature of the Mayor on January 26, 1998, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-263, and published in the March 13, 1998, edition of the D.C. Register (Vol. 45 page1308) and transmitted to Congress on February 27, 1998 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 12-90, effective April 29, 1998.



LINDA W. CROPP
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb.	27
Mar.	2,3,4,5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26 27,30,31
Apr.	1,21,22,23,24,27,28

AN ACT

D.C. ACT 12-263

*Codification
District of
Columbia
Code
1998 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 26, 1998

To amend the Illegal Dumping Enforcement Act of 1994 to define terms, to make the unlawful disposal of solid waste for a commercial purpose a felony, to make the unlawful disposal of medical waste a felony, and to increase the criminal penalty for the unlawful disposal of hazardous waste.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Illegal Dumping Enforcement Amendment Act of 1998".

Sec. 2. The Illegal Dumping Enforcement Act of 1994, effective November 20, 1993 (D.C. Law 10-62; D.C. Code § 6-2911 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Code § 6-2911) is amended as follows:

**Section
6-2911**

(1) A new paragraph (1) is added to read as follows:

"(1) "Commercial purpose" means for the purpose of a person's economic gain."

(2) The existing paragraph (1) is redesignated as (1A).

(3) A new paragraph (2A) is added to read as follows:

"(2A) "Hazardous waste" means any waste or combination of wastes of a solid, liquid, contained gaseous, or semisolid form which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, as established by the Mayor, may:

(A) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating, reversible, illness; or

(B) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Such wastes include, but are not limited to, those which are toxic, carcinogenic, flammable, irritants, strong sensitizers, or which generate pressure through decomposition, heat, or other means, as well as containers and receptacles previously used in the transportation, storage, use or application of the substances described as a hazardous waste.

(4) A new paragraph (3A) is added to read as follows:

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"(3A) "Medical waste" means solid waste from medical research, medical procedures, or pathological, industrial, or medial laboratories. Medical waste includes, but is not limited to, the following types of solid waste:

"(A) Cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures;

"(B) Pathological waste, including tissues, organs, and body parts that are removed during surgery or autopsy;

"(C) Human blood waste and products of blood, including serum, plasma, and other blood components;

"(D) Sharps that have been used in patient care or medical research, or industrial laboratories, including hypodermic needles, syringes, pasteur pipettes, broken glass, and scalpel blades;

"(E) Contaminated animal carcasses, body parts, and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals;

"(F) Waste from surgery or autopsy that was in contact with infectious agents, including soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads, and surgical gloves;

"(G) Laboratory waste from medical, pathological, pharmaceutical, or other research, commercial, or industrial laboratories that was in contact with infectious agents, including slides, and cover slips, disposable gloves, laboratory coats, and aprons;

"(H) Dialysis waste that was in contact with the blood of patients undergoing hemodialysis, including contaminated disposable equipment and supplies such as tubing, filters, disposable sheets, towels, gloves, aprons, and laboratory coats;

"(I) Discarded medical equipment and parts that were in contact with infectious agents;

"(J) Biological waste and discarded materials contaminated with blood, excretion, exudates and secretion from human beings or animals who are isolated to protect others from communicable diseases; and

"(K) Such other waste material that results from the administration of medical care to a patient by a health care provider and is found by the Mayor to pose a threat to human health or the environment."

(5) Paragraph 6 is amended by striking the first sentence and inserting in its place a new sentence to read as follows:

"(6) "Solid waste" means combustible or incombustible refuse."

(b) Section 3 (D.C. Code § 6-2912) is amended as follows:

ENROLLED ORIGINAL

Section
6-2912

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

"(a) It shall be unlawful for any person to dispose or cause or permit the disposal of solid waste, hazardous waste, or medical waste in or upon any street, lot, park, public place, or any other public or private area, whether or not for a commercial purpose, unless the site is authorized for the disposal of solid waste, hazardous waste or medical waste by the Mayor."

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

"(b)(1) Any person who violates subsection (a) of this section shall be liable to arrest.

"(2) Any person who disposes of solid waste which is neither hazardous nor medical waste in violation of subsection (a) of this section, shall be guilty of a misdemeanor, and shall be subject to a fine not to exceed \$1,000 for each offense, or shall be imprisoned for a period not to exceed 90 days, or both. Any person who disposes of solid waste for a commercial purpose shall be guilty of a felony, and shall be subject to a fine for each offense not to exceed \$25,000, or shall be imprisoned for a period not to exceed 5 years, or both.

"(3) Any person who knowingly disposes of hazardous waste in violation of subsection (a) of this section shall be guilty of a felony, and subject to a fine for each offense not to exceed \$25,000, and a term of imprisonment not to exceed 5 years.

"(4) Any person who knowingly disposes of medical waste in violation of subsection (a) of this section shall be guilty of a felony, and subject to a fine for each offense not to exceed \$25,000, and a term of imprisonment not to exceed 5 years."

Sec. 3. 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. Code § 1-233(c)(3)).

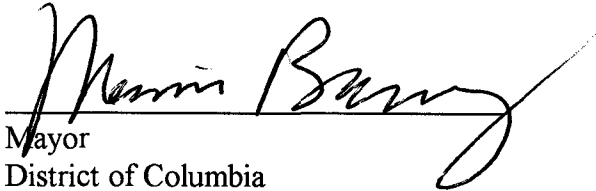
Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule

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Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

A handwritten signature in cursive script, reading "Linda A. Cropp", written over a horizontal line.

Chairman
Council of the District of Columbia

A handwritten signature in cursive script, reading "Mervyn Baring", written over a horizontal line.

Mayor
District of Columbia

APPROVED: January 26, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B12-167

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 12-4-97

VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

ALL PRESENT

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Dixon					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Chavous					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

[Signature] 8, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 1-6-98

VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

ALL PRESENT

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

[Signature] 8, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE
RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date