

US EPA ARCHIVE DOCUMENT

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PROGRAM DESCRIPTION

FOR THE

HAZARDOUS WASTE PROGRAM

DEPARTMENT OF ENVIRONMENTAL SERVICES

WASHINGTON, D.C.

TABLE OF CONTENTS

Program Description

I. Scope, Structure, and Coverage of the District's Program

II. Organization and Structure of the State Agency

III. State Agency Staff

IV. Program Budget

V. Sources of Funding

VI. State Program Operation

- A. Notification and Registration Program
- B. Generators
- C. Transporters
- D. Treatment, Storage and Disposal Facilities
- E. Manifest System
- F. Emergency Response Procedures
- G. Recordkeeping and Reporting
- H. Compliance Monitoring and Enforcement Program

VII. Estimate of Regulated Community

VIII. Exhibits

I. BACKGROUND, SCOPE, STRUCTURE AND COVERAGE

On October 21, 1976, the President signed Public Law 94-580, the Resource Conservation and Recovery Act (RCRA) of 1976, which provided that every state must establish a system to control the generation, storage, transportation, treatment and disposal of hazardous waste or that the federal government would assume this responsibility on behalf of the state. Passage of this law was in response to the health and environmental hazard posed by the nationwide mismanagement of millions of tons of hazardous waste on a yearly basis.

Increased production and consumption rates, along with continued technological development and energy requirements, have led to the generation of greater quantities of hazardous wastes. During 1976, the District of Columbia (the District) acquired a planning grant from EPA to research and develop a hazardous waste program for the District. The District conducted a survey to identify generators of hazardous waste and evaluate the characteristics and quantities of such waste. Notwithstanding the industrialized climate in the District, numerous generators of hazardous waste were identified. These included academic institutions, industrial art shops, health care facilities, federal facilities, printing and engraving related enterprises, exterminators and private laboratories. The problems encountered were associated with improper storage and stockpiling of hazardous chemicals in academic and institutional laboratories, and the storage, transportation and disposal of human biological and pathological waste. Even though the volume of waste generated in the District may be considered small in comparison to other states, the potential hazard from such substances is magnified by the high density of the population within the District. It is technologically and financially feasible for hazardous waste generators to dispose of their waste in a manner which has a less adverse impact on the environment than has been the case.

The District's "Solid Waste Regulations 71-21" which became effective August 28, 1971, mentioned hazardous waste, but the purpose of these regulations was to establish minimum standards for the storage, collection, transportation and disposal of solid waste. The District's Hazardous Waste Management Act of 1977, however, directs the Mayor to develop a regulatory scheme for the management of hazardous waste.

Possible harm to human health and the environment, caused by the mismanagement of hazardous waste led the District to pass D.C. Law 2-64, the "District of Columbia Hazardous Waste Management Act of 1977" on March 16, 1978. The primary intent of this act was to insure safe and effective hazardous waste management through the establishment of a program of regulation over the storage, transportation, treatment, and disposal of wastes in the District. This law authorized a regulatory program consistent with, and on some issues more stringent than the federal program established pursuant to RCRA, as amended.

The Department amended the D.C. Hazardous Waste Management Act of 1977 with the D.C. Hazardous Waste Management Act of 1977 Clarification Act of 1984 (D.C. Law 5-103, effective August 10, 1984) because of 1978 and 1980 amendments to the federal law (RCRA), and because the D.C. Hazardous Waste Management Act of 1977 (D.C. Law 2-64), having been written as an initial attempt to establish a regulatory program for hazardous waste management, was in some ways inadequate. These amendments make the D.C. laws pertaining to hazardous waste management consistent with and equivalent to the federal law.

On July 22, 1983, the District adopted 40 CFR Parts 260 through 265 (July 1982 ed.), as amended by D.C., and 40 CFR Part 270 (July 1983 ed.), as amended by D.C.. In addition, the District adopted regulations equivalent to 40 CFR Part 124, Subpart A (July 1983 ed.). See 20 DCMR, Chapter 40 as amended.

The structure of the hazardous waste management program in the District is consistent with RCRA and the required program components listed in 40 CFR 271 Subpart A. The universe of hazardous waste has been adopted from, and is identical to, that found in 40 CFR Parts 260 and 261 (July, 1982 ed.). The level and degree of coverage and regulation of hazardous waste generators, transporters, and treatment, storage and disposal facilities are equivalent to the RCRA regulatory program. The District program, like the federal program, is a cradle to grave program covering all pertinent aspects of hazardous waste management.

The lead agency for the District's program is the Department of Consumer and Regulatory Affairs (the Department). On July 18, 1984, the Department held a public hearing on its proposed application for final authorization. There was no opposition to the application. There were, also, no comments during the public comment period.

Other District agencies involved in the program are the Office of Corporation Counsel, the D.C. Office of Emergency Preparedness, the Department of Transportation, the Fire Department and the Metropolitan Police Department. The responsibilities of these and other agencies in the hazardous waste program are briefly described in Section II.

Generators, transporters, treaters, storers and disposers of hazardous waste will be required to comply with the program requirements for notification, reporting and recordkeeping, and to use a manifest when required. They will also be required to have an EPA identification number.

Generators will be responsible for determining whether their wastes are hazardous. This can be accomplished by noting if the waste is listed, if the waste possesses one or more of the hazardous characteristics, or if the generator has knowledge that the materials or process used to produce the waste will render it hazardous. They will also be responsible for providing the transporters with properly completed manifests. As in the federal program, generators that store wastes for more than ninety days will be subject to the same requirements as storage facilities.

The regulations require that a transporter of hazardous waste deliver the entire quantity of the waste to the facility designated by the generator on the manifest. Transporters must comply with the spill reporting requirements. Transporters must also be responsible for the clean up of any hazardous waste discharged during transportation.

Owners and operators of facilities that treat, store or dispose of hazardous waste must comply with minimum standards for assuring that the facilities operate safely. These standards, include containing, testing, and destroying wastes so they cannot contaminate ground water, surface water or the atmosphere. Such facilities are also required to have a contingency plan to be used if hazardous waste is accidentally discharged. The owners and operators of treatment, storage and disposal (TSD) facilities are also required to demonstrate financial responsibility for their operations, including liability, and closure requirements. The owners and operators of TSD facilities which are not under interim status are required to apply for and receive a TSD permit before commencing construction and operation. TSD facility permits will

last for maximum of ten years. With respect to incinerators, Title 20, DCMR Section 504.5 of the D.C. Air Quality regulations states that "no new incinerator shall commence operation except where the Mayor shall find that any other system of waste disposal would endanger the public health." Prior to filing an application for a permit to incinerate hazardous waste, the applicant must first comply with the air quality regulations for new incinerators. Surface impoundments, landfills and land treatment facilities are prohibited in the District. Only waste piles containing wastes with no free liquids and which are under a structure to protect them from precipitation or wind shall be permitted.

To effectively track the hazardous waste from "cradle to grave", the District intends to use an automated data processing (ADP) system to keep track of manifests, exception reports, permitting functions, inspections and enforcement information. The ADP system will also be used to provide a listing of all generators, transporters and TSD facilities, financial data, respond to Freedom of Information inquiries, issuance of provisional identification numbers and to keep a record of all inspections conducted, violations found and actions taken to remedy the violations. The selection of the District's data processing system was based on its compatibility with the Region III system. The Department will avail itself to the use of the Hazardous Waste Data Management System (HWDMS) developed for EPA. Exchange and entry of data between the District and EPA will be handled via telecommunication.

Enforcement will be accomplished by a routine compliance monitoring program, prompt response to reports or complaints of suspected violations, and by exercising the right to gain entry for inspection (at any reasonable hour), to copy records and reports, and to obtain samples. The public will be encouraged to take an active role in the compliance monitoring and enforcement process by reporting suspected violations. In taking enforcement action, the Department will employ a complete range of enforcement mechanisms, from warning letters, notices of violation and compliance orders, to seeking injunctive relief and instituting civil or criminal proceedings against the violator. The Department can also seek suspension or revocation of permits or licenses, with provisions for appeal. The Compliance Monitoring and Enforcement program is detailed in Section H.

PROCEDURES FOR REVISIONS OF STATUTE OR REGULATIONS

Revisions to the District program will require amendments to D.C. Law 2-64, or

amendment to the regulations. Procedures to amend the law and the regulations are discussed here.

Legislative amendments

The legislative process in the District of Columbia is unique because of its special relationship to the federal government.

The District of Columbia Self-Government and Governmental Reorganization Act of 1973, as amended (the "Home Rule Charter") establishes the procedure for enacting local legislation. This Act requires that the Council of the District of Columbia vote twice, at least thirteen days apart, to approve any legislation. Once enacted in this manner, the legislation must be transmitted to Congress for a thirty day period of review when either House is in session. Enactment of D.C. Laws normally takes four months, from the time of introduction into the Council to the end of the Congressional review period. This process is detailed in the attached flow chart (Figure I). Speedier consideration is available with the cooperation of the Committee of the Council of the District of Columbia to which the bill is referred, and the time could be cut to two months. The 30 day Congressional review period is, however, inflexible.

In addition, the Home Rule Charter provides that the Council, by a vote of two-thirds of its members (9 members), can enact emergency legislation if it determines that the public health or safety is at stake or other emergency circumstances are present. Technically, emergency legislation can be enacted in one day. No congressional review is necessary. This emergency legislation is however, effective for a period of ninety days only.

Rulemaking Process

The Mayor is authorized, under D.C. Law 2-64, as amended, to promulgate and revise appropriate regulations in accordance with the District of Columbia Administration Procedures Act (DCAPA) (D.C. Code, 1-1501 et. seq.)

Subsection 1-1506 fo the DCAPA requires that regulations be published in a notice of proposed rulemaking in the D.C. Register, not less than thirty days prior to the

public
lobbies

public
lobbies

public
lobbies

public
asks
member to
submit
bill

bill is introduced by Council member by filing with the Council secretary or at legislative session

Council chairman assigns it to committee

First reading: Council considers amendments, takes first vote:

majority may—bill fails
majority aye—bill passes,
engrossed bill is published

two weeks later
second reading: bill must not be substantially altered in this consideration. Council takes second vote:

majority may—bill fails
majority aye—bill passes,
engrossed bill is published

Council may override mayor's veto with a two-thirds majority within 30 days

Council chairman transmits act to Congress

Committee of the Whole reviews bill

1. considers bill—may combine it with others; if committee takes no action, bill dies
2. may hold public hearing or round table
3. makes changes in bill; reports it out for Council consideration; writes report

public participation

public
lobbies

Congress reviews act for 30 legislative days (about 60 calendar days)

1. may take no action—act becomes law
2. may pass resolution in both houses disapproving act—act dies

Mayor has 10 days to:

1. sign bill—bill becomes an act
2. take no action—bill becomes an act if Council is in session; otherwise pocket veto kills bill
3. veto bill

public
lobbies

public
lobbies

FIGURE I

effective date of the proposed adoption, amendment or repeal of the rule. The public is invited during this thirty day period to submit comments.

If no substantive comments are received, a notice of final rulemaking will be published in the District of Columbia Register stating that the regulations are adopted, effective upon publication of this notice. If comments are received which necessitate substantive amendments to the proposed regulations, they must be republished in a new notice of proposed rulemaking for an additional 30 days.

II. ORGANIZATION AND STRUCTURE OF THE STATE AGENCY

Authority to carry out most of the functions under D.C. Law 2-64, the "D.C. Hazardous Waste Management Act of 1977", was delegated to the Department of Environmental Services (DES), the Bureau of Pesticides and Hazardous Waste Management of the Office of Environmental Standards and Compliance within DES had direct responsibility for managing the hazardous waste program. Additionally, the Department of Licenses, Investigations and Inspections (DLII) was delegated the authority to issue, suspend and revoke permits to operate hazardous waste storage, disposal or treatment facilities. [See Exhibit A for delegation order]

On March 31, 1983, pursuant to Reorganization No. 1 of 1983, DLII became the Department of Consumer and Regulatory Affairs (DCRA). On March 2, 1984, pursuant to Reorganization Number 4 the functions and staff of the Office of Environmental Standards and Compliance of DES was transferred to DCRA.

DCRA is responsible for protecting the health, safety and welfare of the citizens of the District of Columbia through the regulation of business standards, rental housing and condominiums, health and social service care facilities and the physical environment.

The Housing and Environmental Regulation Administration of DCRA now houses the Environmental Control Division which includes the Pesticide and Hazardous Waste Management Branch. This Branch will continue to be primarily responsible for the operation of the Hazardous Waste Management Program.

The following organizational charts are included in this section:

Figure II is the organizational structure of the D.C. Government.

Figure III depicts the organizational structure of the Department of Consumer and Regulatory Affairs.

Figure IV depicts the organizational chart for the Housing and Environment Regulation Administration of DCRA.

Figure V depicts the organizational chart for the Pesticides and Hazardous Waste Management Branch.

The District's Hazardous Waste Management Program will require the coordination and use of staff and resources within DCRA and among other District agencies.

Following is a brief overview of the administrations and divisions within the Department which will be involved in the hazardous waste management program. Functional statements specifically describing each administration and its divisions are included in the Exhibits.

1. The Housing and Environmental Regulation Administration (HERA) [See Exhibit B]. The Office of the Administrator of this administration has supervisory oversight over the Environmental Control Division. The Administrator of HERA is responsible for the overall coordination and direction of each program area within the Administration.
 - (a) **The Environmental Control Division of HERA.** This Division includes the Pesticide and Hazardous Waste Management Branch, Air Quality Control Branch and the Water Quality Control Branch. It is directly responsible for developing program plans and monitoring programs to ensure legislative and programmatic initiatives are accomplished. The Division is also responsible for developing the Department's and the District's position on environmental issues, and recommending necessary legislative

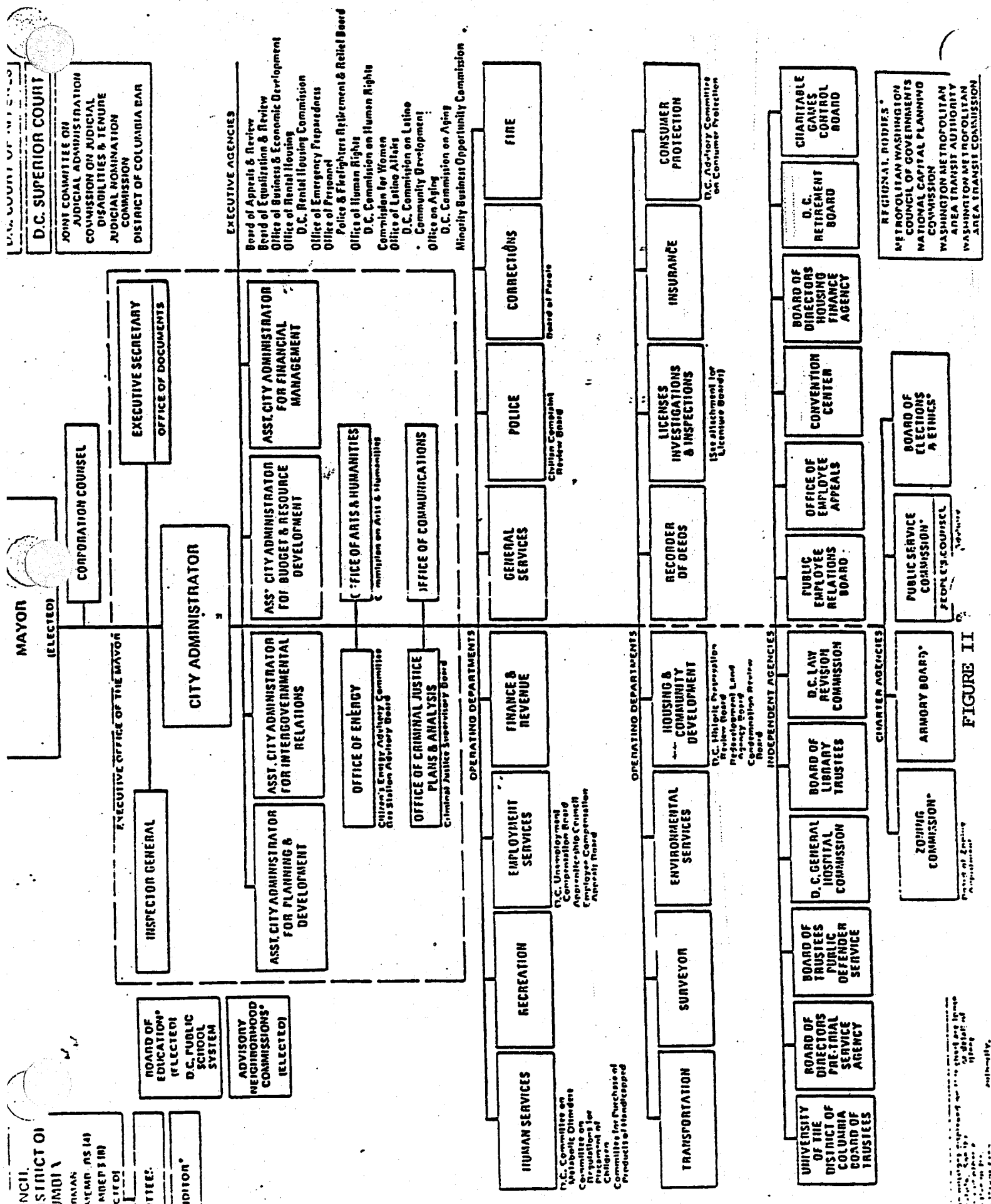


FIGURE II

NOTES: * Elected by the people of the District of Columbia. * Elected by the people of the District of Columbia. * Elected by the people of the District of Columbia.

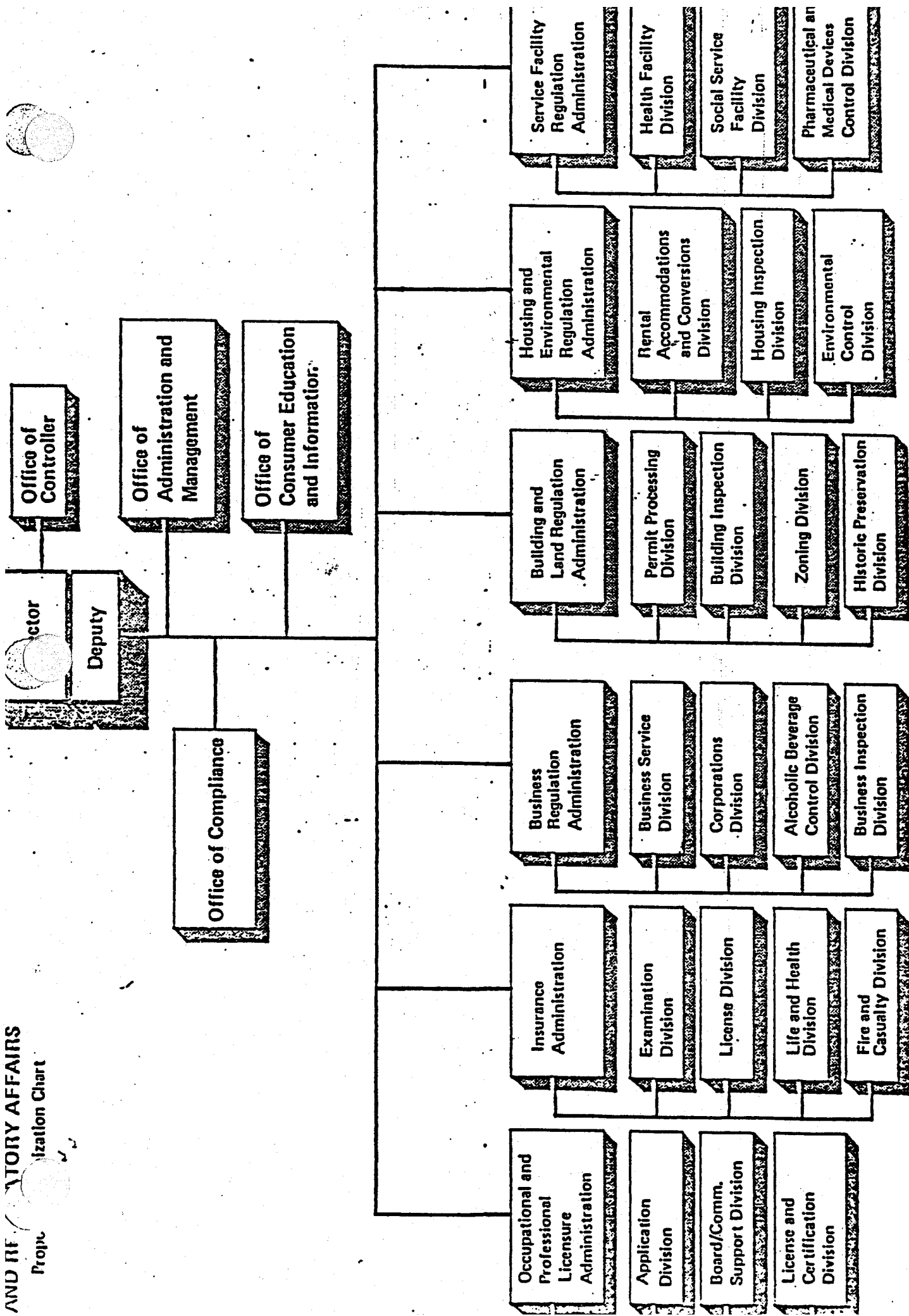


FIGURE III

HOUSING & ENVIRONMENTAL REGULATION ORGANIZATION CHART

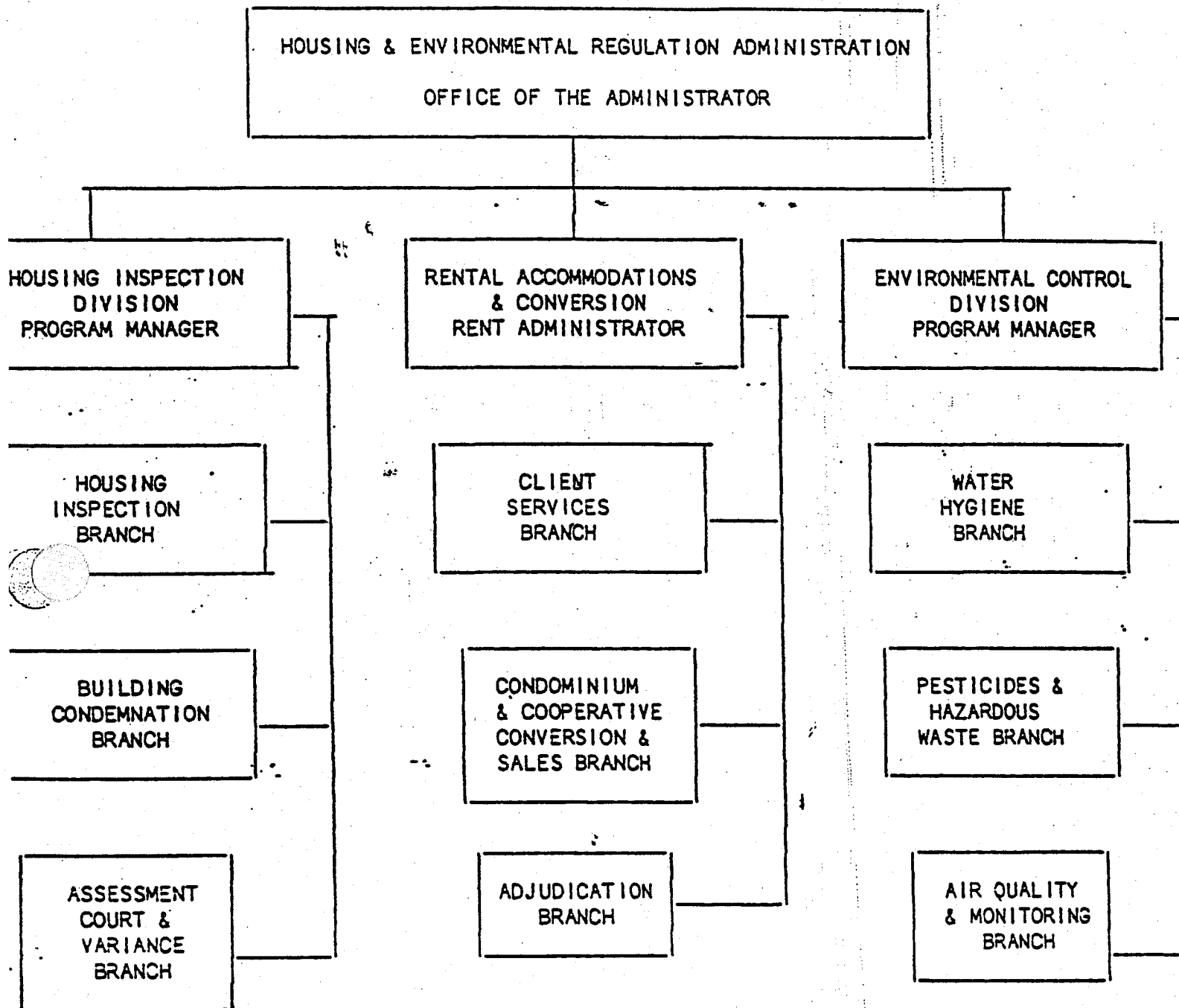


FIGURE IV

ENVIRONMENTAL CONTROL DIVISION

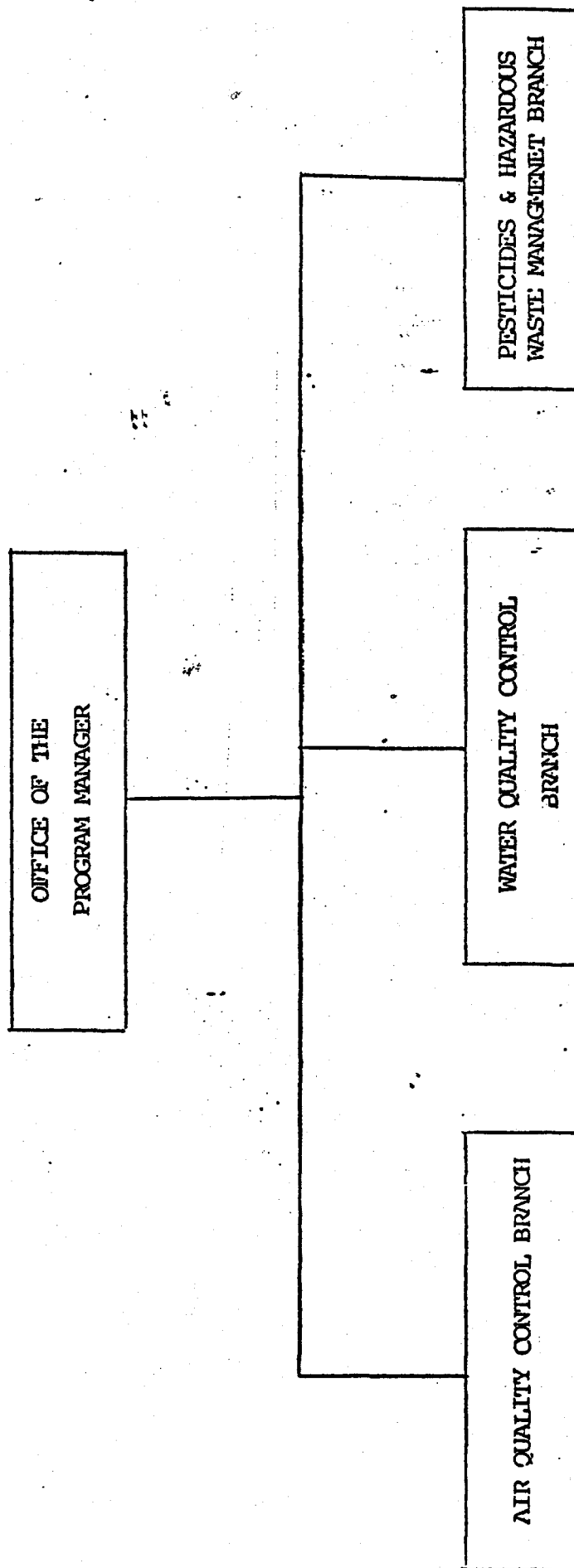


FIGURE V

changes. Additionally, it provides administrative and technical support to its three branches.

- (i) **Pesticides and Hazardous Waste Management Branch.** The State program as described in this application will be managed by this Branch. The Branch Chief will be responsible for the coordination of the various functions necessary to carry out the program.
- (ii) **Air Quality Control Branch.** The Air Quality Control Branch has the responsibility to protect the District's air quality and is concerned with potential air contaminants from hazardous waste activities. The Air Pollution Control Program is divided into the following sections: Air Monitoring, Compliance and Enforcement, and Engineering Services. The Air Monitoring Section (AMS) will provide testing and analysis of stationary sources of air pollution to determine the type and levels of stack emissions. This division also studies the ground level impact of pollutants in the air. The Compliance and Enforcement Section (CES) enforces compliance of District and Federal air quality standards. CES develops compliance schedules for equipment and sources in violation of standards. CES also investigates complaints of air pollution. CES will be present at the trial burns to observe the operations, including but not limited to the stack tests, waste feed, and temperature control. CES will also monitor, routinely, subsequent operation of incinerators. The Engineering Services Section (ESS) develops air quality standards and implementation plans and procedures for controlling air pollutants. ESS provides environmental review of construction plans and provides technical advisory services to other divisions on environmental deficiencies. ESS must approve incinerator construction plans before the incinerator is granted a construction permit. ESS also conducts environmental

impact studies. This branch will work closely with the PHWMB to identify hazardous waste pollutants dispersed in the atmosphere.

- (iii) **Water Quality Control Branch.** The Water Quality Control Branch (WQCB) is charged with the primary responsibility of preventing, reducing and eliminating water pollution insofar as these functions are recognized in the Clean Water Act. WQCB will lend assistance to matters concerning monitoring of the surface water and ground-water quality, especially where there is a potential for contamination of the waters. WQCB will assist with such matters as the evaluation of groundwater monitoring systems, the evaluation of groundwater data, the determination of proper location of groundwater monitoring wells, and monitoring ground and surface water quality for levels of contamination. They will also assist in phases of inspections that involve discharges to the sewer system. This unit will lend its relative expertise to the various components of the hazardous waste permit program, Part 270, which represent and reflect the standards promulgated in Part 264. The services of the of Air Quality Control Branch and the Water Quality Control Branch are available from the following positions and are not calculated as D.C. in-kind matching services.

Environmental Scientist (1)
Environmental Engineers (5)
Environmental Health Technicians (5)
Meteorologist (1)
Urban Planner (1)

2. **The Business Regulation Administration.** This administration has as its primary function the licensing of businesses in the District. Its role in the Hazardous Waste Management Program will be limited to the

issuance and renewal of permits to hazardous waste management treatment, storage and disposal facilities. [See Exhibit C]

3. **Office of Compliance** [See Exhibit D]. This office is responsible for providing investigatory and enforcement activities for the Department. The Pesticide and Hazardous Waste Management Branch will refer violations of the HWMA and regulations to this office for assistance in obtaining compliance and enforcement.

4. Office of Consumer Education and Information This office handles all consumer education and information programs for the Department. It will assist the PHWM branch to develop brochures, informational flyers and other means of encouraging public participation in the compliance and monitoring aspect of the program. [See Exhibit E].

5. **Insurance Administration** - This administration will assist in the review of requirements for hazardous waste management facility insurance, to assure consistency with overall D.C. insurance requirements. It will review the insurance policies of the hazardous waste management facilities for compliance with the liability regulations. [See Exhibit F]

Listed below are the agencies and departments outside DCRA which will provide assistance, when necessary, to implement the program:

1. **Office of the Corporation Counsel:** This office serves as the law firm for the District of Columbia government. The Legal Counsel Division of the office will lend its assistance in drafting legislative amendments and regulations to implement the program. Attorney General Statements and legal opinions are issued by this office. The Law Enforcement Division will be responsible for advising the Department on enforcement activity and will be responsible for prosecuting cases referred by the Department's Office of Compliance.
2. **Board of Appeals and Review:** This Board has the appellate jurisdiction over enforcement actions proposed by DCRA.

3. **D.C. Office of Emergency Preparedness** - The "District of Columbia Public Emergency Act of 1980" D.C. Act 3-274, effective March 5, 1981 authorizes the development of an Emergency Operations plan to include emergency situations where the health, safety or welfare is threatened by transportation accidents, injurious environmental contamination which threatens or causes damage to life, health or property and other related emergency type situations. This office is directed to perform its mission by coordinating the development, preparation and implementation of the District's emergency plan for oil and hazardous substance incidents, with the assistance of other District Government agencies and officials as necessary. See Exhibits G, H, and I.
4. **D.C. Metropolitan Police Department** - This department will assist District agencies in response to various emergency situations. In instances where hazardous wastes are explosive and pose an imminent danger to public health and the environment, the bomb squad will assist and coordinate in the destruction of such waste. Enforcement of transporter requirements for hazardous waste will be handled by this unit by monitoring and surveillance activities with enforcement proceedings initiated where so warranted. See Exhibits J, K, L and M.
5. **D.C. Fire Department** - This unit will assist in response to emergencies in which hazardous materials are involved and which pose an imminent danger to public health and environment. Rescue Squad No. 3 is designated as the hazardous materials Response Unit and will respond to all incidents involving hazardous materials. See Exhibits N, O and P.
6. **D.C. Department of Transportation** - This department enforces provisions of the Municipal Regulations Title 18 Vehicles and Traffic. Its functions include: Inspection of motor vehicles, motor vehicle equipment size, weight, construction and loading of vehicles, establishment of routes for the transportation of hazardous cargo and tunnel restrictions as pertain to the Federal DOT Regulations established by DOT Order #1100.11, July 27, 1967 (49 CFR 170.1).

7. **U.S. Department of Transportation** - There is a Cooperative Agreement between the lead agency and the Highway Administration, Bureau of Motor Carrier Safety, to provide for the reciprocal exchange of compliance information on violations of motor carrier safety regulations and hazardous materials regulations pertaining to hazardous waste which come to the attention of either agency during investigations and inspections regarding DOT transporter and generator requirements. See Exhibit Q.

III. STATE AGENCY STAFF

A. CHIEF, BUREAU OF PESTICIDES AND HAZARDOUS WASTE MANAGEMENT

The Branch Chief is responsible for the overall administration of the Pesticides and Hazardous Waste Management Branch. He is responsible for planning, sets general policies and directs all work activities of the hazardous waste section personnel. He also directs coordination with other local and national agencies pertaining to the hazardous waste program. In this role, he is responsible for legislative development, and the development and implementation of strategies and programs to assure compliance with all hazardous waste regulations, the monitoring and evaluation of performance, progress and fiscal status of programs, and the continuing modification and advancement of the District's program to meet federal and District legislative and regulatory requirements.

B. SANITARIANS

The two field sanitarians are responsible for conducting site compliance inspections and investigations of generators, transporters and TSD facilities. They review plans and specifications for proposed hazardous waste facilities, compile statistical data from field sampling analysis, monitor the manifest tracking system, and provide technical assistance to the public and industrial officials to facilitate compliance with appropriate regulations. They will also participate in the development of regulations and legislation and assist in overall program enhancement. The sanitarians will prepare reports in the proper format for data entry and review reports generated from the Hazardous Waste Management Data System (HWDMS) for verification. They will

also monitor and evaluate reports submitted by generators, transporters and facility operators.

In addition to the responsibilities cited above, all professional staff will be responsible for the review of facility permits and for providing information as technical consultants in handling emergency responses.

The sanitarians have attended many training sessions, courses, workshops and seminars, either conducted by EPA or endorsed by EPA. They will continue to attend these as they become available to stay abreast of current trends. Additional training will be sought, especially in the areas of sampling procedures, evaluation of closure plans and conducting record reviews.

Over the past two years, the sanitarians have gleaned considerable experience through joint and independent inspections. This experience has been in the area of determining compliance and verifying the accuracy of reports and information submitted to the department. The sanitarians have experience in issuing warning letters and notices of violation. They were delegated as authorized RCRA inspectors by EPA in June 1982.

C. CLERICAL ASSISTANCE

The Clerk/Typist provides general office support and maintains files, records and reports. The Clerk/Typist is responsible for entering data into the hazardous waste data management system. (Two required)

IV. PROGRAM BUDGET

The District and Federal fiscal year current budget for the program is summarized accordingly, as follows:

BUDGET AND SOURCES OF FUNDING

Program Element	Actual Budget FY-84	Proposed Budget FY-85	Proposed Budget FY-86
Personnel	124,153	134,992	173,300
Fringe Benefits	13,533	14,714	18,890
Travel	2,500	2,500	2,500
Equipment	32,000	25,000	32,000
Supplies	2,500	2,500	3,000
Contractual	12,332	12,000	16,000
Other	3,250	3,250	3,250
Indirect Cost	15,827	28,892	36,880
Total	206,095	223,848	285,820
Federal Share	152,042	138,243	170,047
D.C. Share	54,053	85,605	115,773

**PERSONNEL
FY-84**

TITLE	NO. OF EMPLOYEES	MAN YEARS	NON-FEDERAL FUNDS	FEDERAL FUNDS
Chief, DPHM	1	.5	x	_____
Sanitarian	1	1	_____	x
Sanitarian	1	1	_____	x
Clerical Assistant (Typing)	1	1	_____	x
Clerical Assistant (Typing)	1	.1	x	_____
Chief, Office of Health Training and Program Evaluation	1	.1	x	_____
Legislative Assistant	1	.15	x	_____
Attorney, Corporation Counsel		1	.2	x
Advisor, SFRA *	1	.1	x	_____
Chemist	1	.25	_____	x

*SFRA - Service Facility Regulatory Administration

**SUMMARY OF PROGRAM ACTIVITY
FOR FY-84**

ACTIVITY	NON-FEDERAL FUNDS	FEDERAL FUNDS	TOTAL
Personnel	\$44,084	\$ 80,069	\$124,153
Fringe Benefits	\$ 4,805	\$ 8,728	\$ 13,533
Travel	_____	\$ 2,500	\$ 2,500
Supplies	_____	\$ 2,500	\$ 2,500
Equipment	_____	\$ 32,000	\$ 32,000
Contractual	_____	\$ 12,332	\$ 12,332
Other	\$ 250	\$ 3,000	\$ 3,250
Total Direct Cost	49,139	141,129	\$190,268
Indirect Charges	\$ 4,914	\$ 10,913	\$ 15,827
Total Program Cost	54,053	\$152,042	\$206,095

EXPANSION OF PROGRAM PERSONNEL

FY-85

TITLE	NO. OF EMPLOYEES	MAN YEARS	NON-FEDERAL FUNDS	FEDERAL FUNDS
Chief, DPHM	1	.5	x	_____
Sanitarian	1	1	_____	x
Sanitarian	1	1	_____	x
*Sanitarian	1	1	x	_____
Clerical Assistant (Typing)	1	1	_____	x
Clerical Assistant (Typing)	1	.1	x	_____
Chief, Division of Development and Support Services	1	.1	x	_____
Legislative Assistant	1	.1	x	_____
Chemist	1	.25	_____	x
Attorney, Corporation Counsel	1	.2	x	_____
Compliance Officials	3	.05	x	_____

*Indicates program expansion.

SUMMARY OF PROGRAM ACTIVITY FOR

FY-85

ACTIVITY	NON-FEDERAL FUNDS	FEDERAL FUNDS	TOTAL
Personnel	\$65,750	\$69,242	\$134,994
Fringe Benefits	\$ 7,167	\$ 7,547	\$ 14,714
Travel	_____	\$ 2,500	\$ 2,500
Supplies	_____	\$ 2,500	\$ 2,500
Equipment	_____	\$ 25,000	\$ 25,000
Contractual	_____	\$ 12,000	\$ 12,000
Other	\$ 250	\$ 3,000	\$ 3,250
Total Direct Cost	\$73,167	\$121,789	\$194,956
Indirect Charges	\$12,438	\$ 16,454	\$ 28,892
Total Program Cost	\$ 85,605	\$138,243	\$223,848

SUMMARY OF PROGRAM ACTIVITY FOR
FY-86

ACTIVITY	NON-FEDERAL FUNDS	FEDERAL FUNDS	TOTAL
Personnel	\$89,000	\$ 84,300	\$173,300
Fringe Benefits	\$ 9,701	\$ 9,189	\$ 18,890
Travel	_____	\$ 2,500	\$ 2,500
Supplies	_____	\$ 3,000	\$ 3,000
Equipment	_____	\$ 32,000	\$ 32,000
Contractual	_____	\$ 16,000	\$ 16,000
Other	\$ 250	\$ 3,000	\$ 3,250
Total Direct Cost	\$ 98,951	\$149,989	\$248,940
Indirect Charges	\$ 16,822	\$ 20,058	\$ 36,880
Total Program Cost	\$115,773	\$170,047	\$285,820

EXPANSION OF PROGRAM PERSONNEL

FY-86

TITLE	NO. OF EMPLOYEES	MAN YEARS	NON-FEDERAL FUNDS	FEDERAL FUNDS
Chief, DPHM	1	.5	x	_____
*Section Head	1	1	x	_____
Sanitarian	1	1	_____	x
Sanitarian	1	1	_____	x
Sanitarian	1	1	x	_____
*ADP Coding Clerk	1	.5	_____	x
Clerical Assistant (Typing)	1	1	_____	x
Clerical Assistant (Typing)	1	.1	x	_____
Chief, Division of Development and Support Services	1	.1	x	_____
Legislative Assistant	1	.1	x	_____
Chemist	1	.25	_____	x
Attorney, Corporation Counsel	1	.2	x	_____
Compliance Officials	4	.05	x	_____

*Indicates program expansion.

VI. DISTRICT PROGRAM OPERATION

A. NOTIFICATION/REGISTRATION OF HAZARDOUS WASTE GENERATORS, TRANSPORTERS AND STORAGE, TREATMENT AND DISPOSAL FACILITIES

Under current interim authorization for the District's Hazardous Waste Management Program, the Department requires that all new businesses or agencies which generate, transport, store, treat or dispose of hazardous wastes notify the Department of their activities and register with the Department to receive an EPA identification number. The Department will act as the agent in the issuance of the identification number from EPA.

This notification and registration program will be initiated by the mailing of a summary description of the definitions and criteria for determining whether a waste is hazardous, to businesses and agencies most likely to produce, transport, treat, store and dispose of hazardous waste. Each year a notification form (EPA Form #8700-12) will be mailed to those businesses and agencies previously registered with the Department, to allow them to update their initial notification. The D.C. Office of Business and Economic Development and the Department of Employment Services will be contacted to identify any new businesses which might produce, transport, store, treat or dispose of hazardous waste so that they will be added to the registration mailing list.

B. GENERATORS

A generator in the District is subject to regulation if he generates 1,000 kilograms of hazardous waste in one month, or 1 kilogram of acutely hazardous waste in a month.

The District of Columbia's Hazardous Waste Management Program has promulgated regulations that require the generator to determine whether the waste stream is hazardous. This may be done by determining whether the waste is listed or if it possesses the characteristics of hazardous waste as described in the regulations, or the generator may declare the waste to

be hazardous based on prior knowledge. The generator, upon determining that his waste is hazardous, must apply for and receive an EPA identification number and comply with the notification requirements. He must handle the hazardous waste in a manner that is considered to be safe for humans and the environment. The generator must arrange for proper waste disposal, either on- or off-site in a manner consistent with the D.C. rules. While the wastes are being stored on-site, they must be contained in a manner that will prevent contamination of the immediate environment. Generators that are not storage facilities must mark containers with the date that accumulation began. The wastes must be labeled "Hazardous" and indication must be given as to the hazardous characteristics to ensure proper isolation and handling. A generator that stores for more than 90 days is considered a storage facility and must comply with all applicable storage facility requirements. If the generator is disposing of the wastes off-site, he must offer those wastes only to a transporter that has an EPA identification number. The generator must be sure that the waste is properly manifested using the Uniform Manifest before offering it for shipment. The generator must arrange for treatment, storage and disposal only at facilities that are properly permitted by an authorized state program or by EPA. The generator must notify the Department if the facility fails to return a copy of the manifest within 45 days. The generator is also responsible for annual reporting requirements using forms provided by the Department, and must maintain all records for a minimum of three years or longer for cases in litigation or other enforcement action. Generators of hazardous wastes who intend to ship wastes to a foreign country must inform EPA and the Department in advance of the shipment and meet all manifest requirements.

C. TRANSPORTER REQUIREMENTS

All hazardous waste transporters that conduct business in the District of Columbia, i.e., transporters based in the District, and those accepting shipments in the District, must comply with the District's hazardous waste management regulations. They must also possess an EPA identification number. A transporter must not accept for shipment any wastes that are not

properly contained, marked and labeled or any containers that are leaking. The transporter must not accept hazardous wastes that are not properly manifested. The transporter must comply with all delivery instructions and manifest conditions for all deliveries; if a delivery cannot be made to the designated facility or the designated alternate facility, the transporter must contact the generator for instructions. Transporters conducting business in the District of Columbia, as well as transporters passing through the District without accepting or delivering in the District, must report to the District all accidental or unauthorized releases or discharges of wastes in their possession. These transporters must be responsible for the discharged wastes until they are cleaned up or rendered safe to humans and the environment. Transporters who actually do business in the District are responsible for annual reporting requirements using forms provided by the Department and must retain copies of records for a minimum of three years or longer as litigation or enforcement actions require.

D. TREATMENT, STORAGE AND DISPOSAL FACILITIES

Treatment, storage and disposal facilities (i.e., those which initiated operations after November 19, 1980) must obtain an EPA identification number and a facility permit before commencing construction or operation in the District. All existing facilities with interim status will be allowed to continue operation pursuant to such status until final action is taken on their application for a District treatment or storage facility permit. If the listing of hazardous wastes should change such that previously nonregulated facilities would become regulated, they will be granted interim status until they can be permitted, and they will be subject to the appropriate facility standards.

Before receiving a hazardous waste facility permit, the facility has to meet applicable performance standards set forth by the District Hazardous Waste Regulations. Prior to filing an application for hazardous waste incineration, the applicant must obtain approval from the Air Quality Branch, pursuant to the D.C. Air Quality Regulations regarding new

incinerators. The basic provisions for the application and issuance of a permit are located in Parts 270 and 124 of the regulations.

All hazardous waste facility permits will be issued for a maximum of ten years. Although current regulations limit the duration of such permits to one year, regulations will be changed to correspond with the legislative amendment which allows for 10 year permits. Facilities are required to submit, to the Department, detailed plans and information which will be evaluated by the Department to ensure that the design and operation of the facility meet applicable standards. Operating standards include a requirement for inspections for malfunctions, deterioration or errors which may lead to unauthorized discharges of hazardous wastes causing threats to human health or the environment. In addition to meeting design requirements, and complying with operating standards, facilities must have contingency plans which will ensure that any releases of hazardous wastes into the environment will be prevented or minimized, promptly controlled and remedied, and promptly reported to federal and state emergency authorities. The plan must identify a facility emergency response coordinator, describe response procedures, and equipment, and include agreements or arrangements with local emergency services, such as the fire and police departments, spill contractors, District emergency response personnel, and local hospitals.

The owner or operator of a treatment or storage facility must obtain a detailed chemical and physical analysis of a representative sample of the waste when it arrives at the facility to facilitate the proper identification of wastes to enable safe storage, treatment and disposal. The analysis should include, at a minimum, physical state, specific gravity, pH, and vapor pressure (if applicable).

Facilities must store hazardous wastes in such a manner that incompatible wastes are not commingled. Access to the facility must be controlled by fences or other means to prevent unauthorized or unknowing entry to the facility at all times, and there must be posted warnings at the entrances. All facilities must have an initial and ongoing training program to ensure

that all hazardous waste management personnel are thoroughly familiar with applicable regulatory requirements, operating standards, safety precautions, and emergency response procedures, and their specific duties and responsibilities.

Treatment and storage facilities are subject to applicable manifest requirements. They must notify the generator and the Department of receipt of hazardous wastes within 14 days of shipment and report any manifest discrepancies to the Department. They must notify the Department if any waste shipments are damaged or leaking or otherwise present a danger to public health or the environment.

As with generators and transporters, treatment and storage facilities must submit annual reports using forms provided by the Department, and must maintain all records for a minimum of three years or longer as enforcement actions or litigation require.

The District regulations require all new facilities that treat or dispose of hazardous waste or store such wastes in excess of ninety (90) days, to first obtain a hazardous waste facility permit from the District. All interim status facilities shall be treated as having been issued a permit until such time as the Department requests Part B of their application and makes a final disposition of their permit.

Upon receiving a permit application, the Department will review the application for completeness within 30 days. The Department will conduct a thorough technical review of the permit application, prepare a draft permit or draft denial and publish a notice in the District of Columbia Register and local newspapers in accordance with Parts 270 and 124 and the D.C. Administrative Procedures Act to inform the public of the permit application and allow 45 days for public comment. If the Department decides to issue the permit it will include pertinent conditions to be incorporated into the permit. If the Department decides to deny the permit the denial will include the reasons for such action.

If a public hearing is requested (by the interested public, affected parties, or the applicant), or if the Department determines that a public hearing is warranted, the Department will conduct such a public hearing in accordance with the D.C. Hazardous Waste Regulations, and the D.C. Administrative Procedures Act. The public hearing will provide the opportunity for all interested and affected parties, including the applicant, to present both oral and written testimony. A record of the hearing will be prepared, and answers to all questions raised at the hearing will be provided by the Department within thirty (30) days of the hearing. A copy of the hearing testimony and responses will be made a part of the facility permit application record.

Facility owners or operators must file a new facility permit application with the Department a minimum of one year prior to the permit's expiration date. To apply for a new permit, the permittee will file another complete facility permit application, including those items which require updating.

Upon conducting a completeness and technical review, the Department will publish a notice in the District of Columbia Register and local newspapers in accordance with the D.C. Administrative Procedures Act (D.C.A.P.A.) to advise the public of the application. The Department will make available to interested parties, copies of this application and supporting material, upon request. At the request of interested groups or citizens, or the permittee, a public hearing will be conducted on the application. This public hearing will follow the same procedures and requirements as for the initial permit hearing. If the general public or permittee do not request a hearing, they may submit comments to the Department. Within thirty (30) days of the hearing date or closing of the comment period, and after reviewing the comments the Department will process the facility permit.

In accordance with Part 270, the Department may initiate action to modify a facility permit before it expires, if it is determined that new information or changing conditions warrant a modification of the facility permit to adequately protect public health, safety, and the environment. A request for a facility permit modification may be sought by the Department, private citizens, citizen groups, other agencies, or the permittee.

Before a permit is modified, the Department will prepare a letter stating the nature of the proposed modification of the permit, and the reasons for such modification. Copies of this letter will be forwarded to the facility owner or operator. A notice of the proposed permit modification will be published in the District of Columbia Register and local newspapers to allow the public an opportunity to comment. At the request of interested groups or citizens, or the permittee, a public hearing will be conducted on the proposed modification by the Department. This public hearing will follow the same procedures and requirements as for the initial permit hearing.

If the general public or permittee do not request a hearing, they may submit comments to the Department on proposed modifications. Within thirty (30) days of the hearing date or closing of the comment period, the Department will review the comments and make a determination on the permit modification.

Section 9 of the D.C. Hazardous Waste Management Act, Part 124 of the Hazardous Waste Regulations and the D.C.A.P.A. provide a right of appeal for any person adversely affected by any action taken pursuant to the provisions of the Hazardous Waste Management Act or rules and regulations promulgated thereto, including applicants for and objectors to a facility permit. Appeals are made through DCRA. DCRA will provide reasonable notice of an appeal hearing. This notice shall state the time, place and issues involved. Any oral and any documentary evidence may be received. An official record of each appeal proceeding shall be maintained. Every decision shall be in writing and shall be accompanied by findings of fact and conclusions of law. The decisions of DCRA can be appealed through the Office of Corporation Counsel, the Mayor's designated agent. Judicial appeals may then be made to the D.C. Court of Appeals.

E. MANIFEST SYSTEM

The manifest system provides for "cradle to grave" tracking of hazardous wastes. The District's regulations require all shipments of hazardous

waste to be accompanied by a manifest at all times, except when a generator is disposing of his waste on-site. The District has adopted the uniform manifest.

The distribution of copies of the uniform manifest shall be as follows: The generator retains two copies of the manifest: One for his records and one is sent to the Department. The remaining copies are given to the transporter(s), who keeps one and gives the rest to the TSD facility. The facility keeps one copy and sends two to the generator, upon receiving the waste. The generator keeps one copy and sends one to the the Department as proof that the waste has reached the TSD facility. Generators, transporters and treatment and storage facilities are required to keep copies of the manifests for a minimum of three years, or longer as litigation or enforcement actions require.

Generators, transporters and TSD operators are all responsible for insuring that the manifests are properly completed and signed, and the wastes properly packaged and labeled, and all containers are in good condition before consigning or accepting wastes.

The generator is responsible for initiating an investigation if he has not received a signed copy of the manifest from the TSD facility confirming acceptance of the wastes within 35 days of shipment. If receipt of the waste by the designated TSD has not been confirmed within 45 days of shipment, the generator must file an exception report with the Department, and with the authorized state regulatory agency where the designated TSD is located (or the appropriate USEPA Regional Office if there is no authorized state program), notifying these agencies that receipt of waste has not been confirmed by a signed manifest. Similar procedures cover international shipments, except that the generator must file the exception report with the Department and Region III if (a) he has not received a copy of the manifest from the initial transporter confirming departure of the wastes from the U.S. within 45 days of shipment; or (b) within 90 days of shipment, he has not received written confirmation from the foreign consignee that the wastes have been received.

If the Department does not receive confirmation that the shipment was received by the designated facility, i.e., if an exception report is filed, or if the manifest contains a statement from the transporter or facility owner or operator that there was a problem with the shipment, the Department will conduct an investigation into what happened with that specific shipment. The District expects to retain the detailed manifest tracking system rather than only the exception report system now established in the USEPA hazardous waste rules.

F. EMERGENCY RESPONSE PROCEDURES

Emergencies or accidents involving hazardous wastes must be reported to the D.C. Office of Emergency Preparedness (OEP) at (202) 727-6161 in accordance with D.C. Hazardous Waste Regulations. The staff person receiving the call will request the name and telephone number of the person reporting the emergency, as well as the location and nature of the emergency, and the type and quantity of wastes involved.

The OEP will be provided with the name and telephone number of the Department duty officer for the hazardous waste program. As soon as the emergency or accident is reported to the OEP, they will contact the Department duty officer and provide him/her with the information received in the initial report. The OEP staff will notify the EPA Environmental Emergency Branch at (215) 597-9898. The OEP staff will also notify local police, fire and emergency services of the emergency, if conditions warrant their involvement. If the duty officer requires additional information to determine how to properly respond to the emergency, he/she will contact the person reporting the emergency at the telephone number taken by the OEP staff, to obtain further information.

The duty officer will contact the program supervisor or branch chief to inform him of the emergency, and determine the appropriate response. At this time, the duty officer will contact the U.S. Coast Guard, National Response Center and local police, fire and emergency services (as appropriate) to make sure that they are aware of the emergency or problem.

The hazardous waste personnel will also notify other appropriate Departments and branches, such as the Air Quality Control Branch and the Water Quality Control Branch.

If appropriate, the duty officer will also consult the site's file to determine the site layout and type of waste present at the site. The Department hazardous waste staff will determine the most appropriate method of responding to the emergency, including safety equipment requirements, containment and clean-up requirements and evacuation requirements (if necessary).

Once at the site, the senior employee from the Hazardous Waste Branch of the Department will serve as the on-site coordinator and will be responsible for safety, containment and clean-up procedures at the site.

Following the emergency situation, the Department staff will prepare a report on the emergency or accident, describing the location and type of emergency and the nature of the response. A copy of this report will be submitted to EPA Region III immediately following the emergency.

G. RECORDKEEPING AND REPORTING

The Department will maintain several different types of records as a part of the hazardous waste management program. These include generator, transporter and treatment and storage facility annual reports, individual site or facility records, manifest records, emergency response records and general program files.

Site or facility records will be maintained for each generator, transporter and storage and treatment facility registered with the Department. This file will include the annual registration form, applications and permits, and all annual reports and any other reports or forms submitted by the owner or operator for that year. This file will also include all compliance and enforcement inspection reports for that site, contingency plans, training records, and all other documents required of generators,

transporters and facilities under the hazardous waste management program. The site or facility records will be kept separately for each calendar year, and all records will be maintained for at least three years, or longer in cases of litigation or enforcement action.

The Department will prepare an annual report to be submitted to EPA, describing the hazardous waste program, the hazardous waste regulations, notification activities, compliance and enforcement inspections conducted, enforcement actions pending, monitoring information, emergency response summaries, permit actions and all other program functions carried out by the Department. Other reports and information that will also be prepared and submitted to EPA will include all notices of international shipments, emergency response reports, exclusion petitions, facility permit applications and draft permits for comment and any program data required by EPA. (See Exhibit R)

The Department will forward copies of all exception reports and results of subsequent investigations on a quarterly basis to U.S. EPA, Region III Waste Management Branch, Philadelphia, PA.

H. COMPLIANCE MONITORING AND ENFORCEMENT PROGRAM

The District recognizes that an efficient compliance monitoring program is essential to the success of its program.

The procedures for compliance tracking and enforcement which the department will employ are detailed here. Subsection (i) describes the compliance monitoring procedures while subsection (ii) describes the enforcement mechanism and penalties.

(i) Compliance Monitoring Procedures.

D.C. Law 2-64, gives the Department authority to enter (at reasonable time, within reasonable limits and in a reasonable

manner), to inspect all facilities involved in hazardous waste activities, copy records and reports and obtain samples, upon presenting Department credentials.

Consistent with this authority, the Department has developed and will continue to employ two methods for monitoring compliance with the program. These are: (a) routine comprehensive yearly scheduled compliance inspections, (b) random inspections without notification (or enforcement inspections).

The Department's efforts are concentrated mainly on the former method. The latter method is generally employed as a means of investigating information obtained regarding possible violations and as part of the program, to determine compliance and noncompliance.

Record reviews and sampling inspections are an integral part of both methods. The investigating officer is required to give the owner, operator or agent in charge a receipt describing the sample obtained or if requested, a portion of the sample equal, in volume or weight, to the portion retained.

Arrangements have been made with the U.S. EPA Central Regional Laboratory in Annapolis, Maryland for the analysis of samples collected by the Department.

These monitoring methods are also used as a means of verifying the accuracy of information submitted by permittees and other regulated persons.

All inspections are conducted in accordance with the chain of custody procedures and protocols outlined in the RCRA inspection manual which the District has adopted. The inspection procedure is as follows:

*The inspector enters the facility during normal business hours (unless it is an emergency situation).

- °Inspector introduces himself or herself and presents credentials.
- °Proceeds to conduct a pre-inspection discussion with the facility owner explaining if necessary, the HWMMA, regulations and other program requirements, the scope of the inspection and any rights (e.g. to sample) provided for by the Act or regulations.
- °Inspector then conducts inspection including if necessary review of records and/or obtains samples.
- °Initial evaluation of the inspection is then discussed with the owner.
- °Inspector returns to the office and prepares inspection report.
- °A copy of the inspection report is sent to the facility, describing the inspector's findings.
- °At this point, enforcement procedures, as described in the next section, may follow.

In the case of annual inspections, the owner or operator of the facility is notified seven days in advance that the inspection will be made. Upon arrival, the inspectors are required to present Departmental credentials certifying that they are authorized to carry out the inspection. The inspection is then carried out using the RCRA inspection checklist which the District has adopted, to determine whether any violations of program or permit requirements exist.

Enforcement inspections, which are not scheduled, are carried out in the same manner, except if entry is refused, the inspector may then obtain a search warrant from the D.C. Superior Court. This type of inspection is initiated, if as a result of the Department's routine inspection a violation is suspected, or if a complaint is made by another government agency or member of the public.

Plans to enhance the public and other agencies' awareness in order to assist the Department in identifying potential hazardous wastes are under discussion with the Department's Office of Consumer Education and the Office of Program Development and Support services to alert the public to the dangers of improper management and disposal of hazardous waste. The Department intends to prepare and publish fact sheets related to the District's hazardous waste program in general, and specific fact sheets on regulations concerning generators, transporters and TSD facilities and distribute them through libraries, schools, etc. The public will be encouraged to report any improper hazardous waste management activity and all such reports will be investigated. The Department views this public awareness program as a priority.

Currently, the procedures for receiving and ensuring proper consideration of information submitted by the public basically involves investigating all complaints regarding improper handling, storage or disposal of hazardous waste. Complaints are received directly via telephone or letters to the Pesticide and Hazardous Waste Management Branch. In the case, where a complaint is made directly to the Department's Office of Compliance, the referral is made to this branch and an investigator from the Compliance Office may accompany the Branch's inspection officer to the site or facility. Once the initial verification inspection is completed, enforcement procedures are employed if needed.

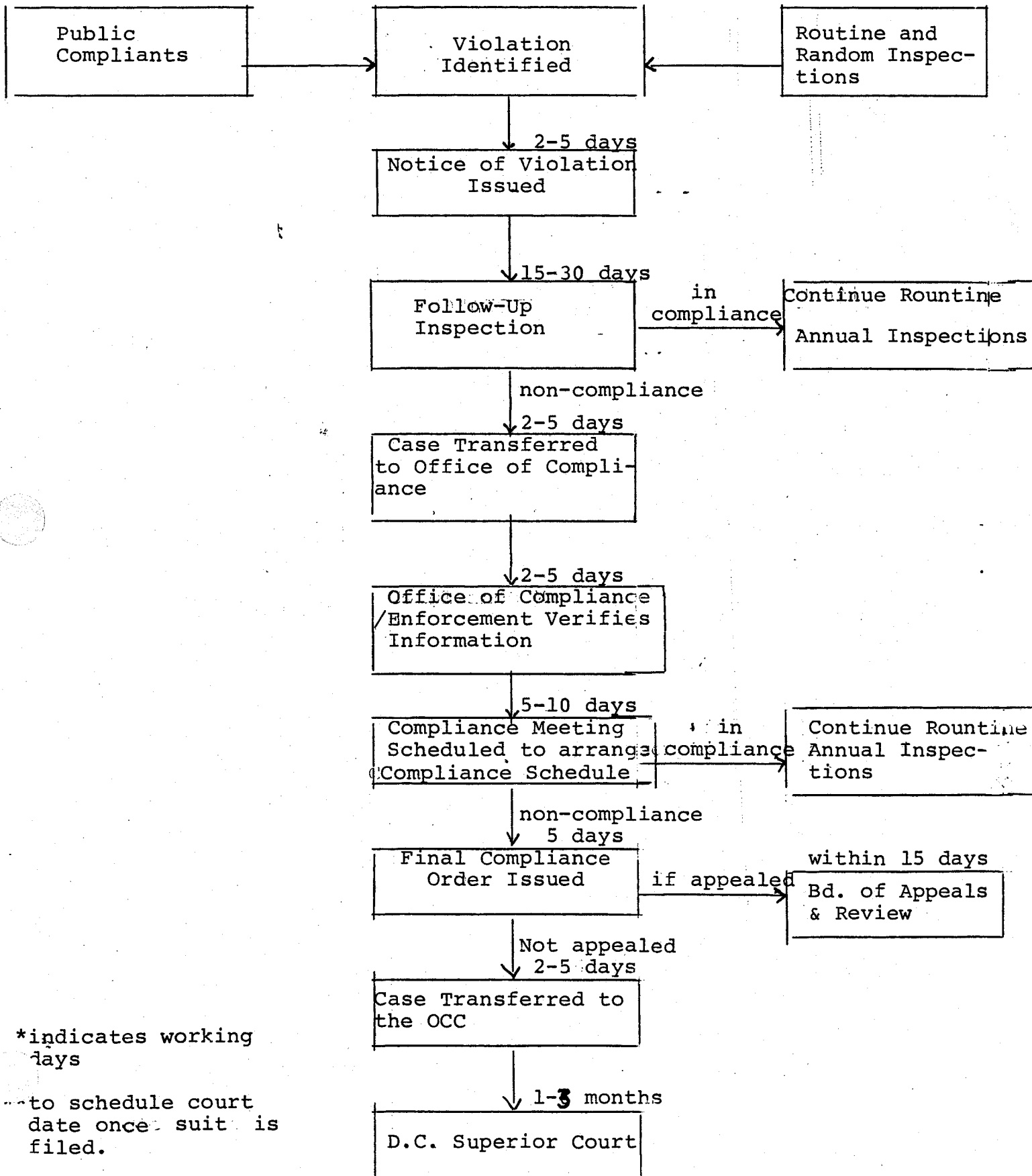
A record of all inspection findings, samples and resulting actions will be maintained in a permanent record for that facility, or operator.

(ii) Enforcement Mechanism and Penalties

Enforcement decisions are made on a case-by-case basis. The overall procedures for enforcement once a violation has been clearly identified are detailed in the attached flow chart and are explained below.

The D.C. Law 2-64 does not explicitly categorize the various violations as major or minor. However, "major" violations can be defined based upon the

FLOW CHART



*indicates working days

to schedule court date once suit is filed.

recidivism of the violator, that is, when the owner or operator of a facility has been cited repeatedly for noncompliance. Such violators are recommended for criminal penalties (a fine not to exceed \$25,000 or one (1) year imprisonment). These criminal penalties can be imposed under the above law when a person "knowingly violates" the Act.

Cases involving imminent and substantial endangerment are referred immediately to the Office of the Corporation Counsel by the Office of Compliance for injunctive relief or for seeking criminal penalties. Other cases are handled in the following manner.

Within two (2) to five (5) working days of identifying a violation, the Pesticide and Hazardous Waste Management (PHWM) Branch issues a notice of violation which specifies the alleged violation(s) and ordering that corrective measures be taken within a given number of days depending upon the violation. A reinspection is then made to determine whether or not the corrective action(s) was taken and at the same time to determine whether or not the violation has been abated. The inspectors do not have to notify the violator of the reinspection. If the violation has ceased, then the matter remains in PHWM for monitoring. However, if the violation continues then the case is transferred to the Office of Compliance for enforcement action.

The Enforcement Division of the Office of Compliance then reviews the case history and the specifics of the violation ensuring that there are "legally sufficient" grounds for proceeding. The Enforcement Division then schedules a "compliance meeting" which is an informal meeting with the violator in which every attempt is made to bring the violator into compliance through a mutually agreed upon course of action. Periodic follow-up inspections will be conducted to determine if the conditions of the agreement are being met.

If the compliance meeting is not successful or if the violator fails to live up to the agreement reached in a compliance meeting, then the Enforcement Division prepares a final compliance order with charges and specifications advising the violator of any proposed Departmental action and of any rights the violator may have to a hearing.

Within fifteen days of receiving notice of the Department's proposed action, the violator may request a hearing by filing a written request for the hearing with the Office of Compliance. If no hearing is requested within the fifteen day period, the case is referred to the D.C. Corporation Counsel in three to five days for prosecution. If a hearing is requested, the hearing will be held in accordance with other contested case procedures under the provisions of the District of Columbia Administrative Procedures Act (D.C. Code §1-1509 (1981 Edition)). The final decision of the department hearing is appealed to the District of Columbia Board of Appeals and Review (Mayor's Order 84-79, April 26, 1984). However, since this is an appeal of a hearing decision, the D.C. Board of Appeals and Review (BAR) is restricted to a review of the hearing record. The decision of the BAR is appealable to the District of Columbia Court of Appeals (D.C. Code §1-1501(a) (1981 Edition)). The Office of the Corporation counsel will represent the Department before the BAR if the violator is represented by counsel, otherwise, the Enforcement Division staff can represent the Department. The Office of the Corporation Counsel will always represent the Department before the D.C. Court of Appeals. It takes from eight hours to three months from the time the violation is detected to the time the case is filed in court, depending upon the severity of the violation.

Notwithstanding any of the above, the Act does provide that the Mayor may secure relief if he finds that the person is operating a storage, treatment or disposal facility or generating or transporting hazardous waste in an illegal, unsafe or otherwise improper manner that endangers the public health or safety or the environment. The Mayor may seek injunctive relief in the D.C. Superior Court through the Corporation Counsel. (D.C. Code, §6-710).

The Mayor is also authorized to immediately revoke or suspend a permit where the violation presents an imminent and substantial endangerment to the public health, the public welfare or the environment (D.C. Law 2-64, Section 10(d), as amended by D.C. Law 5-144). Additionally, civil and criminal penalties in an amount not to exceed \$25,000 for each violation may be imposed.

Although D.C. Law 2-64 does not contain standards for assessing penalties, administrative recommendations are based upon the following guidelines:

- (a) Severity of the violation;
- (b) Actual harm or damage;
- (c) Potential harm or damage;
- (d) Whether the violation is a first or subsequent violation;
- (e) Deterrence effect; and
- (f) Economic benefit gained or to be gained from delayed noncompliance.

The PHMM Branch has in the past followed the DCRA Civil Penalty Policy and will continue to do so. Ultimately, the courts are responsible for determining the penalty to be imposed.

It should be noted that the Department can exercise discretion in determining when a case is transferred to the Corporation Counsel for prosecution. All such cases are transferred to the Office of Corporation Counsel through the Department's Office of Compliance. Further, since the statute does not impose any mandatory time-frames for compliance, the Department can be flexible in providing the violator more time to comply depending upon the severity of the violation.

Given the small size of the regulated community within the District of Columbia, the staff and resources of the Office of Compliance (DCRA) and the Office of the Corporation Counsel are adequate to handle the enforcement caseload.

VII. ESTIMATE OF REGULATED COMMUNITY

The District of Columbia has 50 generators, 8 transporters and four treatment and storage facilities. This information has been obtained from the EPA D.C. notifiers listing dated March 25, 1984. Approximately 316,300 kilograms of hazardous wastes are generated in the District annually. Since there are no commercial facilities in the District, there should be no wastes transported into the District. All of the above-mentioned wastes are transported out of the District to be treated or disposed.