

US EPA ARCHIVE DOCUMENT

District of Columbia
HSWA Statutory Checklist

Title of District Legislation: District of Columbia Hazardous Waste Management Act, District of Columbia Code, Title 6, §6-701 et seq. (1981 ed., 1995 Repl. Vol., 1999 Supplement)

Federal Statutory Element	RCRA (HSWA) Cite	Coverage Y/N	District Citation	Comment
1,2. Authority to regulate the generation, transportation, treatment, storage and disposal of hazardous waste produced by (1) generators of between 100-1000 kg/month, and (2) generators of less than 100 kg/month	§3001(d)	Yes	§ 6-701(a)(1) &(2); § 6-705(a)	Section 6-705(a) lists the authority for regulation of hazardous waste generation, transportation, treatment, storage, and disposal. This authority applies to all generators regardless of the amount generated. The general authority at § 6-701(a)(1)&(2) addresses the general purposes of Chapter 7: to ensure a safe environment and to establish a program of regulation over the generation, storage, transportation and disposal of hazardous waste.
3. Authority to allow SQGs to store hazardous waste on site for up to 180 days or 270 days on site without a permit or interim status	§3001(d)	Yes	§ 6-701(a)(1)&(2); § 6-705(a) intro &(a)(2)	Section 6-705(a) intro & (a)(2) list the authority for regulation of hazardous waste generation, transportation, treatment, storage, and disposal. This authority applies to all generators regardless of the amount generated. The general authorities of § 6-701(a)(1)&(2) address the general purposes of Chapter 7: to ensure a safe environment and to establish a program of regulation over the generation, storage, transportation and disposal of hazardous waste.
4,5. Delisting mechanisms	§3001(f)(1)&(2)	Yes	§ 6-701(a); § 6-705(a)	D.C. Code §6-705(a)(1) specifically authorizes the Mayor to promulgate rules that establish criteria for determining what constitutes a hazardous waste. Combined with the general authority at §6-705(a), the listing or delisting of a waste is implicit in this authority; however, the District has chosen not to exercise its independent authority to delist hazardous waste. The District's regulations permit delisting only by applying directly to the EPA Administrator and only if authorized by the EPA Administrator.
6. Authority to require generators to reduce the volume and toxicity of wastes generated	§3002	Yes	§ 6-701(a)(1), (2)&(3); § 6-705(a)(2), (4)	The general authorities at § 6-705(a)(2)&(4) combined with the purposes of Chapter 7 stated at § 6-701(a)(1),(2)&(3) provide the authority needed to require generators to submit certifications

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				regarding waste minimization/pollution prevention. The purpose at § 6-701(a)(3) specifically addresses reducing or eliminating at the source the generation of hazardous waste and release of toxic chemicals in the District of Columbia.
7. Authority to promulgate rules requiring evidence of financial responsibility for corrective action on and off-site	§3004(a)(6)	Yes	§ 6-701(a)(1) &(2); § 6-705(a) intro &(a)(2)	Section 6-705(a)(2) provides authority for the Mayor to regulate the generation, transportation, treatment, storage, and disposal of hazardous waste which includes the authority to require financial responsibility for corrective action on and off site. The general authority at § 6-701(a)(1)&(2) addresses the general purposes of Chapter 7 which are to ensure a safe environment and to establish a program of regulation over the generation, storage, transportation and disposal of hazardous waste.
8. Authority to prohibit land disposal of any hazardous waste; authority to waive prohibition on land disposal	§3004(b)-(g)	Yes	§ 6-701(a)(1) &(2); § 6-705(a) intro &(a)(2)	Section 6-705(a) lists the authority for the Mayor to adopt regulations for hazardous waste management. Section 6-705(a)(2) specifically addresses the mayors's authority to regulate the treatment, storage and disposal of hazardous waste. Sections 6-701(a)(1)&(2) state the general purposes of Chapter 7, including the establishment of a program of regulation over the disposal of hazardous waste.
9. Authority to waive until November 8, 1987 a prohibition on land disposal of certain hazardous wastes that might otherwise apply to the disposal of contaminated soil or debris from CERCLA §104 or §106 actions or RCRA corrective actions.	§3004	Yes	§ 6-701(a)(1) &(2); § 6-705(a) intro &(a)(2)	Sections 6-701(a)(1)&(2) and 6-705(a)&(a)(2) address the authority for regulation of hazardous waste generation, transportation, treatment, storage, and disposal to insure safe and effective hazardous waste management. Section 6-705(a) provides the broad authority to allow the listed waiver within the District's permits and regulations.
10. Authority to prohibit liquids in Subtitle C landfills unless (1) the only reasonable alternative	§3004(c)(3)	Yes	§ 6-701(a)(1) &(2); § 6-705(a) intro	Section 6-705(a) intro & (a)(2) give the authority for regulation of hazardous waste generation, treatment, storage, and disposal. This broad authority includes the authority to regulate

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is disposal in a landfill or unlined impoundment, whether or not subject to Subtitle C, that contains or may contain hazardous waste and (2) disposal will not endanger an underground source of drinking water.			&(a)(2)	nonhazardous waste when disposed at sites that handle hazardous waste. Section 6-701(a)(1)&(2) address the purposes of Chapter 7, including the establishment of a program of regulation over the disposal of hazardous waste that insures safe and effective hazardous waste management.
11. Authority to prohibit the storage of hazardous waste prohibited from land disposal	§3004(j)	Yes	§ 6-701(a)(1) &(2); § 6-705(a) intro &(a)(2)	Section 6-705(a) intro & (a)(2) list the authority for regulation of hazardous waste generation, transportation, treatment, storage, and disposal. Section 6-701(a)(1)&(2) address the purposes of Chapter 7, including the establishment of a program of regulation over the storage of hazardous waste that insures safe and effective hazardous waste management.
12. Authority to prohibit the use of waste oil or other materials contaminated with hazardous wastes (except ignitable wastes) as a dust suppressant	§3004(l)	Yes	§ 6-713	Section 6-713 prohibits the use of waste, used oil or other material mixed with dioxin or any other hazardous waste from being used as a dust suppressant.
13. Authority to promulgate standards specifying levels or methods of treatment which substantially diminish the toxicity of the waste or reduce the likelihood of migration; authority to grant exemption from the standards	§3004(m)	Yes	§ 6-701(a)(1) &(2); § 6-705(a) intro &(a)(2)	Sections 6-705(a) intro & (a)(2) give the Mayor the authority to regulate the treatment of hazardous waste. Sections 6-701(a)(1)&(2) address the purposes of Chapter 7, including the establishment of a program of regulation over the treatment of hazardous waste that insures safe and effective hazardous waste management.
14. Authority to promulgate rules for monitoring and controlling air emission at treatment, storage, and disposal facilities	§3004(n)	Yes	§ 6-701(a)(1) &(2); § 6-702(1); § 6-705(a) intro	Sections 6-701(a)(1)&(2) address the general purposes of Chapter 7; the definition of "disposal" at §6-702(1) states that disposal includes emission into the air; §6-705(a) intro & (a)(2) give the Mayor the authority to regulate the disposal of hazardous waste;

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			&(a)(2); § 6-705(a)(5); § 6-904; § 6-905; § 6-906	and § 6-705(a)(5) gives the Mayor the authority to regulate the operation and maintenance of hazardous waste treatment, storage or disposal facilities. The Mayor's authority to control emissions from hazardous waste management units also comes from the D. C. Air Pollution Control Act, D. C. Code §§ 6-904 through 906 and regulations issued pursuant thereto found at 20 DCMR Chapters 1 through 6.
15. Authority to regulate fuel containing hazardous waste and all persons who produce, burn, distribute and market fuel containing hazardous wastes	§3004(q)-(s)	Yes	§ 6-701(a)(2); § 6-705(a)(8)	The authorities at §§ 6-701(a)(2) and 6-705(a)(8) address developing a regulatory program for the marketing, distribution and burning of fuel produced from or containing hazardous waste.
16. Authority to exempt certain petroleum coke from regulation if it is to be burned for energy recovery	§3004(q)(2)(A)	Yes	§ 6-701(a)(2); § 6-705(a)(8)	The general authorities at §§ 6-701(a)(2) and 6-705(a)(8) allow this exemption.
17. Authority to allow direct action against the insurer or corporate guarantor if an owner/operator is in bankruptcy or reorganization	§3004(t)	Yes	§ 6-714	This authority is no longer considered delegable. Section 6-714 gives the District this authority. The District may exercise this authority, but only as a matter of State law. It would not operate in lieu of the Federal authority.
18. Authority to assure that permits issued after 11/8/84 require corrective action for releases of hazardous waste or constituents from any solid waste management unit	§3004(u)	Yes	§ 6-703(b)	The District has the specific authority at § 6-703(b).

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19. Authority to require corrective action beyond a facility's boundary	§3004(v)	Yes	§ 6-703(b); § 6-705(a)(9); § 6-711(a)	Section 6-711(a), combined with the authorities at §§ 6-703(b) and 6-705(a)(9) gives the District the authority. Section 6-703(b) provides specific authority to require the permit holder to take corrective action beyond the facility boundaries. Section 6-705(a)(9) provides the Mayor with the authority to develop regulations requiring off-site corrective action by the TSD facility owner.
20. Authority to assure that penalizing standards for underground hazardous waste tanks, at a minimum, satisfy Section 9003, Subtitle I of RCRA, 42 USC 9003.	§3004(w)	Yes	§ 6-701(a)(1)&(2); § 6-705(a)	The broad authority under § 6-701(a)(1)&(2) and § 6-705(a) cover this requirement.
21. Authority to allow facility to construct an approved TSCA facility for burning PCBs without first obtaining a RCRA permit	§3005(a)	Yes	§ 6-703; § 6-705(a)	The general authority under §§ 6-703 and 6-705(a) provides the actual authority to provide this exclusion within the District's permits and regulations. (Note that the District, by regulation, does not allow the burning of such wastes in the District.)
22. Authority to review land disposal permits every five years and to modify them as necessary	§3005(c)(3)	Yes	§ 6-703(b)	Section 6-703(b) provides authority to modify the terms of a permit and requires the Mayor to issue permits for a period of ten years or less.
23. Authority to issue permits containing any conditions necessary to protect human health and environment	§3005(c)(3)	Yes	§ 6-701(a)(1) &(b)(2); § 6-703	Section 6-703, which contains authority for permitting, combined with § 6-701(a)(1)&(b)(2), which imply that a purpose of Chapter 7 is to insure safe and effective hazardous waste management, give the Mayor has the authority to issue permits containing any conditions necessary to protect human health and environment.
24. Authority to terminate interim	§3005(c)&(e)	Yes	§ 6-701(a);	The District has authority to terminate interim status through its

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status			§ 6-705(a)	general authority at § 6-705(a) to set up a regulatory program for hazardous waste subject to the purposes of Chapter 7 as given at § 6-701(a).
25. Authority to allow facilities to qualify for interim status	§3005(e)	Yes	§ 6-701(a); § 6-705(a)	The District has authority to allow facilities to qualify for interim status through its general authority at § 6-705(a) to set up a regulatory program for hazardous waste subject to the purposes of Chapter 7 as given at § 6-701(a).
26. Authority to require that facilities may not qualify for interim status if they were previously denied a permit or for which authority to operate has been terminated	§3005(c)&(e)	Yes	§ 6-701(a); § 6-705(a)	The District has authority to require that facilities may not qualify for interim status under certain conditions through its general authority at § 6-705(a) to set up a regulatory program for hazardous waste subject to the purposes of Chapter 7 as given at § 6-701(a).
27. Authority to issue, modify and terminate research, development and demonstration permits	§3005(g)	Yes	§ 6-703; § 6-709	Section 6-703 is the District's general permit authority and includes the ability to issue research development and demonstration permits. Section 6-703(b) gives the authority to modify permits. Section 6-709 provides specific authority to suspend or revoke (terminate) permits, including the ability to suspend or revoke research, development and demonstration permits.
28. Authority to require interim status landfills, surface impoundments, land treatment units and piles that received wastes after July 26, 1982 to comply with the groundwater monitoring, unsaturated zone monitoring and corrective action requirements applicable to new units	§3005(i)	Yes	§ 6-701(a); § 6-705(a)	The District has authority to require groundwater monitoring, unsaturated zone monitoring, and corrective action on certain interim status units through its general authority at § 6-705(a) to set up a regulatory program for hazardous waste subject to the purposes of Chapter 7 as given at § 6-701(a).

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29. Authority to require interim status impoundments to comply with the double liner, leachate collection and groundwater monitoring requirements applicable to new units or stop treating, receiving or storing hazardous wastes	§3005(j)	Yes	§ 6-701(a); § 6-705(a)	The District has authority to require interim status impoundments to comply with certain requirements applicable to new units through its general authority at § 6-705(a) to set up a regulatory program for hazardous waste subject to the purposes of Chapter 7 as given at § 6-701(a).
30. Authority to impose any necessary requirements on an existing surface impoundment to protect health and the environment after determining that hazardous constituents are likely to migrate into groundwater	§3005(j)	Yes	§ 6-701(a)(1) &(b)(5); § 6-705(a) intro &(a)(2);	Section 6-705 intro & (a)(2), provide the authority to the Mayor to regulate the storage, treatment and disposal of hazardous waste, including the ability to develop a regulatory program that will impose the requirements of RCRA 3005(j). Sections 6-701(a)(1)&(b)(5) address the issue of protection of the environment; the District's regulatory program must insure safe and effective hazardous waste management.
31. Authority to modify the double liner, leachate collection and groundwater monitoring requirements for impoundments in §3005(j)(1) if prior to October 1, 1984, the owner/operator has entered into a consent decree which requires corrective action	§3005(j)(13)	Yes	§ 6-705(a) intro &(a)(2)	Section 6-705(a) intro&(a)(2) address the authority of the Mayor to regulate the storage, treatment and disposal of hazardous waste. This authority includes the ability to develop a regulatory program that will impose these requirements.
32. Authority to make information obtained on treatment, storage, and disposal facilities available to the public in substantially the same manner	§3006(f)	Yes	§ 1-1521 et seq. 1 DCMR Chapter 4, Freedom of Information Act	See the District's AI Checklist for information regarding this portion of the program.

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and to the same degree as if EPA were running the program				
33. Authority to promulgate special generator and transporter standards for recycled hazardous used oil	§3014(c)	Yes	§ 6-705(a) intro, (a)(2)&(a)(3)	Section 6-705(a) intro, (a)(2)&(a)(3) address the authority of the Mayor to develop a regulatory program for generators and transporters. This authority is broad enough to include the authority to promulgate special standards for recycled hazardous used oil.
34. Authority to deem hazardous waste used oil recycling facilities to have a permit if they comply with the State's analogue to §3004	§3014	Yes	§ 6-701(a); § 6-705(a)	The District's general authorities at § 6-701(a) and § 6-705(a) provide the necessary authority.
35. Authority to require new 36. units, expansions and replacements of interim status waste piles, landfills and surface impoundments to meet the liner and leachate collection requirements for new permitted units	§3015(a)&(b)	Yes	§ 6-701(a)(1) &(2); § 6-705(a) intro &(a)(2)	The general authorities addressing the ability to set up a regulatory program for the storage, treatment and disposal of hazardous waste at §§ 6-701(a)(1)&(2) and 6-705(a) intro & (a)(2) provide the necessary authority.
37. Authority to regulate listed or identified wastes which pass through a sewer system to a POTW as necessary to adequately protect human health	§3018(b)	Yes	§ 6-701(a)(1) &(2); § 6-705(a) intro &(a)(2)	The general authority in § 6-705(a) intro&(a)(2) addressing the regulation of hazardous waste generation, transportation, treatment, storage, and disposal combined with the purposes of Chapter 7 found at § 6-701(a)(1&(2) is broad enough to include this authority.
38. Authority to require permit applicants for landfills or	§3019(a)	Yes	§ 6-701(a); § 6-705(a)	The general authorities at § 6-701(a) and § 6-705(a) provide sufficient authority.

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surface impoundments to submit exposure information				
39. Authority to make exposure and health assessment information available to the Agency for Toxic Substances and Diseases	§3019(b)(1)	Yes	§ 6-705(a)	Section 6-705(a) gives the authority for regulation of hazardous waste generation, transportation, treatment, storage, and disposal, and addresses the development of a regulatory program. This includes the ability to make assessment information available to the Agency for Toxic Substances and Disease Registry. A section has been added to the MOA that states that the District will share exposure information with the Agency for Toxic Substances and Disease Registry.
40. Authority to grant variances and exemptions that are no less stringent than allowed by Subtitle C of RCRA	§§7002 and 7003	Yes	§ 6-706	Section 6-706 which provides authority for the Mayor to grant variances and exemptions. Additionally, § 6-706 states that variances can be granted in situations where the regulations can result in unreasonable financial hardship; however, the public health and welfare cannot be endangered by the variance.
41. Neither the State nor citizens may bring action against common carriers for imminent hazards arising after delivery of the shipment to the consignee, provided the carrier exercised due care when handling the work	§§7002(g), 7003(a)	No	No analog	Because this authority is optional, the District is not required to have this authority.
42. Authority to regulate hazardous waste that is radioactive except to the extent that the waste is source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended.	§1004(27)	Yes	§ 6-701(a); § 6-705(a)	The authority to regulate this waste comes from the general authorities at §§ 6-701(a) and 6-705(a).

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43. Authority to issue an order requiring corrective action or such other response measures necessary to protect human health or the environment; authority to commence civil action for appropriate relief including temporary or permanent injunction	§3008(h)	Yes	§ 6-710; § 6-711	The provision at § 6-711 contains analogous authority and allows the Mayor to take corrective measures as necessary. § 6-710 gives the Mayor the authority to request that the Corporation Counsel commence appropriate civil action in the D.C. Superior Court to secure a temporary restraining order, a preliminary injunction, a permanent injunction or other appropriate relief.