

US EPA ARCHIVE DOCUMENT

**District of Columbia
Legislation 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	State Citation	Coverage Yes/No	Comment
DEFINITIONS			
Disposal	§ 6-702(1)	Yes	Equivalent. (Note that the District's definition defines "disposal" only in terms of hazardous waste while the Federal definition encompasses both solid waste and hazardous waste. This does not affect the District's authority to regulate hazardous waste disposal facilities.)
Generator	§ 6-702(3A)	Yes	Equivalent.
Hazardous waste	§ 6-702(2)	Yes	Equivalent. Note that the District has additional language in its definition of "hazardous waste" which clarifies that hazardous waste includes, but is not limited to, wastes with certain characteristics, as well as containers and receptacles used to hold such wastes.
Manifest	§ 6-702(3B)	Yes	Equivalent.
Person	§ 6-702(5)	Yes	Equivalent. Note that the District's definition includes the Federal government. The District's definition does not include political subdivisions or States; however, the definition includes "other entity". The term "other entity", since it is not defined in the Act, is defined by common usage. The term "other entity" would include any other being, existence, thing, person, creature, body, object, organism, etc. It would, therefore, include a State, a subdivision of a State, a municipality or an interstate body.
Storage	§ 6-702(6)	Yes	Equivalent.
Transport	§ 6-702(7)	Yes	Equivalent.
Treatment	§ 6-702(8)	Yes	Equivalent.
Treatment, Storage or	§ 6-702(9)	Yes	Like RCRA, the District's statutes do not contain a definition for

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Disposal facility	§ 6-705(a)(2) § 6-705(a)(5)		treatment, storage or disposal facility. The definition at § 6-702(9) addresses treatment facilities. Under § 6-705(a)(2) the Mayor has the authority to promulgate regulations regarding the generation, storage, treatment, and disposal of hazardous waste. Under § 6-705(a)(5), the Mayor has the authority to promulgate regulations regarding the operation and maintenance of hazardous waste treatment or disposal facilities or sites.
Waste (solid)	§ 6-701(a) § 6-705(a)	Yes	The District does not have this definition in its hazardous waste statutes, but D.C. Code §§6-701(a) and 6-705(a) authorize the Mayor to develop a regulatory program to properly handle hazardous waste management and as such may define terms and list publications which have applicability throughout the District's regulations. In addition, the District's definition of solid waste at D. C. Code § 6-3451(10) in the District's Solid Waste Management Act is similar to, and consistent with, the Federal definition at RCRA §1004(27).

HAZARDOUS WASTE IDENTIFICATION AND LISTING (40 CFR §271.9)

Criteria for identifying hazardous waste characteristics and listing	§ 6-705(a)(1)	Yes	Under § 6-705(a)(1), the Mayor is given the authority to develop criteria for determining what constitutes a hazardous waste for purposes of regulation.
Hazardous Waste characteristics	§ 6-705(a)(1)	Yes	The authority in § 6-705(a)(1) includes the identification of hazardous waste characteristics.
Hazardous Waste listing	§ 6-705(a)(1)	Yes	The authority in § 6-705(a)(1) includes the listing of hazardous wastes.

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STANDARDS FOR GENERATORS (40 CFR §271.10)			

General Comment: Section 6-705(a) provides the general authority to adopt rules and regulations necessary to carry out the purposes and provisions of Chapter 7. Two purposes of the chapter listed at § 6-701(a)(1) & (2) are to insure safe and effective hazardous waste management and to establish a program of regulation over the generation of hazardous waste.

Coverage for all generators regulated by 40 CFR 262	§ 6-705(a) intro & (a)(2); § 6-701(a)(1)&(2)	Yes	Under § 6-705(a)(2), the Mayor has authority to adopt rules and regulations regarding generation of hazardous waste meeting the purposes of Chapter 7 as stated at § 6-701(a)(1)&(2).
I.D. numbers	§ 6-705(a) intro & (a)(2); § 6-701(a)(1)&(2)	Yes	Under § 6-705(a)(2), the Mayor has authority to adopt rules and regulations regarding generation of hazardous waste. This includes the authority to issue ID numbers given the purpose of Chapter 7 as stated at § 6-701(a)(1)&(2).
Requiring generator to determine whether waste is hazardous	§ 6-705(a) intro & (a)(2); § 6-701(a)(1)&(2)	Yes	Under § 6-705(a)(2), the Mayor has authority to adopt rules and regulations regarding generation of hazardous waste which includes the authority to require that the generator determine if his/her waste is hazardous given the purpose of Chapter 7 as stated at § 6-701(a)(1)&(2).
Recordkeeping practices	§ 6-705(a) intro.&(a)(2); § 6-701(a)(1)&(2)	Yes	Under § 6-705(a)(2), the Mayor has authority to adopt rules and regulations regarding generation of hazardous waste which includes requiring appropriate recordkeeping practices given the purpose of Chapter 7 as stated at § 6-701(a)(1)&(2).
Packaging, labeling, marking and placarding practices	§ 6-705(a)(3)	Yes	Under § 6-705(a)(3), the Mayor has authority to adopt rules and regulations regarding containerization and labeling of hazardous wastes.
Use of appropriate containers	§ 6-705(a)(3)	Yes	Under § 6-705(a)(3), the Mayor has authority to adopt rules and regulations regarding containerization of hazardous wastes.
Furnishing information	§ 6-705(a) intro &	Yes	Under § 6-705(a)(2), the Mayor has authority to adopt rules and regulations

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	(a)(2); § 6-701(a)(1)&(2)		regarding generation of hazardous waste which includes requiring generators to furnish information, given the purpose of Chapter 7 as stated at §6-701(a)(1)&(2).
Use of manifest consistent with DOT and EPA	§ 6-705(a)(3)&(7); § 6-701(a)(1)&(2)	Yes	Under § 6-705(a)(7), the Mayor has authority to adopt rules and regulations regarding procedures and requirements for the use of a manifest or form which identifies the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage. Section 6-705(a)(3) requires conformance with the DOT regulations. Thus, the use of the manifest addressed under §6-705(a)(7) is consistent with DOT requirements.
International shipments	§ 6-705(a)(2); § 6-701(a)(1)&(2)	Yes	Under § 6-705(a)(2), the Mayor has authority to adopt rules and regulations regarding generation of hazardous waste which includes the ability to help regulate international shipments given the purpose of Chapter 7 as stated at § 6-701(a)(1)&(2).
Designation of and delivery to permitted facilities	§ 6-705(a) intro & (a)(2); § 6-701(a)(1)&(2)	Yes	Under § 6-705(a)(2), the Mayor has authority to adopt rules and regulations regarding generation of hazardous waste which includes the authority to require designation of and delivery to permitted facilities given the purpose of Chapter 7 as stated at § 6-701(a)(1)&(2).
Investigation of unreturned shipments	§ 6-705(a) intro & (a)(2); § 6-701(a)(1)&(2)	Yes	Under § 6-705(a)(2), the Mayor has authority to adopt rules and regulations regarding generation of hazardous waste which includes the ability to investigate unreturned shipments under the purpose of Chapter 7 as stated at § 6-701(a)(1)&(2).
Submission of reports	§ 6-705(a) intro & (a)(2); § 6-701(a)(1)&(2)	Yes	Under § 6-705(a)(2), the Mayor has authority to adopt rules and regulations regarding generation of hazardous waste which includes the ability to require submission of reports given the purpose of Chapter 7 as stated at § 6-701(a)(1)&(2).

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STANDARDS FOR TRANSPORTERS (40 CFR §271.11)			

General Comment: Section 6-705(a) provides the general authority to adopt rules and regulations necessary to carry out the purposes and provisions of Chapter 7. Two purposes of the chapter listed at § 6-701(a)(1) & (2) are to insure safe and effective hazardous waste management and to establish a program of regulation over the transportation of hazardous waste.

Coverage for all transporters covered by 40 CFR Part 263	§ 6-705(a) intro & (a)(3); § 6-701(a)(1)&(2)	Yes	Under § 6-705(a)(3), the Mayor has authority to adopt rules and regulations regarding transportation of hazardous waste which includes the ability to regulate all of the transporters covered by 40 CFR Part 263.
I.D. numbers	§ 6-705 intro & (a)(3); § 6-701(a)(1)&(2)	Yes	Under § 6-705(a)(3), the Mayor has the authority to adopt rules and regulations regarding transportation of hazardous waste which includes the ability to issue ID numbers given the purposes of Chapter 7 as per § 6-701(a)(1)&(2).
Recordkeeping	§ 6-705(a) intro & (a)(3); § 6-701(a)(1)&(2)	Yes	Under § 6-705(a)(3), the Mayor has authority to adopt rules and regulations regarding transportation of hazardous waste which includes the authority to require record keeping under the purpose of Chapter 7 as stated at § 6-701(a)(1)&(2).
Labeling	§ 6-705(a) intro & (a)(3); § 6-701(a)(1)&(2)	Yes	Under § 6-705(a)(3), the Mayor has authority to adopt rules and regulations regarding containerization and labeling of hazardous waste.
Compliance with manifest system	§ 6-705(a) intro & (a)(7); § 6-701(a)(1)&(2)	Yes	Under § 6-705(a)(7), the Mayor has authority to adopt rules and regulations regarding procedures and requirements for the use of a manifest or form which identifies the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.
Spill notification	§ 6-705(a) intro & (a)(3);	Yes	Under § 6-705(a)(3), the Mayor has authority to adopt rules and regulations regarding transportation of hazardous waste which includes the authority to

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	§ 6-701(a)(1)&(2)		require spill notification under the purpose of Chapter 7 as stated at § 6-701(a)(1)&(2).
Spill clean-up	§ 6-705(a) intro & (a)(3); § 6-701(a)(1)&(2)	Yes	Under § 6-705(a)(3), the Mayor has authority to adopt rules and regulations regarding transportation of hazardous waste which includes the authority to require spill clean-up under the purposes of Chapter 7 as stated at § 6-701(a)(1)&(2).
Transportation to permitted facility	§ 6-705(a) intro & (a)(3); § 6-701(a)(1)&(2)	Yes	Under § 6-705(a)(3), the Mayor has authority to adopt rules and regulations regarding transportation of hazardous waste which includes the authority to require transportation to a permitted facility under the purpose of Chapter 7 as stated at § 6-701(a)(1)&(2).
Consistency with DOT requirements	§ 6-705(a)(3)	Yes	Under § 6-705(a)(3), rules and regulations regarding transportation, containerization, and labeling must be consistent the those issued by the United States Department of Transportation.

STANDARDS FOR HAZARDOUS WASTE STORAGE, TREATMENT, AND DISPOSAL FACILITIES (40 CFR 271.12)

General Comment: Section 6-705(a) provides the general authority to adopt rules and regulations necessary to carry out the purposes and provisions of Chapter 7. Two purposes of the chapter listed at § 6-701(a)(1) & (2) are to insure safe and effective hazardous waste management and to establish a program of regulation over the storage, treatment, and disposal of hazardous waste.

Coverage for all TSD facilities which EPA regulates	§ 6-705(a) intro & (a)(2); § 6-701(a)(1)&(2)	Yes	Section 6-705(a)(2) provides specific authority to adopt rules and regulations regarding storage, treatment, and disposal of hazardous waste which includes the ability to cover all TSD facilities which EPA regulates.
I.D. numbers	§ 6-705(a) intro & (a)(2); § 6-701(a)(1)&(2)	Yes	Section 6-705(a)(2) provides specific authority to adopt rules and regulations regarding storage, treatment, and disposal of hazardous waste. Under the purpose of Chapter 7, this authority includes the ability to require I.D. numbers.

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Federal Statutory Element	State Citation	Coverage Yes/No	Comment
Recordkeeping	§ 6-705(a) intro & (a)(5); § 6-701(a)(1)&(2)	Yes	Section 6-705(a)(5) provides specific authority to adopt rules and regulations regarding the operation and maintenance of hazardous waste treatment or disposal facilities or sites. Under the purpose of Chapter 7, this authority includes the ability to require recordkeeping .
Reporting	§ 6-705(a) intro & (a)(5); § 6-701(a)(1)&(2)	Yes	Section 6-705(a)(5) provides specific authority to adopt rules and regulations regarding the operation and maintenance of hazardous waste treatment or disposal facilities or sites. Under the purpose of Chapter 7, this authority includes the ability to require reporting.
Monitoring and inspecting	§ 6-705(a) intro & (a)(5); § 6-701(a)(1)&(2)	Yes	Section 6-705(a)(5) provides specific authority to adopt rules and regulations regarding the operation and maintenance of hazardous waste treatment or disposal facilities or sites. Under the purposes of Chapter 7, this authority includes the ability to require the facility owner/operator to conduct monitoring and inspections.
Compliance with the manifest system	§ 6-705(a)(7)	Yes	Under § 6-705(a)(7), the Mayor has authority to adopt rules and regulations regarding procedures and requirements for the use of a manifest or form which identifies the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.
Operating methods	§ 6-705(a)(5)	Yes	Section 6-705(a)(5) provides specific authority to adopt rules and regulations regarding the operation and maintenance of hazardous waste treatment or disposal facilities or sites.
Location, design, construction	§ 6-705(a) intro & (a)(2); § 6-701(a)(1)&(2)	Yes	Section 6-705(a)(2) provides specific authority to adopt rules and regulations regarding storage, treatment, and disposal of hazardous waste. Under the purposes of Chapter 7, this authority includes the ability to set certain location, design and construction standards.
Contingency plans	§ 6-705(a) intro & (a)(5); § 6-701(a)(1)&(2)	Yes	Section 6-705(a)(5) provides specific authority to adopt rules and regulations regarding the operation and maintenance of hazardous waste treatment or disposal facilities or sites. Under the purposes of Chapter 7, this authority

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			includes the ability to require the facility owner/operator to prepare a contingency plan.
Training	§ 6-705 (a) intro & (a)(5); § 6-701(a)(1)&(2)	Yes	Section 6-705(a)(5) provides specific authority to adopt rules and regulations regarding the operation and maintenance of hazardous waste treatment or disposal facilities or sites. Under the purposes of Chapter 7, this authority includes the ability to require the facility owner/operator to conduct training.
Ownership	§ 6-705(a) intro & (a)(5); § 6-701(a)(1)&(2)	Yes	Section 6-705(a)(5) provides specific authority to adopt rules and regulations regarding the operation and maintenance of hazardous waste treatment or disposal facilities or sites. Under the purposes of Chapter 7, this authority includes the ability to require additional qualifications for facility ownership.
Closure and post-closure activities	§ 6-705(a) intro & (a)(2); § 6-701(1)(1)&(2)	Yes	Section 6-705(a)(2) provides specific authority to adopt rules and regulations regarding storage, treatment, and disposal of hazardous waste. Under the purposes of Chapter 7, this authority includes the ability to require the facility owner/operator to conduct closure activities.
Continuity of operation	§ 6-705(a)(5)	Yes	Section 6-705(a)(5) provides specific authority to adopt rules and regulations regarding the operation and maintenance of hazardous waste treatment or disposal facilities or sites. This includes the ability to require continuity of operation.
Financial responsibility	§ 6-705(a) intro & (a)(2); § 6-701(a)(1)&(2)	Yes	Section 6-705(a)(2) provides specific authority to adopt rules and regulations regarding storage, treatment, and disposal of hazardous waste. Under the purposes of Chapter 7, this authority includes the ability to include regulations regarding financial responsibility.
General conditions (see 40 CFR 270.30)	§ 6-705(a) intro & (a)(2); § 6-701(a)(1)&(2); § 6-703(b)	Yes	Section 6-705(a)(2) provides specific authority to adopt rules and regulations regarding storage, treatment, and disposal of hazardous waste. Under the purposes of Chapter 7, this authority includes the ability to require conditions in the permit. In addition, §6-703(b) states that the Mayor "may issue, vary or modify the terms of a permit".

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PERMITS FOR HW STORAGE, TREATMENT AND DISPOSAL FACILITIES (see 40 CFR 271.13)
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Require permits for owners and operators of all TSD facilities	§ 6-703(a)	Yes	According to § 6-703(a), it is unlawful to own, construct, substantially alter, or operate any hazardous waste treatment, storage, or disposal facility or site except in accordance with the terms of the permit issued by the mayor for the facility, site, or activity.
Impose construction ban	§ 6-703(a)	Yes	According to § 6-703(a), it is unlawful to own, construct, substantially alter, or operate any hazardous waste treatment, storage, or disposal facility or site except in accordance with the terms of the permit issued by the mayor for the facility, site, or activity.
Prohibit operation of facilities without permits	§ 6-703(a)	Yes	According to § 6-703(a), it is unlawful to own, construct, substantially alter, or operate any hazardous waste treatment, storage, or disposal facility or site except in accordance with the terms of the permit issued by the mayor for the facility, site, or activity.
Require permit application information	§ 6-705(a) § 6-701(a)(1) & (2)	Yes	Section 6-705(a) provides the general authority to adopt rules and regulations necessary to carry out the purposes and provisions of Chapter 7. Two purposes of the chapter listed at § 6-701(a)(1) & (2) are to insure safe and effective hazardous waste management and to establish a program of regulation over the storage, treatment, and disposal of hazardous waste which includes requiring appropriate permit application information.
Require permits to contain all technical and administrative standards	§ 6-705(a); § 6-701(a)(1) & (2); § 6-703(b)	Yes	Section 6-705(a) provides the general authority to adopt rules and regulations necessary to carry out the purposes and provisions of Chapter 7. Two purposes of the chapter listed at § 6-701(a)(1) & (2) are to insure safe and effective hazardous waste management and to establish a program of regulation over the storage, treatment, and disposal of hazardous waste which includes requiring permits to contain all technical and administrative

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			standards. Under § 6-703(b), the Mayor has the authority to set terms in the permit which includes the ability to require the permit to contain all technical and administrative standards.
Provide for permit modification and termination (revocation)	§ 6-703(b) § 6-709	Yes	Section 6-703(b) provides authority for the Mayor to issue, vary, or modify the terms of a permit or suspend, revoke, or deny a permit to achieve the purposes of this chapter. Under § 6-709, the Mayor has authority to suspend and revoke a permit.
Allow public disclosure of name and address of permit applicant and permittees	§ 6-705(a) intro § 6-701(a)(1) & (2)	Yes	Section 6-705(a) provides the general authority to adopt rules and regulations necessary to carry out the purposes and provisions of Chapter 7. Two purposes of the chapter listed at § 6-701(a)(1) & (2) are to insure safe and effective hazardous waste management and to establish a program of regulation over the storage, treatment, and disposal of hazardous waste which includes allowing for public disclosure of name and address of permit applicant and permittees. The District has adopted these requirements at §§4601.23 and 4601.24 which are the analogs to 40 CFR 270.12.

PUBLIC PARTICIPATION

Section 6-705(a) provides the general authority to adopt rules and regulations necessary to carry out the purposes and provisions of Chapter 7. Two purposes of the chapter listed at § 6-701(a)(1) & (2) are to insure safe and effective hazardous waste management and to establish a program of regulation over the management of hazardous waste.

Draft permit, fact sheet, etc.	§ 6-705(a) intro; § 6-701(a)(1) & (2)	Yes	The broad authority in the general comment is sufficient to cover public participation requirements.
Notice of all draft permits by radio broadcasts and notices in newspapers, etc.	§ 6-705(a) intro; § 6-701(a)(1) & (2)	Yes	The broad authority in the general comment is sufficient to cover public participation requirements.

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Federal Statutory Element	State Citation	Coverage Yes/No	Comment
45-day public comment period on all draft permits	§ 6-705(a) intro; § 6-701(a)(1) & (2)	Yes	The broad authority in the general comment is sufficient to cover the public participation requirements.
Informal hearing with notice of opposition	§ 6-705(a) intro; § 6-701(a)(1) & (2)	Yes	The broad authority in the general comment is sufficient to cover the public participation requirements.
Consideration of and response to public comments	§ 6-705(a) intro; § 6-701(a)(1) & (2)	Yes	The broad authority in the general comment is sufficient to cover these public participation requirements.

INSPECTIONS

Right to enter, inspect and obtain samples (at all regulated premises and where records are kept)	§ 6-707(a) &(b)	Yes	Pursuant to § 6-707(a) and (b), the Mayor may enter and inspect any place where hazardous wastes are or have been generated, stored, treated, transported, or disposed. The Mayor may obtain samples of any waste, or substance used in the treatment of waste and inspect and copy any records relating to the purposes of this chapter.
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ENFORCEMENT (40 CFR 271.16)

Immediately restrain unauthorized activity	§ 6-710	Yes	Under § 6-710, the Mayor may request the Corporation Counsel to commence civil action to secure a temporary restraining order, a preliminary injunction, a permanent injunction, or other relief whenever the Mayor finds that any person is managing hazardous wastes in an illegal, unsafe, or otherwise improper manner that endangers the public health, public welfare, or the
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Sue to enjoin any threatened or continuing program violation without prior revocation of permit	§ 6-710 § 6-711(a)	Yes	environment. The authority given the Mayor under § 6-710 covers this element. § 6-711(a) also authorizes the Mayor to institute such actions as necessary to terminate violations.
Obtain civil penalties for any violation (maximum no less than \$10K per day)	§ 6-711(b)	Yes	Section 6-711(b)(1) provides for civil penalties for any violation not to exceed \$25,000 for each violation. Under § 6-711(b)(2), each day of a violation constitutes a separate offense subject to this penalty.
Obtain criminal penalties for specific violations (no less than \$10K per day and imprisonment with maximum no less than 6 months); burden of proof no greater than under Federal law	§ 6-711(c)	Yes	The authority for criminal penalties is found in § 6-711(c). Section 6-711(c)(1) provides for criminal penalties for certain violations not to exceed \$25,000 or imprisonment not to exceed 1 year, or both. Under § 6-711(c)(2), each day of a violation constitutes a separate offense subject to this penalty. Since the management of used oil is regulated under the DC hazardous waste regulations, the criminal penalties of D.C. Code §6-711(c) also apply to violations of the used oil regulations.
Allow intervention (See 40 CFR 271.16)	D.C. Superior Court Civil Rule 24(a)	Yes	Rule 24(a) of the District of Columbia Superior Court Rules of Civil Procedure provides for the intervention as of right in civil actions in the D.C. Superior Court. Rule 24(a) is identical to the Federal Rule of Civil Procedures 24(a) and satisfies the requirement contained in subsection A. The District will not oppose public intervention, pursuant to Rule 24(a) of the D.C. Superior Court Rules of Civil Procedure, on the grounds that the applicant's interest is adequately represented by the District.

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MISCELLANEOUS			

Authority to share all information with EPA	§ 6-705(a) intro; § 6-701(a)(1) & (2); D.C. Law 1-96, §2 (D.C. Code §1-1524)	Yes	The broad authority given the Mayor in §§ 6-705(a) and 6-701(a)(1) & (2) provides the authority to share all information with EPA. Although section 2 of the D.C. Freedom of Information Act provides for certain exemptions from disclosure, it specifically states that this section shall not operate to prevent disclosure of information where such disclosure is authorized or mandated by other laws. Therefore section 2 does not prevent the disclosure of information required to be submitted to EPA under the Resource Conservation and Recovery Act (RCRA).
Variance and waiver provisions	§ 6-706; § 6-705(a) intro; § 6-701(a)(1) & (2);	Yes	Under § 6-706, the Mayor may grant a variance for up to 180 days upon a showing that compliance would result in unreasonable financial hardship and that public health and welfare would not be endangered. The authority for other types of variances comes from the broad authorities at §6-701(a)(1)&(2) and §6-705(a).
Importation ban		No	The District does not have an importation ban.
Exemptions		No	The District does not have any exemptions that are broader than those in the Federal program.
Siting	§ 6-705(a) intro; § 6-701(1) & (2)	Yes	The broad authority given the Mayor in §§ 6-705(a) and 6-701(a)(1) & (2) provides authority for broader in scope siting requirements. The District does not have a statutory provision which restricts the Mayor from promulgating regulations which are more stringent or broader in scope than those in the Federal program.