

US EPA ARCHIVE DOCUMENT

District of Columbia,  
Illegal Dumping Enforcement Act  
(DC Code 6-2911, et. seq.)

## CHAPTER 29A ILLEGAL DUMPING ENFORCEMENT

### § 6-2911. Definitions.

For the purposes of this chapter, the term:

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

(1A) "Dispose" means to discharge, deposit, dump, or place any solid waste in the District of Columbia.

(2) "District" means the District of Columbia.

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

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

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

(3) "Mayor" means the Mayor of the District of Columbia.

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

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

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

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

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

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

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

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

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

- (I) Discarded medical equipment and parts that were in contact with infectious agents;
- (J) Biological waste and discarded materials contaminated with blood, excretion, exudates and secretion from human beings or animals who are isolated to protect others from communicable diseases; and
- (K) Such other waste material that results from the administration of medical care to a patient by a health care provider and is found by the Mayor to pose a threat to human health or the environment.
- (4) "Motor vehicle" means any conveyance propelled by an internal combustion engine, electricity, or steam.
- (5) "Person" means any individual, partnership, corporation (including a government corporation), trust, association, firm, joint stock company, organization, commission, the District or federal government, or any other entity.
- (6) "Solid waste" means combustible or incombustible refuse. Solid waste includes dirt, sand, sawdust, gravel, clay, loam, stone, rocks, rubble, building rubbish, shavings, trade or household waste, refuse, ashes, manure, vegetable matter, paper, dead animals, garbage or debris of any kind, any other organic or inorganic material or thing, or any other offensive matter.

(Nov. 20, 1993, D.C. Law 10-62, § 2, 40 DCR 7237; May 20, 1994, D.C. Law 10-117, § 2, 41 DCR 524; May 9, 1995, D.C. Law 11-12, § 3(a), 42 DCR 1265; Apr. 18, 1996, D.C. Law 11-110, § 15(a), 43 DCR 530; Apr. 29, 1998, D.C. Law 12-90, § 2(a), 45 DCR 1308.)

## **§ 6-2912. Prohibition and penalties.**

- (a) It shall be unlawful for any person to dispose or cause or permit the disposal of solid waste, hazardous waste, or medical waste in or upon any street, lot, park, public place, or any other public or private area, whether or not for a commercial purpose, unless the site is authorized for the disposal of solid waste, hazardous waste or medical waste by the Mayor.
- (b) (1) Any person who violates subsection (a) of this section shall be liable to arrest.
- (2) Any person who disposes of solid waste which is neither hazardous nor medical waste in violation of subsection (a) of this section, shall be guilty of a misdemeanor, and shall be subject to a fine not to exceed \$1,000 for each offense, or shall be imprisoned for a period not to exceed 90 days, or both. Any person who disposes of solid waste for a commercial purpose shall be guilty of a felony, and shall be subject to a fine for each offense not to exceed \$25,000, or shall be imprisoned for a period not to exceed 5 years, or both.
- (3) Any person who knowingly disposes of hazardous waste in violation of subsection (a) of this section shall be guilty of a felony, and subject to a fine for each offense not to exceed \$25,000, and a term of imprisonment not to exceed 5 years.
- (4) Any person who knowingly disposes of medical waste in violation of subsection (a) of this section shall be guilty of a felony, and subject to a fine for each offense not to exceed \$25,000, and a term of imprisonment not to exceed 5 years.
- (c) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of this chapter, or any rules or regulations issued under the authority of this chapter, provided that a civil fine up to \$5,000 may be assessed for each offense. Any person who knowingly disposes of

hazardous waste in violation of this chapter shall be liable for a civil penalty in an amount not to exceed \$25,000 for each violation. Adjudication of any civil infraction of this chapter shall be enforced by the Mayor pursuant to § 6-2902.

(d) In addition to any other penalties provided in this section, a person's ownership interest in a motor vehicle used in violating this chapter shall be subject to seizure and forfeiture. All seizures and forfeitures of motor vehicles under this chapter shall be in accordance with § 6-2915.

(e) The Mayor is authorized to establish and collect a reasonable fee for the cost of towing and storing seized motor vehicles. A storage fee shall not be charged for the first 24-hour period following the seizure of a motor vehicle. If a person is found not liable for a violation of this chapter, the Mayor shall waive any towing and storage fees assessed under this chapter and refund any penalties paid.

(f) Any person violating subsection (a) of this section, shall also be liable and responsible for paying 3 times the cost and expense incurred by the Mayor for cleaning and clearing the site where the unlawful disposal occurred and for properly disposing of the solid waste. Payment by the violator shall be made within 10 days of demand by the Mayor.

(g) The Mayor may deny, revoke, or not renew the business license, permit, or motor vehicle registration issued, or to be issued, to any person who has committed a violation of this chapter, provided that the business license, permit, or motor vehicle registration is substantially related to the commission of the offense of unlawful disposal of solid waste in the District. The business license, permit, or motor vehicle registration may not be issued or reissued until all fines, penalties, and fees assessed under this section have been fully satisfied.

(h) The Mayor may impose any sanction provided in Chapter 29 of this title, to the extent that it is not inconsistent with this chapter.

(Nov. 20, 1993, D.C. Law 10-62, § 3, 40 DCR 7237; May 20, 1994, D.C. Law 10-117, § 3, 41 DCR 524; May 9, 2005, D.C. Law 11-12, § 3(b), 42 DCR 1265; Feb. 27, 1996, D.C. Law 11-94, § 13, 42 DCR 7172; Apr. 18, 1996, D.C. Law 11-110, § 15(b), 43 DCR 530; Apr. 29, 1998, D.C. Law 12-90, § 2(b), 45 DCR 1308.)

### **§ 6-2913. Enforcement.**

The Mayor may establish a special law enforcement unit with police powers to enforce this chapter, Chapter 29 of this title, Chapter 7 of this title, subchapter III of Chapter 9 of this title, and the Water and Sanitation Codes, as compiled in 21 DCMR 700, et seq.

(Nov. 20, 1993, D.C. Law 10-62, § 4, 40 DCR 7237; May 20, 1994, D.C. Law 10-117, § 4, 41 DCR 524.)

## § 6-2914. Bounty.

The Mayor is authorized to offer and pay rewards for information that, in the opinion of the Mayor, leads to the apprehension and charging of any person for violating § 6-2912(a) and the collection of a penalty or fine from the person.

(May 20, 1994, D.C. Law 10-117, § 5, 41 DCR 524.)

## § 6-2915. Forfeitures.

(a) All motor vehicles which are used, or intended to be used, to transport, or in any manner to facilitate a violation of this chapter shall be subject to forfeiture, except that:

(1) No motor vehicle used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(2) No motor vehicle is subject to forfeiture under this section by reason of any act or omission that the owner establishes was committed or omitted by a third party without the owner's knowledge and consent; and

(3) A forfeiture of a motor vehicle encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of, nor consented to, the act or omission.

(b) A motor vehicle subject to forfeiture under this section may be seized by law enforcement officials upon process issued by the Superior Court of the District of Columbia having jurisdiction over the motor vehicle, or without process if authorized by law.

(c) (1) A motor vehicle taken or detained under this section shall not be subject to replevin, but shall be deemed to be in the custody of the Mayor. When a motor vehicle is seized under this chapter, the Mayor shall:

(A) Place the motor vehicle under seal;

(B) Remove the motor vehicle to a place designated by the Mayor; or

(C) Remove the motor vehicle to an appropriate location for disposition in accordance with law.

(2) (A) After a proper showing of probable cause for the seizure of the motor vehicle is made, the Mayor shall cause notice of the seizure and the Mayor's intention to forfeit and sell or otherwise dispose of the motor vehicle in accordance with this section to be published for at least 2 successive weeks in a local newspaper of general circulation. In addition, the Mayor shall provide written notice of the seizure together with information on the applicable procedures for claiming the motor vehicle to each party who is known, or in the exercise of reasonable diligence should be known, by the Mayor to have a right of claim to the seized motor vehicle. Notice to each party shall be by registered or certified mail, return receipt requested.

(B) Any person claiming an interest in the motor vehicle may, at any time within 30 days from the date of receipt or publication of notice, whichever is later, of seizure, file with the Mayor a claim stating his or her interest in the motor vehicle. Upon the filing of a claim, the claimant

shall give a bond to the District in the sum of \$2,500 or 10% of the fair market value of the claimed motor vehicle (as appraised by the Chief of the Metropolitan Police Department), whichever is lower, but not less than \$250, with sureties to be approved by the Mayor. In case of forfeiture of the claimed motor vehicle, the costs and expenses of the forfeiture proceedings shall be deducted from the bond. Any costs that exceed the bond amount and the proceeds from the sale of the conveyance shall be paid by the claimant. In determining the fair market value of the motor vehicle seized, the Chief of the Metropolitan Police Department shall consider any verifiable and reasonable evidence of value that the claimant may present. The balance of the proceeds shall be transferred to the Department of Public Works and used to offset the cost of implementing this chapter and Chapter 29 of this title, and to abate solid waste nuisances. Subject to the enactment of appropriations, excess monies shall be used to fund recycling activities in accordance with § 6-3415.

(C) If a claim and bond (or application for a waiver of bond) are not filed within 30 days of receipt or publication of notice, whichever is later, and the Mayor determines that the motor vehicle is forfeitable under this section, the Mayor shall declare the motor vehicle forfeited and shall dispose of the motor vehicle in accordance with the provisions of paragraph (3) of this subsection. If the Mayor determines that the seized motor vehicle is not forfeitable under this section, and is not otherwise subject to forfeiture, the Mayor shall return the motor vehicle to its rightful owner.

(D) If the seized motor vehicle is not forfeited or disposed of in accordance with subparagraph (C) of this paragraph, the Mayor shall request the Corporation Counsel to apply to the Superior Court of the District of Columbia for forfeiture of the motor vehicle.

(E) Whenever any person who has an interest in forfeited conveyance files with the Mayor, either before or after the sale or disposition of motor vehicle, a petition for remission or mitigation of the forfeiture, the Mayor shall remit or mitigate the forfeiture upon the terms and conditions as the Mayor deems reasonable if the Mayor finds that:

(i) The forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to violate the law; or

(ii) Mitigating circumstances justify the remission or mitigation of the forfeiture.

(F) In all suits or actions brought for forfeiture of any motor vehicle seized under this section when the motor vehicle is claimed by any person, the burden of proof shall be on the claimant once the Mayor has established probable cause as provided in subsection (a) of this section.

(3) When a motor vehicle is forfeited under this section, the Mayor shall:

(A) Retain the motor vehicle for official use; or

(B) Sell the motor vehicle if it is not required by law to be destroyed and is not harmful to the public. All proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs shall be deducted from the proceeds.

(4) Any property contained in the motor vehicle at the time of seizure may be held for evidentiary purposes until such time as the forfeiture proceeding is concluded, or the Corporation Counsel determines that the property is no longer needed for evidentiary purposes, whichever is sooner. Any property that is not needed for evidentiary purposes may be returned to the person who has a right of claim to the property. The Mayor may dispose of any solid waste contained in the motor vehicle at the time of seizure and collect up to 3 times the cost and expense incurred for the proper disposal. If it appears to the Mayor that any property seized under this section is liable to perish, waste, or be greatly reduced in value by the keeping, or that the expense of

keeping is disproportionate to the value of the property, the Mayor may proceed to advertise and sell the property at auction or otherwise dispose of the property.

(d) In the event of seizure pursuant to subsection (b) of this section, proceedings under subsection (c) of this section shall be instituted promptly.

(Nov. 20, 1993, D.C. Law 10-62, § 5, 40 DCR 7237; renumbered May 20, 1994, D.C. Law 10-117, § 6, 41 DCR 524.)