

## DEPARTMENT OF PUBLIC WORKS

### NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Public Works (“Department” or “DPW”), in accordance with the authority set forth in the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code §§ 8-1031.01 *et seq.*), hereby gives notice of the intent to take rulemaking action to adopt amendments to Chapter 7 (Solid Waste Control) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (“DCMR”).

The amendments will establish a new fee for the disposal of loads of solid waste submitted for disposal as recyclable loads but which consist of more than eighteen percent (18%) nonrecyclable materials (“contaminated recyclables”).

The Director gives notice of intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

**Chapter 7, SOLID WASTE CONTROL, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:**

**Section 719, SOLID WASTE DISPOSAL FEE-SETTING FORMULAS, is amended as follows:**

**A new Subsection 719.11 is added to read as follows:**

719.11 The following fee-setting formula is established for the disposal of each ton of contaminated recyclables:

Solid Waste Disposal Fee + Operational Cost of Processing Contaminated Recyclables

**Section 720, FEES, is amended as follows:**

**Subsection 720.8 is amended to read as follows:**

720.8 Beginning on October 1, 2020, the applicable fee for the disposal of each ton of solid waste at the waste-handling facilities, excluding those wastes specified in §§ 720.5, 720.6, 720.7, 720.11, and 720.12, shall be seventy dollars and sixty-two cents (\$70.62) for each ton disposed; provided, that a minimum fee of thirty five dollars and thirty-one cents (\$35.31) shall be imposed on each load weighing one thousand pounds (1,000 lb.) or less.

**A new Subsection 720.12 is added to read as follows:**

720.12 Beginning on June 1, 2021, the operational cost of processing contaminated recyclables shall be twelve dollars and twenty-five cents (\$12.25) for each ton disposed, and the applicable fee for the disposal of each ton of contaminated recyclables shall be eighty-two dollars and eighty-seven cents (\$82.87), provided that a minimum fee of forty-one dollars and forty-three cents (\$41.43) shall be imposed on each load weighing one thousand pounds (1,000 lb.) or less.

**Section 799, DEFINITIONS, is amended as follows:**

**Subsection 799.1 is amended by adding the following definition after the definition of the term “Construction and Demolition Wastes”:**

**Contaminated recyclables** -- solid waste delivered to a District facility for disposal subject to the payment of the fee established in Subsection 720.8 for the disposal of commodities in the District’s solid waste reduction and recycling program (“recyclable commodities”), but which load is found, upon inspection, to consist of more than eighteen percent (18%) per load, measured by weight of solid waste, other than recyclable commodities.

All persons commenting on the subject matter in this proposed rulemaking action may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Camille Glover, Interim General Counsel, Office of the General Counsel, District of Columbia Department of Public Works, 2000 14th Street, N.W., 6<sup>th</sup> Floor, Washington, DC. 20009. An interested person may also send comments electronically to [camille.glover@dc.gov](mailto:camille.glover@dc.gov). Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District of Columbia Department of Public Works’ website at [dpw.dc.gov](http://dpw.dc.gov).