

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 8.**  
**ENVIRONMENTAL AND ANIMAL CONTROL**  
**AND PROTECTION.**

**CHAPTER 15.**  
**LOW-LEVEL RADIOACTIVE WASTE GENERATOR**  
**REGULATORY POLICY.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 15. LOW-LEVEL RADIOACTIVE WASTE**  
**GENERATOR REGULATORY POLICY.**

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# CHAPTER 15. LOW-LEVEL RADIOACTIVE WASTE GENERATOR REGULATORY POLICY.

## § 8-1501. DEFINITIONS.

For the purpose of this chapter, the term:

- (1) "Disposal" means the permanent isolation of low-level radioactive waste as a regional disposal facility as defined in section 2 of the Low-level Radioactive Waste Policy Act, approved December 23, 1980 (94 Stat. 3347; 42 U.S.C. 2021b) ("Waste Policy Act").
- (2) "Generator" means any public or private individual, institution, corporation, association, group, or other legally constituted enterprise that produces low-level radioactive waste in the District of Columbia ("District").
- (3) "Low-level radioactive waste ('waste')" means radioactive material that:
  - (A) Is not high-level radioactive waste, spent nuclear fuel, transuranic waste, or byproduct material as defined in section 11e of the Atomic Energy Act of 1954, approved August 30, 1954 (68 Stat. 923; 42 U.S.C. 2014(e)); and
  - (B) The United States Nuclear Regulatory Commission has classified, consistent with 10 CFR 61.55, as low-level radioactive waste.
- (4) "Regional facility" means a low-level radioactive waste disposal facility in operation on January 1, 1985, or subsequently established and operated pursuant to the Waste Policy Act.

(Mar. 7, 1991, D.C. Law 8-226, § 2, 38 DCR 219.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 6-3701.

#### *Legislative History of Laws*

Law 8-226, the "District of Columbia Low-Level Radioactive Waste Generator Regulatory Policy Act of 1990," was introduced in Council and assigned Bill No. 8-378, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 4, 1990, and December 18, 1990, respectively. Signed by the Mayor on December 27, 1990, it was assigned Act No. 8-309 and transmitted to both Houses of Congress for its review.

#### *References in Text*

The definition of low-level radioactive waste disposal facility in the Waste Policy Act, referred to in (4), is codified at 42 U.S.C. 2021b(11).

#### *Delegation of Authority*

Delegation of authority pursuant to D.C. Law 8-226, the "District of Columbia Low-level Radioactive Waste Generator Regulatory Policy Act of 1990", see Mayor's Order 94-102, April 28, 1994 (41 DCR 2523).

Delegation of authority pursuant to D.C. Law 8-226, the "District of Columbia Low-Level Radioactive Waste Generator Regulatory Policy Act of 1990", see Mayor's Order 98-52, April 15, 1998 (45 DCR 2698).

## § 8-1502. REPORTS.

- (a) Pursuant to rules issued by the Mayor in accordance with § 8-1506, by May 15, 1991, and on February 1 of each subsequent year, any person who generates low-level radioactive waste in the District shall

submit to the Mayor a report that details for the previous calendar year:

- (1) The class and quantity of any waste generated, stored by the generator for decay or for later transfer to another facility, or transferred by the generator to another facility;
- (2) The general type of generator (e.g., medical, university, industry, electric, utility, government, or nonprofit);
- (3) Any additional information as the Mayor may require on the nature and characteristics of the waste (including chemical and physical characteristics, properties, or constituents, radionuclides present, curie content or concentration of radioactivity); and
- (4) The extent of reduction in quantity and the nature and extent of reduction or other change in nature of characteristics of the waste as a result of treatment or interim storage after generation and before delivery to a facility for permanent disposal of the waste.

(b) The Mayor shall, pursuant to rules issued in accordance with § 8-1506, provide the appropriate procedures for the preparation and submission of the report when more than one person is the generator of the same waste.

(c) Any generator who fails to report as required by this section shall be fined an amount not to exceed \$5,000 for each day of noncompliance and may be required to forfeit any right, license, permit, or privilege to possess radioactive materials in the District.

(d) Beginning on July 1, 1991, and on April 1 of each subsequent year, the Mayor shall submit to the Council of the District of Columbia, a report that summarizes and categorizes by type of generator, the nature, characteristic, and quantity of waste generated in the District during the previous calendar year.

(Mar. 7, 1991, D.C. Law 8-226, § 3, DCR 219; Apr. 18, 1996, D.C. Law 11- 110, § 17, 43 DCR 530.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-3702.

##### *Legislative History of Laws*

For legislative history of D.C. Law 8-226, see Historical and Statutory Notes following § 8-1501.

Law 11-110, the "Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-485, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 26, 1996, it was assigned Act No. 11-199 and transmitted to both Houses of Congress for its review. D.C. Law 11-110 became effective on April 18, 1996.

##### *Delegation of Authority*

Delegation of authority pursuant to D.C. Law 8-226, the District of Columbia Low-Level Radioactive Waste Generator Regulatory Policy Act of 1990, see Mayor's Order 2007-126, May 31, 2007 (54 DCR 9065).

## **§ 8-1503. REGISTRATION; FEE.**

(a) Pursuant to rules issued by the Mayor in accordance with § 8-1506, beginning in 1991, any person who generates waste in the District shall register annually with the Mayor on a form prescribed by the Mayor and pay an annual registration fee to be established by the Mayor. Any generator who fails to register as required by this section shall be fined an amount not to exceed \$5,000 for each day of noncompliance and may be required to forfeit any right, license, permit, or privilege to possess radioactive materials in the District.

(b) Any registration issued pursuant to this section shall be issued as a Public Health: Radioactive Equipment endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of Chapter 28 of Title 47.

(Mar. 7, 1991, D.C. Law 8-226, § 4, 38 DCR 219; Apr. 20, 1999, D.C. Law 12-261, § 2003(n), 46 DCR 3142; Oct. 28, 2003, D.C. Law 15-38, § 3(n), 50 DCR 6913.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-3703.

##### *Effect of Amendments*

D.C. Law 15-38, in subsec. (b), substituted "Public Health: Radioactive Equipment endorsement to a basic business license under the basic" for "Class A Public Health: Radioactive Equipment endorsement to a master business license under the master".

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3(n) of Streamlining Regulation Emergency Act of 2003 (D.C. Act 15-145, August 11, 2003, 50 DCR 6896).

*Legislative History of Laws*

For legislative history of D.C. Law 8-226, see Historical and Statutory Notes following § 8-1501.

Law 12-261, the "Second Omnibus Regulatory Reform Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

For Law 15-38, see notes following § 8-111.03.

## **§ 8-1504. FUND; ASSESSMENT.[REPEALED]**

(Mar. 7, 1991, D.C. Law 8-226, § 5, 38 DCR 219; Sept. 14, 2011, D.C. Law 19-21, § 9069, 58 DCR 6226.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 6-3704.

*Legislative History of Laws*

For legislative history of D.C. Law 8-226, see Historical and Statutory Notes following § 8-1501.

For history of Law 19-21, see notes under § 8-102.03.

## **§ 8-1505. CITIZEN RIGHT OF ACTION.**

Any person aggrieved by the failure of a generator of low-level radioactive waste in the District to comply with this chapter may sue for relief in any court of competent jurisdiction. The court may grant any declaratory or injunctive relief it deems necessary. Reasonable attorney's fees and court costs may be awarded to the prevailing party, other than the District government, for actions brought under this section.

(Mar. 7, 1991, D.C. Law 8-226, § 6, 38 DCR 219.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 6-3705.

*Legislative History of Laws*

For legislative history of D.C. Law 8-226, see Historical and Statutory Notes following § 8-1501.

## **§ 8-1506. RULES.**

By May 1, 1991, the Mayor shall, pursuant to subchapter I of Chapter 5 of Title 2, issue rules to implement the provisions of this chapter including rules regarding rates, fee and payment schedules, registration forms, reporting guidelines, and other operational provisions deemed necessary to fully implement and enforce the provisions of this chapter.

(Mar. 7, 1991, D.C. Law 8-226, § 7, 38 DCR 219.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 6-3706.

*Legislative History of Laws*

For legislative history of D.C. Law 8-226, see Historical and Statutory Notes following § 8-1501.

*Delegation of Authority*

Delegation of authority pursuant to D.C. Law 8-226, the District of Columbia Low-Level Radioactive Waste Generator Regulatory Policy Act of 1990, see Mayor's Order 2007-126, May 31, 2007 (54 DCR 9065).