Public Law 90-440

July 30, 1968
[S. 1941]

AN ACT

To prevent, abate, and control air pollution in the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of Columbia Air Pollution Control Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "District of Columbia Air Pollution Control Act".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act to enable the District of Columbia Council and the Commissioner of the District of Columbia to take such action (including the adoption of air pollution control regulations of the type proposed in the model air pollution control ordinance adopted by the Metropolitan Washington Council of Governments) as may be necessary to protect and enhance the quality of the District of Columbia's air resources so as to promote the public health and welfare and the productive capacity of its population; to foster their comfort and convenience; and to increase the enjoyment of all of the attractions of the Nation's Capital.

EMISSION AND AIR QUALITY STANDARDS ESTABLISHED BY THE DISTRICT OF COLUMBIA COUNCIL

SEC. 3. (a) (1) The District of Columbia Council (hereafter referred to in this Act as the "Council") shall prescribe (A) within six months after the date of the enactment of this Act regulations to control emissions in the District of Columbia of substances into the atmosphere, and (B) such other regulations to protect and improve air quality in the District of Columbia as it determines are necessary to carry out the purposes of this Act.

(2) In carrying out clause (A) of paragraph (1) of this subsection, the Council shall prescribe regulations for the control of the following air pollution problems in the District of Columbia:

(A) combustion of fuels at stationary sources,
(B) solid waste disposal and salvage operations,
(C) visible emissions,
(D) process emissions, and
(E) emissions from motor vehicles (including diesel driven vehicles).

Minimum standards.

The provisions of such regulations shall be at least as stringent as the provisions of the recommendations made by the Secretary of Health, Education, and Welfare for the control of such problems and contained in his recommendations for abatement of air pollution in the National Capital metropolitan area presented in January 1968 to the interstate air pollution abatement conference called under section 105(d)(1)(C) of the Clean Air Act (42 U.S.C. 1857d).

81 Stat. 494.

Review and revision.

(3) The Council may review and make such revisions of regulations prescribed under this Act as it determines are necessary to carry out the purposes of this Act, except that any regulation prescribed under clause (A) of paragraph (1) of subsection (a) shall be so reviewed at least once every two years.

Federal property.

(4) The regulations prescribed by the Council under this Act shall apply to any building, installation, or other property, which is located in the District of Columbia and which is under the juris-

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diction of any department, agency, or instrumentality of the United States Government, only to the extent provided in Executive Order 11282 of May 26, 1966, any other Executive order of the President, and any Federal regulations, issued to carry out section 111 of the Clean Air Act (42 U.S.C. 1857f). 42 USC 1857f note. 81 Stat. 499.

(5) The Council may impose in any regulation prescribed under this Act a fine (not to exceed $300) or imprisonment (not to exceed ninety days), or both, for a violation of such regulation; and may provide that if such violation is a continuing one, each day of such violation shall constitute a separate offense. Penalties.

(b) In the formulation of any regulations under this Act, the Council shall afford interested persons an opportunity to participate in the formulation of such regulations through submission of written data, views, or arguments with opportunity to present oral testimony and argument. The Council shall make its regulations under this Act on the basis of the record established in proceedings held pursuant to this subsection. Public participation.

AIR POLLUTION CONTROL PROGRAM FOR THE DISTRICT OF COLUMBIA

SEC. 4. (a) The Commissioner of the District of Columbia (hereafter referred to in this Act as the "Commissioner") shall take such action as may be necessary to prepare a comprehensive program for the control and prevention of air pollution in the District of Columbia. Such program shall provide for the administration and enforcement by the Commissioner of the regulations prescribed by the Council under section 3 of this Act. As part of such program, the Commissioner— Duties of Commissioner.

(1) shall conduct research, investigations, experiments, training demonstrations, surveys, and studies, relating to the causes, effects, extent, prevention, and control of air pollution in the District of Columbia;

(2) shall collect and make available, through publications, educational and training programs, and other appropriate means, the results of, and other information pertaining to, the activities carried out under paragraph (1);

(3) shall establish, in accordance with such regulations as the Council may prescribe, such procedures as may be necessary to enable him (acting by himself or with air pollution control agencies of surrounding jurisdictions) to effectively deal with an air pollution emergency; and Emergency powers.

(4) may advise, consult, cooperate, and enter into agreements with the governments and agencies of any State or political subdivision thereof adjacent to the District of Columbia and any interstate or other regional agency representing any such State or political subdivision to (A) establish cooperative effort and mutual assistance for the prevention and control of air pollution and the enforcement of their respective laws relating thereto, and (B) establish such agencies as may be necessary to carry out such agreements. Cooperation with adjacent jurisdictions.

(b) For the purpose of carrying out his duties under this Act, the Commissioner may—

(1) delegate the performance of such duties to an agency of the government of the District of Columbia, designated or established by him; Delegation of authority.

(2) issue such orders as may be necessary to enforce the regulations prescribed by the Council under this Act and enforce such orders by all appropriate administrative and judicial proceedings, including injunctive relief; Enforcement.

(3) hold hearings relating to the administration of this Act;

(4) secure necessary scientific, technical, administrative, and operational services, including laboratory facilities, by contract, or otherwise;

(5) receive and administer grants or gifts made for the purpose of carrying out the purposes of this Act; and

(6) take any other action which may be necessary to carry out his duties under this Act.

JUDICIAL REVIEW

D.C. Court of Appeals, jurisdiction.
77 Stat. 485; 78 Stat. 633.

SEC. 5. Section 11–742(a) of the District of Columbia Code is amended—

(1) by striking out "and" at the end of paragraph (9),

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and", and

(3) by adding after paragraph (10) the following:

"(11) Any agency action taken by the Commissioner of the District of Columbia or the District of Columbia Council under the District of Columbia Air Pollution Control Act.

"Agency action."
80 Stat. 383.

For purposes of paragraph (11) of this subsection, the term 'agency action' shall have the same meaning that is given that term in section 551(13) of title 5 of the United States Code."

REPEAL OF ACT OF AUGUST 15, 1935

SEC. 6. Effective on the one hundred and eightieth day following the date of the enactment of this Act, the Act approved August 15, 1935 (D.C. Code, secs. 6–801—6–804), is repealed.
49 Stat. 653.

Approved July 30, 1968.

Public Law 90-441

July 30, 1968
[S. 3456]

AN ACT

To provide that the prosecution of the offenses of disorderly conduct and lewd, indecent, or obscene acts shall be conducted in the name of and for the benefit of the District of Columbia.

D.C. Disorderly and obscene acts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 932 of the Act approved March 3, 1901 (31 Stat. 1340), as amended (D.C. Code, sec. 23–101), prosecutions for violations of sections 5 and 6 of the Act approved July 29, 1892 (27 Stat. 323), as amended by the Act approved July 8, 1898 (30 Stat. 723), and section 210 of the Act approved June 29, 1953 (67 Stat. 97; D.C. Code, sec. 22–1107), relating to disorderly conduct, and for violations of section 9 of such Act approved July 29, 1892, as amended by section 202 of such Act approved June 29, 1953 (67 Stat. 92; D.C. Code, sec. 22–1112), relating to lewd, indecent, or obscene acts, shall be conducted in the name of the District of Columbia by the Corporation Counsel or his assistants.

Approved July 30, 1968.