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## Legal consequences of classification of waste as hazardous waste

**Workshop “Practical implications of the application of CLP concentration limits on the hazardous properties of waste”**  
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## Overview



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### Relevant EU-legislation

- Waste Framework Directive
- Scrap Metal -End of Waste Regulation
- Waste Shipment Regulation
- Landfill Directive
- Landfill-Decision
- Industrial Emissions- Directive
- Environmental Impact Assessment Directive
- Seveso II - Directive

## Waste Framework Directive – WFD (2008/98/EC)



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### Definition of “hazardous waste“ (Art. 3 point 2)

Waste which displays one or more of the hazardous properties listed in Annex III

### List of waste (Art. 7)

- includes hazardous waste
- binding as regards determination of hazardous waste

### Determination on national level

- Waste, not listed as hazardous waste, displaying one or more hazardous properties
- Waste, listed as hazardous waste, displaying none of the hazardous properties

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## Waste Framework Directive – WFD (2008/98/EC)



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### Provisions applicable to hazardous waste

- Control of hazardous waste (Art. 17)
  - Traceability from production to final destination
- Ban on the mixing of hazardous waste (Art. 18)
  - Principle - no mixing either with other categories of hazardous waste or with other waste, substances or materials.
  - No dilution
- Labelling of hazardous waste (Art. 19)
  - Packaging and labelling in accordance with the international and Community standards
  - Identification document accompanying a transfer of hazardous waste within a member state

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## Waste Framework Directive – WFD (2008/98/EC)



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- Permit for waste treatment (Art. 23-25)
  - Exemptions from permit requirements in case of hazardous waste only for recovery operations
- Inspections (Art. 34)
  - establishments or undertakings which produce hazardous waste
- Record keeping (Art. 35)
  - producers of hazardous waste
  - establishments and undertakings which collect or transport hazardous waste on a professional basis
  - dealers and brokers of hazardous waste

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## End of Waste Regulation - Scrap metal ((EU) No 333/2011)



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### Quality of waste used as input for the recovery operation:

Hazardous waste shall not be used as an input

- except all hazardous properties can be removed by the treatment process

### Quality of scrap resulting from the recovery operation:

The scrap

- shall not display any of the hazardous properties
- shall comply with the concentration limits laid down in the List of Waste – Decision
- does not exceed the concentration limits laid down in Annex IV to the POP – Regulation

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## Waste shipment Regulation ((EC) No 1013/2006)



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### **Shipment subject to the general information requirements**

Green listed waste

### **Shipments subject to the procedure of prior written notification and consent**

Green listed waste displaying hazardous characteristics (listed in Annex III of WFD)

See also chapeau of Annex III

## Waste shipment Regulation ((EC) No 1013/2006)



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### **Exports prohibition (Art. 36)**

Exports of the following wastes destined for recovery in countries to which the OECD Decision does not apply are prohibited:

- wastes listed as hazardous in Annex V (list of waste)
- wastes listed in Annex V, Part 3;
- hazardous wastes not classified under one single entry in Annex V;
- mixtures of hazardous wastes and mixtures of hazardous wastes with non-hazardous wastes not classified in Annex V;
- wastes that the country of destination has notified to be hazardous under Article 3 of the Basel Convention;

## Landfill - Decision (2003/33/EC)



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### Landfilling options for hazardous waste

- Placement of stable, non-reactive hazardous waste in landfill for non-hazardous waste

If the waste is

- hazardous
- the treatment may have enabled the waste to meet the criteria for placement of **stable, non-reactive** hazardous waste in non-hazardous waste landfills within cells for inorganic waste with low organic/biodegradable content ...

The waste may be granular (rendered chemically stable) or solidified/monolithic.

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## Landfill - Decision (2003/33/EC)



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- Hazardous waste landfill

If the waste is

- Hazardous
- does not meet the criteria for placement in a class B1b landfill or cell for non-hazardous waste,
- meets the criteria for acceptance at a landfill for hazardous waste (class C).

If the criteria for acceptance at a hazardous waste landfill are not met, the waste may be subjected to further treatment and tested again against the criteria, until they are met.

- Underground storage for hazardous waste

the waste meets criteria for underground storage.

If the underground storage criteria are not met, the waste may be subjected to further treatment and tested again.

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## Directive on the landfill of waste (1999/31/EC)



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### Wastes not accepted in a landfill Art. 5 (3)

...

(b) Waste which, in the conditions of landfill, is explosive, **corrosive**, oxidising, high flammable or flammable as defined in Annex III to WFD

(c) Hospital and other clinical wastes arising from medical or veterinary establishments, which are infectious as defined (property H9 in Annex III) by WFD ...

## Directive on industrial emissions (integrated pollution prevention and control) 2010/75/EU



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Replaces inter alia the

- **IPPC-Directive** (2008/1/EC) and
- **Waste Incineration Directive** (2000/76/EC)

Deadline for implementation: 7 January 2013

## Directive on industrial emissions (integrated pollution prevention and control) 2010/75/EU



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### IPPC - Integrated pollution and prevention control

#### Categories of waste management activities on which the IPPC-requirements are applicable

5.1 **Disposal or recovery of hazardous waste** with a capacity **exceeding 10 tonnes** per day involving one or more of the following activities:

- (a) biological treatment;
- (b) physico-chemical treatment;
- (c) blending or mixing prior to submission to any of the other activities listed in points 5.1 and 5.2;
- (d) repackaging prior to submission to any of the other activities listed in points 5.1 and 5.2;
- (e) solvent reclamation/regeneration;
- (f) recycling/reclamation of inorganic materials other than metals or metal compounds;
- (g) regeneration of acids or bases;
- (h) recovery of components used for pollution abatement;
- (i) recovery of components from catalysts;
- (j) oil re-refining or other reuses of oil;
- (k) surface impoundment.

## Directive on industrial emissions (integrated pollution prevention and control) 2010/75/EU



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#### Categories of waste management activities on which the IPPC-requirements are applicable

5.2. Disposal or recovery of waste in **waste incineration** plants or in waste co-incineration plants:

- (a) for non-hazardous waste with a capacity exceeding 3 tonnes per hour;
- (b) for **hazardous waste** with a capacity exceeding **10 tonnes** per day.

...

5.5. **Temporary storage of hazardous waste** not covered under point 5.4 pending any of the activities listed in points 5.1, 5.2, 5.4 and 5.6 with a total capacity exceeding 50 tonnes, excluding temporary storage, pending collection, on the site where the waste is generated

5.6. **Underground storage of hazardous waste** with a total capacity exceeding 50 tonnes

## Directive on industrial emissions (integrated pollution prevention and control) 2010/75/EU



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### Waste incineration

#### • Control of emissions (Art. 46 (2))

Co-incineration - more than 40 % of the resulting heat release comes from **hazardous waste**

- Emission limit values for waste incineration are applicable and not for co-incineration

#### • Operating Conditions - Temperature (Art. 50)

Incineration or co-incineration of **hazardous waste** with a content of more than 1 % of halogenated organic substances, expressed as chlorine,

- Temperature has to be at least 1 100 °C instead of 850 °C

## Directive on industrial emissions (integrated pollution prevention and control) 2010/75/EU



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#### • Delivery and reception of hazardous waste (Art. 52)

Obligations **prior to accepting hazardous waste**

- Collection of information about the waste for the purpose of verifying compliance with the permit requirements
- Check of documents required by WFD, Waste shipment regulations and legislation on transport of dangerous goods
- Taking of representative samples, before unloading, to verify conformity with the information by carrying out controls and to enable the competent authorities to identify the nature of the wastes treated



## Directive on the assessment of the effects of certain public and private projects on the environment (85/337/EEC)



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### Projects subject to an assessment

- Waste disposal installations for the
  - incineration,
  - chemical treatment as defined in Annex IIA to WFD (D9), or
  - landfill
- of **hazardous waste**

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## Directive on the control of major-accident hazards involving dangerous substances – Seveso II (96/82/EC)



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### Major-accident prevention obligations for

establishments where dangerous substances are present in specific quantities

### dangerous substance

substance, mixture or preparation listed in Annex 1, Part 1, or Part 2, and present as a raw material, product, by-product, residue or intermediate, ...

### Annex 1

- Part 1 - list of named substances
- Part 2 - substances and preparations displaying hazardous properties

**waste**, displaying equivalent properties in terms of major-accident potential  
- **considered as preparation**

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**Thank you for your attention!**

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**Information - Austrian waste law:**

➤ [www.umweltnet.at](http://www.umweltnet.at) – Abfall