

The fight against aberrations in waste management

"In response to emerging aberrations in waste management and the scale of the issue, as evidenced by the increase in statistics on landfill fires, we have prepared proposals for legislative changes to counteract such situations in the future. They were included in the draft laws on waste management and the Environmental Protection Inspectorate," said Henryk Kowalczyk, Minister of Environment.

During the meeting of the Council of Ministers on 29 May this year, the Prime Minister directed the Minister of Environment to urgently prepare proposals of changes in the regulations concerning waste management in connection with fires of stored waste.

"The amendments to the existing legislation prepared by the Ministry of Environment are aimed at tightening up the waste management system and reducing the number of cases of illegal conduct. In particular, the new legislation aims at reducing the phenomenon of fires of stored waste," said Minister Henryk Kowalczyk.

Proposed solutions - amendments to the Waste Act

The project assumes, among other things, the introduction of financial guarantees for entities active in the fields of waste collection, storage and treatment (approx. 15,000 entities).

"The guarantee will be provided prior to the commencement of activities and will cover waste collection, storage and treatment until the end of waste management activities, which will prevent the abandonment of waste upon ceasing activity," Minister Henryk Kowalczyk emphasised.

As he added, the guarantee also applies to activities related to inadequate fire protection (arson control mechanism). Its amount will depend on the weight and type of waste.

The minister also stressed that the new legislation will also introduce the obligation to implement video monitoring of waste storage facilities. This will facilitate the supervision of waste management activities and, in the event of a fire, help to identify the cause and possible perpetrators.

Specific requirements will also be introduced for the collected waste by indicating the permissible mass of collected and stored waste, the maximum mass of waste stored at the same time and fire protection measures in administrative decisions.

Sławomir Mazurek, Vice-Minister of Environment, informed that the draft law also proposes to reduce the permitted storage period of waste from 3 years to 1 year.

"The three-year storage period of waste allows a significant accumulation of waste, which in the event of abandonment or fires exacerbates the problem with managing such waste," he stressed.

The accumulation of too much waste over a period of three years may lead to illegal behaviours, such as arson, in order to get rid of the problem. Shortening the storage period will force business owners to be more active in seeking outlets for waste.

The draft law also provides for a change in the scope of powers of environmental protection authorities to issue permits for waste collection – in the event that the total capacity of the installation or another waste storage site exceeds 3,000 tonnes per year, the Voivodeship Marshal will be the competent authority to issue such permit.

Moreover, the issuance of a waste collection or treatment permit will depend on obtaining a positive opinion of the State Fire Service prior to commencing waste management activities.

The proposed provisions also extend the grounds for refusing to grant a waste management permit to natural and legal persons. They will not be issued if the amount and form of the financial security do not ensure coverage of the costs of waste management or if the entity has already been fined in the past.

A requirement to have a legal title to the real estate in the form of an ownership deed will also be introduced in the new law. The aim of this solution is to reduce the instances of managing waste in a manner inconsistent with the applicable regulations and to facilitate the enforcement of regulations and the activities of entities in accordance with administrative decisions issued by administrative bodies.

The new laws also envision the introduction of criteria for administrative penalties for the illegal collection, storage and processing of waste. They will be based on the amount of accumulated waste, for which the entity will be penalised – the formula for calculating the fine is the amount of waste accumulated multiplied by the fee rate.

In addition, the sanctions for “repeat offenders” – entities that suffered from multiple fires – will be exacerbated by applying an additional multiplier, allowing the authorities to increase the fine.

The draft amendment also provides for tightening and elaborating on the regulations concerning cross-border waste shipments. This includes a total ban on the import of waste for disposal at the statutory level, as well as the import of municipal waste and waste resulting from the processing of municipal waste to Poland. There will also be a significant increase in the stamp duty on waste imports to Poland.

The proposals for legislative changes also concern the possibility for control bodies to carry out effective supervision of waste shipment activities. This means that the police will be authorised to control waste shipments.

Strengthening the Environmental Protection Inspectorate - draft act on the EPI

The draft act provides for strengthening the effectiveness of audit activities of the Environmental Protection Inspectorate by enabling the so-called cross-checks to be carried out in the areas of illegal activities, which cover the area of several voivodeships. Their implementation will be carried out by specialised teams consisting of inspectors from various voivodeship environmental protection inspectorates.

The proposed regulations also provide for the introduction of the possibility for environmental protection inspectors to perform inspections round-the-clock (shift work) and increasing staffing of the Inspectorate.

They also provide that intervention audits are to be carried out without prior notice of the intention to do so.

The new law also proposes extending the powers of the EPI inspectors during the audits. These include the ability to carry out audit activities using drones.

The project also provides for the possibility of issuing decisions suspending activities which pose a threat to the health or life of people or a threat to the environment with an order of immediate enforceability by the voivodeship environmental protection inspectorate during the audits.

The new draft also proposes introducing the possibility of exploratory activities aimed at detecting illegal environmental practices, including waste management.

In addition, procedures will be put in place in order to specify how to deal with detained waste vehicles infringing on the existing regulations and the waste itself. Inspectors of the EPI will be provided with assistance of other control bodies or the Police in the course of performing audits and checks.

The proposed changes will also cover the issues of environmental monitoring. A central research laboratory will be established within the structure of the Chief Inspectorate of Environmental Protection, with specialised branches operating supra-regionally, which will allow for optimisation and flexibility in conducting monitoring studies and carrying out measurements and analyses for the purposes of audit activities.

About waste fires

Recently, the occurrence of fires in waste storage facilities has increased significantly. Although the direct causes of their fires are still being investigated, at least in places where waste is illegally stored it can be assumed that deliberate arsons have taken place in order to dispose of waste.

The State Fire Service confirms the worrying increase in statistics on fires in such facilities: 59 in 2010, around 100 in 2013 and 2014, and 130 and 150 in 2016 and 2017, respectively. By the 28th of May this year, there were already 85 interventions related to such fires, which means a significant increase compared to previous years.

