

Hazardous waste handling in intermediate depots and landfills

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Summary

Incorrect handling of hazardous waste can lead to major environmental pollution. Pursuant to the Basel Convention on the control of transboundary handling of hazardous wastes and their landfill, it is the duty of each state to take all measures to ensure the safe handling of hazardous waste.

In Estonia, this issue is managed by the Ministry of the Environment along with its structural units and authorities in its area of government. In order to guarantee safe handling, legislative requirements are established for persons handling hazardous waste, waste handlers are licenced, their activities are monitored and they are penalised, if necessary. The NAO audited the Ministry's activities in this regard. Handling of hazardous waste generated by oil shale processing was not inspected.

According to the waste reporting information system, a total of 636,000 tons of waste were generated in Estonia in 2002-2004 (not including waste from oil shale processing), whereof 161,000 tons were recycled. However, official information on the generation of hazardous waste and its handling amounts is not comprehensive. In reality, more waste is generated, since all waste does not reach competent handlers.

In Estonia, it is currently possible to handle almost all hazardous wastes that are generated here. If handling is not possible, the waste is sent to be handled in other countries. All hazardous waste is handled by private operators. As of August 2005, there were 72 licenced operators in Estonia.

With the help of its own and foreign financing, the government has established and furnished the first modern handling centres for hazardous waste in Tallinn and Vaivara, thus successfully completing the task of launching a handling system for hazardous waste (and include private businesses). The state has invested over 150 million kroons in hazardous waste handling, received both from the state budget and as foreign aid (incl. for the establishment of Vaivara landfill). Most of the works planned ten years ago with the help of foreign experts in order to establish a hazardous waste handling system have been or are being completed. In general, the Ministry of the Environment and its sub-units have managed to fulfil the tasks assigned to them.

However, the state does not have solid information as to all quantities of hazardous waste and their handling. Only a part of hazardous waste generators and waste quantities get the attention of state authorities. There are also several shortcomings in the organisation and monitoring of waste handling, which is why the NAO is of the opinion that the risks regarding hazardous waste have not yet been sufficiently managed.

Main observations

- When granting licences and waste permits for hazardous waste handling the risks related to handling are not always assessed. Of the audit sample of 48 licences and 82 permits there were only 5 cases when an outside expert was required to assess the environmental impact. In most cases the entrepreneur's own descriptions on the planned activity's environmental impact were accepted, even when the obligation to assess the environmental impact was directly due to the Environmental Impact Assessment and Environmental Auditing Act.
- The waste permits of hazardous waste handlers in the audit sample mostly lacked environmental monitoring requirements (present in only 14 of 82 permits). Due to the uncertainty of environmental monitoring requirements there exists no reliable overview of the actual environmental impact of waste handling.
- One of the requirements for granting a handling licence is that the operator should have trained staff to perform the activities allowed by the licence. No exact criteria is established for the assessment of their competence. Licenced operators do not have to inform the licensor if his specialists change, the specialists' insufficient competence is not an enough reason for the suspension or revocation of the licence. Thus, it is not impossible that in some businesses the hazardous waste is handled by incompetent staff.
- As the licences and waste permits lack or have uncertain requirements for the waste handler and waste management facility, the monitoring authorities can not always prove that the waste handler does not adhere to the requirements of the handling licence and/or waste permit. In

part it is due to the fact that monitoring authorities do not possess sufficient knowledge for dealing with the problems of this often technically complex area. The complexity of the area and weakness of legislative drafting can be illustrated by the fact that the hazardous waste handling licence of AS Masp could only be suspended two years after the conflagration even though it brought along pollution and partial destruction of the handling premises.

- Most of the hazardous waste is being handled by companies with private capital. According to the EEIC, only about 5% of all accounted hazardous waste is currently handled in centres established by the state (not including the waste of oil shale processing). In these centres operates a company based on private capital which the state has not subjected to any requirements regarding the types of handled waste. The state's financial income from these centres is not worth mentioning compared to the profits of the company.

Main proposals to the Minister of the Environment

- Find out how much hazardous waste remains uncollected and take measures to reduce the proportion of unhandled waste.
- Take measures (changing the structure of the organisation, if necessary), to improve the competence of environmental authorities in the area of waste handling. This assists the environmental authorities in deciding whether it is necessary to assess the environmental impact in the handling premises of hazardous waste; establish environmental requirements (incl. monitoring requirements) for handling premises; assess the conformity of the planned waste handling technology and equipment with the criteria of the best possible technique and the competence of specialists handling waste. If such a qualitative change is not considered possible in the near future, help environmental authorities and monitoring officials more effectively in dealing with problems regarding hazardous waste. For this
 - prepare instructions in Estonian, based on the best possible description of waste handling technique of the EU. Also prepare instructions for the establishment of environmental monitoring requirements and assessment of waste handling facilities;
 - establish procedures and criteria for the assessment of waste handling facilities, technology and equipment submitted in the applications for handling licences and waste permits and the conformity with the best possible technique and requirements as well as the competence of the specialists having an employment relationship with them.
- When granting licences and waste permits for hazardous waste handling require the assessment of environmental impact (incl. impact on health) in all cases provided by law and consideration of assessment in other cases. This helps to reduce the environmental impact of the planned activity and helps to establish environmental requirements in hazardous waste handling licences and waste permits.
- Establish requirements for the operators of the Tallinn, Vaivara and Tartu assembly centres regarding the list of handled waste and prices of services in order to provide such services through these centres which the other waste handlers do not provide on economic grounds. If this is not considered necessary, transfer the assets of said centres either partially or completely (maintaining the Vaivara hazardous waste landfill as state asset). Abandoning the activity of leasing the assembly centres' assets enables the state authorities to pay more attention to the general organisation of hazardous waste handling.

The Minister of the Environment stated that he does not concur with a lot of information presented in the report and/or observations and proposals made on the basis of it, and that he considers them impractical and superficial.

At the same time the Minister did not contest any particular fact presented in the audit report. In several cases he contested viewpoints and statements not presented in the audit report.

The Minister admits to the shortcomings in establishing requirements for handlers in waste permits and monitoring the handlers' activities. In his opinion, the shortcomings are mainly caused by the complexity of problems the officials have to deal with in the course of these activities, but he does not consider it necessary or possible to provide the officials with more precise instructions. The Minister is of the opinion that it is a priority to improve the officials' training so that they would be able to exercise the right of discretion authorised by legislation in a more effective way. The NAO concurs that improving the officials' competence is essential in order to improve the environmental requirements in hazardous waste handling

licences and waste permits, but considers the preparation of instructions to be a part of competence enhancement.

The Minister is of the opinion that the prices of hazardous waste handling can only be kept at levels acceptable for waste producers with the help of state support. The NAO does not find the Minister's explanations on why it is necessary to keep the centres established by the state in state ownership to be sufficiently reasoned. The NAO feels that instead of acting as the owner of the centres the state has numerous other possibilities to support waste handling and the Ministry of the Environment should one more time thoroughly analyse the long-term advantages and disadvantages of the partial or complete transfer of said centres.

The full texts of the Minister's reply as well as of the reply of the Deputy Director General of the Environmental Inspectorate have been appended to the audit report.

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