Landfill of waste: minimum standards

1991/0335(SYN) - 06/10/1995 - Council position

The common position incorporated a number of amendments by the European Parliament and adopted by the Commission in its amended proposal, which: - reiterated the polluter pays principle and the financial guarantee; - included the qualifications of operators in order to safeguard proper application of the directive; - amended the definition of leachate; - included the obligation to report annually on the content of the permit; - incorporated some of the conditions for mixed disposal; - amended the definition of infectious waste; - included notification of non-acceptance of waste to the relevant authority; - laid down a transitional period for implementing the site conditioning plan for existing landfills; - required vocational training for operators; - amended the definition of mono-landfills; - introduced specific requirements for mono-landfills, - prohibited the mixing of waste; - defined the site operator's role in the closure process; - included analysis of gases and leachate following closure; - included a reference to the geology in the requirements concerning the location of landfills; - added a reference to environmental impact studies; - added verification of waste identification documents; - granted gas collection exemptions following an impact study; - included insects under nuisance. It should be noted that fifteen amendments accepted by the Commission were not included in the common position as the directive has now been redrafted in less detail in compliance with the principle of subsidiarity. For the rest, the Council made numerous changes to the amended proposal with regard to the following aspects: * General: legal basis changed (Article 130 S of the EC Treaty); reminder of the priority given to prevention and to the recycling and re-use of waste; reminder that the very practice of landfill may be harmful to the environment; landfills limited to waste whose reactivity can at least be controlled. * Definitions: deletion of the terms "commercial and corporate waste"; deletion of the definition of "industrial waste"; change in the definition of "hazardous waste", "inert waste" and "landfill"; addition of the definitions of "non-hazardous waste", "joint disposal" and "underground storage". * Scope: the directive specifies activities which may, by extension, be considered as landfill but which are not (e.g.: spreading sludge on agricultural land). These activities and the spreading of unpolluted dirt are excluded from the scope, as is the spreading of sludge along the banks of small waterways. Because of their isolation, derogations have been granted to small islands, mountain zones with poor access and rural zones. Derogations also apply to underground landfills. * Waste and unacceptable treatment at a landfill: possibility for Member States to introduce additional bans; ban on landfill of liquid waste except in the case of mono-landfills or mixed landfills; * Acceptable waste in the various categories of waste: abolition of the possibility of dumping dangerous waste in another landfill; taking account of the possibility of creating mono-landfills for inert or non-dangerous waste. * Mixed disposal: there is no longer a straightforward ban on mixed disposal, but there are precise and strict conditions under which this practice is allowed. * Conditions governing permits: inclusion of requirement to train landfill staff; new paragraph on financial guarantees. * Content of permit: more explicit wording; reference to the category of landfill; deletion of the paragraph on amendments to the permit. * Closure procedure: a) the owner can no longer apply for closure but the decision by the competent authority must be reasoned; b) the length of time during which the operator is responsible for monitoring the site is no longer fixed, but the role of the operator and the authorities in the event of hazardous effects are set out; * Deletion of articles 14, 17 and 18 of the amended proposal (operator's civil liability, financial guarantee, ex-post landfill management fund); * Annex I - General requirements: a) the directive leaves it to the relevant authorities to stipulate the conditions governing the location and arrangements for the site but lays down the characteristics of the site to which these conditions apply; b) as far as water control and leachate management are concerned, a reference has been added to measures to be taken to limit penetration by precipitations; c) as far as soil protection is concerned, the directive requires a bottom liner in addition to the geological barrier; c) provision is also made for requirements for surface sealing. * Annex II - Waste acceptance criteria and procedures: until the committee lays down standardized methods for analyzing waste and limit values for its properties, Member States should draw up national lists of waste which can be accepted or refused by category of landfill, together with other criteria governing such lists; definition of the bases for the committee's work, which should be completed within 3 years. * Annex

III - Control procedures: a) the definition of the objectives has been improved; b) meteorological data are also recommended in cases where hydrological surveys are carried out; c) sampling points for controlling the quality of surface water are defined; d) as far as groundwater is concerned, it is up to the relevant authorities to select the parameters; e) compulsory hydrological surveys are abolished.