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MINISTRY OF THE ENVIRONMENT

Implementing Waste Directive - good to know?

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- Waste framework Directive (WFD)

- New Waste directive (2008/98/EC)
 - national implementation before end of 2010
- Interesting issues
 - Review if the list of wastes (LoW)
 - In comitology
 - Work is based on a report of a counsltant
 - Scope

● ● ● ● **Review of the List of Waste**

- **Interesting for soil: is it hazardous waste or not?**
- **Some reasons behind the review:**
 - Waste Framework Directive (WFD) 2008/98, Annex III
 - new H-criterion “sensitizing”
 - Link to legislation on chemicals up-dated
 - adaptation of LoW to the new legislation on chemicals (CLP-regulation)
 - Simplifying and streamlining
 - Characterization of those H-criteria, which now do not have binding definitions
 - Specific limit values to some substances
 - [Review of the waste codes]

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- H-criteria which now do not have binding definitions

- H9 - Infectious
- H12 - release of toxic or very toxic gas
- H14 - ecotoxic
- H15 (old H13) - yielding another substance after disposal

● Infectious

- Amendment of WFD, Annex III: „*wastes containing viable microorganisms* or their toxins which are known or reliably believed to cause disease in man or other living organisms“
- List of origins and waste types which can be infectious
- This definition is already used in UK

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- # Ecotoxic

- CLP/REACH would be the basis for the characterisation
 - The limit values from chemical regulation would become obligatory
 - very challenging for metals (heterogenous matrix)
- Introduction of a fixed test battery for biotests as an additional approach into LoW
 - If the limit values can not be applied to a certain waste
 - Preparation of limit values by national test programmes
 - European Ring Test
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● Substace spesific limit values

- Proposals for POPs and tar (consultant):
 - Dioxin 10 000 ng I-TEQ/kg
 - Seven pesticides 2,5-25 mg/kg (EC POP-regulaton 50 mg/kg)
 - PCB 50 mg/kg (like in PCB-directive)
- TAR – limit value would be set after scientific study
 - Probably based on benso(a) pyren

• • • Scope

- Article 2 (Scope)
 - Para 1(b): Land (in situ) including unexcavated **contaminated soil** and buildings permanently connected with land are excluded from the scope of WFD
 - Para 1(c): Uncontaminated soil and other naturally occurring material excavated in the course of construction activities where it is certain that the material will be used for the purpose of construction in its natural state on the site which it was excavated is also excluded from the scope.
 - what if it is reused somewhere else?



● Helsinki questionnaire

- Do you see any changes in practises due to the WFD?
 - NO: BE/FI, NL, DE
 - Probably NOT: DA
 - YES: SE, FI
 - EoW, By-products

• The Finnish solution?

- New Waste Act (only some drafting exists)
 - Exclusion of unexcavated contaminated soil
 - No exclusion for excavated soil which is used on site
 - Authorization to give Government Decrees on EoW-criteria
 - National EoW-criteria for excavated uncontaminated soil
 - Soils which are excavated from areas that are not suspected to be contaminated
 - Soils which are excavated from possible contaminated areas
 - Contaminated soils shall remain under waste legislation

● End of Waste Criteria (Art 6)

- Certain specified waste shall cease to be waste when it has undergone a recovery, including recycling, operation and complies with specific criteria to be developed in accordance with the following conditions:
 - (a) the substance or object is commonly used for specific purposes;
 - (b) a market or demand exists for such a substance or object;
 - (c) the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products; and
 - (d) the use of the substance or object will not lead to overall adverse environmental or human health impacts.
- The criteria shall include limit values for pollutants where necessary and shall take into account any possible adverse environmental effects of the substance or object.

● Concept of end of waste - JRC

- **Waste stream analysis**

- Existing data, material flows, uses, processes applied, relevant legislation, existing quality assurance schemes, standards, assessment of market

- **Set of criteria**

- Input material
- Processes and techniques
- Product quality
- Potential applications
- Quality control procedures

- **Impact assessment**

- Environmental, health, economic, market, legislative impacts
- ...