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Ministry of Agriculture and  
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Bundesministerium  
für Umwelt, Naturschutz,  
Bau und Reaktorsicherheit

# How to deal with illegal dump sites for Construction and Demolition Waste - CDW (including asbestos and other hazardous substances)

## Kako rešiti problem ilegalnih odlagališta građevinskog i otpada od rušenja (uključujući azbest i druge opasne supstance)

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## Responsibilities – CDW

### Odgovornosti za građevinski i otpad od rušenja

- CDW arises from activities such as:
  - the construction of buildings and civil infrastructure,
  - total or partial demolition of buildings and civil infrastructure,
  - Road/railway planning and maintenance,

at the construction, development and modernisation stage and at the dismantling stage.

- CDW management is under responsibility of construction companies that generate the waste.

- Ova vrsta otpada nastaje iz sledećih aktivnosti:
  - izgradnja objekata,
  - potpuno ili delimično rušenje građevinskih objekata,
  - planiranje i održavanje puteva i pruga,

u fazi izgradnje, proširenja i modernizacije, kao i u fazi demontaže.

- Upravljanje građevinskim i otpadom od rušenja u nadležnosti je građevinskih kompanija koje proizvode ovu vrstu otpada.



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## Definition of waste producer – CDW Definicija proizvođača otpada

### Polish Waste Management Act

- The producer of waste generated from provision of services for construction, demolition and renovation of buildings, cleaning of tanks and equipment as well as cleaning, maintenance and repair, is an entity that provides a service (unless otherwise specified in a contract).
- The owner of waste shall mean the producer of waste or natural person legal entity or organisation without legal entity in possession of waste; it is presumed that a landowner is the owner of the waste in that property.

### Poljski Zakon o upavljanju otpadom

- Proizvođač otpada nastalog pružanjem usluga izgradnje, rušenja i renoviranja građevinskih objekata, čišćenja rezervoara i opreme, kao i čišćenja, održavanja i popravke, je lice koje pruža uslugu (osim ako drugačije nije uređeno ugovorom).
- Vlasnik otpada je proizvođač otpada ili fizičko ili pravno lice ili organizacija koja poseduje neki otpad; podrazumeva se da je vlasnik zemljišta<sup>3</sup> vlasnik i otpada na tom zemljištu.



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## Financing of treatment – CDW

### Finansiranje tretmana građevinskog i otpada od rušenja

- **Producer pays principle** means that the producer is responsible for management of CDW.
- Costs of waste management shall be paid by the primary waste producer or by the current or past holder of waste.
- Poland: if the waste has been abandoned, the landowner can be made responsible for treatment of waste, including all arising costs.
- **Princip zagaživač plaća** znači da je proizvođač nadležan za upravljanje građevinskim i otpadom od rušenja.
- Troškove upravljanja otpadom snosi primarni proizvođač otpada ili aktuelni ili bivši vlasnik otpada.
- Poljska: ako se vlasnik otpada ne zna, vlasnik zemljišta se može smatrati odgovornim za tretman otpada, uključujući i sve troškove koji takav tretman prate.



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# Illegal dump sites - CDW

## Ilegalna odlagališta građevinskog i otpada od rušenja

- Illegal dump sites:
  - Establish waste generator, if not feasible establish landowner,
  - Impose obligation to remove waste from illegal dump site
  - Impose administrative fines
  - Enforce the obligation to remove the waste
  - If producer or landowner, despite the obligation, does not remove the waste, authority takes over the duty
  - Charge the costs of waste removal and treatment on waste producer or landowner via tax office
- Ilegalna odlagališta građevinskog i otpada od rušenja:
  - Ako se zna proizvođač otpada ili aktuelni vlasnik zemljišta,
  - Nameće se obaveza uklanjanja otpada sa ilegalnog odlagališta
  - Izriču se administrativne novčane kazne
  - Nameće se obaveza uklanjanja otpada
  - Ako proizvođač ili vlasnik zemljišta, uprkos obavezi, ne ukloni otpad, tu obavezu preuzima nadležni organ
  - Troškove za uklanjanje i tretman otpada snosi proizvođač otpada ili vlasnik zemljišta preko poreske uprave



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## Illegal dump sites - CDW

### Ilegalna odlagališta građevinskog i otpada od rušenja

- Illegal dump sites – producer or land owner cannot be established.
- Authority on regional level is responsible for removal and treatment of CDW in environmentally sound manner.
- Such solution may require public procurement and resource mobilization – time consuming.
- Financing from public budget.
- Ilegalna odlagališta – proizvođač otpada ili vlasnik zemljišta nisu poznati
- Nadležni organ u regionu je odgovoran za uklanjanje i tretman građevinskog i otpada od rušenja na način koji nije štetan za životnu sredinu.
- Ovo rešenje može da podrazumeva postupak javne nabavke i mobilizaciju resursa – iziskuje dosta vremena.
- Finansira se iz javnog budžeta.



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## Prevention of illegal dump sites – CDW Sprečavanje nastanka ilegalnih odlagališta

### ■ Municipalities are responsible for:

- ensuring easily accessible points of selective collection of municipal waste, including CDW that are municipal waste;
- ensuring that the targets of recycling and preparing for reuse or recovery of CDW that are municipal waste are achieved (the obligation of the level of at least 70% by weight).

- ### ■ Green public procurments - including certain criteria in contracts for the execution of public construction works (regarding CDW management).

### ■ Opštine su odgovorne:

- da obezbede pristupačnost lokacijama za odvojeno sakupljanje komunalnog otpada, uključujući i građevinski i otpad od rušenja koji je komunalni otpad;
- da obezbede postizanje ciljeva reciklaže i pripreme za ponovno korišćenje ili preradu građevinskog ili otpada od rušenja (obavezni procenat je najmanje 70% mase).

- ### ■ Zelene javne nabavke – uključujući određene kriterijume za ugovaranje vršenja javnih građevinskih radova (u smislu upravljanja građevinskim i otpadom od rušenja).



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## Sanctions Kazne

- Non-compliance with the provisions outlined in the Act on Waste can be punished with arrest or a fine or an administrative fine. Administrative fines shall be not less than 1 000 PLN and up to 1 000 000 PLN (about 250 to 250 000 EUR) and can be imposed for example for:
  - change in classification of hazardous waste to non-hazardous waste;
  - mixing different types of hazardous waste, mixing hazardous waste with non-hazardous waste,
  - waste collection or treatment without required permit, waste management not in accordance with permit, etc.
- Nepoštovanje odredbi Zakona o otpadu kažnjava se lišavanjem slobode, novčanom kaznom ili administrativnom novčanom kaznom. Administrativne novčane kazne kreću se od 1.000 PLN to 1.000.000 PLN (od 250 do 250.000 evra) i izriču se za:
  - promenu klasifikacije iz opasnog u neopasni otpad;
  - mešanje različitih vrsta opasnog otpada, mešanje opasnog sa neopasnim otpadom,
  - sakupljanje i tretman bez odgovarajuće dozvole, ako upravljanje otpadom nije u skladu sa dozvolom, itd.





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## Treatment methods – CDW Metode tretmana

- Mandatory separate collection of CDW that are municipal waste .
- Separate collection of hazardous waste from construction and demolition activities.
- Waste containing asbestos is disposed of by landfilling in hazardous waste landfills or in isolated parts of landfills for non-hazardous or inert waste. Disposal in underground waste disposal facilities is also permitted.
- Obavezno je odvojeno sakupljanje građevinskog i otpada od rušenja koje je deo komunalnog otpada
- Odvojeno sakupljanje opasnog otpada iz građevinskih radova i od aktivnosti rušenja
- Otpad koji sadrži szbest odlaže se ili odlaganjem na deponije za opasni otpad ili u posebne delove deponija za neopasni ili inertni otpad. Dozvoljeno je i odlaganje u podzemne kasete



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## Treatment methods – CDW Metode tretmana

- Rubble is reused for backfilling or road construction.
- Land levelling and rehabilitation of excavation sites.
- Landfill cover.
- Energy recovery
- Landfilling – to be reduced.
- Otpad od rušenja se koristi za izgradnju putne infrastrukture
- Ravnanje terena i sanacija pozajmišta
- Prekrivanje deponija
- Proizvodnja energije
- Odlaganje na deponije treba smanjiti



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## Responsibilities – CDW Odgovornosti

- Amount of mineral waste from construction and demolition generated in 2012 (in tonnes)
  - Hazardous - 29 215 t
  - Non-hazardous - 3 481 085 t
  - Total - 3 510 300 t

Construction industry was in 2010 fourth top waste generator sector in Poland. It generated 13% of total quantity of waste generated in Poland.

- Količina mineralnog iz građevinskih radova i aktivnosti rušenja proizvedenog 2012. godine (u tonama)
  - Opasan otpad – 29.215 t
  - Neopasni – 3.481.085 t
  - Ukupno – 3.510.300 t

Građevinska industrija je 2010. godine zauzela četvrto mesto u sektoru generisanja otpada u Poljskoj. Ona je proizvela 13% ukupne količine otpada u Poljskoj.



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**What to do when car service stations act  
outside their legal boundaries (dismantling  
EOL vehicles = hazardous waste)**

**Šta činiti kad automehaničarske radnje  
posluju izvan svojih zakonskih  
ovlašćenja (sečenje starih vozila =  
opasni otpad)**



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## Verification and assessment Verifikacija i procena

- Verification of infringement - inspection:
  - If car service station has no permit to perform dismantling of ELV – illegal dismantling
  - -if car station has the permit – violation of permit
- Verifikacija prekršaja - inspekcija:
  - Ako automehaničarska radnja nema dozvolu za rezanje starih vozila – rezanje je ilegalno
  - Ako radnja ima dozvolu – kršenje propisa

**Polluter pay principle applies.**

Primenjuje se princip zagađivač plaća



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## Possible actions Moguće delovanje

- Administrative fines
- Notification for criminal investigation (depends on legal set up: crime or offence or none)
- Administrative order to hand over the waste to authorised facility
- Administrativne novčane kazne
- Podnošenje prijave (u zavisnosti od pravnog sistema: krivična ili prekršajna prijava)
- Administrativni nalog za predaju otpada ovlašćenom postrojenju



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## Possible actions Moguće delovanje

■ Administrative fines - illegal dismantling of ELVs.

10.000-300.000 PLN

285.000-8.500.000 RSD

Imposed on illegal dismantling facility by regional inspector of environmental protection.

Administrative fines are revenues of National Environmental Fund.

■ Administrativne novčane kazne – ilegalno rezanje starih vozila

10.000-300.000 PLN

285.000-8.500.000 RSD

Izriče ih regionalni inspektor za zaštitu životne sredine za ilegalno rezanje

Administrativne novčane kazne predstavljaju prihod Nacionalnog fonda za zaštitu životne sredine



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## Possible actions Moguće delovanje

- Notification for criminal investigation (depends on legal set up: crime or offence or none)
- **Art. 183. § 1 of Crime Code (PL).** Those who against the law landfill, remove, recover, dispose of, transport or treat the waste in conditions that can pose a significant threat to life or health or to nature is subject to imprisonment from 3 months to 5 years.
- Podnošenje prijave (u zavisnosti od pravnog sistema: krivična ili prekršajna prijava, ili nijedno od to dvoje)
- Član 183, stav 1 Krivičnog zakonika (PL). Lice koje protivno zakonu deponuje, uklanja, prerađuje, odlaže, transportuje ili tretira otpad po uslovima koji mogu da znatno ugroze život ili zdravlje ljudi ili pričine štetu prirodi, osuđuje se na kaznu zatvora od 3 meseca do 5 godina.





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## Possible actions Moguće delovanje

- Administrative order to hand over the waste that is illegally stored to authorised facility
- Head of municipality, mayor/president of town may oblige the holder of waste to pass the waste to authorised facility and stipulates:
  - Time schedule
  - Type of waste
  - Type of treatment method.
- If holder of waste has not been established, the landowner may be obliged to fulfil the order.
- Administrativni nalog o predaji ilegalno uskladištenog otpada ovlašćenom postrojenju
- Načelnik opštinske uprave ili predsednik opštine može da naloži držaocu otpada da isti preda postrojenju ovlašćenom za upravljanje, i propisuje sledeće:
  - Vremenski okvir
  - Vrstu otpada
  - Vrstu i metodu tretmana
- Ako držalac/vlasnik otpada nije poznat, nalog izvršava vlasnik zemljišta



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## Consequences Posledice

- ESM of waste is not ensured – threat for environment.
- Recovery (95%) and recycling (85%) targets are not met nationally.
- Illegal dismantling outside of system of Extended Producers Responsibility.
- Threat to the legal sector – impact on competitiveness.
- ESM otpada nije utvrđen – pretnja za životnu sredinu
- Ciljevi prerade (95%) i reciklaže (85%) nisu ispunjeni na nacionalnom nivou
- Ilegalno rezanje izvan sistema proizvođača odgovornosti
- Pretnja po pravni sektor – uticaj na podelu nadležnosti



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## Prevention Prevenција

- Certificates of Destruction should be a requirement for deregistration.
- Fee paid at the time of registration and returned after destruction.
- Administrative fine with deterrent effect.
- Awareness rising campaigns.
- Potvrda o uništavanju je obavezna uz zahtev za deregistraciju
- Naknada koja se uplaćuje prilikom registracije vraća se nakon uništenja
- Administrativna novčana kazna ima odvraćajući efekat
- Kampanja podizanja svesti



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# Thank you for your attention

## Hvala na pažnji

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