

## THE LEGAL REGIME OF WASTE MANAGEMENT

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### **Abstract**

*Reality is bleak when it comes to the existence of waste. Waste is not only an environmental problem but also an economic loss.*

*Society, through consumption, has brought a lot of technical, economic and legal problems regarding the existence of waste.*

*Much of the waste produced by human society pollutes the environment before being destroyed, too few being recycled and transformed into resources.*

*People need to start being held accountable for waste collection and recycling in order to take care of our health, the environment we live in and the natural resources, and also the future generations to enjoy.*

**Keywords:** *waste, environment, pollution, collection, recycling.*

In view of the increase in the quality and diversity of the waste, but also the awareness of the negative impact it has on the environment and the health of the population, the Romanian legislators paid attention to this problem by adopting some normative acts to ensure an elaborate regulation on the waste management regime

The framework Law on Environmental Protection, Law 195/2005 established several rules on the management of waste in conditions of protection of the health of the population and the environment (art. 29). Among these, we can mention: the prohibition of the introduction of waste into the territory of Romania, capitalizing through installations, the internal and external transit, as well as of the exports of waste.

Normative acts in force define waste as any substance, preparation or any object in the categories established by the specific waste legislation that the holder discards, intends or is required to discard.

Law 195/2005 defines hazardous waste as wastes generically classified under the specific waste regime in these types or categories of waste and having at least one constituent or property that renders them hazardous.

Dangerous waste has a detrimental effect on humans, plants and animals, but also on material goods.

The first normative act adopted to ensure an adequate level of protection of the environment and the health of the population based on the principles and the strategic elements that lead to the sustainable development of the society was Emergency Ordinance no. 78/2000 on waste regime.[1]

In order to be compatible with Union law, a number of Community Directives have been transposed into national law governing certain categories of waste or certain activities related to waste.

Legislation on the legal regime for waste management is undergoing continuous transformation due to changes in the Union's environmental policies in line with the principles of sustainable development. [2]

The competent authorities shall lay down norms, standards and rules for:

a)the prevention or reduction of waste and its degree of hazardousness by:

1.the development of clean, with a low-consumption of natural resources;

2.the development of technology and the marketing of products which, by way of manufacture, use or disposal, do not impact or have the least possible impact on the increase in the volume or the danger of the waste or on the risk of pollution.

3.Developing appropriate technologies for the final disposal of hazardous substances from waste intended for recovery.

b)re-use, recovery of waste by recycling, recovery or any other process by which secondary raw materials are obtained or the use of waste as a source of energy. (art.3 par. 1). [3]

### **Waste administration regime**

Under Romanian law, waste management is based on general conditions, by permitting waste-related activities and by ensuring their control.

The Central Public Authority, in order to ensure an adequate level of protection of the environment and public health, has developed the National Waste Management Plan through a Government Decision which was then communicated to the European Commission (art. 8 par. 1). [4]

This National Waste Management Plan includes strategic principles and objectives to support the necessary framework for the development of an integrated, environmentally and economically efficient waste management system.

The provisions of the National Waste Management Strategy apply to municipal and assimilable waste, production waste, waste generated by medical activities, etc.

The rules that we must take into account in the processes and methods of waste recovery or disposal in order not to endanger human health and the environment are:

- not to present risks to the water, air, soil, fauna or vegetation,
- not to produce noise or unpleasant smell,
- not to affect landscapes or protected areas / areas of general interest.

The regulation of the activity for waste disposal and recovery is done in compliance with the environmental legislation in force, through the issuance of the environmental agreement and authorization and, as the case may be, of the integrated environmental permit and authorization.

Environmental permits should include: type and amount of waste, technical requirements, precautions, location of activity, treatment method.

The control of waste activities has four ways of exercising: public authorities for environmental protection, the mayors of the administrative-territorial units, the health authorities and the customs authorities respectively.

### **Waste management regime**

Waste management refers to education on the collection, transport, treatment, recycling and storage of waste, including the supervision of such operations and the care of storage areas after closure.

The specific legislation on waste management derives from the Community environmental acquis, being transposed into national law and the implementation of which falls under the attributions of the Dangerous Chemicals and Dangerous Chemicals Division within the National Environmental Protection Agency.

The management of packaging and packaging waste is the subject of special regulation covering all packaging placed on the market irrespective of the material from

which it was made and how it is used in economic, commercial, household activities or other such activities.

According to the law, the specific packaging waste management principles are: prevention of packaging waste, packaging re-use, recycling of packaging waste, and other forms of recovery of packaging waste leading to reduction of the quantities removed by final disposal.

Failure to comply with legal obligations regarding the management of packaging and packaging waste shall be sanctioned with a contraventional fine.

The transport of waste on the territory of Romania is subject to a legal regulatory and control procedure. [5].

Specialists for urban waste transport should be authorized by environmental authorities after notification of transport activity by local public authorities.

Waste resulting from specific military activities constitutes a potential environmental risk. The collection and management of waste management data and information in the Romanian Army is carried out in accordance with GP 856/2002 on Waste Management Records and for the approval of the list of wastes, including hazardous waste.[6]

### **The legal regime of recyclable waste**

The category of waste also includes recyclable industrial waste.

The legal regime of recyclable industrial waste is established by the GEO no. 16/2001. [7]

Recycling is a processing operation in an industrial waste production process for the re-use either for the original purpose or for other purposes.

Capitalization is the breakdown, sorting, recycling, cutting, stamping, blasting, melting, casting, blending or other operation that causes the change in nature or composition of an industrial waste by industrial processes for re-use.

For the environmentally sound management of these wastes, the law establishes special obligations according to the holder.

Failure to comply with the law on recyclable industrial waste entails contravention or criminal liability.

Recyclable industrial waste whose provenance can not be proven to be lawful is confiscated and exploited under the law.

### **Waste incineration regime**

Incineration is a way of eliminating waste by burning. Incineration is one of the methods of thermal waste treatment. Incineration generates heat, gas, steam and ash.

Waste incineration [8] can be done with small individual or industrial scale installations.

Installations authorized for co-incineration/incineration of waste on the territory of Romania are subject to the Directive 2010/75/EU on industrial emissions, which has been transposed into national legislation by the Industrial Emissions Law 278/2013.

### **Solid, liquid and gaseous waste can be incinerated.**

We often talk about co-incineration of waste. Waste is burned in the outbreaks of large power boilers, mixed with their usual fuel.

The incineration and co-incineration activities are subject to authorization according to specific procedures.

Among the waste that can be incinerated are: agricultural and forestry vegetable waste, cork waste, radioactive waste, animal corpses, the disposal of which also complies with the sanitary and veterinary norms, etc.

### **Waste storage regime**

Waste storage remains the main option to remove waste.

Through GD no. 349/2005 [9] Directive 1999/31/EC was transposed into national legislation, the legal act representing the legal framework for carrying out the waste disposal activity.

The landfill is defined as a site for final disposal of waste by land or underground storage.

Deposits are classified according to the nature of the waste as follows:

- a.deposits for hazardous waste,
- b.deposits for non-hazardous waste
- c.deposits for inert waste

Domestic waste is classified as non-hazardous waste, classified as class B deposits.

The regulation of the waste disposal activity is done in compliance with the environmental legal provisions in force, through the issuance of the integrated environment permits and authorizations, in the case of the deposits subject to the legislation on integrated pollution prevention and control, and by the issuance of the environmental agreements / authorizations for deposits not subject to the statutory provisions.

The regulatory procedures for landfills must demonstrate compliance with the specific requirements laid down by:

- GEO. 78/2000 on the waste regime, approved with amendments by Law 426/2001, with subsequent amendments and completions,
- G.D. 349/2005 on waste disposal, as subsequently amended and supplemented,
- Order of the Ministry of Environment and Water Management no. 95/2005 on establishing the criteria to be fulfilled by waste to be accepted for storage on each storage class and the national list of accepted waste for each class of deposit.

## **Conclusions**

The problem of waste management has also increased in Romania due to the increase in quantity and diversification.

The development of society, both in urban and industrial terms, has led to the production of more and more waste.

They are increasingly difficult to manage, leading, if not properly discharged and stored, to soil, air and water pollution.

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