
WASTE MANAGEMENT ORDINANCE 2007

An Ordinance to provide for the control and management of waste

R. H. LACEY
ADMINISTRATOR

8th March 2007.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

Part 1
Preliminary

1. Short title

This Ordinance may be cited as the Waste Management Ordinance 2007.

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—

“Advisory Committee on Waste Management” means the committee which is set up under the corresponding Republican legislation;

“after-care” means the maintenance and monitoring of a site used for the disposal or treatment of waste carried on after the closure of the site in order to ensure the protection of the environment and public health;

“collection” means the gathering, sorting or mixing of waste for the purpose of being transported;

“corresponding Republican legislation” means the Solid and Hazardous Waste Law 2002(a) of the Republic as substituted or amended;

“court” means the Judge’s Court of the Areas;

“disposal” means—

- (a) the collection, sorting, transport and treatment of waste;
- (b) the storage and tipping of waste above or below ground;
- (c) the transformation operations necessary for the re-use of waste;
- (d) the recovery or recycling of waste; or

- (e) an operation set out in Schedule 2A;
- “domestic waste” means waste obtained—
- (a) from households;
 - (b) from a construction site in which there are facilities for lodging and board;
 - (c) from kitchens, being composted or uncomposted organic waste;
- but does not include –
- (i) waste which is directly discharged into sewage systems; or
 - (ii) solid inorganic waste which is collected separately for the purpose of recycling;
- “existing undertaking or establishment for waste management” means an undertaking or establishment for waste management which has started operating before the coming into force of this Ordinance;
- “hazardous waste” means –
- (a) waste included in a list drawn up under section 3 on the basis of Schedules 3 and 4 of this Ordinance which have one or more of the properties listed in Schedule 5; and
 - (b) other waste which, in the Chief Officer’s judgement, possesses any of the properties listed in Schedule 5, but which does not include any radioactive substance or object;
- “holder” means a producer of waste or a person who is in possession of waste;
- “immovable property” has the meaning given by section 2 of the Immovable Property (Tenure, Registration and Valuation) Ordinance**(b)**;
- “licence” means a licence required under section 11 or section 19;
- “licence for the management of hazardous waste” (“hazardous waste licence”) means a licence issued under section 19;
- “licence for waste management” (“waste licence”) means a licence issued under section 11;
- “management” means the collection, transport, recovery or disposal of waste, including the supervision of such operations and after-care of disposal sites;
- “members of the public” includes unions and other organisations and groups;
- “operator” means any person who operates, controls or supervises an establishment, or who has a substantial financial interest in the operation of an establishment;
- “the Principle” means the Principle referred to in section 16;
- “producer” means a person whose business activities produce waste or a person who carries out, in relation to waste, pre-processing, mixing or other operations resulting in a change to the nature or composition of the waste;
- “recovery” means an operation which is set out in Schedule 2B;
- “reinstatement” means operations designed to ensure that a site or establishment used for the disposal or recovery of waste no longer poses risks to public health or the environment and waste is returned to its initial state;
- “shipment” means all operations involved in moving waste by collection from an establishment with a view to the disposal, treatment or transshipment of the waste;
- “site for the disposal or recovery of waste” means a place where an establishment or undertaking licensed under section 11 or 19 carries on operations directed towards the disposal or recovery of waste;
- “state of dispatch” means the country from which a shipment of waste is planned or made;
- “transshipment” means the shipment operations of waste from collection means to other means of transport with a greater capacity, which may have a compression mechanism if the natural and chemical properties of the waste permit and includes the use of a mobile or permanent transshipment establishment;
- “waste” means any substance or object listed in Schedule 1 which the holder discards or intends or is required to discard excluding any radioactive substance or object.

3. List of types of waste

- (1) The Administrator by order may issue a list of types of waste (“List”) which must include a category identified as hazardous waste to be regulated by this Ordinance.
- (2) The Administrator may by order provide that a type of waste categorised in the List as non-hazardous should be treated as hazardous, if it possesses one or more of the properties referred to in Schedule 5.
- (3) The Chief Officer may in an exceptional case decide on the basis of evidence furnished by the holder of a particular consignment of waste, that although it is categorised as hazardous in the List, a particular consignment does not possess any of the properties referred to in Schedule 5 and should not be treated as hazardous.

4. Competent authority

- (1) Subject to subsection (2), the relevant Area Officer will act as the competent authority in relation to all categories of waste to which this Ordinance applies.
- (2) Where British Forces Cyprus and/or the Ministry of Defence is the producer or holder of hazardous waste, the transporter of hazardous waste, or the disposer of hazardous waste, the Defence Estates Technical Support Manager will act as the competent authority in relation to all categories of waste to which the Ordinance applies.

5. Community Councils

In carrying out the duties and exercising the powers under the Akrotiri Community Ordinance 2001(c) and the Overlapping Communities Ordinance 2001(d) community councils shall in relation to hazardous waste act in accordance with this Ordinance.

6. Regulations and orders

- (1) To give better effect to this Ordinance the Administrator may make regulations to provide for the following matters—
 - (a) the management of specific categories of waste;
 - (b) the licensing and operation of undertakings and establishments for waste management;
 - (c) the imposition of fees or other financial charges, including consumption fees, on holders of specific categories of waste, applying the Principle in accordance with section 16;
 - (d) the provision of incentives to reduce the production of waste and for the reclamation and re-use of waste;
 - (e) a system for the control of movements of waste within, into and out of the Areas;
 - (f) additions and deletions from and other amendments to the Schedules to this Ordinance including those required to take into account scientific and technical progress and to comply with international obligations;
 - (g) offences and penalties;
 - (h) functions of the competent authority, restrictions on the power to make appointments under section 4(2) or otherwise to delegate powers and duties of the competent authority.
- (2) The Administrator may make regulations concerning issues of a technical or administrative nature and such regulations may in particular—
 - (a) require controls over and inspections of sites used for the production or management of waste;
 - (b) prescribe measures for the management of specific categories of waste;
 - (c) prescribe plans for the management of waste;
 - (d) provide for the drawing up of management programmes for specific categories of waste and the provision of information to members of the public to promote their involvement in the drawing up of such programmes;

- (e) create schemes to give information to members of the public and promote their participation in the setting up and reinstatement of facilities for waste management;
 - (f) prescribe deadlines within which certain actions provided for in the regulations shall be carried out;
 - (g) prescribe the form, the content and the procedure for applications and the submission of other documents;
 - (h) classify establishments and undertakings for waste management into specific categories;
 - (i) specify technical standards for establishments and operations of undertakings for waste management;
 - (j) prescribe acceptance criteria for specific categories of waste for specific undertakings for waste management;
 - (k) prescribe reference methods of measurement and technical standards;
 - (l) identify the production names of capacitors, resistors and induction coils containing polychlorinated biphenyls and polychlorinated terphenyls;
 - (m) require the use, under appropriate preconditions, of less hazardous substitutes for polychlorinated biphenyls and polychlorinated terphenyls;
 - (n) prescribe specific measures designed to encourage the setting up of facilities to deal with the management of specific categories of waste; and
 - (o) exclude specified landfill areas used for inert waste, from the application of this Ordinance.
- (3) If the Cyprus Organisation for Standardisation and Control of Quality or other competent body engaged in setting standards approves the adoption of European or international standards concerning waste, the Administrator may by order impose the application of such standards.

Part 2

Management of Waste

7. Dealing with waste

- (1) A holder of waste who does not hold a licence issued in accordance with this Ordinance or under the corresponding Republican legislation must –
 - (a) ensure that any waste he holds does not pose a risk to public health or the environment or cause nuisance to any person; and
 - (b) deliver the waste as soon as practicable to a person who holds a waste licence or a hazardous waste licence as the case may require or to a person who holds a corresponding licence under corresponding Republican legislation.
- (2) No person may place, abandon, dispose of or store waste in any public or private place, or authorise or allow such an action, unless—
 - (a) he holds a licence issued under section 11 or 19 or corresponding Republican legislation, and
 - (b) the action is in compliance with the conditions of the licence; or
 - (c) such an action takes place on a site which is controlled by a person who holds a licence,
 - (d) it is done with his consent, and
 - (e) in compliance with the terms of the licence.

8. Power to make regulations to protect the environment

The Administrator may make regulations—

- (a) to prevent or reduce the production of waste in particular but not exclusively by taking measures to—

- (i) develop clean technologies using the minimum of natural resources;
- (ii) develop clean technology and market products designed so that their manufacture, use and final disposal creates the least possible amount of waste or environmental pollution;
- (iii) develop appropriate techniques for the final disposal of hazardous substances contained in waste destined for a recovery process;
- (iv) recover waste by means of recycling, re-use, reclamation or any other process for extracting secondary raw materials; and
- (v) use waste as a source of energy;
- (b) to provide for the management of waste without using processes or methods which could harm the environment, and in particular—
 - (i) without risk to water, air, soil, plants or animals;
 - (ii) without causing a nuisance through noise or odours;
 - (iii) without adversely affecting the countryside or places of special interest;
- (c) taking into consideration geographical conditions, to create an integrated network of establishments engaged in the disposal and recovery of waste and by using the best available technologies and techniques to ensure a high level of protection for the environment and for public health.

9. Power to make regulations specifying a Framework and a Strategy for Waste Management

- (1) The Administrator may by regulations specify a framework of technical specifications for waste management (“Framework”).
- (2) The Framework may provide for—
 - (a) general technical specifications for the collection and transport of waste;
 - (b) procedures to be followed during the collection and transport of waste;
 - (c) suitability conditions and criteria for the comparative evaluation and choice of sites for establishments for the disposal or recovery of waste;
 - (d) general technical specifications for premises used for the disposal or recovery of waste;
 - (e) methods by which an establishment or undertaking should carry out controls in the course of its operations;
 - (f) precautions to be taken for the safety of employed staff;
 - (g) emergency equipment and actions to take in the event of an emergency situation or where there is serious risk to public health or the environment;
 - (h) conditions for the closure of establishments or the termination of the operations of undertakings for the disposal or recovery of waste;
 - (i) arrangements for the reinstatement of sites used by undertakings or establishments for the disposal or recovery of waste;
 - (j) criteria for periods of after-care of a site after the operations of the establishment or site cease;
 - (k) the maintenance, monitoring and control at the stage of after-care of sites;
 - (l) criteria for determining the amount, the form and the procedure for providing the security for the cost of carrying out the after-care of the site or the establishment for the management of waste and making provision for dealing with a pollution incident; and
 - (m) the details required to be included in the construction, organisation and operation plan and the reinstatement and after-care plan, referred to in section 11(2).
- (3) The Administrator may by regulations prescribe a Strategy for Waste Management (“Strategy”).

- (4) The Strategy may—
 - (a) cover all the types of waste on the List issued under section 3 which have relevance for the Areas;
 - (b) apply an integrated approach for the Areas;
 - (c) include a specific chapter on packaging, waste packaging material and measures to reduce waste and increase recycling;
 - (d) include a specific chapter on the application of measures to reduce biodegradable domestic waste going to land fills, in particular by recycling, composting, bio-gas production or materials or energy reclamation.
- (5) In the drawing up of the Strategy account shall be taken of the technical, economic, environmental, physical, planning, social and other conditions prevailing in the Areas, as well as the Framework, if such has been drawn up.
- (6) The Strategy may include—
 - (a) the type, quantity and origin of waste to be managed;
 - (b) the goals set for the reduction, re-use and recycling of waste;
 - (c) the management methods to be applied, with special reference to the collection, transport, recovery and disposal of waste;
 - (d) provisions concerning specific types of waste;
 - (e) the number of establishments required for recovery and disposal to cover the needs of waste management;
 - (f) suggested sites for establishments for the recovery and disposal of waste;
 - (g) an evaluation of the cost of operations for the recovery and disposal of waste; and
 - (h) suitable measures to encourage the sustainable organisation of the collection, selection and processing of waste.

10. Obligations of holders of waste

In accordance with section 7 a holder of waste must—

- (a) deliver the waste to –
 - (i) a private or public undertaking licensed to collect waste under section 11 or 19 (as the case may require);
 - (ii) an establishment or undertaking carrying out the operations which are provided for in Schedule 2A or 2B and licensed under section 11 or 19 (as the case may require); or
 - (iii) an establishment or undertaking licensed by the competent authority of the Republic under the equivalent provisions of the corresponding Republican legislation (as the case may require); or
- (b) otherwise ensure that the recovery or the disposal of the waste is carried out in accordance with this Ordinance and the conditions of a licence issued under section 11 or 19.

11. Waste licence

- (1) An establishment or undertaking must hold a licence for waste management if it—
 - (a) is engaged in the collection or transport of waste;
 - (b) arranges the disposal or recovery of waste on behalf of third parties as contractor or broker;
 - (c) carries out operations which are referred to in Schedules 2A or 2B; or
 - (d) itself recovers or disposes of waste at the site of its production.
- (2) An application for a licence under subsection (1) must be made to the competent authority accompanied by –
 - (a) the planning and building permits, if such would be required in that case

- for the development of immovable property which is to be used for waste management;
- (b) any other permit which is required;
 - (c) a construction, organisation and operation plan;
 - (d) if required the reinstatement and after-care plan for all sites which the establishment or undertaking operates; and
 - (e) the written consent of the Fiscal Officer.
- (3) The application shall comply with—
 - (a) the Strategy provided for in section 9 (if it has been drawn up);
 - (b) the Framework provided for in section 9 (if it has been drawn up); and
 - (c) any conditions arising from any environmental impact assessment carried out under the Environmental Impact Assessment Ordinance 2003(e).
 - (4) The competent authority must give a decision upon an application for a licence under this section within 3 months from the submission of all the particulars required under subsection (2).
 - (5) The conditions imposed upon the issue of a licence must at least regulate—
 - (a) the types and quantities of waste which the holder is authorised to deal with;
 - (b) the collection method, transport, disposal or recovery of waste;
 - (c) the technical specifications;
 - (d) the identification of the site for the disposal or recovery of waste;
 - (e) the health and safety of employed persons;
 - (f) the scientific and technical staff required; and
 - (g) the obligations in relation to reinstatement and after-care of the site.
 - (6) No licence shall be issued for a period exceeding 5 years.
 - (7) The competent authority may refuse to grant a licence where the proposed method of collection, transport, disposal or recovery is unacceptable from an environmental or public health point of view.
 - (8) An establishment or undertaking may not begin operations unless it has received approval from the competent authority following an inspection of the relevant sites to check whether the conditions of the licence are being complied with and whether the staff are suitably trained.
 - (9) An application to the competent authority to renew a licence must be made at least 6 months before its expiration.
 - (10) The competent authority may amend or add to the conditions of a licence if—
 - (a) there has been a change of circumstances which could not have been predicted at the time the licence was issued; or
 - (b) new legislation has become applicable.
 - (11) In considering the issue of a licence to an establishment covered by Schedule 7 the competent authority shall take into account any provisions relating to atmospheric and water pollution.
 - (12) Before being granted a licence under this section the applicant must supply a security in a sum calculated to cover the cost of the reclamation and after-care of the site planned to be used for the disposal or recovery of waste and for dealing with any incident of pollution which may be caused by the activities of the establishment or undertaking.
 - (13) Within the period of 3 months from the date when this Ordinance comes into force the competent authority may issue a temporary licence for waste management for a period of 6 months even if the requirements of subsections (1), (2), (3) have not been complied with.
 - (14) The competent authority may revoke the licence of an establishment or undertaking which is operating in breach of this Ordinance.
 - (15) For the purposes of this section “waste” does not include hazardous waste.

12. Existing undertakings or establishments

- (1) Subject to any regulations made under subsection (3) an existing establishment or undertaking referred to in section 11 (13) must within 3 months from the date this Ordinance comes into force apply for a licence for waste management under section 11.
- (2) In a case within subsection (1), unless an application has been refused, the establishment or undertaking shall be treated as if it already possessed a licence at any time up until the end of the 3 month period.
- (3) The Administrator may by regulations make transitional provision for the licensing of categories of existing establishments and undertakings for waste management and a timetable for the implementation of the measures.

13. Controls on waste licence holders

- (1) The competent authority shall carry out regular controls as necessary on any establishment or undertaking which holds a licence, in order to check whether it is complying with the conditions in the licence and these controls shall continue into the stage of after-care after the operations of the establishment or undertaking have ceased.
- (2) The establishment or undertaking and its officers and members of staff must provide every possible assistance to the competent authority to enable it to examine, control, investigate or take samples and collect the necessary information to carry out its duties.
- (3) Where the operations of the establishment or the undertaking have caused adverse effects on the environment or public health, the competent authority may specify the type and timetable of remedial measures which must be undertaken. The responsibility for and the cost of the remedial measures shall be borne by the establishment or undertaking.

14. Waste Register

- (1) An establishment or undertaking which is licensed in accordance with section 11 shall—
 - (a) keep a register in which are entered the quantities of waste it deals with and their nature and origin and, where relevant, the destination, frequency of collection, mode of transport and treatment methods applied in relation to the categories of waste in Schedule 1 and the operations listed in Schedules 2A and 2B;
 - (b) transmit the information required to be recorded in the register to the competent authority in February of each year and such other time as the competent authority may request the information.
- (2) As from the date it is entered the information in the register of waste shall be retained—
 - (a) except in the case of (b) or (c) below, for at least 5 years;
 - (b) by a licensed establishment or undertaking for the collection or transport of waste for at least 2 years; and
 - (c) by a licensed establishment or undertaking for the disposal of waste throughout the time the establishment or undertaking is operated.
- (3) In the event of an establishment or undertaking permanently ceasing to operate it must deliver the register to the competent authority.
- (4) The detail of what the register must contain and procedures for maintaining it may be prescribed by an order of the Administrator.

15. Closure

- (1) An establishment or undertaking engaged in the disposal or recovery of waste must, within such time limit as may be specified by the competent authority after the expiration of a licence issued under section 11 or after it ceases operations -
 - (a) rectify any damage which its operations have caused to the environment and public health;
 - (b) restore the natural environment and landscape the site, in accordance with the conditions of the licence; and
 - (c) bear the costs of the reinstatement measures set out in paragraphs (a) and (b).

- (2) If actions are completed in accordance with subsection (1), the closure procedure for the operations of the establishment or undertaking in subsections (3) and (4) shall be followed.
- (3) The establishment or undertaking shall apply to the competent authority for the closure of its operations with particulars and reports to show that the reinstatement conditions set out in the licence have been complied with.
- (4) If the competent authority after inspecting the establishment or undertaking, confirms the accuracy of the particulars and reports submitted by that establishment and undertaking then it shall –
 - (a) grant an approval for the closure of the operations;
 - (b) specify the period for after-care of the site; and
 - (c) authorise the timing and method for the removal of the security provided under section 11 (12).
- (5) If the reinstatement operations have not been completed, or do not correspond to the conditions imposed by the licence, the competent authority may impose a requirement for action to be taken and a time-limit for compliance.
- (6) It shall be an offence for the owner and, as the case may be, the operator of an establishment or undertaking to fail to comply with a requirement for action imposed under subsection (5), and regardless of any penalty which may be imposed by the court, the security given under section 11(12) may be enforced by the Administration.
- (7) An owner and, as the case may be, the operator of an establishment or undertaking for which approval has been granted under subsection (4) are responsible for the after-care of the site where the operations took place in accordance with the conditions of the licence, including its maintenance, monitoring and the carrying out of controls.
- (8) The owner or operator of an establishment must send a report of the controls carried out during the after-care period to the competent authority in February of each year and additionally on request.
- (9) Where the controls disclose adverse effects on the environment or public health, the owner and operator must notify the competent authority so that the competent authority may specify the type of and the time-scale for the remedial measures which must be undertaken.
- (10) The responsibility for and the costs of the remedial measures shall be borne exclusively by the owner and operator of the establishment or undertaking.

16. The Principle

- (1) In the application of this Ordinance the Administrator, and the competent authority shall so far as possible apply the principle “the polluter pays” (“the Principle”), taking into consideration the need to avoid distortions of the market and to maintain conditions of free competition.
- (2) In accordance with the Principle the costs of the disposal of waste shall be borne by—
 - (a) the holder of waste, who delivered the waste to a collector of waste or an establishment or undertaking for the disposal of waste;
 - (b) the former holder or holders of the waste; and
 - (c) the producer of the product which produced the waste.
- (3) In applying the Principle the following may be taken into account—
 - (a) quality objectives for the environment;
 - (b) product standards and production process standards;
 - (c) conditions in licences concerning the quantity and quality of waste discarded or created.
- (4) The Administrator may make regulations for the better application of the Principle.
- (5) The Administrator may by regulations provide for the imposition of duties, including excise duties and other financial charges, upon holders of waste or producers of products intended to be turned into waste, on the basis of the Principle.

Part 3

Management of hazardous waste

17. Application of Part 2

Subject to the modifications and specific provisions in this Part the provisions of Part 2 shall also apply to the management of hazardous waste.

18. Framework for Hazardous Waste

- (1) The Administrator may make regulations providing for a framework of technical specifications for the management of hazardous waste (“Framework for Hazardous Waste”).
- (2) In addition to what is required by section 9(2), the Framework for Hazardous Waste may cover—
 - (a) specifications for the packaging and labelling of hazardous waste which is in the course of collection, temporary storage and transport, in accordance with international and European Union standards;
 - (b) criteria for calculating insurance cover for liability to pay compensation to third parties for damage and injury caused by hazardous waste;
 - (c) methods of dealing with emergency situations and risks arising from hazardous waste.

19. Hazardous waste licence

- (1) An establishment or undertaking must hold a licence for the management of hazardous waste if it—
 - (a) engages in the collection or transport of hazardous waste;
 - (b) arranges the disposal or recovery of hazardous waste on behalf of others;
 - (c) carries out the operations which are referred to in Schedule 2A or 2B in relation to hazardous waste; or
 - (d) itself recovers or disposes of hazardous waste at the site of production.
- (2) An application for a hazardous waste licence must be made to the competent authority and be accompanied by those documents required under section 11 (2).
- (3) The construction, organisation and operating plan and any reinstatement and after-care plan must be consistent with –
 - (a) the Framework for Hazardous Waste provided for by section 18 (if it has been drawn up);
 - (b) the Strategy of Waste Management provided for by section 9 (if it has been drawn up) and;
 - (c) any conditions imposed as a result of an environmental impact assessment made under the Environmental Impact Assessment Ordinance 2003.
- (4) The competent authority must give a decision upon an application for a licence under this section within 4 months from the submission by the applicant of all the particulars required by subsection (2).
- (5) The conditions imposed upon the issue of a licence must at least regulate—
 - (a) the type and quantities of hazardous waste which the holder is authorised to deal with;
 - (b) the specifications for packaging and labelling of hazardous waste for collection, temporary storage, transport, disposal or recovery;
 - (c) the method of collection, temporary storage, transport, disposal or recovery;
 - (d) technical specifications;
 - (e) the identification of the site;

- (f) security measures;
 - (g) measures for dealing with emergency situations and serious risk;
 - (h) the scientific and technical staff required; and
 - (i) the obligations in relation to reinstatement and after-care of the site.
- (6) The provisions of section 11 (6), (8), (9), (10), and (13) shall apply to licences for the management of hazardous waste.
- (7) The competent authority must refuse to issue a licence for the management of hazardous waste if—
- (a) the proposed method of collection, transport, disposal or recovery is unacceptable due to the risks to the environment or public health;
 - (b) the applicant has not given security which covers the reinstatement and after-care costs for the site and the potential costs arising from any pollution incident which may be caused by the operations; or
 - (c) the establishment is not insured against damage which may be caused to third parties from its operations.
- (8) The amount of the insurance cover required for the issue of a licence under this section shall be calculated on the basis of criteria contained in the Framework for Hazardous Waste.

20. Existing establishments

- (1) Subject to any regulations made under subsection (2) the provisions of section 12(1) and (2) shall apply in relation to the requirements of section 19 (1) and hazardous waste licences.
- (2) The Administrator may by regulations make transitional provision for the licensing of categories of existing establishments and undertakings for the management of hazardous waste and a timetable for the implementation of the measures.

21. Mixing of hazardous waste

- (1) Establishments or undertakings collecting, transporting, disposing of or recovering hazardous waste must not mix different categories of hazardous waste or mix hazardous waste with non-hazardous waste unless permitted—
- (a) by the terms of a licence issued under section 19; or
 - (b) by the competent authority on the basis that it was necessary in order to avoid using processes or methods which could harm the environment or to improve the security conditions for the disposal or recovery of the waste.
- (2) If hazardous waste is already mixed with another type of hazardous waste or with other waste and the establishment or undertaking holding the waste materials was not responsible for the mixing, the undertaking or establishment must separate the waste if it is—
- (a) possible from a technical and economic point of view; and
 - (b) necessary in order to avoid using processes or methods which could harm the environment.

22. Application of section 13 to hazardous waste

- (1) Section 13 shall apply to—
- (a) a producer of hazardous waste;
 - (b) a holder of hazardous waste; and
 - (c) an establishment or undertaking with a licence issued under section 19.
- (2) In the carrying out of the controls under section 13 in relation to establishments or undertakings for the collection or transport of hazardous waste, special attention must be paid to the origin and destination of hazardous waste.

23. Register of hazardous waste

- (1) A producer or holder of hazardous waste or an establishment or undertaking for the management of hazardous waste required to be licensed under section 19 must—
 - (a) keep a register of hazardous waste which shall include all the details required under section 14(1)(a);
 - (b) supply the information, required to be recorded in the register, to the competent authority in February of each year and additionally on request; and
 - (c) supply to the competent authority or to the former holder of hazardous waste on request documents to prove that the operations for the management of hazardous waste have been carried out.
- (2) The Administrator may by order prescribe the detail of what the register must contain and procedures for maintaining it.

24. Form accompanying hazardous waste

- (1) For identification and monitoring purposes a form shall accompany the movement of hazardous waste when it is transported to an undertaking or establishment for the disposal or recovery of hazardous waste.
- (2) The holder of the hazardous waste, the undertaking or establishment for the transportation of hazardous waste and the undertaking or establishment for the disposal or recovery of hazardous waste must each complete the form required by subsection (1).
- (3) A copy of the completed form shall be retained by each of the persons required to complete it for the appropriate time periods required for the retention of the register of hazardous waste under section 23(1).
- (4) A producer or holder of hazardous waste, an undertaking or establishment for the transport of hazardous waste and an undertaking or establishment for the disposal or recovery of hazardous waste shall supply to the competent authority each year in the month of February and additionally at the request of the competent authority copies of the forms required by this section.
- (5) The Administrator may by order specify the content of the form required in subsection (1) and the procedure for its completion.

25. Reinstatement and closure

- (1) An establishment or undertaking engaged in the disposal or recovery of hazardous waste must, after the expiration of a licence issued under section 19 or upon ceasing operations—
 - (a) rectify any damage which its operations have caused to the environment and public health;
 - (b) restore the natural environment and landscape the site to preserve and improve the environment in accordance with the conditions imposed by the licence;
 - (c) bear the costs of the reinstatement measures set out in paragraphs (a) and (b).
- (2) If actions are completed in accordance with subsection (1) the closure procedure in subsection (3) for the operation of the establishment or undertaking shall be followed.
- (3) The establishment or undertaking shall apply to the competent authority for the closure of its operations with such particulars and reports as are necessary to show that the reinstatement conditions in the licence have been complied with.
- (4) If the competent authority, after inspecting the establishment or undertaking, confirms the accuracy of the particulars and the reports, then it shall—
 - (a) grant an approval for the closure of the operations;
 - (b) specify the period for after-care of the site; and
 - (c) decide the timing and method of the removal of the security provided under section 19 (7).
- (5) If the reinstatement operations are not completed or do not correspond with the conditions imposed by the licence the competent authority shall impose requirements for action to be taken and a time limit for compliance.

- (6) It shall be an offence for an owner or, as the case may be, the operator of an establishment or undertaking to fail to comply with a requirement for action imposed under subsection (5) and, regardless of any penalty which may be imposed, the security given under section 19 may be enforced by the Administration.
- (7) The owner and, as the case may be, the operator of an establishment or undertaking for which approval has been granted under subsection (4), shall be responsible for the after-care of the site in accordance with the conditions of the licence including its maintenance and monitoring and the carrying out of the necessary controls.
- (8) It is an offence for an owner or operator to fail to comply with the conditions imposed for the after-care of a site.
- (9) The owner and operator of an establishment must ensure that a report about the controls carried out during the after-care period is sent to the competent authority during February of every year and additionally at the request of the competent authority.
- (10) Where the controls disclose adverse effects on the environment or public health, the owner and operator shall notify the competent authority which may specify the scope and timetable of remedial measures which must be undertaken.
- (11) The responsibility for and costs of the remedial measures shall be borne by the owner and the operator of the establishment or undertaking.

26. Accidents

- (1) In the event of an emergency situation or serious risk arising due to an accident at a site, the establishment or undertaking shall immediately—
 - (a) inform the competent authority; and
 - (b) implement the measures for dealing with emergency situations or serious risk set out in the conditions of the licence.
- (2) The Administrator may direct that additional measures should be taken, including temporary derogations from the application of the provisions of this Ordinance, to avoid hazardous waste becoming a threat to the public or the environment.

Part 4

Transit and transboundary movement of waste

27. Assigned matters for customs purposes

The provisions in this Ordinance which apply to the transit through the Areas or movements of waste into or out of the Areas shall for the purposes of customs legislation be regarded as matters relating to export and import and consequently shall be assigned matters for customs purposes.

28. Notifications

- (1) Any transit, import or export of waste must be notified to the Chief Officer before it takes place.
- (2) The Chief Officer may prohibit wholly or partially, in particular or in general, a shipment of waste.

29. Orders to prohibit movements of waste

The Administrator may by order prohibit the importation into, export from or transit through the Areas of specific categories of waste.

30. Regulations concerning movements of waste

The Administrator may in relation to the transit, import or export of waste by regulations provide for—

- (a) procedures for notification and for obtaining approval for the transit, import or export of waste which is intended for disposal or recovery;

- (b) monitoring systems;
- (c) systems for the control and supervision of transits, imports and exports of waste;
- (d) arrangements for the preservation, protection and improvement of the environment;
- (e) the transit, import or export of waste or particular categories of waste and apply in full or in part, with or without modification, the provisions of any relevant Community legislation;
- (f) offences in relation to procedures for the import, export or transit of waste.

Part 5

Administration and application

31. Advisory Committee

The Chief Officer may set up a committee to give advice to the competent authority about matters connected with the application of this Ordinance.

32. Views of community councils

The competent authority must before granting any licence or approval take into account the views of any community council for the area where an establishment or undertaking intends to operate.

33. Appointment of inspectors

The Chief Officer may appoint—

- (a) a Chief Inspector to act under his supervision and direction; and
- (b) inspectors to act under the supervision of the Chief Inspector.

34. Controls by inspectors

- (1) The inspectors shall carry out regular and additional controls as necessary of establishments and undertakings.
- (2) In order to carry out controls an inspector may—
 - (a) at any reasonable time enter any premises including a dwelling house if he believes on reasonable grounds that —
 - (i) an activity is taking place which may involve a contravention of this Ordinance; and
 - (ii) the activity is in progress; or
 - (iii) there is an immediate risk of serious personal injury to any person;
 - (b) carry out tests and measurements;
 - (c) inspect, examine and control the operation of any structures, machinery, appliances or equipment which are on the premises;
 - (d) make a cinematographic record or record by means of any other device and take photographs;
 - (e) require the production of books and documents which relate to the establishment or undertaking;
 - (f) remove any object, substance or sample necessary for the investigation of an offence or to use as evidence before a court;
 - (g) require the operator of an establishment or undertaking, the owner of the premises, or a representative or employee who is present—
 - (i) to provide safe access to any part of the premises;
 - (ii) to provide reasonable facilities for the carrying out of tests, measurements,

- inspections or examinations for control purposes;
- (iii) to furnish any information which he holds or to which he has access which the inspector needs for the purpose of an investigation;
- (h) require that the whole or any part of the premises, or any machinery, appliances, equipment or substances on the premises remain as they are for the carrying out of controls, tests, measurements or examinations (but compliance with such requirement must not entail the closure or substantial interruption of the operation of the establishment);
 - (i) require any person whom he believes on reasonable grounds was employed on the premises of the establishment or undertaking within the previous 3 months, or was otherwise concerned with an activity or operation taking place there, to supply information which that person holds or to which he has access.
- (3) If the inspector has reasonable cause to believe that an establishment or undertaking is operating or intends to operate in a manner which creates a risk to the environment or to public health, he may serve on the operator or, in his absence, on any other person who is responsible for the operation or supervision of the establishment or undertaking, a notice which—
- (a) states the reasons why the inspector considers that there is a risk;
 - (b) specifies the period within which certain measures must be taken to eliminate the risk; and
 - (c) requires that the operation be terminated after the expiration of the specified period, if the measures prescribed are not implemented and the risk continues to exist.
- (4) If the inspector has reasonable grounds to believe that the risk referred to in subsection (3) is immediate the notice may require that all or particular operations immediately cease and that they may not restart unless the measures prescribed are implemented and the risk has ceased to exist.
- (5) An inspector entering premises to carry out his duties may be accompanied by—
- (a) a police officer;
 - (b) a person authorised by an inspector; and
 - (c) the holder of the licence issued in relation to those premises or his representative.
- (6) The Chief Officer may restrict the access of inspectors appointed under section 33 in relation to any areas used for military purposes.

35. Improvement notice

An inspector may serve on an operator an improvement notice which—

- (a) identifies a breach of a condition of a waste licence or a hazardous waste licence, and
- (b) specifies a time period of not less than 21 days within which the breach must be rectified.

36. Prohibition notice

- (1) Where the operator has not complied with the measures prescribed in the improvement notice within the specified time period, or if the inspector on reasonable grounds believes that the establishment or undertaking is operating or intends to operate in a manner likely to create a serious risk of injury to any person or harm to the environment he may serve on the operator, or if he is absent on any person who is responsible for the establishment or undertaking, a prohibition notice.
- (2) The prohibition notice—
- (a) shall contain the grounds for the inspector's belief;
 - (b) may require specific measures to be taken to eliminate or reduce the risk; and
 - (c) may prescribe—

- (i) the time limit for the establishment to cease to operate if the prescribed measures are not implemented and the risk continues, or
 - (ii) if the inspector believes that any risk is immediate, the suspension as soon as possible of the operations of the establishment or undertaking; and
 - (d) may contain a direction that the establishment shall not operate again until the circumstances creating the risk cease to exist and the measures required under paragraph (b) are taken.
- (3) It is an offence to fail to comply with a prohibition notice.

37. Changes to premises

- (1) An establishment or undertaking intending to make an extension, alteration or other change to its premises must before doing so submit an application for a new licence.
- (2) If the proposed extension, alteration or other change would have minor impact the competent authority may in writing exempt the establishment or undertaking from the obligation to obtain a new licence.

38. Revocation or amendment of licence

The competent authority in taking a decision about the revocation or amendment of a licence or its conditions may take into account the views of the Advisory Committee of Waste Management and any advisory committee set up in the Areas.

39. Competent Authority Register

- (1) The competent authority shall keep a Register in which shall be recorded details concerning—
 - (a) the applications submitted for the issue of licences;
 - (b) the licences granted and subsequent changes to them.
- (2) In relation to an application for the issue of a licence the Chief Officer may, subject to any provisions concerning access to information permit an exemption from entry in the register of any category of information, the publication of which may in his judgement—
 - (a) harm to a significant degree a private interest by disclosing information in respect of a trade secret;
 - (b) harm the public interest.
- (3) Any person may apply in the form specified by the Chief Officer and receive a copy of any entry in the Register on the payment of a fee.
- (4) The Administrator may by regulations make further provision in relation to the Register.

40. Offences

- (1) A person who—
 - (a) breaches a requirement of this Ordinance or of any regulations or orders made under it,
 - (b) fails to comply with a prohibition or obligation which is imposed on him under this Ordinance, or
 - (c) fails to comply with a condition of a licence issued under this Ordinance, is guilty of an offence, and shall be liable on conviction to a term of imprisonment not exceeding 3 years or to a fine in an amount not exceeding £20,000 or to both penalties.
- (2) On the application of the Attorney-General and Legal Adviser and if pollution to the environment has been or is liable to be caused, the court may issue a temporary order against a person being proceeded against for an offence under subsection (1) to prohibit the continuation or repetition of an act or omission until the final decision of the court has been issued.

- (3) A temporary order under subsection (2) may be issued following an ex parte application.
- (4) The court may set a time limit not exceeding 14 days for filing an objection or showing a reason why an order of the court issued under subsection (2) should remain in place.
- (5) A person who fails to comply with an order issued under subsection (2) is guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or a fine not exceeding £20,000 or to both penalties.
- (6) Where an offence under this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any other person purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (7) Where the affairs of a body corporate are managed by its members, subsection (6) shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

41. Administrative penalties

- (1) The Chief Officer may impose an administrative penalty in an amount not exceeding £200,000 on any person who in breach of this Ordinance has caused pollution or damaged the environment, notwithstanding any other civil or criminal liability that that person may have incurred.
- (2) The Administrator, following a proposal of the Chief Officer, may impose an administrative penalty in an amount not exceeding £2,000,000 on a person who causes such serious pollution or damage to the environment that a risk of death or serious injury, widespread ecological disturbance or destruction is created, not withstanding any other civil or criminal liability that that person may have incurred.
- (3) If an establishment or undertaking contaminates, pollutes or otherwise damages the environment, the competent authority may direct that the establishment or undertaking temporarily suspend its operations until the necessary preventative measures have been taken.
- (4) The competent authority may direct that the operations of the establishment or undertaking be permanently suspended and revoke its licence if it fails to comply with measures prescribed by the competent authority or if the taking of effective measures is impossible.
- (5) In a case where—
 - (a) a direction under subsections (3) or (4) to temporarily or permanently suspend the operation of an establishment or undertaking has been issued; and
 - (b) a high degree of contamination, pollution or damage has been created; or
 - (c) there is a risk that death, serious injury or widespread ecological disturbance or destruction will be caused,
 the Administrator may, following a proposal of the Chief Officer, impose an administrative penalty in an amount not exceeding £20,000 for each day the undertaking or establishment operates in breach of the direction to suspend its operations, not withstanding any other civil or criminal liability that that person may have incurred.
- (6) The Administrator may not impose a penalty under subsection (5) unless—
 - (a) the Chief Officer has served on the person concerned a report about the facts;
 - (b) the Chief Officer has given notice to the person concerned that he may within 5 days of receiving the notice make representations to the Administrator concerning the matter; and
 - (c) the Administrator has considered all the facts and the representations.
- (7) An application may be made to the Administrator to extend the time limit for making representations under subsection (6) by 5 days, and on further application for a further 5 days.
- (8) The penalty referred to in subsections (1), (2) and (5) shall constitute an administrative penalty which shall be collected as a sum due to the Administration.
- (9) Where an act or omission of a body corporate results in the imposition of an administrative penalty, the liability for the payment of the penalty shall also be borne by the persons referred to in section 40 (6).

42. Fees

- (1) The competent authority may in relation to an application for a licence or authorisation for any consent or approval made in accordance with or made under powers conferred by this Ordinance —
 - (a) impose a fee calculated to cover the costs involved in examining the application; and
 - (b) impose an annual fee to cover the costs of regular monitoring and measurement of waste.
- (2) Where the operator of an establishment or undertaking sets up a mechanism for the measurement or recording of any substance in or parameter of the waste, either voluntarily or in accordance with a condition in the licence, the competent authority may return that part of the annual fee which it considers reasonable.
- (3) The amounts of the fees charged under subsection (1) may differ for different cases.

Part 6

Additional provisions

43. Application to the Crown

- (1) Subject to subsection (2) and (4), this Ordinance shall bind the Crown and employees of the Crown.
- (2) Sections 7, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 25, 36 and 40 shall not bind the Crown or any employee of the Crown.
- (3) For the purposes of this section “the Crown” means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration in the Areas.
- (4) No contravention by the Crown of any provision of this Ordinance or of any regulations or order made under it shall make the Crown criminally liable; but the Senior Judges Court may, on an application, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (5) Notwithstanding anything in subsection (4) above, the provisions of this Ordinance and of regulations and orders made under it shall apply to persons in the public service of the Crown as they apply to other persons.

44. Repeal Ordinance

The Waste Control Ordinance 1993(f) is hereby repealed.

45. Commencement

This Ordinance shall come into force on the day of its publication in the Gazette.

SCHEDULES/.....

Schedule 1

(Section 2)

Categories of waste

- Q1 Production or consumption residues not otherwise specified below;
- Q2 Off-specification products;
- Q3 Products whose date for appropriate use has expired;
- Q4 Materials spilled, lost or having undergone other mishap, including any materials, equipment, etc., contaminated as a result of the mishap;
- Q5 Materials contaminated or soiled as a result of planned actions (e.g. residues from cleaning operations, packing materials, containers, etc.);
- Q6 Unusable parts (e.g. reject batteries, exhausted catalysts, etc.);
- Q7 Substances which no longer perform satisfactorily (e.g. contaminated acids, contaminated solvents, exhausted tempering salts, etc.);
- Q8 Residues of industrial processes (e.g. slags, still bottoms, etc.);
- Q9 Residues from pollution abatement processes (e.g. scrubber sludges, baghouse dusts, spent filters, etc.);
- Q10 Machining/finishing residues (e.g. lathe turnings, mill scales, etc.);
- Q11 Residues from raw materials extraction and processing (e.g. mining residues, oil field slops, etc.);
- Q12 Adulterated materials (e.g. oils contaminated with PCBs, etc.);
- Q13 Any materials, substances or products whose use has been banned by the provisions of this Ordinance;
- Q14 Products for which the holder has no further use (e.g. agricultural, household, office, commercial and shop discards, etc.);
- Q15 Contaminated materials, substances or products resulting from remedial action with respect to land;
- Q16 Any materials, substances or products which are not contained in the above categories.

Schedule 2 A

(Section 2, 10 and 11)

Disposal operations

Note: This Schedule is intended to list disposal operations such as they occur in practice. Waste must be disposed of without endangering human health and without the use of processes or methods likely to harm the environment.

- D1 Tipping above or underground (e.g. landfill, etc.);
- D2 Land treatment (e.g. biodegradation of liquid or sludge discards in soils, etc.);
- D3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.);
- D4 Surface impoundment (e.g. placement of liquid or sludge discards into pits, ponds or lagoons, etc.);
- D5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.);
- D6 Release of solid waste into a water body except seas/oceans;
- D7 Release into seas/oceans including seabed insertion;
- D8 Biological treatment not specified elsewhere in this Schedule which results in final compounds or mixtures which are disposed of by means of any of the operations referred to in points D1 to D12;

- D9** Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are disposed of by means of any of the operations referred to in paragraphs D1 to D12 (e.g. evaporation, drying, calcination, etc.);
- D10** Incineration on land;
- D11** Incineration at sea;
- D12** Permanent storage (e.g. emplacement of containers in a mine, etc.);
- D13** Blending or mixture prior to submission to any of the operations referred to in points D1 to D12;
- D14** Repackaging prior to submission to any of the operations referred to in points D1 to D13;
- D15** Storage pending any of the operations referred to in paragraphs D1 to D14 excluding temporary storage pending collection on the site where it is produced.

Schedule 2B

(Sections 2, 10 and 11)

Operations which may lead to recovery

Note: This Schedule is intended to list recovery operations as they are carried out in practice. Waste must be recovered without endangering human health and without the use of processes or methods likely to harm the environment.

- R1** Use principally as a fuel or other means to generate energy;
- R2** Solvent reclamation or regeneration;
- R3** Recycling or reclamation of organic substances which are not used as solvents including composting and other biological transformation processes;
- R4** Recycling or reclamation of metals and metal compounds;
- R5** Recycling or reclamation of other inorganic materials;
- R6** Regeneration of acids or bases;
- R7** Recovery of components used for pollution abatement;
- R8** Recovery of components from catalysts;
- R9** Oil re-refining or other re-uses of oil;
- R10** Spreading on land resulting in benefit to agriculture or ecological improvement;
- R11** Use of wastes obtained from any of the operations referred to in points R1 to R10;
- R12** Exchange of wastes for submission to any of the operations referred to in paragraphs R1 to R11;
- R13** Storage of materials intended for submission to any operation referred to in paragraphs R1 to R12 excluding temporary storage, pending collection, on the site where it is produced.

Schedule 3

(Section 2)

Categories or generic types of hazardous waste listed according to their nature or the activity which generated them (*)

(Waste may be liquid, sludge or solid in form)

PART A

Wastes displaying any of the properties listed in Schedule 5 and which consist of:

1. anatomical substances; hospital and other clinical wastes;

2. pharmaceuticals, medicines and veterinary compounds;
3. wood preservatives;
4. biocides and phyro-pharmaceutical substances;
5. residue from substances employed as solvents;
6. halogenated organic substances not employed as solvents excluding inert polymerized materials;
7. tempering salts containing cyanides;
8. mineral oils and oily substances (e.g. cutting sludges.);
9. oil / water, hydrocarbon / water mixtures, emulsions;
10. substances containing PCBs or PCTs (e.g. dielectrics.);
11. tarry materials arising from refining, distillation and any pyrolytic treatment (e.g. still bottoms);
12. inks, dyes, pigments, paints, lacquers, varnishes;
13. resins, latex, plasticizers, glues and adhesives;
14. chemical substances arising from research and development or teaching activities which are not identified or are new and whose effects on man and the environment are not known (e.g. laboratory residues);
15. pyrotechnics and other explosive materials;
16. photographic chemicals and processing materials;
17. any material contaminated with any congener of polychlorinated dibenzo-furan;
18. any material contaminated with any congener of polychlorinated dibenzo-p-dioxin.

PART B

Wastes which contain any of the constituents listed in Schedule 4 and having any of the properties listed in Schedule 5 and consisting of:

19. animal or vegetable soaps, fats, waxes;
20. non-halogenated organic substances not employed as solvents;
21. inorganic substances without metals or metal compounds;
22. ashes or cinders;
23. soil, sand, clay including dredging spoils;
24. non-cyanidic tempering salts;
25. metallic dust, powder;
26. spent catalyst materials;
27. liquids or sludges containing metals or metal compounds;
28. residue from pollution control operations (e.g. baghouse dusts) except points 29, 30 and 33;
29. scrubber sludges;
30. sludges from water purification plants;
31. decarbonization residue;
32. ion-exchange column residue;
33. sewage sludges, untreated or unsuitable for use in agriculture;
34. residue from cleaning of tanks and/or equipment;
35. contaminated equipment;
36. contaminated containers (e.g. packaging, gas cylinders) whose contents included one or more of the constituents listed in Schedule 2;
37. batteries and other electrical cells;
38. vegetable oils;

39. materials resulting from selective waste collections from households and which exhibit any of the characteristics listed in Schedule 3;
40. any other wastes which contain any of the constituents listed in Schedule 4 and any of the properties listed in Schedule 5.

** Certain duplications of entries found in Schedule 3 are intentional.*

Schedule 4

(Section 2)

Constituents of the wastes in schedule 3B which render them hazardous when they have the properties described in schedule 5 (*)

Wastes having as constituents:

- C1** beryllium; beryllium compounds;
- C2** vanadium compounds;
- C3** chromium (VI) compounds;
- C4** cobalt compounds;
- C5** nickel compounds;
- C6** copper compounds;
- C7** zinc compounds;
- C8** arsenic; arsenic compounds;
- C9** selenium; selenium compounds;
- C10** silver compounds;
- C11** cadmium; cadmium compounds;
- C12** tin compounds;
- C13** antimony; antimony compounds;
- C14** tellurium; tellurium compounds;
- C15** barium compounds; excluding barium sulphate;
- C16** mercury; mercury compounds;
- C17** thallium; thallium compounds;
- C18** lead; lead compounds;
- C19** inorganic sulphides;
- C20** inorganic fluorine compounds, excluding calcium fluoride;
- C21** inorganic cyanides;
- C22** the following alkaline or alkaline earth metals: lithium, sodium, potassium, calcium, magnesium in uncombined form;
- C23** acidic solutions or acids in solid form;
- C24** basic solutions or bases in solid form;
- C25** asbestos (dust and fibres);
- C26** phosphorus: phosphorus compounds, excluding mineral phosphates;
- C27** metal carbonyls;
- C28** peroxides;
- C29** chlorates;
- C30** perchlorates;

- C31 azides;
- C32 PCBs or PCTs;
- C33 pharmaceutical or veterinary compounds;
- C34 biocides and phyto-pharmaceutical substances (e.g. pesticides.);
- C35 infectious substances;
- C36 creosotes;
- C37 isocyanates; thiocyanates;
- C38 organic cyanides (e.g. nitriles);
- C39 phenols; phenol compounds;
- C40 halogenated solvents;
- C41 organic solvents, excluding halogenated solvents;
- C42 organohalogen compounds, excluding inert polymerized materials and other substances referred to in this Schedule;
- C43 aromatic compounds; polycyclic and heterocyclic organic compounds;
- C44 aliphatic amines;
- C45 aromatic amines;
- C46 ethers;
- C47 substances of an explosive character, excluding those listed elsewhere in this Schedule;
- C48 sulphur organic compounds;
- C49 any congener of polychlorinated dibenzo-furan;
- C50 any congener of polychlorinated dibenzo-p-dioxin;
- C51 hydrocarbons and their oxygen; nitrogen or sulphur compounds not otherwise taken into account in this Schedule.

** Certain duplications of generic types of hazardous waste in Schedule 4 are intentional.*

Schedule 5

(Section 2)

Properties of wastes which render them hazardous

H1 ‘Explosive’: substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.

H2 ‘Oxidizing’: substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.

H3-A ‘Highly flammable’:

- liquid substances and preparations having a flash point below 21 °C (including extremely flammable liquids), or
- substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or
- solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or
- gaseous substances and preparations which are flammable in air at normal pressure, or
- substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.

H3-B ‘Flammable’: liquid substances and preparations having a flash point equal to or greater than 21 °C and less than or equal to 55 °C.

H4 ‘Irritant’: non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.

H5 ‘Harmful’: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.

H6 ‘Toxic’: substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.

H7 ‘Carcinogenic’: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.

H8 ‘Corrosive’: substances and preparations which may destroy living tissue on contact.

H9 ‘Infectious’: substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.

H10 ‘Teratogenic’: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.

H11 ‘Mutagenic’: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.

H12 Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid.

H13 Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above.

H14 ‘Ecotoxic’: substances and preparations which present or may present immediate or delayed risks for one or more sectors of the environment.

Note:

As regards points H3 to H8, H10 and H11, in order for a waste to be considered as belonging to the respective characterisation, such waste shall have one or more of the following properties:

- have a flash point ≤ 55 °; C
- contain one or more substances which are classified as very toxic at a total concentration $\geq 0,1\%$;
- contain one or more substances which are classified as toxic at a total concentration $\geq 3\%$;
- contain one or more substances which are classified as harmful at a total concentration $\geq 25\%$;
- contain one or more corrosive substances which are classified as R35 at a total concentration $\geq 1\%$;
- contain one or more corrosive substances which are classified as R34 at a total concentration $\geq 5\%$;
- contain one or more irritant substances which are classified as R41 at a total concentration $\geq 10\%$;
- contain one or more irritant substances which are classified as R36, R37, R38 at a total concentration $\geq 20\%$;
- contain a substance known to be carcinogenic of category 1 or 2 at a concentration $\geq 0,1\%$;
- contain a substance which is toxic in reproduction of category 1 or 2 classified as R60, R61 in a concentration $\geq 0,5\%$;
- contain a substance which is toxic in reproduction of category 3 which is classified as R62, R63 in concentration $\geq 5\%$;
- have a mutagenic substance of category 1 or 2 classified as R46 in a concentration $\geq 0,1 \%$;
- contain a mutagenic substance of category 3 classified as R40 in a concentration $\geq 1\%$;

For characteristics H2, H9 and H12 to H14 no specifications are foreseen for the time being.

This Note shall not be valid for alloys of metals (which have not been infected by hazardous waste), because the characteristics of alloys are such that it may not be possible to define their properties with accuracy using the conventional methods available at the present.

Schedule 6

(Section 4)

Categories of Waste and Management Operations

Categories of waste	Management operations
1. Domestic waste. 2. Waste from clothes or textiles. 3. Soil and stones. 4. Residues from the cleaning of roads. 5. Waste from gardens, parks or cemeteries. 6. Non-hazardous waste from demolitions.	1. Disposal operations which are determined in Schedule 2A with codes D1, D2, D5, D8 and D15. 2. Reclamation operations which are determined in Schedule 2B with code R3. 3. Reclamation activities which are determined in Schedule 2B with code R13, only if they are intended to be subjected to the operation with the code R3 of the same Schedule. 4. Disposal operations of non-hazardous waste from demolitions with the operations which are determined with code D1 in Schedule 2A.

Schedule 7

(section 11)

Establishments for which intergrated pollution prevention and control is applied

1. Establishments for the removal or recovery of hazardous waste (listed in Table 2 to the Environmental Impact Assessment Ordinance 2003 and the mineral oils used (that is every semi-liquid or liquid product which is made wholly or partly of mineral or synthetic mineral oil , and including oil products which are residues from lakes, mixtures of oil and water and the emulsions), and actions which may lead to the recovery of waste without causing risk to human health and without using procedures or methods which could harm the environment and which concern the reclamation or regeneration of solvents, the regeneration of acids or bases , the recovery of products useful in the blocking of dirt, the regeneration or other re-use of oils and the main use of waste as fuel or as other means of energy production), of a daily potential of over 10 tons.
2. Establishments for the combustion of municipal waste which includes—
 - (a) all technical equipment which is used for the combustion of municipal discharges, with or without the reclamation of produced heat from combustion, excluding premises designed for the combustion of cleaning sludge from chemical, toxic and hazardous waste, discharges which come from medical activities of hospitals or other specific waste, on land and sea, even if such establishments may also burn municipal waste;
 - (b) the site and the whole of the establishment which is comprised of the burner and its feeding systems for waste, fuel and air;
 - (c) appliances and establishments for the control of the combustion operations and the continuous recording and monitoring of the state of combustion, with an hourly capacity of over 3 tons.
3. Establishments for the removal of non-hazardous waste with a daily capacity of over 50 tons.
4. Landfills which accept over 10 tons a day or of a total capacity of over 25,000 tons, excluding landfills for inert waste.

Notes

- (a) Law No. 215(I)/2002 Republic of Cyprus.
- (b) Cap 224 (Laws of Cyprus).
- (c) Ordinance 23/01.
- (d) Ordinance 27/01.
- (e) Ordinance 11/03.
- (f) Ordinance 18/93.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

Introduction

1. These explanatory notes relate to the Waste Management Ordinance 2007. They have been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. They do not form part of the Ordinance.
2. The notes need to be read in conjunction with the Ordinance. They are not, and are not meant to be, a comprehensive description of the Ordinance. When a section or part of a section does not seem to require any explanation or comment, none is given.

The Ordinance

3. This Ordinance establishes a basic system for the management of waste in line with that set up by the Republic's Solid and Hazardous Waste Law 2003. The latter reflects the provisions of EU legislation.
4. The Ordinance puts in place foundation provisions which will contribute to SBA compliance with the Basle Convention and so allow extension of the Convention to the Areas, in accordance with SBA and UK government policy.
5. The Ordinance provides for internal and external arrangements for dealing with various categories of waste listed in the schedules.

Part 1

6. This part includes interpretations (section 2), and the power for the Administrator to issue a list of types of waste (section 3).
7. The respective Area Officers are appointed as the Competent Authority, except for waste produced or held by British Forces Cyprus and/or the Ministry of Defence, when the Defence Estates Technical Support Manager will act as the competent authority (section 4).

Part 2- Management of waste

8. This Part establishes a licensing and control system for dealing with waste in general with additional regulation-making powers given to the Administrator.
9. Obligations are imposed (section 7) on holders of waste (as defined in s.2) to ensure the safe temporary storage of waste and to arrange for it to be passed on to someone who holds a suitable licence as soon as possible.
10. Businesses concerned in waste management must have a licence from the competent authority (section 11) which will be subject to various conditions.
11. Section 16 introduces the concept of the Principle that "the polluter pays" (an EU principle) which must inform the application of the Ordinance in general and the bearing of costs and setting of fees in particular.

Part 3

12. This applies Part 2 to hazardous waste with some additional requirements. A separate hazardous waste licence is required for businesses dealing in hazardous waste (section 19).

Part 4

13. This sets the basic framework for transboundary movements of waste.
14. By section 28 the Chief Officer must be notified of all impending imports, exports or transits of waste and he is given the important power to prohibit them. Particular types of waste may be prohibited by order of the Administrator under section 29. Under the same section the Administrator can through regulations set up the system by which the movements may be monitored and controlled.

Part 5

15. This makes further provision about the Administration and Application of the waste management system.

16. Section 40 makes it a criminal offence punishable with imprisonment of up to 3 years or a fine of up to £20,000 (or both) to breach obligations imposed by the Ordinance or its subsidiary legislation. The court is given power to issue interim orders to prevent the continuation of the breach, it being an offence punishable with 2 years and a fine of £20,000 to break such an order.

17. In addition, under section 41 administrative (civil) penalties for breaches of the Ordinance which cause pollution or environmental damage may be issued by Chief Officer (maximum of £200,000 fine) or by the Administrator in the most serious cases (maximum £2,000,000 fine). The competent authority may direct temporary or permanent suspension of the operation of a business and in certain circumstances a separate penalty may be imposed by the Chief Officer for a breach of the direction.

