
CONTROL OF LICENCE-HOLDERS FOR THE DISPOSAL OF CHEMICAL WASTE BY THE INSPECTORATE FOR THE ENVIRONMENT IN THE NETHERLANDS

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SUMMARY

Over the last two years the Inspection for the Environment has carried out a standardized check on all licence-holders for the disposal of chemical waste. Not only was compliance with the licences checked, but an assessment of the quality of the licences was made as well. The situation of the companies was charted in detail, besides, recommendations were made for improvement. Moreover, the data proved to be an excellent basis for delegating tasks to the provinces, who, as a result of a change in law, are responsible for the inspection of these licence-holders from 1 January 1994.

This paper describes the way in which the Inspectorate for the Environment has carried out the national investigation and results achieved.

1 INTRODUCTION

In the Netherlands licences are required for collecting, storing, processing and dumping of chemical waste. Until 1 January 1994 these licences were granted by the Ministry of VROM. The monitoring of compliance was carried out by nine Regional Inspections for the Environment and the Chief Division Enforcement Environmental Legislation of the Inspectorate for the Environment. The last two years an extensive nationwide investigation has been undertaken into the state of affairs among licence-holders. The objectives were the following:

- to realise better compliance of the environmental licences;
- to provide a survey of the quality of the licences;
- to point out bottlenecks in legislation and regulations; and
- to provide a basis for the transfer of enforcement tasks to the province.

The Inspectorate for the Environment is a division of the Ministry of VROM. The Inspectorate's task is to promote the Ministry's policy and to check its implementation. The lower authorities (such as municipalities and provinces) are responsible for most of the implementation tasks. This means that the Inspectorate stimulates, among other things, the functioning of the lower authorities (in the environmental field).

The Inspectorate for the Environment itself is primarily responsible for, e.g.:

- Dangerous Substances Act.
- Nuclear Energy Act.
- Water Supply Act.
- Chemical Waste Act.

Since 1 January 1994 all twelve provinces of the Netherlands have become competent authorities with regard to the licence-holders for the disposal of chemical waste as a result of an amendment of the law (Chemical Waste Act).

1.1 Organisation and procedure

The situation in the companies involved in the disposal of chemical waste has been surveyed extensively. In two years' time all licence-holders for the disposal of chemical waste have been subjected to a standardized check. Compliance with the licences was investigated, as well as the quality of the environmental licences.

This investigation has been set up and executed thematically. The project organisation is composed of representatives of all nine Regional Inspectorates for the Environment and members of the Chief Division Enforcement Environmental Legislation.

The national project coordinator had the use of a bureau with a limited staff. This bureau gave directions to the people responsible for executing the project, assisted the inspectors in carrying out their tasks and processed the control data for reports.

The execution of the project involved 45 persons. The total effort amounted to twenty man-years for two years. During one and a half year 760 companies (Table 1) were visited and subjected to a detailed inspection. The enforcement activities and re-checking after shortcomings had been established continued for another half year after termination of the investigation and have now been finished. There were 2000 company visits in all.

Table 1. Overview of Branches Visited

Overview of branches	Number of licence-holders
Distillers	16
Collecting and processing of used oil	12
Depots for small chemical waste	480
Collecting, storing and processing of chemical waste from shipping	90
Storing of chemical waste	60
Metal recovery and installations for the treatment of galvanic baths	21
Soil sanitation companies and temporary depots for polluted soil	17
Collecting of chemical waste	44
Burning and dumping of chemical waste	19

The findings of this investigation have been described in nine section reports and a final report. These reports are named in the References.

2 FINDINGS

The number of shortcomings which were established was high. Due to the fact that follow-up actions were immediately undertaken with subsequent re-checks, this number has decreased considerably.

In Table 2 the reduction of the number of shortcomings is given per control round. The first round represents the situation of a detailed control, the second and third round show the results of the re-checks.

Table 2. Reduction Shortcomings per Control Round

	Number shortcomings	Number companies	Average shortcomings
1st round	2562	540	5
2nd round	1037	381	3
3rd round	119	53	2

The shortcomings concern the quality of the licences and compliance conduct of the licences.

2.1 Quality of licences

In the case of a great many licences regulations for the prevention of pollution of the soil (235 companies), of surface water and sewage (389 establishments) are lacking. Moreover, procedures to prevent danger are not specified in 122 establishments and in 403 companies a general regulation or more than one (administrative and/or procedural) did not even exist.

2.2 Compliance conduct

Compliance conduct was assessed according to the licences. It is easy to comply with a bad licence, a correct compliance conduct therefore does not necessarily mean that the environmental provisions are adequate.

3 FOLLOW-UP ACTIVITIES

In most cases a warning letter was sent to the companies. In 55 cases an official report was issued, 11 times a recognizance was imposed and 3 times an order was issued to close the companies.

The competent authorities have been strongly advised to adjust the environmental licences. Recommendations have been made as to how these should be improved. Moreover, the term within which this should take place has been set.

Furthermore, a guideline has been drawn up in cooperation with other authorities, which states the conditions depots for small chemical waste have to fulfil.

The private sector trade association, in general, endorses the main conclusions and has discussed the results with the companies. A few recommendations, in particular those concerning administrative and internal organisation, have already been incorporated in an environment and quality safeguard system of the branche association.

4 FINAL RESULTS

Following, a brief overview of the results:

- the investigation has given a good insight into the situation among licence-holders for the disposal of chemical waste;
- the number of shortcomings in the companies has greatly diminished. Follow-up actions in combination with re-checking prove to be effective;
- recommendations have been made with regard to:
 - compliance of licence requirements;

- quality of licence requirements;
- a guideline has been drawn up defining the conditions which the depots for small chemical waste have to satisfy.
- agreements have been made about the way in which and the term within which the licences are to be adjusted.

As a result of the enforcement action the environmental situation in companies has improved noticeably. In addition, the results provide an excellent basis for transfer of enforcement tasks to the provinces.

A thematical transfer has been opted for. All licence-holders will be checked by the provinces together with the Inspectorate for the Environment for a period of one year. The control system developed by the Inspectorate, as set out in this paper, will be used for this purpose.

5 REFERENCES

The following reports are produced in this National Enforcement project Chemical Waste Act:

- Standardised check for the control of licence-holders for the disposal of chemical waste;
- Handbook inspection licence-holders for the disposal of chemical waste and used oil (1993/78);
- Distillers (1992/54);
- Collecting and processing of used oil (1992/55);
- Depots for small chemical waste (1992/57);
- Collecting, storing and processing of chemical waste from shipping (1992/59);
- Storing of chemical waste (1992/67);
- Metal recovery and installations for the treatment of galvanic baths (1992/68);
- Soil sanitation companies and temporary depots for polluted soil (1993/69);
- Collecting of chemical waste (1993/70);
- Burning and dumping of chemical waste (1993/76);
- Final report (1993/77).

These references are only available in the dutch language.