

**Appendix III**

**Permits, Licenses or  
Authorizations**

**Basel  
Convention**

## I. Introduction

1. The permitting, licensing or authorization of installations and activities by designated authorities is essential for ensuring the environmentally sound management (ESM) of hazardous waste and other waste. This manual provides information on procedures and requirements associated with permits, licenses and authorizations.
2. This manual provides a general overview of how to establish procedures and requirements for facilities to obtain permits, licenses or authorizations to conduct waste management activities. Most important is the incorporation of these general rules into national legislation, and their practical implementation to ensure ESM. Only when adequate waste management practices are promoted can the necessary investments be made by facilities and other stakeholders to bring about environmentally sound waste management practices. Therefore, it is of the greatest importance to enable the main actors to access the necessary information: this manual provides an overview of the necessary information with some references.

## II. Permits, licenses or authorization procedures

3. Waste management activities, sites and facilities should hold a permit, license, or other authorization (e.g. information provision, registration, as appropriate).
4. National, regional, or state legislation should clearly state the process by which facilities can obtain a permit, license or other authorization and the designated authorities to contact.
5. Waste management facilities may only operate if the operator holds a permit, license, or other authorization containing requirements and conditions and is in compliance with these requirements for the protection of the environment, as well as to avoid adverse effect on human health. Waste management facilities should adhere to provisions regarding the waste management hierarchy (prevention, minimization, reuse, recycling, other recovery including energy recovery and final disposal), transportation, storage, accident prevention, site clean-up, and any other matters as specified in the permit, license or authorization.
6. Because of the connection between different permits, licenses or authorizations (e.g. for buildings, water discharge, or environmental protection in general), such procedures should be fully coordinated, and start with preliminary discussions with the operator before commencing the “official” permitting, licensing or authorization procedure according to legislation.
7. Costs for the application and approval procedure and monitoring by designated authorities can be covered by a fee payable by the operators of the permitted, licensed or authorized activity.

### A. Planning

8. Ideally, the first stage of the permitting, licensing or authorization process begins with planning as follows:
  - (a) Designated authorities should be subjected to an obligation to develop a strategy and plan of the national/regional/local waste management infrastructure according to the needs of capacities (waste management plan) and in the course of spatial planning (including land use, urban, regional, transport and environmental planning, etc.).<sup>1</sup> This plan should be updated regularly, taking into account the evolution of the amounts and types of waste generated, the availability of waste management technologies, the implemented legislation and other policy related measures;
  - (b) The operators of waste management facilities and services should plan their activities prior to applying for a permit, license or authorization;
  - (c) The designated authority should be informed by the operator at a very early stage of its planning activities to ensure a timely and efficient permitting, licensing or authorization procedure;
  - (d) The designated authority should make an assessment of appropriate action to be taken in case of non-compliance of a facility’s operations.

### B. Application

9. The permit, license or authorization should be issued to legal person(s) registered within the provisions of the relevant national, regional, or state legislation;

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<sup>1</sup> Proper positioning and planning of the facility should be assessed by superimposing the spatial location on other maps such as road, rail, water supply, residences, community services, etc.

10. The person(s) applying for a permit, license or authorization should submit an application including the following:
- (a) Name of the company, registered office, management address;
  - (b) Location of the planned waste management site or facility/service;
  - (c) Type (e.g. Basel code and name), quantity and origin of waste to be accepted and managed;
  - (d) Type of waste management activities/operations for which the application is submitted;
  - (e) Methods and technologies that will be applied (BAT/BEP should be considered, as appropriate);
  - (f) Downstream waste management of residual wastes;
  - (g) Maximum capacity of the installations;
  - (h) The proposed technology and other techniques for preventing or, where this is not possible, reducing discharges/emissions/releases from the installation into each medium (air/soil/water);
  - (i) Indication of discharges/emissions/releases and resulting waste streams (type, description, quantities and destinations) to be expected;
  - (j) Measures planned to monitor discharges/emissions/releases into the environment;
  - (k) Safety and precautionary measures that will be taken as appropriate (and specification as to what these measures would address);
  - (l) Specific competencies and skills of employees;
  - (m) Measures and technologies for closure and after-care operations at waste management sites;<sup>2</sup>
  - (n) Adequate and appropriate contingency<sup>3</sup> and emergency plans;
  - (o) A report of an environmental impact assessment (EIA), if required;
  - (p) A detailed waste management plan, if required, including a description of:
    - (i) The waste management operation(s) or service(s) that will be carried out, including how wastes will be stored;
    - (ii) Sufficient measures to safeguard occupational safety and health (OSH);
    - (iii) (Appropriate and adequate) contingency and emergency plans;
    - (iv) Training programme for personnel;
    - (v) Monitoring and reporting programme;
    - (vi) Plan for closure and after-care;
    - (vii) Financial insurance or guarantees for liabilities resulting from accidents, emergency spills, environmental damages and/or clean-up, closure and after-care;
    - (viii) Other information according to the requirements of national, regional or state legislation.
11. The application should be submitted to the designated authority in the appropriate format according to the national, regional or state legislation.

<sup>2</sup> The need for closure plans and financial insurance or guarantees is determined by applicable laws and regulations, taking into consideration the level of risk. Closure plans should be updated periodically and financial insurance or guarantees should ensure that necessary measures are undertaken upon cessation of activities to prevent any environmental damage and to return the site of operation to a satisfactory state, as required by the applicable laws and regulations.

<sup>3</sup> For example, appropriate action to be taken in case of exceeding emission limits arising from the facility's operations.

### **C. Approval process**

12. The designated authority should, among other things:
- (a) Set time limits for each stage of the application and approvals procedure. Time limits will lead to reduced costs for applicants and ensure designated authorities are accountable and efficient;
  - (b) Decide whether the application and its accompanying documentation complies with regulatory requirements, including the environmental impact assessment (EIA) and an assessment of the implementation of BAT/BEP, if required by national, regional or state legislation;
  - (c) Inspect the site and discuss details with the applying person(s);
  - (d) Consult with other relevant authorities, and the public, if required, in order to gather facts and opinions that would contribute to the assessment of the application;
  - (e) If necessary ask the applicant to provide additional relevant information and/or undertake actions in order to comply with national, regional or state legislation to issue the permit, license or authorization for the particular waste management activity;
  - (f) Issue or refuse to issue the permit, license or authorization in accordance with national, regional or state requirements;
  - (g) If appropriate, lay down specific conditions for carrying out waste-related operations;
  - (h) Have a process in place to involve the public for example through public meetings, public review and commenting periods on the application for a permit, license or authorization.

### **D. Change/cancellation/termination of permits, licenses or authorizations**

13. A permit, license or authorization can be changed, cancelled or terminated as follows:
- (a) It can be amended or supplemented as deemed necessary by the designated authority;
  - (b) It can be amended or supplemented upon request of the permit, license or authorization holder;
  - (c) The operator should inform the designated authority of any planned change in the nature or functioning, or an extension of the installation that may have consequences for the environment. Where appropriate, the designated authority should update the permit, license or authorization;
  - (d) Substantial changes of an installation, waste management facility or service, should result in prior updating of the permit, license or authorization. In this case the operator should apply for an amendment to the permit, license or authorization;
  - (e) The permitted, licensed or authorized operations should be terminated, for example:
    - (i) After the expiration date of the permit, license or authorization (if no renewal is sought);
    - (ii) If violations are not addressed;
    - (iii) If the permit, license or authorization holder requests a termination.

## **III. Requirements**

14. This section provides examples of requirements that are generally addressed with respect to the ESM of waste. Many countries take different approaches to establishing requirements in order to determine what may constitute ESM of waste.

## A. Environmental requirements

15. Environmental requirements may include the following:
- (a) Air emissions from thermal processing:
    - (i) Thresholds for: CO<sub>2</sub>, SO<sub>x</sub>, NO<sub>x</sub>, fine dust, HCl, HF, dioxins and furans, gaseous and vaporous organic substances, expressed as total organic carbon (TOC), and heavy metals such as mercury, lead, arsenic, chromium;
 

Note: Dioxins are produced in small concentrations when organic material is burned in the presence of chlorine. Furans are also usually produced from thermal processes.
    - (ii) Quantities and maximum concentration of contaminants in the ashes;
  - (b) Waste water:
    - (i) Categorizing of discharged water/fluids and receiving medium (water body, sewer, water treatment plant);
    - (ii) Thresholds for: Biochemical oxygen demand (BOD), chemical oxygen demand (COD), mercury, cadmium, arsenic, lead, chromium, copper, nickel, zinc, cobalt;
    - (iii) Conditions for waste water from flue gas cleaning;
    - (iv) Thresholds of contaminants in the discharges/effluent (from waste water treatment) and in the ashes and slags (from thermal treatment) for final disposal;
  - (c) Other (odour, light, noise etc.):
 

Requirements for minimum standards of odour, light and noise;
  - (d) Landfill sites:
 

Quantities and concentration of contaminants in the ashes and slag due for final disposal in landfill.

## B. Occupational safety and health requirements

16. Occupational safety and health (OSH) requirements may include the following:
- (a) Hygiene and nuisance control;
  - (b) Sufficient measures to safeguard OSH:
 

Workers at waste management facilities or services should not be exposed to unacceptable OSH risks related to the content of the materials they are handling or discharges/emissions/releases from those materials and the equipment being used. The waste may include hazardous chemicals or toxic metals; it may generate discharges/emissions or release harmful dust. Workers may have to handle heavy loads, and be exposed to vibrations and the noise of machinery. Also, the risk of fire and explosion may exist in some cases. Consequently, adequate measures should be taken to avoid unacceptable OSH risks. Adequate measures should be established by national, regional or state legislation, in the authorization of facilities or by voluntary agreements;
  - (c) Facilitate periodic medical examination for employees;
  - (d) Facilitate periodic training of employees of waste facilities:
 

Personnel involved in the management of waste and materials, in particular hazardous waste and materials, should be capable and adequately trained to identify and properly handle the materials, operate equipment and follow processes, eliminate risk situations, control releases and carry out safety and emergency procedures;
  - (e) Sufficient measures to ensure that children are not present within the grounds of the waste facility;
  - (f) Auditing committees should be established for different OSH and environmental issues.

17. In addition, the operators of the waste management facility should ensure protection of the communities surrounding the hazardous waste facility from air pollutants, wastewater discharges, groundwater pollution, noise, etc. during operation of the facility. There should also be a well-maintained follow-up programme by the designated authority as ensuring the health and safety of surrounding communities is often not part of the direct legal obligations of the owner or operator of the waste facility. Measures should be taken to prevent access by children to hazardous areas of a waste facility both during active operation and following closure of the facility.

#### **IV. Monitoring and control**

18. The facility should have a regularly updated plan for monitoring, reporting and responding to accidental or otherwise exceptional discharges/emissions/releases.

##### **A. Monitoring**

19. The facility should have standardized sampling and testing methods in order to facilitate the monitoring of its operations.

20. The facility should have a monitoring and reporting programme that covers:

- (a) Relevant legal requirements;
- (b) Compliance with applicable safety requirements;
- (c) Groundwater quality, discharges and emissions, as well as other requirements established (relating to soil, noise, odour, etc.);
- (d) Incoming, stored and outgoing waste, in particular for hazardous waste;
- (e) Type and amount of wastes disposed of and disposal methods employed;
- (f) Record keeping for a specified time.

##### **B. Appropriate and adequate emergency plan**

21. This plan should include emergencies such as accidents, fires, explosions, abnormal operating conditions, etc. The emergency plan should be based on the evaluation of existing and potential risks. This plan should be regularly tested and revised as appropriate, in particular after the occurrence of accidents or emergency situations.

##### **C. Records and reports**

22. There should be an obligation to provide information and reports which cover the requirements listed in section A on monitoring above: waste management facilities and services should maintain records on the generation, collection, transport or disposal of waste, its type and amounts. These records are to be made available to the designated authorities upon request for a specified time period.

##### **D. Control**

23. On a periodic basis, in accordance with national, regional or state legislation, designated authorities should inspect the facility(ies) or services for which the permit, license or authorization has been issued to verify compliance of the conditions for waste management with those stated in the permit, license or authorization issued and compliance with the requirements of the legislation.

24. Follow-up actions in case of non-compliance should be developed and documented. For example, measures that may be taken include the issuance of fines, temporary closure and other judicial and administrative penalties.