

# LICENSING AND ENFORCEMENT POLICY FOR WASTE SECTOR

EAD-EQ-PR-P-03

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## I. POLICY AIM

### I.1 Background

Over the last decades, Abu Dhabi Emirate's waste management system has grown through significant changes in terms of responsibilities of regulatory agencies aiming at improving the waste management services. While the entities involved in waste management within the Emirate of Abu Dhabi were being permitted for the purpose, there are significant gaps in the processes of quality assurance of the waste management services and enforcement of regulatory requirements to meet all the objectives of the Abu Dhabi Environment Vision 2030.

The Environmental Agency - Abu Dhabi (EAD), Tadweer (Center of Waste Management – Abu Dhabi (CWM)) and the concerned authorities have jointly developed a Waste Management Strategy for the Emirate of Abu Dhabi (2014) that specifies requirements of ensuring high quality waste management services meeting international standards to be provided by the Environmental Service Providers (ESPs) and limiting their number to the need for specific activity or area.

While permitting the ESPs, CWM shall take into account their need based on the principles depicted by the waste management hierarchy and life cycle approach (LCA) for an integrated waste management system in the Emirate of Abu Dhabi. LCA and the waste hierarchy consider integrated waste management system is environmentally effective and economically affordable. This approach will take into account a combination of reduction in the amount of waste generated, reuse or recycling of the waste, including resource recovery, treating the waste using best available technology and disposal in a sanitary landfill, only when cannot be otherwise managed.

This policy is part of a series of policy documents that have been prepared to establish the regulatory framework for integrated waste management in the Emirate of Abu Dhabi to achieve the overall objectives of the Abu Dhabi Environmental Vision 2030 and Abu Dhabi Environment Policy Agenda (ADEPA).

### I.2 Objectives

This policy will define a comprehensive licensing and enforcement mechanism to be implemented for the waste management sector including the ESPs and waste generators. In the Emirate of Abu Dhabi, entities that collect, transport, transfer, trade (within the country), process, recycle, treat, dispose waste, or otherwise handle waste shall be licensed as registered environmental service providers for specific type of waste and activity.

The licensing mechanism of ESPs includes environmental permitting (from EAD), waste management permitting (from CWM), and as well other licenses from various relevant agencies (as detailed in Section 2.2.1).

EAD being the competent authority for the environment in the Emirate of Abu Dhabi shall be responsible for environmental permitting of ESPs involved in treatment and recycling of waste. However, CWM shall be responsible for waste management permitting of all the ESPs including approving the technology of treatment and recycling

The policy will also establish the framework for enforcement mechanism to ensure effective regulatory compliance by all concern in the waste management sector in the Emirate of Abu Dhabi.

This policy supports the Emirate's vision for environmentally, socially and economically sustainable waste management as well as the federal regulatory framework.

## 2. POLICY FRAMEWORK

### 2.1 Scope and Applicability

This policy is addressing the permitting and enforcement of regulatory compliance by all concerned in the waste management sector including entities involved in collection, transportation, recycling, resource recovery, treatment and disposal of waste as well as the waste generators (commercial and industrial including but not limited to healthcare facilities, schools, shopping malls, hotels, restaurants, labor camps, etc. as well as agriculture farms, animal farms and livestock).

The policy is for all type of waste in the Emirate of Abu Dhabi including non-hazardous solid waste, non-hazardous liquid waste (excluding sewage waste and drainage water), hazardous solid and liquid waste as well as medical waste. This policy does not include any aspect of nuclear (radioactive) waste.

The policy applies to all ESPs as well as waste management facilities. The policy shall be applicable to all waste generators for using the services of ESPs.

The policy does not apply to wastes discharged to atmosphere in the form of gases, vapor's, fumes, aerosols, dusts and particulates. However, dust and particulates collected from air pollution control devices are included in this policy.

This policy does not apply to waste treatment plants that are inside industries or commercial entities that cater to treatment of their own waste / wastewater. Such waste / wastewater treatment plants are normally permitted by EAD as part of environmental permitting.

This policy prohibits the open burning of any wastes unless specifically permitted by EAD (environmental permit) and CWM (waste management permit) and also prohibits unauthorized dumping of waste in desert, open area, highway sides, etc.

### 2.2 Policy Statement

#### 2.2.1 Permitting

All waste sector ESPs including waste management facilities in the Emirate of Abu Dhabi that perform the following activities must have a waste management permit from the CWM as well as shall have other relevant license / approval / permit from the concerned agencies:

- Waste collection, storage and transportation;
- Waste treatment and waste management facilities (example transfer station, landfill, etc.);
- Waste recycling and resource recovery; and
- Waste trading including scrap dealers.

Also, commercial and industrial waste generators (waste producers) including but not limited to healthcare facilities, schools, shopping malls, hotels, restaurants, labor camps, etc. as well as agriculture farms, animal farms and livestock are required to obtain No Objection Certificate (NOC) from CWM for renewal of their commercial / industrial license.

The table below clearly indicates the license / permit / approval required for various ESPs and waste generators to facilitate clear understanding. However, there may be additional requirements of other relevant government authorities.

Table 1. License / Permit / Approval Required for Various Environmental Service Providers

No.	Type of Activity	CWM	EAD	IDB	DED	AD Police	RSB & ADSSC	Civil Defence	ADFCA
1.	Waste collection, storage and transportation	√			√	√		√	
2.	Waste treatment and waste management facilities	√	√		√		√ (for facilities discharging wastewater into ADSSC network).	√	
3.	Waste recycling and resource recovery	√	√	√				√	
4.	Waste trading including scrap dealers	√			√			√	
5.	Waste generators (commercial and industrial)	√							
6.	Waste generator (agricultural and animal farms, and livestock)	√	√				√ (only ADSSC)		√

IDB: Industrial Development Bureau.

DED: Department of Economic Development.

AD Police: Abu Dhabi Police.

RSB: Regulation and Supervision Bureau.

ADSSC: Abu Dhabi Sewerage Services Company.

ADFCA: Abu Dhabi Food Control Authority.

Permitting of waste treatment / recycling facilities shall avoid encouraging monopoly business. However, under special circumstances, the concerned permitting authorities may permit exclusive facility for special wastes. Waste permitting shall be based on fulfilling specific requirements for each category including but not limited to special equipment, special vehicles, treatment technology, etc. ESP shall be permitted for specific purpose, specific type of waste and specific capacity.

As mandated by Law No. 21 of 2005, all ESPs shall maintain waste manifestation and submit monthly record in form of monthly ESP register to CWM. Not fulfilling the requirement on a monthly basis could lead to suspension of license.

All waste ESPs and facilities, including their operating personnel, vehicles and equipment must meet the requirement specified under approved CWM technical guidelines.

ESPs that have multiple licenses, in order to be able to handle multiple categories of wastes or to conduct multiple types of trading or treatment, are not allowed to interchange their equipment, including their vehicles.

#### Waste Collection, Storage and Transportation Permitting

The permitting requirements for collection and transportation of waste shall include the following (CWM TG # 11 and CWM TG # 6):

1. All ESPs shall register their vehicles installed with appropriate tracking system approved by CWM, for specific type of waste;
2. All ESPs shall register their skips / containers installed with appropriate tracking system approved by CWM, for specific type of waste;
3. All waste collection and transporting vehicles while transporting waste shall carry the waste manifest duly signed and stamped by waste generator and the transporting ESP. The same shall be signed and stamped by the receiving facility;
4. ESPs with license to carry multiple category of wastes shall not be allowed to interchange their equipment / vehicles;
5. Special vehicles for hazardous and medical waste shall be permitted and shall carry Transport Emergency (TREM) card prepared by the waste generator as well as emergency kits including spill kits, etc. specific for the type of waste;
6. Training certificate issued by OSHAD approved training service provider to demonstrate that all drivers and waste handlers are trained for the purpose;
7. An emergency plan approved by CWM in case of hazardous and medical waste transportation and any kind of waste storage;
8. Lifting equipment test certificate by a third

party that is approved by the concerned governmental agency (UAE Ministry of Labor or Emirates Authority for Standardization and Metrology - ESMA), in case of waste transportation vehicle equipped with lifting device;

9. All waste storage facilities of ESPs shall be reviewed and permitted by CWM and approved by Abu Dhabi Civil Defence; and
10. Vehicle fitness certificate and registration from Abu Dhabi Police shall be prerequisite for CWM permit. Similarly, commercial license from DED shall also be prerequisite for CWM permit

#### Waste Treatment, and Waste Recycling and Resource Recovery Facilities Permitting

The permitting of waste treatment, and waste recycling and resource recovery facilities from CWM will be primarily based on the technology of treatment selected from one of the international best available technologies and meeting the legal requirements. Once the technology is permitted from CWM, ESP shall obtain the environmental permit from EAD.

The permitting requirements for waste treatment, and waste recycling and resource recovery facilities shall include the following (CWM TG # 11 and EAD-EQ-PCE-SOP-03):

1. Process technology, capacity of treatment, operational manual, by product details including residual waste, waste acceptance criteria

and treated waste disposal options shall be reviewed for permitting;

2. New waste treatment, and waste recycling and resource recovery facility permitting shall involve the following 3 stages:
  - Initial permitting based on a detailed technical evaluation of the technology by CWM and environmental permitting from EAD;
  - Onsite assessment before commissioning to ensure conformity to what has been permitted as 'Initial Permit', if need be CWM may ask for Certificate of Conformity (CoC), onsite environmental assessment by EAD;
  - Final permit for operation based on test certificates of waste (before and after) and other technical documents as required including calibration certificate, AD Civil Defense certificate, wastewater discharge consent (if applicable), Operational Environment Permit from EAD, etc.
3. Renewal of waste management permitting from CWM will only be considered if detailed record of monthly submission of waste manifestation / treated waste laboratory analysis, calibration certificates, etc. is submitted. Those facilities that have been permitted in past but are not meeting the requirements shall be required to upgrade their facilities to the international treatment / recycling standards otherwise their license shall not be renewed. The renewal of permit shall be subject to compliance assessment through inspection. In case of nonconformity, permit shall not be renewed until the corrective action has been satisfactorily implemented and approved by the relevant authority.

The mechanism of environmental permitting referred above includes the following (EAD-EQ-PCE-SOP-03: Permitting of Industrial, Commercial, and Light Industrial Projects in Abu Dhabi):

1. ESP shall submit a completed environmental permit application to EAD through the proper channel. The application shall include all required administrative and technical documents and information mentioned in EAD-EQ-PCE-SOP-03;
2. Upon reviewing the submittals as part of the environmental permit application including the technical documents, etc. EAD may ask the ESP to submit environmental study (ies); and
3. ESP shall annually submit through the proper channel an application to renew its environmental permit, where EAD in advance performs the necessary inspection to the facility to ensure it is operating properly, safely and in compliance with its permit / approval conditions. In case of noncompliance, the permit shall not be renewed.

IDB and DED shall not renew the license of the waste treatment, and waste recycling and resource recovery facilities unless the waste management permit and environmental permit are renewed.

Over and above, waste management permit and environmental permit, the waste treatment, and waste recycling and resource recovery facilities shall be required to obtain other relevant licenses / permit / approval from relevant agencies as explained in Table 1, Section 2.2.1.



### Waste Trading including Scrap Dealers Permitting

The waste trading ESP shall be limited to entities involved only in collection of scraps and not into any treatment process for extraction or recycling. The permitting of such trading entities would require the following:

1. Manifestation of all types of scrap (wastes) as well as quantity of scrap;
2. Those dealing in waste electronics and electrical equipment shall be required to install refrigerant gas collection facility;
3. Storage facility shall be approved by Abu Dhabi Civil Defense, which would be a prerequisite for the waste management permit issued;
4. The commercial license shall be issued and subject to the waste management permit issued by CWM; and
5. Such ESPs if are using vehicles for transportation of scrap (wastes) shall be required to comply with the waste transportation permitting requirements.

The renewal of waste management permit for waste trading ESP shall be subject to submission of monthly register (records) of waste manifestation and compliance assessment through inspection by CWM. In case of noncompliance, the permit shall not be renewed.

In case any such waste trading ESP has a resource recovery system including extraction of metals or other recyclables shall be required to comply with waste recycling permitting requirements. Any

transfer of scrap (waste) out of the Emirate of Abu Dhabi to any other emirate as well as import of waste from other Emirates to Abu Dhabi would need a permit from the CWM. In case of export of such scrap (waste) out of the country would require a permit from the UAE Ministry of Environment and Water including compliance with the Basel Convention (in case of hazardous waste).

### Waste Generators Permitting

All commercial and industrial entities including but not limited to healthcare facilities, schools, shopping malls, hotels, restaurants, etc. that are generating more than 250 tons of waste per annum shall be required to obtain NOC from CWM for issuance and renewal of their commercial or industrial license, by fulfilling the requirements like submission of Waste Reduction Action Plan, providing copy of contract with ESP and waste manifestation for whole year (as per Abu Dhabi Decree No. 2 G24 of 2009 for the tariff system of the waste in the Emirate of Abu Dhabi). All Labor camps shall obtain NOC from CWM for issuance and renewal of their permit from municipalities. All other commercial and industrial entities shall comply with the waste regulations and maintain waste manifestation. The healthcare facilities shall comply with the Health Authority – Abu Dhabi requirements.

Agricultural and animal farms including livestock (Ezab) shall be required to be permitted by CWM, EAD, ADSSC, municipality and ADFCA as per their requirements.

### 2.2.2 Enforcement

Enforcement of environmental and waste sector regulatory requirements should be undertaken for the purposes of:

1. Better protecting human health, the environment and its economic and social uses;
2. Ensuring that no commercial advantage is obtained by any person who fails to comply with environmental and / or waste sector regulatory requirements; and
3. Influencing the attitude and behavior of persons whose actions may have adverse environmental, and / or public health impacts resulting from waste handling or treatment or disposal, or services which may have adverse environmental and / or public health and safety impacts.

Compliance assurance and enforcement will follow the following principles:

#### Proportionality

Proportionality means the enforcement action taken should be related to the size of the impact or risks associated with the noncompliance or violation as well as the violation history of the entity.

In practice, applying the principle of proportionality means that EAD and CWM shall take particular account of how far the duty holder (entity) has fallen short of what the regulations require and the extent of harm to the environment or the extent of the risks to the people arising from the breach. The decision of EAD's / CWM's technical committee of specialists, on the extent of risk or

potential harm to people and environment shall be the final.

#### Consistency

Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.

Duty holders / entities presenting similar risks or causing similar impacts due to noncompliance or violation should expect a consistent response from the regulators. However, if there is repeated noncompliance, the escalation principle will be applied.

The environmental and waste sector regulatory authorities recognize that in practice consistency is not simple matter. Regulators may be faced with many variables including the degree of impact / risk, the attitude and competence of duty holder, audit / inspection findings, any history of noncompliance or violations or breaches involving the duty holders, previous enforcement action, and the seriousness of any breach, which includes any potential or actual harm arising from a breach of regulations. Decisions on enforcement action are at the discretion of the enforcement authorities.

EAD and CWM shall have arrangements in place to promote consistency, including effective arrangements for liaison with other enforcing authorities (Department of Economic Development, Industrial Development Bureau, etc.) if required.

### Transparency

Transparency means helping duty holders to understand what is expected of the entities and what they should expect from the Regulators (EAD and CWM). This could mean distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory. In cases where enforcement action will be taken, the reasons for taking the action will be made clear as well as the expected response.

When regulators provide feedback to duty holders, whether face to face or in writing, including any warning, they will explain the duty holder what needs to be done to ensure compliance to the environmental and waste laws and regulations.

However, it remains the responsibility of the duty holders to understand the relevant legislation, how it applies to their operations and to ensure their operations are in compliance.

### Escalation

For the first offence, the penalty will be proportionated to the risk posed or the impact on the environment and / or human health in accordance with the proportionality principle. However, in the case of repeated offence, the size / severity of the penalty will be escalated to deter future violation.

The EAD / CWM technical committee will provide recommendations on escalation to the judiciary.

### Enforcement Actions

Enforcement action shall be taken by judicially empowered officers/ inspectors following the identification of illegal activity / breach of regulations, the collection of evidence and the identification of the suspected violator.

The consequence of enforcement action can take a number of forms depending on the nature and impact of the offence on the environment and / or public health, which include:

1. Issue written warning / improvement notice;
2. Issue prohibition notices including but not limited to equipment seized, premises closed and sealed, etc.;
3. Refusal / revocation of waste permit / NOC and / or environmental permit including recommending revocation of industrial / commercial license;
4. Fixed penalty and remedial action; and
5. Recommending legal action.

It may be that one or more of these actions would be appropriate in any given case.

In the case of an improvement notice or prohibition notice being served, the notice will explain the nature of the breach of regulations and the actions required by the duty holder to come back into compliance.

EAD and CWM shall develop a regulation specifying minimum and maximum penalty for

specific violations. The fixed penalty shall be such that demonstrates 'exemplary punishment' and is deterrent for committing violation.

The final decision on the penalty to be applied will lie with the courts; however, it is the view of EAD and CWM that penalties, as a minimum, should cover the cost of environmental remediation or any legal compensation payable to affected parties / governmental entities. If found guilty, the violator should bear the cost of investigation (not included in the penalty) like sampling, testing, analysis, etc.

EAD and CWM will provide recommendations to the courts on the appropriate penalties, based on the nature and severity of the case and the financial implication such as remediation, however, the decision of the courts shall be final.

## 2.3 Legal Authority

This policy requires that all waste shall be managed only by licensed ESPs. Each ESP shall be licensed for each specific type of wastes they wish to handle and for the specific services they wish to provide.

Waste shall not be transported out of the Emirate of Abu Dhabi or brought into the emirate without the appropriate permit from CWM.

This policy is issued based on the regulatory structure as referred to in:

1. Federal Law No. 24 of 1999 regarding Protection and Development of the Environment;
2. Abu Dhabi Law No. 21 of 2005 regarding Waste Management in the Emirate of Abu Dhabi;
3. Abu Dhabi Law No. 17 of 2008 regarding establishing the Center of Waste Management -Abu Dhabi; and
4. Federal Cabinet Decree No. 37 of 2001 regarding the Regulations for the Handling of Hazardous Materials, Hazardous Wastes and Medical Wastes.

## 2.4 Effective Date

The policy will come into effect and shall be implemented for enforcement six months after the date of official approval.

## 2. POLICY ANALYSIS

### 3.1 Impact Assessment

The implementation of this policy will help for the achieving of many outcomes such as:

- Avoiding the environmental damage caused by the illegal dumping of waste and the promotion of proper waste treatment and maximizing recycling;
- Ensuring that no commercial advantage is obtained by any person or entity who fail to comply with environmental and / or waste sector regulatory requirements;
- Promoting the health, safety and welfare of the people of the Emirate of Abu Dhabi, and protecting the environment by establishing requirements for licensing ESPs in the emirate;
- Encouraging development and implementation of an emirate-wide system for managing waste by implementing strict requirements for licensing ESPs and the inspection program licensed ESPs;
- Positive contribution to the economic development as result of recycling, reusing of waste materials and use of recycled products; and
- Minimizing waste trafficking outside of the Emirate's borders.

### 3.2 Measurement of Actions

The following actions will establish compliance assurance and effective enforcement in the waste sector across the Emirate of Abu Dhabi:

- 100% manifestation of waste by all entities;
- No illegal dumping of waste;
- No trafficking of waste outside the emirate or into the emirate from outside without proper permit; and
- 100% proper treatment of all waste before final disposal.

## 4. REFERENCES

### 4.1 Citations Included

Federal Law No. 24 of 1999 regarding Protection and Development of the Environment.

Federal Law No. 28 of 2001 regarding establishing the Emirates Authority for Standardization and Metrology.

Abu Dhabi Law No. 21 of 2005, Waste Management in the Emirate of Abu Dhabi.

Abu Dhabi Law No. 17 of 2008 regarding establishing the Center of Waste Management - Abu Dhabi.

Federal Cabinet Decree No. 37 of 2001 regarding the Regulations for the Handling of Hazardous Materials, Hazardous wastes and Medical Wastes.

Board Degree No. 1 for the year 2010 on the imposition of fees on producers and transporters of waste of all types and license fees and permits at the Center of Waste Management - Abu Dhabi.

Abu Dhabi Decree No. 2 G24 of 2009 for the tariff system of the waste in the Emirate of Abu Dhabi.

EAD-EQ-PCE-SOP-03: Permitting of Industrial, Commercial, and Light Industrial Projects in Abu Dhabi.

CWM TG # 4: NOC Requirements for Construction of New Building, Infrastructure and Labor Camp.

CWM TG # 5: Permitting of Cleaning and Transportation of Oil and Grease from Tanks, Pipelines, etc.

CWM TG # 6: Requirements and Procedures for Registration of Waste Skips and Container

CWM TG # 7: Test Requirements for Treated Wastes including Disposal.

CWM TG # 9: Permitting & Licensing Waste Transportation Vehicles & GPS Requirements.

CWM TG # 10: Inspection of Waste Treatment Facilities, Waste Transportation and Pest Control Facilities.

CWM TG # 11: Permits and Licensing Requirements for Transportation, Treatment and Recycling Facility.

Health Authority - Abu Dhabi, Policy on Medical Waste Management in Health Care Facilities: PPR/HCP/P0002/07 of 2007.

Health Authority - Abu Dhabi, Standard of Waste Management in Health Care Facilities: HAAD/HSED/ST/0016/HS\_EHSMS of 20011.

International Convention for the Prevention of Pollution of the Sea by Oil, 1954 and its amendments.

International Convention on Civil Liability for Oil Pollution Damage (CLC), 1969.

International Convention on the Prevention of Marine Pollution from Ships, 1973, and as amended by the Protocol in 1978.



Vienna Convention for the Protection of the Ozone Layer of 1985 and Montreal Protocol on Substances that Deplete the Ozone Layer of 1987.

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their disposal, 1989.

United Nations Framework Convention on Climate Change for the year 1992.

1992 Protocol Concerning Amendments on International Convention on Civil Liability for Oil Pollution Damage (CLC), 1969 and International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971.

Montreal Amendments (London 1990, Copenhagen 1992, Montreal 1997, Beijing 1999), Kyoto Protocol, 1997.\

Kuwait Regional Convention for cooperation on the protection of the marine environment from pollution, 1978.

Regional Convention of Protocol on the Control of Marine Transboundary Movements and Disposal of Hazardous Wastes and Other Wastes, 1998.

Waste Management Strategy for the Emirate of Abu Dhabi, 2014.

Abu Dhabi Environment Policy Agenda (ADEPA), 2014.

## 4.2 Definition of Key Terms

Please refer to the waste definition document for all key terminology.

## 4.3 Resources Needed to Support This Policy

For the proper implementation of this policy the Integrated Waste Management Master Plan should be prepared, implemented and updated.