

# IMPLEMENTATION OF THE LAW ON THE NEW SYSTEM OF MUNICIPAL WASTE MANAGEMENT IN THE EXAMPLE OF THE CITY OF GORZOW WIELKOPOLSKI

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*Radosław Nowak<sup>1</sup>*

## Summary

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The article discusses the issue of municipal waste management on the example of the city of Gorzow Wielkopolski. The author has also analyzed the legal acts regulating this issue. He also presented the situation of waste management on the example of countries in Central and Eastern Europe. The author decided to present this topic, because it aroused a lot of controversy among Polish society due to numerous innovations and the nature of the changes. He also presents the functioning of the Special Union of Municipalities as the Intercommunal Association.

**Key words:** municipal waste management, environmental management, environmental protection, innovation in the environment protection, recycling.

## The situation in the Central and Eastern Europe countries in the field of municipal waste management

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In 2009 a group of countries of Central and Eastern Europe: Bulgaria, Estonia, Czech Republic, Greece, Lithuania, Latvia, Poland, Romania, Slovakia, Slovenia and Hungary produced as much as 16% of all rubbish generated throughout the European Union. It should be marked, that Poland had the largest (29%) share of waste production overall in this group of countries. Every inhabitant of 11 countries in Central and Eastern Europe produced 370 kg of waste. This level of garbage production is lower than in

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<sup>1</sup> PhD student of the Social Sciences Faculty at the University of Wrocław.

the entire European Union, where every citizen produced 512 kg of waste. All EU countries should have made the implementation of European regulations and in most countries it has happened. The average degree of transposition in the EU countries reached 83%. Lithuania, Latvia and Romania have made 100% implementation of these regulations, while the lowest level achieved Greece (65%) and Bulgaria (50%). For comparison, the author presents parceling level of garbage collected in 11 of these countries. In total, in 2009 88% of municipal waste was collected, of which 85% went to landfill, 9% were recycled, 3% recovered, and 3% neutralized by heat. It showed that in 2010 none of those countries reached the target set by the European Union for the reduction of biodegradable municipal waste (BMW). However, it should be emphasized that from 11 countries of Central and Eastern Europe the most extensive and best-functioning system of municipal waste management is implemented in Czech Republic. This country has achieved excellent results on the level of recovery and recycling of packaging waste. Czechs produce the least amount of garbage, which per capita reaches 316 kg. According to presented report, Romania and Bulgaria had the worst results in the management of municipal waste. In these countries, the degree of recycling and recovery is very small. In addition, the waste collection system leaks and the greater amount of garbage is released into the environment<sup>2</sup>.

In accordance with the directives of the European Communities each country should follow the principle of sustainable development, and therefore adopt the hierarchy of waste management: prevention, preparation for reuse, recycling, other recovery, disposal<sup>3</sup>.

In 2014 Poland had to achieve the following levels of recycling of packaging waste: glass – 60%, paper – 60%, metals – 50%, plastics – 22.5% and wood – 15%<sup>4</sup>.

The key strategy of the European Union in the field of municipal waste management and thus protection of the environment is the Strategy for Sustainable Development of the European Union. Adopted in 2001 and modified in 2006, the strategy identifies key issues of European policy in essential areas for the proper functioning of the whole system and, therefore, primarily for environmental protection and dynamic economic

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<sup>2</sup> [http://webapp01.ey.com.pl/EYP/WEB/eycom\\_download.nsf/resources/Gospodarka-odpadami-komunalnymi-kraje-UE11.pdf](http://webapp01.ey.com.pl/EYP/WEB/eycom_download.nsf/resources/Gospodarka-odpadami-komunalnymi-kraje-UE11.pdf/$FILE/Gospodarka-odpadami-komunalnymi-kraje-UE11.pdf) [22.09.2011].

<sup>3</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain directives, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:ev0010&from=PL> [07.02.2014].

<sup>4</sup> Ibidem.

growth. “Sustainable development should be seen as a global goal.” “Sustainable development is development that implies meeting the needs of the present without compromising the ability of future generations to meet their own needs”<sup>5</sup>.

The strategy focuses on the following objectives and actions: sustainable consumption and production, sustainable transport, climate change and clean energy, natural resource protection, social inclusion, public health. Naturally, strategy applies to many other important goals. Even educational policy undoubtedly plays an important role in this area.

In Poland rational waste management and re-use of garbage are regulated by the Act of 14 December 2012 on waste<sup>6</sup>. The term waste management should be understood as “the collection, transport, recovery and disposal of waste, including the supervision of such operations and the disposal sites [...]”<sup>7</sup>. Due to the standardization of Polish law with the European one, waste management definition in the Directive of the European Parliament and Council Directive 2008/98/EC of 19 November 2008 on waste reads as follows: “the collection, transport, recovery and disposal of waste, including the supervision of such operations and after-care of disposal sites, and including actions taken as a dealer or broker”<sup>8</sup>. According to presented definition, it must be concluded that this management should be understood multifaceted and it is subject to certain rules, namely “who undertakes actions which cause or may cause waste, should plan, design and conduct such action in order to:

- prevent waste production and reduce the amount of garbage and its environmental impact in the production of products, during and after their use;
- ensure recovery consistent with the principles of environmental protection, if it failed to prevent waste;
- ensure disposal of waste, which could not have been prevented or which could not be recovered, in compliance with the principles of environmental protection”<sup>9</sup>.

In the mentioned Directive of the European Parliament and of the Council of 19 November 2008, which entered into force on 12 December

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<sup>5</sup> *The World Commission on Environment and Development* of 11 December 1987 ., <http://www.un.org/documents/ga/res/42/ares42-187.htm>, [10.02.2014].

<sup>6</sup> Journal of Laws 2013, item 21.

<sup>7</sup> <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20130000021>, [06.02.2014]

<sup>8</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain directives, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:ev0010&from=PL> [07.02.2014].

<sup>9</sup> <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20130000021>, [06.02.2014]

2008, the third article defines key terms. Due to variety of definitions used in public spaces, the author attempted to present the most important of them.

„Waste” means any substance or object which the holder clears out, intends to do this or is required to clear out; ‘prevention’ means measures taken before a substance, material or product has become waste, ‘recovery’ means any operation whose principal result is a useful purpose of waste, whereas ‘recycling’ means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes”<sup>10</sup>. The deadline for transposition of the directive was 12 December 2010.

## **The law, its genesis, assumptions and research**

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Revision of the Act of 13 September 1996 on maintaining cleanliness and order in municipalities duty, signed by the President of Republic of Poland on 15 July 2011<sup>11</sup>, imposed on local governments new measures for maintaining order and cleanliness.

The act consists of six chapters. The first concerns general provisions described by law and, therefore, the general tasks of the municipality and the obligations of the owner of the property. In the second chapter different tasks of the municipality were defined. It is a municipality who is obliged to maintain order and creates appropriate conditions for properties’ owners to make order and cleanliness within their own land. Until 16 July 2020, each municipality in Poland is obliged to 35% reduction in the production of biodegradable municipal waste. On 31 December 2020, every municipality within seven years will have to achieve a 50% level of recycling and preparation of products for re-use and a 70% level of recycling materials used in construction and safe methods of demolition. The third chapter clarifies the responsibilities of the owner of the property and establishes municipal waste management by the municipality. Every property should be fitted with a suitable container for storage of municipal waste and be connected to the sewerage system. If it is impossible and justified it can be attached to a holding tank or a household sewage treatment plant. Chapter four concerns conditions for granting authorizations for the provision of services, the

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<sup>10</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain directives, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:ev0010&from=PL> [07.02.2014].

<sup>11</sup> Journal of Laws 1996, no. 132 item 622.

exercise of activities in the field of collecting and urban waste management, reporting, control and penalties. In the fifth chapter defines criminal provisions. The sixth and last chapter contains the provisions amending the legislation in force and final provisions.

The law entered into force on 1 January 2012. Municipalities have been obliged to establish a register of regulated activity. From that day municipalities have had also an obligation to comply with all the provisions of the amended Act. Under the new conditions assemblies of provinces had been obliged to update the provincial waste management plans until 1 June 2012. The mass media campaign launches informing citizens about the implemented changes and of their new obligations.

Until 1 January 2013 each municipality in Poland had been required to prepare new regulations on waste management and maintenance of order and cleanliness. Entrepreneurs who had acted before the law entered into force on the basis of the authorization received registrations. Each municipality was also obliged until 31 March 2013 to submit a report to the marshal of each voivodeship on the course of implementing change within the municipality. On 1 July 2013 resolution of the Council of Municipalities and Cities on a new maintain order and cleanliness came into force, and thus the amended law began to function.

The status of implementation of the act at the municipal level was as follows: the Ministry of the Environment has developed a questionnaire for municipalities on the state of the implementation of the new system. The Ministry distributed it via e-mail to 2,479 municipalities in Poland (1,571 from rural communities, 602 from rural-urban municipalities, 306 from municipalities ). The survey consisted of questions concerning the creation of teams for the implementation of the system, analyze the state of waste management and the development of a tender for waste collection from property owners.

The main tasks of municipalities concerned the organization of a tender for waste collection, development of rules and procedure, adopting a resolution on the price rates for waste disposal and the manner and scope of services provided, as well as the organization of municipal waste collection point. The status of implementation of tenders was proceeded unevenly. Data, which brought together the Ministry of the Environment shows that 17 municipalities failed to organize tenders, 16 municipalities of them commissioned waste collection to their own organizational unit, and in one municipality it was decided in a referendum. The survey of the Ministry of the Environment also shows that 70% of municipalities was planning to pursue municipal waste management by itself. Almost 23% of municipalities will manage waste management within the association of communes



(over 42% of communes in Poland intend to devolve all tasks related to municipal waste management to an association of communes). Less than 3% of municipalities intended to otherwise manage the waste on their land, even through inter-contracts and agreements.

At the implementation stage even 88% of municipalities in Poland did not start to prepare the announced tender for export of municipal waste, and 8% of municipalities declared that the work in this field is preliminary. 42% of municipalities stated their actions of preparing the rules to maintain order and cleanliness in communities as preliminary work. As many as 47% of municipalities did not take action in creating term and conditions of export garbage, and 17 municipalities believed that it is not necessary.

917 local governments had not started works on the resolution relating to rates and charges at all (54% of overall number of local governments), 629 (almost 37%) started preliminary works, and 29 local governments considered this action as unnecessary. The method of billing practices for municipal waste based on population has been chosen by 82.5% of communities, and nearly 6% of local governments felt that this charge should be calculated on the basis of the property. More than 4% based on the amount of water used, and almost 2% on the basis of a lump sum of household.

Of course, each method has its advantages and disadvantages. The calculation of the fee of the population seems to be the most equitable, because it is payed by people who produce garbage. However, there is one hidden defect of this method, which concerns the difficulty of determine the number of residents living in the place, which is often different on the real state of reporting. No legitimacy for the method of calculating the fee based on a lump sum of household turned out to be accurate. This method does not provide the calculation of the fee proportional to the amount of waste produced by the family inhabited the place, because a single person would pay in this case the same as a numerous family.

Despite many problems and concerns related to the implementation of a new waste management system the Ministry of the Environment did not leave local governments. The Ministry supported municipalities by launching a website [www.mos.gov.pl/komunalne](http://www.mos.gov.pl/komunalne), issuing bulletins and information posters for municipalities with interpretation of the law, organizing meetings and establishing a team of consultants and experts.

The Union of Polish Metropolises (UMP) has also developed state of implementation of tenders within the metropolis as on 16 July 2013. The study shows that 8 towns (Gdansk, Katowice, Krakow, Lublin, Lodz, Rzeszow, Szczecin and Wroclaw) located in the UMP had completely finished the tendering procedures. Other group of cities (Bialystok and

Bydgoszcz) completed tender procedures, but not in all sectors. In contrast, Warsaw and Poznan had not completed tender procedures<sup>12</sup>.

## **Gorzow Wielkopolski as an example of the implementation of the new law waste management**

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Gorzow Wielkopolski is a city in western Poland in Lubuskie Voivodeship and one of its two capitals with a seat of a Voivodeship governor, situated on the bank of Warta River. It has almost 125 thousand inhabitants.

In Gorzow Wielkopolski duties over the proper management of municipal waste fulfill the Association of Municipalities MG-6 (ZCG MG-6), which was registered in the Register of Ministry of Internal Affairs and Administration of inter-municipalities associations on 21 December 1999 under the number 191.

The register was made on the basis of the Law on Local Government (8 March 1990)<sup>13</sup>. Association of Municipalities MG-6 includes the following municipalities: Gorzow Wielkopolski, Bogdaniec Deszczno, Klodawa, Lubiszyn and Santok and has its own Statute, according to the article 67, paragraph 3 of the Act on the Local Government (Journal of Laws 2001, no. 142, item 1591 d.). Union has legal personality and it has its seat in Gorzow Wielkopolski. The bodies of the association is the Assembly and the Executive Board. The Statute of the Association of Municipalities MG-6 was announced in the Official Journal of the Lubuskie Voivodship No. 41, dated on 28 December 1999.

The tasks of the Union concern “joint planning and carrying out the actions of environmental protection in the field of waste management, animal care, technical and social infrastructure, public utilities and tourism”<sup>14</sup>.

MG-6 in its strategy and planning adopted the following tasks: until the end of May 2012, the establishment of a register of regulated activity, and to the end of December 2012 the adoption of new regulations on maintaining cleanliness and order in municipalities.

Assembly MG-6 determined the rates for municipal waste management on 10 April 2013 by Resolution No. XVII/49/2013 on the election method of setting fees for municipal waste management and the amount of the fee

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<sup>12</sup> <http://www.metropolie.pl/1181,wdrzanie-nowego-system-gospodarki-odpadami/> [29.12.2013]

<sup>13</sup> <http://www.zcg.net.pl/powstanie-zcg/> [11.02.2014]

<sup>14</sup> §3 of Statute of Association of Municipalities MG-6 <http://www.zcg.net.pl/statut-zcg-mg-6/> [11.02.2014]

rates. In paragraph 2 of the Resolution, the following rates for the export of municipal waste on the area of the Special Association of Municipalities were fixed: in rural communities (Bogdaniec, Deszczno, Klodawa, Lubiszyn, Santok) 14 zł per month from every person living in the property, while 9 zł per month if the waste will be collected and received in a selective manner; in the city of Gorzow Wielkopolski 14 zł per month of each person living in a property in detached houses, and 10 zł per month from every person living in single-family property, if waste will be collected and received in a selective manner. As for the multifamily housing rate of each person living in the property is 14 zł per month, while for municipal waste collected and received in a selective 9 zł per month from every person living in the property.

The mentioned MG-6 resolution provide a justification for the choice of method of setting fees for municipal waste management and to determine the rate of the fee. It follows that monthly one person living in detached houses in Gorzow Wielkopolski produces 23 kg of garbage, while the number of residents of that kind of building is 40 544. In multifamily housing in Gorzow Wielkopolski, the amount of municipal waste per capita per month also reaches 23 kg, while the number of residents is 85 000. According to calculations, the average amount of municipal waste in other municipalities (Bogdaniec Lubiszyn, Klodawa, Deszczno and Santok) in single- and multi-family building is also 23 kg per capita per month, while the number of residents there is 37 312 .

Thus, the monthly fee for municipal waste disposal is calculated by multiplying the sum of the residents living in the property and the rates defined in the Resolution of MG-6. Number of people living in real estate on the area ZCG MG-6 was based on the declarations of fees for municipal waste management.

Within the activities of MG-6 every resident had to submit the declaration until 24 May 2013. No one could forget this date due to information campaign in regional media, such as: [egorzow.pl](http://egorzow.pl), [gorzow.gazeta.pl](http://gorzow.gazeta.pl), [mygorzow.pl](http://mygorzow.pl), [gorzow24.pl](http://gorzow24.pl), [gorzowwielkopolski.naszemiasto.pl](http://gorzowwielkopolski.naszemiasto.pl), [gazetalubuska.pl](http://gazetalubuska.pl) and many others. In addition, over 55 thousand of declaration were sent via mail. In envelopes there was also a leaflet, which informed citizen about the way of the selective collection of municipal waste.

In Gorzow Wielkopolski over 20 points where it was possible to leave the declaration were created. Each inhabitant could also download the declaration and fill it on the website of ZCG MG-6 (<http://www.zcg.net.pl/>). Facing the new order, introduced by the new law, Gorzow Wielkopolski went into action, “Old Waste – New order”. Educational campaigns costed approx. 50.000 PLN, which came from the Regional Fund for Environmental Protection and Water Management.



As a result of settlement of the tender for waste collection won the TEW company from Kielcza for the first and second sector. On 24 September, 2013, the president of Gorzow Wielkopolski, Tadeusz Jedrzejczak signed an agreement with the CEO Bartosz Lewandowski and a board member Dariusz Buchwald at the headquarters of ZCG MG-6. TEW hired about 70 employees, what in the long term support the labour market of the city of Gorzow Wielkopolski.

The main responsibilities of the company include:

1. The contractor shall be required during the duration of the contract to equip the properties in boxes or containers and bags for the garbage collection, in accordance with the requirements of the existing rules of maintaining cleanliness and order in Gorzow Wielkopolski.
2. The containers will be placed in waste collection locations agreed with owner of the property in the case of detached house, or manager or administrator of real estate in the case of multi-family house.
3. Waste containers must fulfill the following conditions:
  - a) they have to be marked with the name and phone of company and a description enabling unambiguous identification of the type of waste;
  - b) they have to be leakproof and equipped with cover.
4. The contractor shall ensure proper sanitary and technical condition of containers for waste collection and if necessary cleaning, disinfection, maintenance, repair or replacement<sup>15</sup>.

According to the amended Act of 27 April 2001 on waste<sup>16</sup>, the basis for the functioning of the municipal waste management in the province should be the regions of municipal waste management, including Regional Facilities of Municipal Waste treatment (RIPOK) with sufficient capacity to receive and process waste from the area inhabited by at least 120 thousand residents. They should meet the criteria of best available techniques, serving different regions of waste management.

The Regional Facility will collect mixed municipal waste, green waste and residues from the sorting of municipal waste. They cannot be collected and processed outside the region where it was produced<sup>17</sup>. ZCG MG-6 is located in the northern region assigned to the RIPOK – Waste Utilization Plant Sp. z o. o. in Gorzow Wielkopolski for the years 2012-2017 with

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<sup>15</sup> <http://www.mygorzow.pl/content/koniec-%C5%9Bmieciowej-rewolucji-w-gorzowie>, [10.02.2014]

<sup>16</sup> Journal of Laws 2010, No 185, item. 1243, changed.

<sup>17</sup> <http://www.zcg.net.pl/projekty-zwiazku-celowego-gmin-mg-6/odpady/ripok/>, [14.03.2014]

a view to 2020. An auxiliary facility for the northern region is the Enterprise Municipal and Housing Sp. z o.o. in Drezdenko.

In 2013, the required level of recycling for reuse and other methods of recovery and to reduce the weight of biodegradable municipal waste transferred for storage amounted to:

- 27.8% reduction of the weight of biodegradable municipal waste transferred for storage;
- 17.7% of recycling, preparation for reuse the following fractions of municipal waste: paper, metal, plastic and glass
- 100% of recycling, preparing for re-use and recovery by other methods of non-hazardous construction and demolition waste<sup>18</sup>.

## Conclusions

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The new law on municipal waste management introduced a lot of controversy and numerous questions. Polish citizens were wondering, how will it work and whether the new system will work. Despite numerous situations of unrest and irritations of society, the author of this publication believes that the implementation of the new law system of municipal waste management in the city of Gorzow Wielkopolski and neighboring communities in accordance with the operation of the Special Union of Municipalities MG-6 ran smoothly. Regional mass media (TV, radio, newspapers and internet websites) informed the community about important changes and time limits. In addition, all the information concerning new system of waste management were published on a website <http://www.zcg.net.pl> with documents that can be downloaded. There were also a survey for residents, helping to express their opinion on the functioning of the new law.

Gorzow Wielkopolski compared to other Polish cities coped well with the introduction of the new law on the management of municipal waste. Thanks to good organization and efficient flow of information there were no surprise among the citizens of Gorzow Wielkopolski and neighboring municipalities. ZCG MG-6 provided containers with sorting labels, and then replaced these labels with larger ones with enlarged font to help citizens quickly identify a proper container.

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<sup>18</sup> <http://www.zcg.net.pl/projekty-zwiazku-celowego-gmin-mg-6/odpady/informacja-osiagnietych-poziomach-recyklingu-za-rok-2013/>, [22.04.2014]

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