

SCHEDULE 1

Regulations 2 and 10

WASTE ACCEPTANCE CRITERIA

**Criteria for acceptance of waste which apply to all kinds of landfill**

- 1.—(1) The following criteria shall apply to the acceptance of waste at any landfill.
- (2) Waste may only be accepted at a landfill where its acceptance would not –
  - (a) result in unacceptable emissions to groundwater, surface water or the surrounding environment;
  - (b) jeopardise environment protection systems (such as liners, leachate and gas collection and treatment systems) at the landfill;
  - (c) put at risk waste stabilisation processes (such as degradation or wash out) within the landfill; or
  - (d) endanger human health.

**Additional criteria for acceptance of waste at landfills for hazardous waste**

2. Waste may only be accepted at a landfill for hazardous waste if –
  - (a) it is listed on the Hazardous Waste List of the European Waste Catalogue(1) or has similar characteristics to those so listed; and
  - (b) its total content or leachability –
    - (i) does not present a short term occupational risk or an environmental risk; and
    - (ii) would not prevent the stabilisation of the landfill within its projected lifetime taking account of its after care period following closure.

**Additional criteria for acceptance of waste at landfills for non-hazardous waste**

3. Waste may only be accepted at a landfill for non-hazardous waste if –
  - (a) it is listed on the Hazardous Waste List of the European Waste Catalogue or has similar characteristics to those so listed (and its deposit at the landfill otherwise meets the requirements of regulation 10(3)(c) and (4)); or
  - (b) it is any other waste listed on the European Waste Catalogue or has similar characteristics to those so listed.

**Additional criteria for acceptance of waste at landfills for inert waste**

4. Waste may only be accepted at a landfill for inert waste if it is listed in the following Table or it otherwise falls within the definition of inert waste in regulation 7(4) –

Waste acceptable at landfills for inert waste

<i>European Waste Catalogue Code</i>	<i>Description</i>	<i>Exclusions</i>
10 11 03	Waste glass based fibrous materials	

(1) Council Decision [2000/532/EC](#) (O.J. No. L226, 6.9.2000, p. 3) as amended by Council Decision [2001/119/EC](#) (O.J. No. L47, 16.2.01, p. 32) and [2001/573/EC](#) (O.J. L203, 28.7.01, p. 18)

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<i>European Waste Catalogue Code</i>	<i>Description</i>	<i>Exclusions</i>
15 01 07	Glass packaging	
17 01 01	Concrete	
17 01 02	Bricks	
17 01 03	Tiles and ceramics	
17 02 02	Glass	
17 05 04	Soil and stones	Excluding topsoil, peat
20 01 02	Glass	
20 02 02	Soil and stones	Excluding topsoil, peat

## SCHEDULE 2

Regulations 5 and 8(3)(a)(i)

### GENERAL REQUIREMENTS FOR LANDFILLS

- 1.—(1) The location of a landfill must take into consideration requirements relating to –
- (a) the distances from the boundary of the site to residential and recreational areas, waterways, water bodies and other agricultural or urban sites;
  - (b) the existence of groundwater, coastal water or nature protection zones in the area;
  - (c) the geological or hydrogeological conditions in the area;
  - (d) the risk of flooding, subsidence, landslides or avalanches on the site; and
  - (e) the protection of the natural or cultural heritage in the area.
- (2) A landfill permit may be issued for the landfill only if –
- (a) the characteristics of the site with respect to the requirements in sub-paragraph (1); or
  - (b) the corrective measures to be taken,

indicate that the landfill does not pose a serious environmental risk.

(3) In this paragraph “nature protection zone” means an area of special scientific interest within the meaning of Article 28(11) of the 2002 Order or a European site within the meaning of regulation 10(1) of the Conservation (Natural Habitats, &c.) Regulations (Northern Ireland) 1995<sup>(2)</sup>.

2.—(1) Subject to the following provisions of this paragraph, appropriate arrangements shall be made with regard to the characteristics of the landfill and prevailing meteorological conditions in order to –

- (a) control rainwater entering the landfill body;
- (b) prevent surface water or groundwater from entering into landfilled waste;
- (c) collect contaminated water and leachate and treat it to the appropriate standard so that it can be discharged.

(2) Arrangements need not be made in accordance with sub-paragraph (1)(c) if the Department decides that the landfill poses no potential hazard to the environment in view of its location and the kinds of waste to be accepted at the landfill.

(2) [S.R. 1995 No. 380](#)

(3) This paragraph shall not apply to inert landfills.

3.—(1) The landfill must be situated and designed so as to –

- (a) provide the conditions for prevention of pollution of the soil, groundwater or surface water; and
- (b) ensure efficient collection of leachate as and when required by paragraph 2.

(2) Soil, groundwater and surface water is to be protected by the use of a geological barrier combined with –

- (a) a bottom liner during the operational phase of the landfill; and
- (b) a top liner following closure and during the after-care phase.

(3) The geological barrier shall comply with the requirements of sub-paragraph (4) and shall also provide sufficient attenuation capacity to prevent a potential risk to soil and groundwater.

(4) The landfill base and sides shall consist of a mineral layer which provides protection of soil, groundwater and surface water at least equivalent to that resulting from the following permeability and thickness requirements –

- (a) in a landfill for hazardous waste:  $k \leq 1.0 \times 10^{-9}$  metre/second: thickness  $\geq$  5 metres;
- (b) in a landfill for non-hazardous waste:  $k \leq 1.0 \times 10^{-9}$  metre/second: thickness  $\geq$  1 metre;
- (c) in a landfill for inert waste:  $k \leq 1.0 \times 10^{-7}$  metre/second: thickness  $\geq$  1 metre.

(5) Where the geological barrier does not meet the requirements of sub-paragraph (4) naturally, it may be completed artificially and reinforced by other means providing equivalent protection; but in any such case a geological barrier established by artificial means must be at least 0.5 metres thick.

(6) A leachate collection and sealing system to ensure that leachate accumulation at the base of the landfill is kept to a minimum must also be provided in any hazardous or non-hazardous landfill in accordance with the following table –

Leachate collection and bottom sealing

<i>Landfill category</i>	<i>Non-hazardous</i>	<i>Hazardous</i>
Artificial sealing liner	Required	Required
Drainage layer $\geq$ 0.5 metres	Required	Required

(7) Where the potential hazards to the environment indicate that the prevention of leachate formation is necessary, surface sealing may be prescribed taking account of the following guidelines –

<i>Landfill category</i>	<i>Non-hazardous</i>	<i>Hazardous</i>
Gas drainage layer	Required	Not required
Artificial sealing liner	Not required	Required
Impermeable mineral layer	Required	Required
Drainage layer $<$ 0.5 metres	Required	Required
Top soil cover $<$ 1 metre	Required	Required

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(8) The requirements of sub-paragraphs (3) to (7) may be reduced to an appropriate extent if on the basis of an assessment of environmental risks, having regard in particular to Council Directive 80/68/EEC of 17 December 1979(3) (groundwater) –

- (a) it has been decided in accordance with paragraph 2 that the collection and treatment of leachate is not necessary; or
- (b) it is established that the landfill poses no potential hazard to soil, groundwater or surface water.

4.—(1) Appropriate measures must be taken in order to control the accumulation and migration of landfill gas.

(2) Landfill gas must be collected from all landfills receiving biodegradable waste and the landfill gas must be treated and, to the extent possible, used.

(3) The collection, treatment and use of landfill gas under sub-paragraph (2) must be carried on in a manner which minimises damage to or deterioration of the environment and risk to human health.

(4) Landfill gas which cannot be used to produce energy must be flared.

5.—(1) Measures must be taken to minimise the nuisances arising from the landfill in relation to –

- (a) emissions of odours and dust;
- (b) wind-blown materials;
- (c) noise and traffic;
- (d) birds, vermin and insects;
- (e) the formation of aerosols; and
- (f) fires.

(2) The landfill must be equipped so that dirt originating from the site is not dispersed onto public roads and the surrounding land.

6.—(1) The placement of waste must ensure stability of all the waste on the site and associated structures and in particular must avoid slippages.

(2) Where an artificial barrier is used, the geological substratum must be sufficiently stable, taking into account the morphology of the landfill, to prevent settlement that may cause damage to the barrier.

7.—(1) The landfill must be secured to prevent free access to the site.

(2) The gates of the landfill must be locked outside operating hours.

(3) The system of control and access to each facility must provide systems to detect and discourage illegal dumping in the facility.

### SCHEDULE 3

Regulations 14(2) and 15(5)(c)

#### MINIMUM MONITORING PROCEDURES FOR LANDFILLS

1. This Schedule sets out minimum procedures for monitoring to be carried out to check –

- (a) that waste has been accepted for disposal only if it fulfils the relevant waste acceptance criteria;

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(3) O.J. No. L20, 26.1.80 p. 43 as amended by Directive 91/692/EC (O.J. No. L377, 31.12.91 p. 48)

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- (b) that the processes within the landfill proceed as desired;
- (c) that the environmental protection systems are functioning fully as intended; and
- (d) that the conditions of the landfill permit are fulfilled.

2.—(1) Samples of leachate or surface water (if present) must be collected at representative points.

(2) Sampling and measuring of the volume and composition of any leachate must be performed separately at each point at which leachate is discharged from the site.

(3) Monitoring of surface water (if present) shall take place at at least two points, one upstream from the landfill and one downstream.

(4) Gas monitoring must be carried out for each section of the landfill and representative samples must be collected and analysed in accordance with Table 1.

(5) A representative sample of leachate and water shall be taken for monitoring purposes in accordance with Table 1.

**Table 1**

	<i>Operational phase</i>	<i>After-care phase</i> <sup>1</sup>
Leachate volume <sup>2</sup>	Monthly <sup>1,3</sup>	Every six months
Leachate composition <sup>2,4</sup>	Quarterly <sup>1</sup>	Every six months
Volume and composition of surface water <sup>5</sup>	Quarterly <sup>1</sup>	Every six months
Potential gas emissions and atmospheric pressure <sup>6</sup> (CH <sub>4</sub> , CO <sub>2</sub> , O <sub>2</sub> , H <sub>2</sub> S, H <sub>2</sub> etc)	Monthly <sup>1,7</sup>	Every six months <sup>8</sup>

Notes to Table 1

1. Longer intervals may be allowed if the evaluation of data indicates that they would be equally effective. For leachates, the conductivity must always be measured at least once a year.
2. These do not apply where leachate collection is not required under paragraph 2(1)(c) of Schedule 2 in accordance with Paragraph 2(2) of that Schedule.
3. The frequency of sampling may be adapted on the basis of the morphology of the landfill waste (in tumulus, buried, etc) (but only if the Chief Inspector considers that the conditions of the landfill permit should allow for it).
4. The parameters to be measured and substances to be analysed vary according to the composition of the waste deposited. They must be specified in the conditions of the landfill permit and reflect the leaching characteristics of the wastes.
5. On the basis of the characteristics of the landfill site, the Chief Inspector may determine that these measurements are not required.
6. These measurements are related mainly to the content of the organic material in the waste.
7. CH<sub>4</sub>, CO<sub>2</sub>, O<sub>2</sub> regularly, other gases as required, according to the composition of the waste deposited, with a view to reflecting its leaching properties
8. Efficiency of the gas extraction system must be checked regularly.

3.—(1) The sampling measurements taken must be sufficient to provide information on groundwater likely to be affected by the discharge from the landfill, with at least one measuring point in the groundwater inflow region and two in the outflow region.

(2) The number of measurements referred to sub-paragraph (1) may be increased on the basis of a specific hydrogeological survey or the need for an early identification of accidental leachate release in the groundwater.

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(3) Sampling must be carried out in at least three locations before filling operations in order to establish reference values for future sampling.

4.—(1) The monitoring of groundwater shall be carried out in accordance with Table 2.

(2) The parameters to be analysed in the samples taken must be derived from the expected composition of the leachate and the groundwater quality in the area.

(3) In selecting the parameters for analysis, the mobility in the groundwater zone must be taken into account.

(4) Parameters may include indicator parameters in order to ensure an early recognition of change in water quality (the recommended parameters are pH, TOC, phenols, heavy metals, fluoride, As, oil/hydrocarbons).

**Table 2**

	<i>Operational phase</i>	<i>After-care phase</i>
Level of groundwater	Every six months <sup>1</sup>	Every six months <sup>1</sup>
Groundwater composition	Site-specific frequency <sup>2, 3</sup>	Site-specific frequency <sup>2, 3</sup>

Notes to Table 2

1. If there are fluctuating groundwater levels the frequency must be increased.
2. The frequency must be based on the possibility for remedial action between two samplings if a trigger level is reached, i.e. the frequency must be determined on the basis of knowledge and the evaluation of the velocity of groundwater flow.
3. When a trigger level is reached (see paragraph 5), verification is necessary by repeating the sampling. When the level has been confirmed, a contingency plan set out in the landfill permit conditions must be followed.

5.—(1) Significant adverse environmental effects, as referred to in regulations 14(3) and 15(5)(b), should be considered to have occurred in the case of groundwater when an analysis of a groundwater sample shows a significant change in water quality.

(2) The level at which the effects referred to in sub-paragraph (1) are considered to have occurred (“the trigger level”) must be determined taking account of the specific hydrogeological formations in the location of the landfill and groundwater quality.

(3) The trigger level must be set out in the conditions of the landfill permit whenever possible.

(4) The observations must be evaluated by means of control charts with established control rules and levels for each downgradient well.

(5) The control levels must be determined from local variations in groundwater quality.

(6) The topography of the site and settling behaviour of the landfill body shall be monitored in accordance with Table 3.

**Table 3**

	<i>Operational phase</i>	<i>After-care phase</i>
Structure and composition of landfill body	Yearly	

Note to Table 3

Data for the status plan of the relevant landfill: surface occupied by waste, volume and composition of waste, methods of depositing, time and duration of depositing, calculation of the remaining capacity still available at the landfill.

	<i>Operational phase</i>	<i>After-care phase</i>
Settling behaviour of the level of the landfill body	Yearly	Yearly reading

Note to Table 3

Data for the status plan of the relevant landfill: surface occupied by waste, volume and composition of waste, methods of depositing, time and duration of depositing, calculation of the remaining capacity still available at the landfill.

## SCHEDULE 4

Regulations 17(1) and 18

### TRANSITIONAL PROVISIONS

#### Existing landfills: transitional provisions

1.—(1) Subject to paragraph 2(1), this paragraph shall apply to a landfill if –

- (a) it is in operation on the relevant date; or
- (b) it is not in operation on the relevant date but the relevant authorisation for its operation was granted before that date; or
- (c) it was before the relevant date the subject of an appeal under the 1978 Order in respect of which a relevant authorisation was granted after the relevant date; or
- (d) it was before the relevant date the subject of an appeal under the 1997 Order in respect of which a relevant authorisation was granted after the relevant date; or
- (e) it was before the relevant date the subject of an application for a waste management licence; or
- (f) it was before the relevant date the subject of an appeal in respect of an application for a waste management licence or in respect of a waste management licence under the Licensing Regulations

(2) A landfill to which this paragraph applies which falls within paragraph (b) of Part A of section 5.2 in Part 1 of Schedule 1 to the 2003 Regulations shall be treated as an existing installation for the purposes of Part I of Schedule 3 to those Regulations.

(3) The following provisions shall apply –

- (a) where paragraph 1(1)(a) or (b) applies, if the operator proposes to accept waste after the relevant date, the operator shall prepare a conditioning plan for the landfill site and submit it to the Department by not later than the expiry of one month after the relevant date;
- (b) where paragraph 1(1)(c)(d) or (f) applies, if the operator proposes to accept waste after the relevant date, the operator shall prepare a conditioning plan for the landfill site and submit it to the Department by not later than the expiry of one month after the determination of the relevant appeal;
- (c) where paragraph 1(1)(e) applies, if the operator proposes to accept waste after the relevant date, the operator shall prepare a conditioning plan for the landfill site and submit it to the Department by not later than the expiry of one month after the grant of the licence under the Licensing Regulations;
- (d) Notwithstanding the provisions in sub-paragraphs (b) and (c) in any case where the operator proposes to continue to accept waste during any period after the relevant date while any relevant appeal is pending the operator shall prepare a conditioning plan for the landfill site and submit it to the Department by not later than the expiry of one month after the relevant date.

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- (4) The conditioning plan required by sub-paragraph (3) must –
  - (a) be prepared on a form provided for that purpose by the Department; and
  - (b) contain details of any corrective measures which the operator considers will be needed in order to comply with the relevant requirements of these Regulations.
- (5) If the operator does not propose to continue to accept waste after the relevant date, the operator shall notify the Department in writing by that date.
- (6) Subject to sub-paragraph (7), where –
  - (a) the operator has notified the Department that it does not propose to accept waste for disposal after the relevant date;
  - (b) the Department decides, following the submission by the operator of a conditioning plan, that there is no reasonable prospect of the landfill or part of it meeting the relevant requirements of these Regulations (such decision, and the reasons for it, to be set out in a notice served on the operator); or
  - (c) the operator fails to submit a conditioning plan as required by sub-paragraphs (3) and (4) or to notify the Department that it does not propose to accept waste after the relevant date; or
  - (d) the operator ceases to accept waste after the relevant date notwithstanding the submission by the operator of a site conditioning plan;

the Department shall ensure that closure of the landfill site (in whole or in part) takes place as soon as possible and the provisions of Regulation 15 (as modified by sub-paragraph (8)) shall apply to such closure.

(7) Where the operator proposes to continue to accept waste but fails to submit a conditioning plan in accordance with sub-paragraphs (3) and (4) the relevant authorisation shall cease to have effect so as to authorise the disposal of waste at the landfill, and the Department shall proceed with the closure of the landfill under sub-paragraph (6), unless and until a conditioning plan which complies with sub-paragraph 4 is submitted and the Department has agreed to consider it.

- (8) In any case falling within sub-paragraph (6) –
  - (a) regulation 15 shall apply as if –
    - (i) references to a landfill permit were references to a relevant authorisation;
    - (ii) where the relevant authorisation is a waste management licence or disposal licence, references to the operator were references to the licence holder;
    - (iii) where the relevant authorisation is a resolution, references to the operator were references to the council; and
    - (iv) in paragraph (6) after “Revocation of permits” there were inserted “and Articles 12 (Revocation and suspension of licences), Article 13 (Surrender of licences) and Article 16 (Supervision of licensed activities) of the 1997 Order; and
    - (v) references to the Chief Inspector were references to the Department
  - (b) the Department shall, if necessary, by notice in writing served on the operator or, in the case of a waste management licence or disposal licence, the licence holder, or in the case of a resolution, the council, vary the conditions of the relevant authorisation so that –
    - (i) waste is no longer accepted for disposal on the whole or the relevant part of the landfill from such date as is specified in the notice; and
    - (ii) the closure and after-care procedures will operate in accordance with regulation 15.
- (9) In any case where the whole of a landfill is not subject to closure under sub-paragraph (6), the Department shall by notice served on the operator specify the period (which shall not be less than six months) within which an application to the Chief Inspector must be made (accompanied by a copy of the conditioning plan) –



- (a) where no landfill permit is in force, for a landfill permit under regulation 10 of the 2003 Regulations; or
- (b) where a landfill permit is in force, for a variation of the permit under regulation 17(2) of the 2003 Regulations,

so that waste may continue to be accepted for disposal at the landfill.

(10) In any case falling within sub-paragraph (9)(b), if an application is not duly made to the Chief Inspector within the period specified in the notice served on the operator under that provision, the landfill permit shall cease to authorise the disposal of waste at the landfill until the application is duly made.

(11) Where the Chief Inspector decides to grant or vary a landfill permit pursuant to an application made in accordance with sub-paragraph (9), the Chief Inspector shall specify the date or dates on which the permit conditions authorised or required by these Regulations shall take effect.

(12) The Department shall exercise its powers under sub-paragraph (9), and the Chief Inspector shall exercise his powers under sub-paragraph (11) –

- (a) on the basis of an assessment of environmental risks; and
- (b) with a view to achieving full compliance with the relevant requirements of these Regulations –
  - (i) as soon as possible; and
  - (ii) for landfills falling within Part A(a) of section 5.2 of Part I of Schedule 1 to the 2003 Regulations by the 31st March 2007 at the latest; and
  - (iii) for landfills falling within Part A(b) of section 5.2 of Part I of Schedule 1 to the 2003 Regulations by 16th July 2009.

(13) In this Schedule “the relevant requirements of these Regulations” do not include the requirements of paragraph 1 of Schedule 2.

(14) Regulation 9 (Prohibition of acceptance of certain wastes at landfills) shall impose obligations directly on the operator of any landfill specified in this paragraph

2.—(1) Paragraph 1 does not apply to a landfill if –

- (a) a relevant authorisation for its operation was granted on or after the coming into operation of the Licensing Regulations and before the relevant date; or
- (b) it falls within paragraph (b) of Part A of section 5.2 in Part 1 of Schedule 1 to the 2003 Regulations and a waste management licence for its operation was granted on or after the coming into operation of the Licensing Regulations and before the relevant date; or
- (c) the prescribed date determined in accordance with Schedule 3 to the 2003 Regulations for the installation at which the landfill activity is carried out is before the relevant date and an application for a landfill permit was duly made (but not determined) before that date.

(2) In any case falling within sub-paragraph (1)(b), the waste management licence shall have effect on or after the relevant date as if it were a landfill permit.

(3) In any case falling within sub-paragraph (1) the Department shall exercise its powers to vary the waste management licence disposal licence or resolution, and the Chief Inspector shall exercise his powers to vary the landfill permit (or determine the outstanding application) so that the relevant requirements of these Regulations are complied with as soon as possible in relation to the landfill in question.

(4) In any case falling within sub-paragraph (1)(c), where an application for a waste management licence is also outstanding on the relevant date, there shall be no obligation on the Department to determine the application for a waste management licence.

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3.—(1) The Department shall by notice in writing served on the operator not later than the expiry of one month after the relevant date, classify any landfill which appears to it to require classification as a landfill for hazardous waste.

(2) If a landfill classified under sub-paragraph (1) as a landfill for hazardous waste ceases to accept hazardous waste in accordance with the conditioning plan required under paragraph 1(3), the Department may at any time before 16th July 2004 by notice in writing served on the operator revoke the classification made under sub-paragraph (1).

(3) The following provisions of these Regulations shall impose obligations directly on the operator of any landfill which is for the time being classified under sub-paragraph (1) as a landfill for hazardous waste pending determination of an application made pursuant to paragraph 1(9) –

- (a) on or after the relevant date, regulation 12 (Waste acceptance procedures); and
- (b) on or after 16th July 2004, regulation 10(1) and (2) (Waste which may be accepted in the different classes of landfill).

(4) For the purposes of applying regulation 9(1)(g) under sub-paragraph (3)(a)(i) in relation to the period beginning on the relevant date and ending on 15th July 2004, only the criteria in paragraph 1 of Schedule 1 are to be treated as relevant waste acceptance criteria.

(5) The operator of a landfill which is not classified as a landfill for hazardous waste shall only accept hazardous waste at that landfill on or after the relevant date in the circumstances specified in regulation 10(3)(c) and (4).

4.—(1) This paragraph shall apply to any landfill if –

- (a) it falls within paragraph (b) of Part A of section 5.2 in Part I of Schedule 1 to the 2003 Regulations; and
- (b) it has not been brought into operation by the relevant date but an application for a waste management licence or a disposal licence was duly made before that date.

(2) Paragraph 1 of Part I of Schedule 3 to the 2003 Regulations shall apply as if in sub-paragraphs (a) and (b) “the relevant date as specified in the 2003 Landfill Regulations” were substituted for “1st January 2004”.

(3) Anything duly done by or in relation to the application for a waste management licence shall be treated as if it had been duly done in relation to an application for a landfill permit.

(4) The Chief Inspector may give the applicant notice requiring him –

- (a) to provide such further information of any description specified in the notice; or
- (b) to take such further steps as it may require for the purpose of determining the application.

## SCHEDULE 5

Regulation 19(2)

### AMENDMENTS TO OTHER SUBORDINATE LEGISLATION

#### **Further amendments to the 2003 Regulations**

1. The 2003 Regulations shall be amended as follows –

(1) In regulation 2(2) (Interpretation: general) –

(a) before the definition of “change in operation” insert –

““the 2003 Landfill Regulations” means the Landfill Regulations (Northern Ireland) 2003.”; and

- (b) after the definition of “installation” insert –
  - ““landfill” means a landfill to which the 2003 Landfill Regulations apply;”.
- (2) In regulation 4 (Fit and proper person) –
  - (a) in paragraph (3) for sub-paragraphs (b) and (c) substitute –
    - “(b) he has not made, or will not before commencement of the specified waste management activity make, adequate financial provision (either by way of financial security or its equivalent) to ensure that –
      - (i) the obligations (including after-care provisions) arising from the permit in relation to that activity are discharged; and
      - (ii) any closure procedures required by the permit in relation to that activity are followed;
    - (c) he and all staff engaged in carrying out that activity will not be provided with adequate professional technical development and training; or
    - (d) the management of that activity will not be in the hands of a technically competent person.”; and
  - (b) After paragraph (5) insert a new paragraph (5)(A) –
    - “(5A) For the purposes of paragraph (3) –
      - (a) “relevant offence” means an offence prescribed for the purpose of Article 3(3) (a) of the Waste and Contaminated Land (Northern Ireland) Order 1997; and
      - (b) the qualifications and experience required of a person for the purposes of Article 3(3)(b) of the Waste and Contaminated Land (Northern Ireland) Order 1997 which are prescribed under Article 3(5) of that Order shall be treated as the qualifications and experience required of a person for the purposes of paragraph (3)(d)”
- (3) In regulation 5 (Application to the Crown) –
  - (a) in paragraph (1) after “these Regulations” insert “and the 2003 Landfill Regulations”;
  - (b) in paragraph (2) –
    - (i) after “these Regulations” insert “or the 2003 Landfill Regulations”; and
    - (ii) after “liable under regulation 33” insert “or under regulation 17 of the 2003 Landfill Regulations”;
  - (b) in paragraph (3) after “these Regulations” insert “and the 2003 Landfill Regulations”; and
- (4) In regulation 10(2) (Permits: general provisions) after “regulation 12” insert “(or regulation 8 of the 2003 Landfill Regulations)”.
- (5) In regulation 12(16) (Conditions of permits: specific requirements) after “this regulation” insert “or regulation 8 of the 2003 Landfill Regulations”.
- (6) In regulation 17(1) and (4) (Variation of conditions of permits) after “regulations 11 and 12” in each place where it occurs insert “or regulation 8 of the 2003 Landfill Regulations”.
- (7) In regulation 28 (Appeals from decisions with respect to permits) –
  - (a) in paragraph (1) after sub-paragraph (f) insert –
    - “(g) a person whose request to initiate the closure procedure is not approved under regulation 15(3)(b) of the 2003 Landfill Regulations;
    - (h) a person who is aggrieved by a decision relating to that person under paragraph 1(6)(b) of Schedule 4 to the 2003 Landfill Regulations;”

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(b) in paragraph (2) for “or a suspension notice” substitute “, a suspension notice or a closure notice under regulation 16(1) of the 2003 Landfill Regulations”;

(c) after paragraph (8) insert –

“(8A) Where an appeal is brought under paragraph (1)(g) in relation to a request to initiate the closure procedure or under paragraph (2) in relation to a closure notice, the closure procedure shall not be initiated pending the final determination or the withdrawal of the appeal.”

(d) in paragraph (9) after “regulations 11 and 12” insert “or regulation 8 of the 2003 Landfill Regulations as the case may be”;

(e) after paragraph (10) insert –

“(11) Where an appeal is brought under paragraph (1)(g) or (h) in relation to a landfill in respect of which a waste management licence within the meaning of Part II of the Waste And Contaminated Land (Northern Ireland) Order 1997 (a licence) is in force, this regulation and Schedule 9 shall apply as if:

- (a) references to a permit were references to a licence;
- (b) references to the operator were references to the licence holder; and
- (c) references to an installation or mobile plant were references to a landfill.”.

(8) In regulation 29(1) and (2) (Information) after “functions under these Regulations” in both places where it occurs insert “or the 2003 Landfill Regulations”.

(9) In regulation 33(1) (Offences) –

- (a) in sub-paragraph (d) for “or a suspension notice” substitute “, a suspension notice or a closure notice under regulation 16 of the 2003 Landfill Regulations”; and
- (b) in sub-paragraph (h)(i), after “these Regulations” insert “or the 2003 Landfill Regulations”.

(10) In regulation 37(1) and (2) (Directions to enforcing authorities) after “these Regulations” in both places where it occurs insert “or the 2003 Landfill Regulations”.

(11) In regulation 38(1) and (2) (Guidance to enforcing authorities) after “these Regulations” in both places where it occurs insert “or the 2003 Landfill Regulations”.

(12) In Schedule 3 (Prescribed date and transitional arrangements) –

(a) in the table in paragraph 2(2) for the entry relating to section 5.2 substitute the following –

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Section 5.2	The period specified in the notice served on the operator under paragraph 1(9) of Schedule 4 to the 2003 Landfill Regulations.
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(b) at the end of paragraph 2(11) add –

“(12) If –

- (a) an activity falling within Part A of Section 5.2 in Part 1 of Schedule 1 is carried out in an existing Part A installation; and
- (b) an activity falling within some other Section in Part 1 of Schedule 1 is also carried out in the same installation (a transitional landfill installation),

the preceding provisions of this paragraph shall apply as if there were two separate existing Part A installations one consisting of the part of the installation where the activity falling within Part A of Section 5.2 in Part 1 of Schedule 1 is carried out and the other consisting of the remainder of the installation.

(13) If –

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- (a) the relevant period has expired for a transitional landfill installation; and
  - (b) an application for a permit to operate the installation has been duly made but has not been determined at the relevant date, then
    - (i) the application shall be treated as an application to operate the parts of the installation other than those where the activity falling within Part A of Section 5.2 in Part 1 of Schedule 1 is carried out; and
    - (ii) the prescribed date for the remaining part of the installation shall be determined as if it were a separate installation.”.
- (13) After paragraph 1 of Part 1 of Schedule 4 (Applications for permits) there shall be added
- “(1A) An application for a landfill permit under regulation 10 relating to an installation where an activity falling within Part A of Section 5.2 in Part 1 of Schedule 1 is carried out shall contain the following additional information –
- (a) a description of the types and total quantity of waste to be deposited;
  - (b) the proposed capacity of the disposal site;
  - (c) a description of the site, including its hydrogeological and geological characteristics;
  - (d) the proposed operation, monitoring and control plan;
  - (e) the proposed plan for the closure and after-care procedures; and
  - (f) the financial provision required by virtue of regulation 4(3)(b).”.
- (14) In paragraph 1 of Schedule 10 (Registers) –
- (a) in sub-paragraph (k) after “suspension notice issued by the enforcing authority” insert “or closure notice issued by the Chief Inspector under regulation 16(1) of the 2003 Landfill Regulations”;
  - (b) in sub-paragraph (q) after “regulation 33(1)” insert “or regulation 17(1) of the 2003 Landfill Regulations”;
  - (c) in sub-paragraph (t) after “regulation 29(2)” insert “or a closure notice under regulation 16(1) of the 2003 Landfill Regulations”;
  - (d) after sub-paragraph (v) insert –
    - “(w) all particulars of any site conditioning plan submitted under sub-paragraph 1(3) of Schedule 4 to the 2003 Landfill Regulations or notice given under paragraph 1(5) of Schedule 4 to the 2003 Landfill Regulations;
    - (x) all particulars of any notice requiring a landfill to close (in whole or part) issued under paragraph 1(6) of Schedule 4 to the 2003 Landfill Regulations;
    - (y) all particulars of any notification or report required before definitive closure of a landfill under regulation 15(4) of the 2003 Landfill Regulations.”.

### **The Waste Management Licensing Regulations (Northern Ireland) 2003**

2. The Licensing Regulations shall be amended as follows.

(1) In regulation 1(3) (Citation, commencement and interpretation) before the definition of “the Industrial Pollution Order” insert –

““the 2003 Landfill Regulations” means the Landfill Regulations (Northern Ireland) 2003.”.

(2) In regulation 2 (Offences), after sub-paragraph (t) insert –

“(u) regulation 17(1) of the 2003 Landfill Regulations”.

(3) In regulation 9(1) (Registers) –

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- (a) in sub-paragraph (f) after “(whether or not in relation to a licence)” insert “or regulation 17(1) of the 2003 Landfill Regulations”;
- (b) after sub-paragraph (m) insert –
  - “(n) all particulars of any site conditioning plan submitted to the Department under paragraph 1(3) of Schedule 4 to the 2003 Landfill Regulations or notice given under paragraph 1(5) of Schedule 4 to the 2003 Landfill Regulations;
  - (o) all particulars of any notice of a decision under paragraph 1(6) of Schedule 4 to the 2003 Landfill Regulations;
  - (p) all particulars of any notification or report required before definitive closure of a landfill under regulation 15(4) of the 2003 Landfill Regulations.”.
- (4) In paragraph 2 of Schedule 1 for the definition of “closed landfill” substitute –
  - ““closed landfill site” means a landfill site –
  - (a) which ceased to accept waste before the relevant date as specified in the 2003 Landfill Regulations; or
  - (b) in relation to which the Chief Inspector has, pursuant to regulation 15(4)(b)(iii) of the 2003 Landfill Regulations, notified the operator by notice in writing that it approves the closureand in relation to a landfill site where sub-paragraph (a) or (b) applies to only part of the site, means that part of the site only.”.