
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 235

The Landfill (Scotland) Regulations 2003

PART II

LANDFILL PERMITS

Classification of landfills

- 9.** Before granting a landfill permit, SEPA shall classify the landfill as a—
- (a) landfill for hazardous waste;
 - (b) landfill for non-hazardous waste; or
 - (c) landfill for inert waste,

and shall ensure that the classification is stated in the landfill permit.

Conditions to be included in landfill permits

10.—(1) A landfill permit shall include conditions specifying the list of defined types, and the total quantity, of waste authorised to be deposited in the landfill.

- (2) A landfill permit shall also include appropriate conditions—
- (a) specifying requirements for—
 - (i) preparations for the landfill, and the carrying out of, landfilling operations;
 - (ii) monitoring and control procedures, including contingency plans and indicator parameters as set out in paragraph 4 of Schedule 4;
 - (b) ensuring that the financial provision or its equivalent required by [^{F1}regulation 18(4)(b) of the 2012 Regulations] is maintained until the permit is surrendered in accordance with those Regulations;
 - (c) ensuring that the landfill is operated in such a manner that the necessary measures are taken to prevent accidents and to limit their consequences; and
 - (d) requiring the operator to report to SEPA, at such period as SEPA may require, and in any event annually—
 - (i) the types and quantities of waste disposed of; and
 - (ii) the results of the monitoring programme required by regulations 16 and 17.
- (3) A landfill permit shall also include—
- (a) appropriate conditions for ensuring compliance with the requirements of the following provisions of these Regulations—
 - (i) Schedule 3 (general requirements for all landfills);
 - (ii) regulation 11 (prohibition of acceptance of certain wastes at landfills);
 - (iii) regulation 12 (waste which may be accepted in the different classes of landfill);

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- (iv) regulation 13 (costs of disposal of waste in landfills);
 - (v) regulation 14 (waste acceptance procedures);
 - (vi) regulation 15 (initial site inspections by SEPA);
 - (vii) regulation 16 (control and monitoring of operational landfill sites); and
 - (viii) regulation 17 (closure and after care procedures for landfills); and
 - [^{F2}(aa) appropriate conditions for ensuring compliance with the Landfill Directive; and]
 - (b) such other conditions as appear appropriate to SEPA, including in particular conditions giving effect to—
 - (i) any requirement imposed by [^{F3}EU] or national legislation; and
 - (ii) in the case of landfills falling within paragraph (a) of Part A of Section 5.2 of Part 1 of Schedule 1 to [^{F4}the 2012 Regulations], the principle that energy should be used efficiently.
- (4) The provisions of these Regulations mentioned in paragraph (3)(a) above impose obligations directly on an operator of a landfill (rather than through the conditions of a landfill permit) only to the extent specified in paragraph 3 of Schedule 5.

Textual Amendments

- F1** Words in reg. 10(2)(b) substituted (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012 \(S.S.I. 2012/360\)](#), reg. 1(2), **Sch. 11 para. 11(3)** (with reg. 71)
- F2** Reg. 10(3)(aa) inserted (1.8.2013) by [The Landfill \(Scotland\) Amendment Regulations 2013 \(S.S.I. 2013/222\)](#), regs. 1, **2(3)**
- F3** Words in Instrument substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, **3-6**, 8-10
- F4** Words in reg. 10(3)(b)(ii) substituted (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012 \(S.S.I. 2012/360\)](#), reg. 1(2), **Sch. 11 para. 11(4)** (with reg. 71)

[^{F5}Permits relating to storage of metallic mercury

10A. For the purposes of Article 5(1) of the Mercury Regulation, SEPA must send to the Scottish Ministers—

- (a) a copy of any landfill permit issued for a landfill authorised to store metallic mercury either temporarily or permanently; and
- (b) the safety assessment prepared for the purposes of Article 4(1) of that Regulation.]

Textual Amendments

- F5** [Reg. 10A](#) inserted (1.8.2013) by [The Landfill \(Scotland\) Amendment Regulations 2013 \(S.S.I. 2013/222\)](#), regs. 1, **2(4)**

Prohibition of acceptance of certain wastes at landfills

11.—(1) The operator of a landfill shall not accept any of the following types of waste at the landfill—

- (a) any waste in liquid form (including waste waters but excluding sludge);

- (b) waste which, in the conditions of landfill, is explosive, corrosive, oxidising, flammable or highly flammable;
 - (c) hospital and other clinical wastes which arise from medical or veterinary establishments and which are infectious;
 - (d) chemical substances arising from research and development or teaching activities, such as laboratory residues, which are new or not identified, and the effects of which on man or on the environment are not known;
 - (e) as from 16th July 2003, whole used tyres other than—
 - (i) tyres used as engineering material;
 - (ii) bicycle tyres; and
 - (iii) tyres with an outside diameter above 1400mm;
 - (f) as from 16th July 2006, shredded tyres other than—
 - (i) bicycle tyres; and
 - (ii) tyres with an outside diameter above 1400mm;
 - [^{F6}(fa) as from 1st January 2010, waste industrial or automotive batteries;]
 - [^{F7}(fb) as from 1st January 2014, waste which has been collected and transported in accordance with section 34(2I) of the Environmental Protection Act 1990;
 - (fc) as from 1st January 2021, biodegradable municipal waste;]
 - (g) any waste which does not fulfil the relevant waste acceptance criteria.
- (2) The operator of a landfill shall ensure that the landfill is not used for landfilling waste which has been diluted or mixed solely to meet the relevant waste acceptance criteria.
- [^{F8}(2A) Sub-paragraph (1)(fa) does not prohibit the acceptance of residues of any batteries that have undergone both treatment and recycling, provided that the treatment and recycling—
- (a) used best available techniques, in terms of the protection of health and the environment; and
 - (b) complied, as a minimum, with [^{F3}EU] legislation, in particular as regards health and safety and waste management.]
- [^{F9}(2B) Paragraph (1)(a) does not prohibit the temporary storage for more than one year at a landfill of metallic mercury that is considered a waste in accordance with the Landfill Directive and the Mercury Regulation.]
- (3) For the purposes of this regulation, waste is—
- [^{F10}“biodegradable municipal waste” if it consists of municipal waste that is also biodegradable waste, but does not include waste—
- (i) that is treated, and either—
 - (aa) respiration activity after a static respiration test is less than 10 milligrams of oxygen for each gram of dry material; or
 - (bb) dynamic respiration over one hour is less than 1000 milligrams of oxygen for each kilogram of volatile solids;
 - (ii) that is incinerated, and the total organic carbon content is less than 5%]
- “corrosive” if it consists of substances and preparations which may destroy living tissue on contact;
- “explosive” if it consists of substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene;

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“flammable” if it consists of liquid substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C;

“highly flammable” if it consists of—

- (a) liquid substances and preparations having a flash point below 21°C (including extremely flammable liquids);
- (b) substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy;
- (c) solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition;
- (d) gaseous substances and preparations which are flammable in air at normal pressure; or
- (e) substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities;

“infectious” if it consists of substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms;

“oxidising” if it consists of substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.

[^{F11}(3A) For the purposes of paragraph (2B), metallic mercury is considered a waste if it is mercury—

- (a) that is no longer used in the chlor-alkali industry;
- (b) gained from the cleaning of natural gas;
- (c) gained from non-ferrous mining and smelting operations; or
- (d) extracted from cinnabar ore in the European Union as from 15th March 2011.]

[^{F12}(4) In this regulation, a reference to the total organic carbon content of waste is a reference to the total amount of carbon bound in organic compounds in the waste.]

Textual Amendments

- F3** Words in Instrument substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, **3-6**, 8-10
- F6** Reg. 11(1)(fa) inserted (6.7.2009) by [The Waste Batteries \(Scotland\) Regulations 2009 \(S.S.I. 2009/247\)](#), art. 1(1), **reg. 7(4)(a)** (with regs. 8-10)
- F7** Reg. 11(1)(fb)(fc) inserted (17.5.2012) by [The Waste \(Scotland\) Regulations 2012 \(S.S.I. 2012/148\)](#), regs. 1(1), **4(2)(a)**
- F8** Reg. 11(2A) inserted (6.7.2009) by [The Waste Batteries \(Scotland\) Regulations 2009 \(S.S.I. 2009/247\)](#), art. 1(1), **reg. 7(4)(b)** (with regs. 8-10)
- F9** Reg. 11(2B) inserted (1.8.2013) by [The Landfill \(Scotland\) Amendment Regulations 2013 \(S.S.I. 2013/222\)](#), regs. 1, **2(5)(a)**
- F10** Words in reg. 11(3) inserted (17.5.2012) by [The Waste \(Scotland\) Regulations 2012 \(S.S.I. 2012/148\)](#), regs. 1(1), **4(2)(b)**
- F11** Reg. 11(3A) inserted (1.8.2013) by [The Landfill \(Scotland\) Amendment Regulations 2013 \(S.S.I. 2013/222\)](#), regs. 1, **2(5)(b)**
- F12** Reg. 11(4) inserted (17.5.2012) by [The Waste \(Scotland\) Regulations 2012 \(S.S.I. 2012/148\)](#), regs. 1(1), **4(2)(c)**

Waste which may be accepted in the different classes of landfill

12.—(1) The operator of a landfill shall ensure that the landfill is only used for landfilling waste which is subject to prior treatment unless—

- (a) it is inert waste for which treatment is not technically feasible; or
- (b) it is waste other than inert waste and treatment would not reduce its quantity or the hazards which it poses to human health or the environment.

(2) The operator of a landfill for hazardous waste shall ensure that only waste which fulfils the waste acceptance criteria in paragraphs 1 and 2 of Schedule 2 is accepted at the landfill.

(3) The operator of a landfill for non-hazardous waste shall ensure that the landfill is only used for landfilling—

- (a) municipal waste;
- (b) non-hazardous waste of any other origin which fulfils the waste acceptance criteria in paragraphs 1 and 3(b) of Schedule 2; and
- (c) stable, non-reactive hazardous waste (such as that which is solidified with leaching behaviour equivalent to that of non-hazardous waste referred to in sub-paragraph (b)) and which fulfils the waste acceptance criteria in paragraphs 1 and 3(a) of Schedule 2.

(4) Where hazardous waste of the type described in paragraph (3)(c) is disposed of at a landfill for non-hazardous waste, the operator shall ensure it is not deposited in cells used or intended to be used for the disposal of biodegradable non-hazardous waste.

(5) The operator of a landfill for inert waste shall ensure that the landfill is only used for landfilling inert waste which meets the waste acceptance criteria in paragraphs 1 and 4 of Schedule 2.

Costs of disposal of waste in landfill

13. The operator of a landfill shall ensure that the charges the operator makes for the disposal of waste in its landfill covers all of the following—

- (a) the costs of setting up and operating the landfill;
- (b) the costs of the financial provision required by ^{F13}regulation 18(4)(b) of the 2012 Regulations]; and
- (c) the estimated costs for the closure and after-care of the landfill site for a period of at least 30 years from its closure.

Textual Amendments

F13 Words in reg. 13(b) substituted (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012](#) (S.S.I. 2012/360), reg. 1(2), [Sch. 11 para. 11\(3\)](#) (with reg. 71)

Waste acceptance procedures

14.—(1) The operator shall visually inspect the waste at the entrance to the landfill and at the point of the deposit and shall be satisfied that it conforms with the description provided in the documentation submitted by the holder.

(2) The operator shall, in accordance with such procedures as are specified by SEPA, test waste to establish whether it corresponds to the description in the accompanying documents, and if representative samples are taken for analysis, the operator shall retain the samples and results of any analysis for at least one month.

(3) The operator shall keep a register showing—

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- (a) the quantities of waste deposited;
 - (b) its characteristics;
 - (c) its origin;
 - (d) the date or dates of its delivery;
 - (e) the identity of the producer or, in the case of municipal waste, the collector; and
 - (f) in the case of hazardous waste, its precise location on the site.
- (4) The information required to be kept under paragraph (3) shall be made available to SEPA on request.
- (5) The operator on accepting each delivery of waste shall provide a written receipt to the person delivering it.
- (6) Where waste is not accepted at a landfill the operator shall inform SEPA of that fact as soon as reasonably possible, and in any event within 7 days.

Initial site inspections by SEPA

- 15.—(1) The operator of a landfill shall not commence disposal operations before SEPA has inspected the site in order to ensure that it complies with the relevant conditions of the landfill permit.
- (2) Nothing in paragraph (1) in any way reduces the obligations of the operator to comply with the conditions of the permit.

Control and monitoring of operational landfill sites

- 16.—(1) The following requirements shall apply to landfill sites from the start of the operational phase until definitive closure.
- (2) The operator shall carry out the control and monitoring procedures set out in Schedule 4.
- (3) Where the procedures required by paragraph (2) reveal any significant adverse environmental effects, the operator shall notify SEPA as soon as reasonably possible.
- (4) Where it receives a notification of significant adverse environmental effects in accordance with paragraph (3), SEPA shall determine the nature and timing of corrective measures that are necessary and shall require the operator to carry them out.
- (5) The operator shall report to SEPA on the basis of aggregated data—
- (a) on its request; and
 - (b) in any event at least once a year,
- the results of monitoring and on such other matters which SEPA requires to demonstrate compliance with the conditions of the landfill permit or to increase knowledge of the behaviour of waste in landfill.
- (6) The operator shall ensure that quality control of—
- (a) analytical operations of control and monitoring procedures; and
 - (b) analyses of representative samples taken in accordance with regulation 14(2)
- is carried out by competent laboratories.

Closure and after care procedures for landfills

- 17.—(1) The following closure and after-care procedures shall apply to all landfill sites.
- (2) The procedures may relate to the closure of the whole of the landfill or part of it.
- (3) The closure procedure shall begin—

- (a) when the relevant conditions specified in the landfill permit are satisfied;
 - (b) when SEPA approves the initiation of the closure procedure following a request from the operator; or
 - (c) by a reasoned decision of SEPA which shall be set out in a closure notice served on the operator by SEPA in accordance with Regulation 18.
- (4) A landfill shall not be definitely closed until—
- (a) such reports as may be required by SEPA have been submitted to it by the operator; and
 - (b) SEPA—
 - (i) has assessed all the reports submitted by the operator;
 - (ii) has carried out a final on-site inspection; and
 - (iii) has notified the operator by notice in writing served on the operator that it approves the closure.
- (5) Following definite closure of a landfill, after care procedures shall ensure that—
- (a) the operator remains responsible for the maintenance, monitoring and control for such period as SEPA determines is reasonable, taking into account the time during which the landfill could present hazards;
 - (b) the operator notifies SEPA of any significant adverse environmental effects revealed by the control procedures and takes the remedial steps required or approved by SEPA; and
 - (c) the operator is responsible for monitoring and analysing landfill gas and leachate from the landfill and the groundwater regime in its vicinity in accordance with Schedule 4 for as long as SEPA considers that the landfill is likely to cause a hazard to the environment.
- (6) Notwithstanding [^{F14}regulations 48 and 50 of the 2012 Regulations] (requirements on surrender or revocation of permits), SEPA shall not accept any application for complete or partial surrender of the landfill permit, or revoke it in whole or in part, for as long as SEPA considers that the landfill (or the relevant part of it) is likely to cause a hazard to the environment.
- (7) The operator shall not be relieved from liability under the conditions of the landfill permit by reason of SEPA's approval of closure under paragraph (4)(b)(iii).

Textual Amendments

F14 Words in reg. 17(6) substituted (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012 \(S.S.I. 2012/360\)](#), reg. 1(2), **Sch. 11 para. 11(5)** (with reg. 71)

Closure Notices

18.—(1) Where SEPA has taken a reasoned decision under regulation 17(3)(c), it shall serve a closure notice under this regulation (“a closure notice”) on the operator of the landfill.

- (2) A closure notice shall—
- (a) state SEPA's reasons for requiring initiation of the closure procedure;
 - (b) specify the steps the operator is required to take to initiate the procedure;
 - (c) the period within which they must be taken; and
 - (d) the date after which waste may not be accepted on the site.
- (3) SEPA may withdraw a closure notice at any time.

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