OFFERYNNAU STATUDOL CYMRU

2003 Rhif 780 (Cy.91)

DIOGELU'R AMGYLCHEDD, CYMRU

Rheoliadau Trwyddedu Rheoli Gwastraff (Diwygio) (Cymru) 2003

Wedi'u gwneud - -	*18 Mawrth 2003*
Yn dod i rym - -	*1 Ebrill 2003*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 33(3) a 74(6)(**1**) o Ddeddf Diogelu'r Amgylchedd 1990(**2**) ac sy'n arferadwy bellach gan Gynulliad Cenedlaethol Cymru(**3**), ac wedi rhoi sylw penodol, wrth arfer ei bwerau o dan adran 33(3) o'r Ddeddf honno, i'r materion a nodir yn adran 33(4) o'r Ddeddf honno, drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Trwyddedu Rheoli Gwastraff (Diwygio) (Cymru) 2003, a deuant i rym ar 1 Ebrill 2003.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru.

Diwygio Rheoliadau Trwyddedu Rheoli Gwastraff 1994

2. Mae Rheoliadau Trwyddedu Rheoli Gwastraff 1994(**4**) drwy hyn yn cael eu diwygio yn unol â darpariaethau canlynol y Rheoliadau hyn.

(**1**) Mae adran 74(6) yn galluogi gwneud rheoliadau sy'n pennu'r cymwysterau a'r profiad y mae eu hangen ar berson at ddibenion rheoli gweithgaredd a awdurdodir gan drwydded rheoli gwastraff a roddwyd o dan adran 35. Ymdrinnir â'r cymwysterau a'r profiad a bennir felly gan reoliad 4(5)(b) o O.S. 2000/1973 (sy'n gymwys i Gymru a Lloegr ac sy'n diwygio rheoliad 1 o O.S. 1994/1056) fel y cymwysterau a'r profiad sy'n ofynnol ar berson at ddibenion cymhwysedd technegol i reoli gweithgaredd rheoli gwastraff a awdurdodir gan drwydded o dan Ran II o'r offeryn hwnnw (sy'n rhoi ar waith Cyfarwyddeb y Cyngor 96/61/EC sy'n ymwneud ag atal a rheoli llygredd yn integredig (OJ Rhif L 257, 10.10.96, t.26)). Effaith estyn yr offeryn hwnnw i dirlenwi, a wnaed gan reoliad 6 o O.S. 2002/1559 (sy'n gymwys i Gymru a Lloegr ac sy'n rhoi ar waith Cyfarwyddeb y Cyngor 99/31/EC ynghylch tirlenwi gwastraff (OJ Rhif L 182, 17.7.99, t.1)), yw bod y cymwysterau a'r profiad a bennwyd yn unol ag adran 74(6) yn gymwys i bersonau sy'n rheoli tirlenwi yn unol â thrwydded dirlenwi.

(**2**) 1990 p.43.

(**3**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru, mewn perthynas â Chymru, yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2 ac Atodlen 1.

(**4**) O.S. 1994/1056. Diwygiwyd y Rheoliadau hyn ddiwethaf (mewn perthynas â Chymru a Lloegr) gan reoliad 6 o O.S. 2002/2980.

Dehongli – masnachwr metal sgrap

3. Yn rheoliad 1(3)(**5**), yn lle'r diffiniad o "scrap metal" rhoddir y diffiniad canlynol—

""scrap metal dealer" has the meaning given by section 9(1), and "scrap metal" has the meaning given by section 9(2), of the Scrap Metal Dealers Act 1964(**fn**);".

4. Mewn perthynas â'r diffiniad newydd yn rheoliad 1(3) mewnosodir yn y lle priodol y troednodyn canlynol—

"(fn) 1964 c. 69. Section 9(1) was amended by section 43 of, and paragraph 2 of the Schedule to, the Vehicles (Crime) Act 2001 (c. 3). There are other amendments to that Act not relevant to these Regulations.".

Cymhwysedd technegol

5. Yn lle rheoliad 4(**6**) rhoddir y canlynol—

"**Technical competence**

4.—(1) Subject to paragraph (2) of this regulation and regulation 5 below, and without prejudice to the European Communities (Recognition of Professional Qualifications) (Second General System) Regulation 2002(**fn**), Schedule 1A has effect to prescribe for the purposes of section 74(3)(b) of the 1990 Act (management of activities to be in the hands of a technically competent person) the qualifications required of a person if that person is to be considered technically competent in relation to a facility of a type listed in Table 1 of that Schedule.

(2) Paragraph (1) does not apply in relation to a facility which is used exclusively for the purpose of—

(a) carrying on business as a scrap metal dealer;

(b) dismantling motor vehicles; or

(c) the burial of dead domestic pets.".

6. Mewn perthynas â'r rheoliad 4 newydd, mewnosodir yn y lle priodol y troednodyn canlynol—

"(fn) S.I. 2002/2934, implementing Council Directive 92/51/EEC on a second general system for the recognition of professional education and training. Part 1 of Schedule 2 (Professions Regulated by Law or Public Authority) designates the Waste Management Industry Training and Advisory Body as the authority for certified technically competent persons.".

Darpariaeth drosiannol

7. Yn rheoliad 5, mewnosodir y paragraff canlynol ar y diwedd—

"(8) Where—

(a) a person was technically competent for the purposes of section 74(3)(b) of the 1990 Act in relation to a type of facility immediately prior to the coming into force of the Waste Management Licensing (Amendment) (Wales) Regulations 2003 ("the 2003 Regulations") (whether or not the management of a facility of that type was in the hands of that person at that time); and

(**5**) Mae diwygiadau i reoliad 1 nad ydynt yn berthnasol i'r diwygiad hwn.
(**6**) Diwygiwyd Rheoliad 4 gan O.S. 1996/634 a 1997/2203.

(b) that person would, in order to manage a facility of that type, be required to obtain a new certificate in order to remain technically competent in relation to thereto as a result of the 2003 Regulations

then, until 31 March 2005, that person shall be treated as technically competent in relation to a facility of that type for the purposes of section 74(3)(b) of the 1990 Act.".

Mewnosod Atodlen 1A

8. Mewnosodir yn Rheoliadau Trwyddedu Rheoli Gwastraff 1994, ar ôl Atodlen 1, yr atodlen a roddir yn yr Atodlen i'r Rheoliadau hyn.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**7**) 18 Mawrth 2003

D.Elis-Thomas
Llywydd y Cynulliad Cenedlaethol

(**7**) 1998 p.38.

ATODLEN **Regulation 8**

"**SCHEDULE 1A** **Regulation 4**

Certificates of Technical Competence

1. The qualifications required of a person if he is to be regarded as technically competent for the purposes of section 74(3)(b) of the 1990 Act to manage a facility of a description listed in Table 1 are that that person must hold one of the certificates awarded by the Waste Management Industry Training and Advisory Board(**8**) the codes of which are specified in relation to that description of facility in that Table; and the certificates to which the codes refer are set out in Table 2.

Table 1

Number	*Type of Facility*	*Certificate Code*
1	Landfill site for hazardous waste	A, D, or G
2	Landfill site for hazardous waste — single waste stream	A, D, G or H
3	Landfill site for non-hazardous waste	A, B, D, E, G or I
4	Landfill site for non-hazardous waste — single waste stream	A, B, D, E, G, H, I or J
5	Landfill site for inert waste with a total capacity of greater than 50,000 cubic metres	A, B, C, D, E, F, G, I or K
6	Landfill site for inert waste with a total capacity of greater than 50,000 cubic metres — single waste stream	A, B, C, D, E, F, G, H, I, J, K or L
7	Closed landfill site for hazardous waste	A, D, G or M
8	Closed landfill site for hazardous waste — single waste stream	A, D, G, H or M
9	Closed landfill site for non-hazardous waste	A, B, D, E, G, I or M
10	Closed landfill site for non-hazardous waste — single waste stream	A, B, D, E, G, H, I, J or M
11	Closed landfill site for inert waste with a total capacity	A, B, C, D, E, F, G, I, K or M

(**8**) The Waste Management Industry Training and Advisory Board (WAMITAB) is a private law body which was set up in 1989 by the waste management industry.

Number	*Type of Facility*	*Certificate Code*
	of greater than 50,000 cubic metres	
12	Closed landfill site for inert waste with a total capacity of greater than 50,000 cubic metres — single waste stream	A, B, C, D, E, F, G, H, I, J, K, L or M
13	Treatment plant where hazardous waste is subjected to a chemical or physical process	N, P or S
14	Treatment plant where hazardous clinical waste is subject to a physical or chemical process	N, P, S or Ss
15	Treatment plant where hazardous waste is subjected to a chemical or physical process for the treatment of contaminated land	N, P, S or T
16	Treatment plant where non-hazardous waste is subjected to a chemical or physical process	N, P, Q, S or U
17	Treatment plant where non-hazardous waste is subjected to a composting process	N, P, Q, S, U or W
18	Treatment plant where non-hazardous waste is subjected to a chemical or physical process for the treatment of contaminated land	N, P, Q, S, T, U or V
19	Treatment plant where non-hazardous clinical waste is subjected to a chemical or physical process	N, P, S, Ss or X
20	Treatment plant where inert waste is subjected to a chemical or physical process	N, O, P, Q, R, S, U or Y
21	Transfer station for hazardous waste where the capacity of the facility is greater than 5 cubic metres	Z, DD or II
22	Transfer station for hazardous clinical waste where the capacity of the	Z, DD, II or JJ