STATUTORY RULES OF NORTHERN IRELAND

2015 No. 301

ENVIRONMENTAL PROTECTION

The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2015

Made - - - -	*8th July 2015*
Coming into operation	*17th August 2015*

The Department of the Environment, in exercise of the powers conferred by Article 3(5) of the Waste and Contaminated Land (Northern Ireland) Order 1997(**1**), makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 17th August 2015.

Amendment of the Waste Management Licensing Regulations (Northern Ireland) 2003

2.—(1) The Waste Management Licensing Regulations (Northern Ireland) 2003(**2**) are amended in accordance with paragraphs (2) to (6)—

(2) For regulation 3 (Technical Competence) substitute—

> "**3.**—(1) Without prejudice to the European Communities (Recognition of Professional Qualification) Regulations 2002, Schedule 1 has effect to prescribe the qualifications and experience required of a person if that person is to be considered technically competent for the purposes of Article 3(3)(b) of the 1997 Order (management of activities to be in the hands of a technically competent person).
>
> (2) A person holding an existing Certificate of Technical Competence shall be required to acquire a relevant up-to-date qualification as detailed in Schedule 1 within 24 months of the date of operation of these Regulations.
>
> (3) A person who has acquired technical competence must undertake an assessment every 24 months to ensure that that competence is kept up to date.".

(3) Regulation 4 (Technical competence - transitional provisions) is revoked.

(4) In regulation 5 (Pre-qualification technical competence) for paragraph (1)(a) substitute—

(**1**) S.I. 1997/2778 (N.I. 19) as amended
(**2**) S.R. 2003 No. 493 as amended

"(a) a person has applied to the Waste Management Industry and Advisory Board ("WAMITAB") for an Operator Competence Certificate in relation to one of the types of activities mentioned in paragraph (2);".

(5) In regulation 5(1) for paragraph (d) substitute—

"(d) the Department is satisfied that but for regulation 3 he would be a technically competent person, then, in relation to the activity in respect of which the application mentioned in sub-paragraph (b) was made and until the expiry of 12 months from the grant of a licence pursuant to that application, regulation 3 shall not apply to that person and he shall be treated as technically competent for the purposes of Article 3(3)(b) of the 1997 Order.".

(6) For Schedule 1 substitute—

"SCHEDULE 1 Regulation 3

1. The qualifications required of a person if he is to be regarded as technically competent for the purposes of Article 3(3)(b) of the 1997 Order to carry on an activity of a description listed in the Table below are that that person must hold one of the certificates awarded by WAMITAB, the codes of which are specified in relation to that description of activity in that Table; or for operations not covered by WAMITAB, the Department will make its own assessment of technical competence, based primarily on the specific activity and the knowledge and experience in waste management practice of the person wishing to operate it.

2. Anyone carrying out an activity listed in the Table must obtain a relevant Operator Competence Certificate except where that activity is being carried out by way (virtue) of an exemption from waste management licensing. In the event of a person carrying out activities without the appropriate level of qualification, that person will not be deemed to be a fit and proper person, which may result in that person's application being refused or their licence being revoked.

3. Where appropriate, the Department will recognise the Vocationally Related Qualification (VRQ) "Level Certificate in Waste and Resource Management" as demonstrating operator competence where that certificate has been obtained as part of the WAMITAB Operator Competence Scheme."

Table 1 – Operator Competence Certificate Codes

	Type of Activity	*Minimum Relevant Operator Competence Certificate*
1.	Managing a landfill site for hazardous waste	4MLH
2.	Managing a landfill site for hazardous waste – single waste stream	4MLHS
3.	Managing a landfill site for non-hazardous waste	4MLNH
4.	Managing a landfill site for non-hazardous waste – single waste stream	4MLNHS
5.	Managing a landfill site for inert waste with a total	4MLI or 4MLIO6 or 4WRMe

	Type of Activity	*Minimum Relevant Operator Competence Certificate*
	capacity of greater than 50,000 cubic metres	
6.	Managing a landfill site for inert waste with a total capacity of greater than 50,000 cubic metres – single waste stream	4MLIS or 4MLISO6 or 4WRMe
7.	Managing a closed landfill site for hazardous waste	4MCL
8.	Managing a closed landfill site for hazardous waste – single waste stream	4MCL
9.	Managing a closed landfill site for non-hazardous waste	4MCL
10.	Managing a closed landfill site for non-hazardous waste – single waste stream	4MCL
11.	Managing a closed landfill site for inert waste with a total capacity of greater than 50,000 cubic metres	4MCL6
12.	Managing a closed landfill site for inert waste with a total capacity of greater than 50,000 cubic metres – single waste stream	4MLIC4 or 4WRMe
13.	Managing a treatment plant where hazardous waste is subjected to a chemical or physical process	4MPTH
14.	Managing a facility for recovery of oil/organic solvents	4MPTH or 4MTTH
15.	Managing a treatment plant where hazardous clinical waste is subjected to a chemical or physical process	4MTTHC
16.	Managing a treatment plant where hazardous waste is subjected to a chemical or physical process for the remediation of contaminated land	4MPTHR or 4MTNHR6 or 4WRMd

	Type of Activity	*Minimum Relevant Operator Competence Certificate*
17.	Managing a treatment plant where non-hazardous waste is subjected to a chemical or physical process	4MPTNH or 4MPTNH6 or 4WRMa
18.	Managing a treatment plant where non-hazardous waste is subjected to a composting process	4MBTNHO or 4MBTNHI or 4MBTOW6 or 4MBTIV6 or 4WRMb
19.	Managing a treatment plant where non-hazardous waste is subjected to a chemical or physical process for the remediation of contaminated land	4MPTNHR or 4MTNHR6 or 4WRMd
20.	Managing a treatment plant where non-hazardous clinical waste is subjected to a chemical or physical process	4MTTNHC or 4MTTNHC6
21.	Managing a treatment plant where inert waste is subjected to a chemical or physical process	4MTMI or 4MTMI4 or 4WRMa
22.	Managing a transfer station for hazardous waste where the capacity of the facility is greater than 5 cubic metres	4MTSH
23.	Managing a transfer station for hazardous clinical waste where the capacity of the facility is greater than 5 cubic metres	4MTSHC
24.	Managing a transfer station for non-hazardous waste where the capacity of the facility is greater than 5 cubic metres	4MTSNH or 4MTSNH6 or 4WRMa
25.	Managing a transfer station for inert waste where the capacity is greater than 50 cubic metres	4MTSI or 4MTSI4 or 4WRMa
26.	Managing a civic amenity site where the amount of waste accepted is 5,000 tonnes per annum or less	Either 4MCAS or 4MCANH6 or 4MCAH6 or 4WRMa depending on waste received
27.	Managing a civic amenity site where the amount of waste accepted is greater than 5,000 tonnes per annum	4MTSH or 4MTSNH or 4MTSNH6 or 4WRMa