STATUTORY RULES OF NORTHERN IRELAND

2004 No. 297

ENVIRONMENTAL PROTECTION

The Landfill (Amendment) Regulations (Northern Ireland) 2004

Made - - - -	*8th July 2004*
Coming into operation –	
For the purposes of Regulations 7, 8 and 9.	*16th July 2004*
For all other purposes	*16th July 2005*

The Department of the Environment, in exercise of the powers conferred upon it by Article 4 of the Environment (Northern Ireland) Order 2002(**1**), and of all other powers enabling it in that behalf and having, in accordance with Article 4(4) of that Order, consulted district councils and such bodies or persons appearing to it to be representative of the interests of district councils as it considers appropriate, such bodies and persons appearing to it to be representative of the interests of industry, agriculture and business it considers appropriate and such other bodies or persons as it considers appropriate, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Landfill (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation for the purposes of Regulations 7, 8 and 9 on 16th July 2004 and for all other purposes on 16th July 2005.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**2**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations "the Landfill Regulations" means the Landfill Regulations (Northern Ireland) 2003(**3**).

Amendment of the Landfill Regulations

3. The Landfill Regulations are amended in accordance with the following Regulations.

(**1**) S.I.2002/3153 (N.I. 7)
(**2**) 1954 c. 33 (N.I)
(**3**) S.R. 2003 No. 496

Amendment of Part I (General)

4.—(1) The following definitions are inserted at the appropriate places in regulation 2(2) –

""European Waste Catalogue" means the list of wastes set out in the Annex to Commission Decision 2000/532/EC, as for the time being amended(**4**); and

"SIC Code" means a code included in "the United Kingdom Standard Industrial Classification of Economic Activities 2003", published by the Office for National Statistics in 2002 and implemented on 1st January 2003(**5**); and

"Stable, non-reactive hazardous waste" means hazardous waste, the leaching behaviour of which will not change adversely in the long-term under landfill design conditions or foreseeable accidents –

(a) in the waste alone (for example, by biodegradation);

(b) under the impact of long-term ambient conditions (for example, water, air, temperature, mechanical constraints); or

(c) by the impact of other wastes (including waste products such as leachate and gas);"".

(2) For the definition of "relevant waste acceptance criteria" in regulation 2(2) substitute –

""relevant waste acceptance criteria" means in relation to a landfill, the waste acceptance criteria under Parts I and III of Schedule 1 which apply to the class of landfill to which that landfill belongs;"

Amendment of Part II (Landfill Permits)

5.—(1) In regulation 9(1)(e) delete "as from the relevant date".

(2) In Regulation 10 –

(a) for paragraph (2) substitute "The operator of a landfill shall ensure that only waste which meets the relevant waste acceptance criteria shall be accepted at the landfill"; and

(b) delete paragraphs (3) to (5).

(3) In Regulation 12 –

(a) for paragraphs (1) and (2) substitute –

"(1) The operator of a landfill shall ensure that waste only be accepted at the landfill if –

(a) it has been subject to the relevant waste acceptance procedures set out in Part II of Schedule 1; and

(b) any sampling or testing required under Parts II or III of Schedule 1 is carried out in accordance with Part 4 of that Schedule.

(2) Subject to paragraph (2A) the operator shall visually inspect waste at the entrance to the landfill and at the point of deposit and shall satisfy himself that it conforms to the description provided in the documentation submitted by the holder.

(2A) Where the operator is also the producer of the waste, the visual inspection required by paragraph (2) may be made at the point of dispatch.

(2B) The operator shall at appropriate periodic intervals –

(**4**) The Decision in force at the date of making these Regulations is Commission Decision 2000/532/EC (O.J. No. L226, 6.9.2000, p. 3) as amended by Commission Decisions 2001/118/EC (O.J. No. L047, 16.2.2001, p. 1), 2001/119/EC (O.J. No. L047, 16.2.2001, p. 32) and 2001/573/EC (O.J. L203, 28.7.2001, p. 18)

(**5**) ISBN 0-11-62-11-16417

(a) test the waste to establish whether it corresponds to the description in the accompanying documents, by checking its appearance, odour and any other relevant, readily determined properties; and

(b) take representative samples for analysis which shall thereafter be retained, together with the results of the analysis for a period of at least one month.”; and

(b) in paragraph (3)(f) after “its” insert “identity and”.

(4) In regulation 14(4) for “it” substitute “he”.

(5) In regulation 15(4)(a) for “it” substitute “him”.

(6) In regulation 15(6) for “it” when it secondly appears substitute “he”.

Amendment of Schedule 1 (Waste Acceptance Criteria)

6. The Schedule (which substitutes a schedule for Schedule 1 of the Landfill Regulations) shall have effect.

Amendment of Schedule 3 (Minimum Monitoring Procedures for Landfills)

7. In paragraph 4(4) of Schedule 3 for “As” substitute “anionic surfactants”.

Amendment of Schedule 4 (Transitional Provisions)

8.—(1) The following amendments are made to Schedule 4.

(2) At the end of paragraph 1(6)(a) insert “or”.

(3) In paragraph 3(4) for “sub-paragraph (3)(a)(i)” substitute “sub-paragraph (1)(14)”.

Amendment of Schedule 5 (Amendments to Other Subordinate Legislation)

9.—(1) The following amendments are made to Schedule 5.

(2) In paragraph 1(2) for sub-paragraph (b) substitute –

“For paragraph (5) substitute –

(a) For the purposes of paragraph 3 “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 paragraph 1(13) for “(1A)” substitute “(1C)”.

(4) In paragraph 1(14)(d)(w) delete “site”.

(5) In paragraph 1(14)(d)(x) for “requiring a landfill to close (in whole or part) issued” substitute “of a decision”.

(6) In paragraph 2(3)(b)(n) delete “site”.

(7) In paragraph 2(4)(b) for “it” substitute “he”.

Sealed with the Official Seal of the Department of the Environment on 8th July 2004.

Felix Dillon
A Senior Officer of the
Department of the Environment

SCHEDULE Regulation 6

AMENDMENT TO SCHEDULE 1 TO THE LANDFILL REGULATIONS

1. For Schedule 1 of the Landfill Regulations substitute –

"SCHEDULE 1

CRITERIA AND PROCEDURES FOR THE ACCEPTANCE OF WASTE AT LANDFILLS

PART I

GENERAL PRINCIPLES FOR THE ACCEPTANCE OF WASTE AT LANDFILLS

General Principles for the acceptance of waste at 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 general principles for the 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 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 general principles for the 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 –

(i) it is stable non-reactive hazardous waste;

(ii) its leaching behaviour is equivalent to that of non-hazardous waste which meets the relevant waste acceptance criteria; and

(iii) it is not deposited in cells used or intended to be used for the disposal of biodegradeable non-hazardous waste; or