

SCHEDULE 10

Regulation 35(2)(d)

Landfill

Application

1. This Schedule applies in relation to every landfill except a landfill which finally ceased to accept waste for disposal before 16th July 2001.

Interpretation: general

2.—(1) In this Schedule—

- (a) unless otherwise provided, an expression that is defined in the Landfill Directive has the meaning given in that Directive;
- (b) “the Decision” means Council Decision [2003/33/EC\(1\)](#);
- (c) “the Decision Annex” means the Annex to the Decision; and
- (d) “landfill” has the meaning given in Article 2(g) of the Landfill Directive, but does not include any operation excluded from the scope of that Directive by Article 3(2).

(2) When interpreting the Landfill Directive and the Decision for the purposes of this Schedule—

- (a) an expression that is defined in Part 1 of these Regulations has the meaning given in that Part;
- (b) “landfill permit” means environmental permit;
- (c) “nature protection zone” means any—
 - (i) site of special scientific interest within the meaning given in section 52 of the Wildlife and Countryside Act 1981(2), or
 - (ii) European site within the meaning given in regulation 10(1) of the Conservation (Natural Habitats, &c) Regulations 1994(3);
- (d) “PAHs (polycyclic aromatic hydrocarbons)” means Naphthalene, Acenaphthylene, Acenaphthene, Anthracene, Benzo(a)anthracene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Benzo(g,h,i)perylene, Benzo(a)pyrene, Chrysene, Coronene, Dibenzo(a,h)anthracene, Fluorene, Fluoranthene, Indeno(1,2,3-c,d)pyrene, Phenanthrene and Pyrene;
- (e) “permit” means environmental permit;
- (f) “SIC code” means the UK Standard Industrial Classification of Economic Activities 2007 (SIC 2007) published by the Office for National Statistics on 14th December 2007 and implemented on 1st January 2008(4); and
- (g) the competent authority is the regulator.

Applications for the grant of an environmental permit

3. The regulator must require that every application for the grant of an environmental permit includes the information specified in Article 7 of the Landfill Directive.

(1) OJ No L 11, 16.1.2003, p 27.

(2) [1981 c. 69](#); the definition was inserted by the Countryside and Rights of Way Act 2000, section 75(1) and Schedule 9.

(3) [S.I. 1994/2716](#), amended by [S.I. 2000/192](#). There are other amending instruments but none is relevant.

(4) ISBN: 0116216417.

Inspection prior to operation

4. The regulator must inspect every landfill site so as to comply with the requirements in Article 8(c) of the Landfill Directive.

Exercise of relevant functions

5.—(1) The regulator must exercise its relevant functions so as to ensure compliance with the following provisions of the Landfill Directive—

- (a) Article 4;
- (b) Article 5(3) and (4);
- (c) Article 6;
- (d) Article 8;
- (e) Article 9;
- (f) Article 10;
- (g) Article 11(1);
- (h) Article 12;
- (i) Article 13;
- (j) Article 14.

(2) The regulator must exercise those relevant functions having regard to Article 1 of the Landfill Directive.

(3) The regulator must exercise those relevant functions so as to ensure compliance with the requirements imposed on the Member State by the following provisions of the Decision—

- (a) Article 2;
- (b) Article 3;
- (c) Article 4.

Interpretation of the Landfill Directive for the exercise of relevant functions

6. When interpreting the Landfill Directive for the purposes of paragraph 5(1)—

- (a) in Article 6(a), the words “This provision may not apply to” is to be read as “This provision does not apply to”;
- (b) in Article 8(a)(iv), ignore the last sentence;
- (c) the last sentence of paragraph 2 of Annex I is to be read as “The above provisions do not apply to inert landfills.”; and
- (d) in paragraph 3(3) of Annex I, ignore the sentence immediately following the table headed “Leachate collection and bottom sealing”.

Interpretation of the Decision Annex for the exercise of relevant functions: general

7. When interpreting the Decision Annex for the purposes of paragraph 5(3)—

- (a) in points 1.1.1 and 1.2, the periods referred to as to be defined or determined by the Member State are in each case 2 years;
- (b) point 1.1.2(b) is to be read as requiring the SIC code of the process producing the waste to be part of the information referred to;
- (c) in point 1.1.2(g), ignore the words “in case of mirror entries”;

- (d) ignore the third sentence of section 2;
- (e) in points 2.1.2.1, 2.2.2, 2.3.1 and 2.4.1 the table columns headed “L/S = 10 l/kg” must be used to determine limit values;
- (f) in the table in point 2.1.2.2, the limit value for PAHs (polycyclic aromatic hydrocarbons) is set at 100 mg/kg;
- (g) in point 2.2.3, the first reference to “gypsum-based materials” is to be read as “gypsum-based and other high sulphate-bearing materials”;
- (h) in point 2.3.3, the first reference to “suitable asbestos waste” is to be read as “suitable materials”;
- (i) in the table in point 2.4.1, the limit values are subject to the qualification that the regulator may include conditions in an environmental permit authorising limit values for specific parameters (other than Dissolved Organic Carbon) up to 3 times higher than those listed for specified wastes accepted at a landfill, taking into account the characteristics of the landfill and its surroundings and provided a risk assessment demonstrates that emissions (including leachate) from the landfill will present no additional risk to the environment.

Interpretation of the Decision Annex for the exercise of relevant functions: additional acceptance criteria relating to physical stability and bearing capacity of granular waste

8. When interpreting the Decision Annex for the purposes of paragraph 5(3)—
- (a) in point 2.3.2, the criteria to ensure that granular waste will have sufficient physical stability and bearing capacity are that it has either—
 - (i) if it is cohesive waste, a mean in situ shear strength of at least 50kPa, or
 - (ii) if it is non-cohesive waste, an in situ bearing ratio of at least 5%;
 - (b) point 2.4.2 is to be read as if, in addition to the criteria listed, it requires the satisfaction of the criteria in paragraph (a)(i) and (a)(ii).

Interpretation of the Decision Annex for the exercise of relevant functions: additional acceptance criteria in relating to monolithic waste

9. When interpreting the Decision Annex for the purposes of paragraph 5(3)—
- (a) point 2.3.1 is to be read as if, in addition to the criteria listed, it requires the satisfaction of the following criteria in relation to stable, non-reactive monolithic hazardous waste and non-hazardous waste which is to be landfilled in the same cell with such waste—
 - (i) it meets either—
 - (aa) the limit values for leaching set out in the table in point 2.3.1, or
 - (bb) the limit values for leaching set out in the following table—

<i>Component</i>	<i>Symbol</i>	<i>mg/m²</i>
Arsenic	As	1.3
Barium	Ba	45
Cadmium	Cd	0.2
Total Chromium	Cr _{total}	5
Copper	Cu	45
Mercury	Hg	0.1

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Environmental Permitting (England and Wales) Regulations 2010 No. 675

<i>Component</i>	<i>Symbol</i>	<i>mg/m²</i>
Molybdenum	Mo	7
Nickel	Ni	6
Lead	Pb	6
Antimony	Sb	0.3
Selenium	Se	0.4
Zinc	Zn	30
Chloride	Cl	10,000
Fluoride	F	60
Sulphate	SO ₄ ²⁻	10,000
Dissolved Organic Carbon	DOC	Must be evaluated

(ii) it meets the additional criteria set out in the following table—

<i>Parameter</i>	<i>Value</i>
pH of the eluate from the monolith or crushed monolith	Must be evaluated
Electrical conductivity (μ S.cm-1m-2) of the eluate from the monolith or crushed monolith	Must be evaluated
Acid Neutralisation Capacity (ANC) of the crushed monolith	Must be evaluated

(iii) it has a mean unconfined compressive strength of at least 1Mpa after 28 days curing;

(iv) it has either—

(aa) dimensions of greater than 40cm along each side, or

(bb) a depth and fracture spacing when hardened of greater than 40cm; and

(v) where the waste was subjected to treatment to render it monolithic, prior to such treatment it met the following limit values—

(aa) loss on ignition of 10%, or

(bb) total organic carbon of 6%;

(b) point 2.4.1 in the Decision Annex is to be read as if, in addition to the criteria listed, it requires the satisfaction of the following criteria in relation to monolithic waste to be accepted at a landfill for hazardous waste—

(i) it complies with paragraphs (a)(ii) to (a)(v), and

(ii) it meets either—

(aa) the limit values for leaching set out in the table in point 2.4.1, or

(bb) the limit values for leaching set out in the following table—

<i>Components</i>	<i>Symbol</i>	<i>mg/m²</i> (1)
Arsenic	As	20
Barium	Ba	150
Cadmium	Cd	1
Total Chromium	Cr _{total}	25
Copper	Cu	60
Mercury	Hg	0.4
Molybdenum	Mo	20
Nickel	Ni	15
Lead	Pb	20
Antimony	Sb	2.5
Selenium	Se	5
Zinc	Zn	100
Chloride	Cl	20,000
Fluoride	F	200
Sulphate	SO ₄ ²⁻	20,000
Dissolved Organic Carbon	DOC	Must be evaluated

- (1) The regulator may include conditions in an environmental permit authorising limit values for specific parameters (other than Dissolved Organic Carbon) up to 3 times higher for specified wastes accepted in a landfill, taking into account the characteristics of the landfill and its surroundings and provided a risk assessment demonstrates that emissions (including leachate) from the landfill will present no additional risk to the environment.

Closure of a landfill

10.—(1) The regulator must set out any reasoned decision under Article 13(a)(iii) of the Landfill Directive in a closure notice served on the operator.

(2) A closure notice must, in addition to stating the regulator's reasons for requiring initiation of the closure procedure, specify—

- (a) the steps the operator is required to take to initiate the procedure; and
- (b) the period within which they must be taken.

(3) The regulator may withdraw a closure notice at any time by further notice served on the operator.

(4) Closure of a landfill does not relieve the operator of liability under the conditions of the environmental permit.

Surrender applications

11. When determining an application for the surrender, in whole or in part, of an environmental permit, the regulator must exercise its functions so as to ensure the operator complies with the requirements in Article 13(d) of the Landfill Directive.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Environmental Permitting (England and Wales) Regulations 2010 No. 675*