
STATUTORY INSTRUMENTS

2002 No. 1559

The Landfill (England and Wales) Regulations 2002 (revoked)

PART II

LANDFILL PERMITS

Classification of landfills

- 7.—(1) Before granting a landfill permit, the Environment Agency shall classify the landfill—
- (a) as a landfill for hazardous waste;
 - (b) as a landfill for non-hazardous waste; or
 - (c) as a landfill for inert waste,

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

(2) [^{F1}Hazardous waste means any waste as defined in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005][^{F2}Hazardous waste means any waste as defined in regulation 6 of the Hazardous Waste (Wales) Regulations 2005].

(3) Non-hazardous waste is waste which is not hazardous waste.

(4) Waste is inert waste if—

- (a) it does not undergo any significant physical, chemical or biological transformations;
- (b) it does not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm to human health; and
- (c) its total leachability and pollutant content and the ecotoxicity of its leachate are insignificant and, in particular, do not endanger the quality of any surface water or groundwater.

Textual Amendments

F1 Words in [reg. 7\(2\)](#) substituted (E.) (16.7.2005) by [The Hazardous Waste \(England and Wales\) Regulations 2005 \(S.I. 2005/894\)](#), [reg. 1\(1\)\(b\)](#), [Sch. 11 para. 33](#) (with [reg. 75](#))

F2 Words in [reg. 7\(2\)](#) substituted (W.) (16.7.2005) by [The Hazardous Waste \(Wales\) Regulations 2005 \(S.I. 2005/1806\)](#), [reg. 1\(2\)\(ii\)](#), [Sch. 11 para. 35](#)

Conditions to be included in landfill permits

8.—(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—

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- (i) preparations for, and the carrying out of, landfilling operations;
 - (ii) monitoring and control procedures, including contingency plans;
- [^{F3}(b) ensuring that the financial provision required by section 74(3)(c) of the 1990 Act or by regulation 4(3)(c) of the 2000 Regulations is maintained until the landfill permit is surrendered in accordance with those Regulations or that Act;]
- (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 at least annually to the Environment Agency on—
 - (i) the types and quantities of waste disposed of; and
 - (ii) the results of the monitoring programme required by regulations 14 and 15.
- (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 2 (general requirements for all landfills);
 - (ii) regulation 9 (prohibition of acceptance of certain wastes at landfills);
 - (iii) regulation 10 (waste which may be accepted in the different classes of landfill);
 - (iv) regulation 11 (costs of disposal of waste in landfills);
 - (v) regulation 12 (waste acceptance procedures);
 - (vi) regulation 13 (initial site inspections by Environment Agency);
 - (vii) regulation 14 (control and monitoring of operational landfill sites);
 - (viii) regulation 15 (closure and after-care procedures for landfills); and
 - (b) such other conditions as appear appropriate to the Environment Agency, including in particular conditions giving effect to—
 - (i) any requirement imposed by Community or national legislation; and
 - (ii) in the case of landfills falling within paragraph (a) of Part A(1) of Section 5.2 in Part 1 of Schedule 1 to the 2000 Regulations, the principle that energy should be used efficiently.
- (4) The provisions of these Regulations mentioned in paragraph (3)(a) above shall impose obligations directly on an operator of a landfill (rather than through the conditions of a landfill permit) only to the extent specified in [^{F4}paragraphs 3(3) to (5) and 6(2)] of Schedule 4.

Textual Amendments

- F3** Reg. 8(2)(b) substituted (1.10.2007) by [The Pet Cemeteries \(England and Wales\) Regulations 2007 \(S.I. 2007/2596\)](#), regs. 1(b), 4(4) (with reg. 5)
- F4** Words in reg. 8(4) substituted (15.5.2006) by [The Waste Management \(England and Wales\) Regulations 2006 \(S.I. 2006/937\)](#), regs. 1(2), 9(4)

Prohibition of acceptance of certain wastes at landfills

- 9.—(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 not identified or which are new, and whose effects 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 used tyres other than—
 - (i) bicycle tyres; and
 - (ii) tyres with an outside diameter above 1400mm; and
 - (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.
- (3) For the purposes of this regulation, waste is—
- “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;
- “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;
 - (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; or
- “oxidising” if it consists of substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.

Waste which may be accepted in the different classes of landfill

10.—(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

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- (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.

- F⁵(2)
- F⁵(3)
- F⁵(4)
- F⁵(5)

Textual Amendments

F5 Reg. 10(2)-(5) omitted (16.7.2005) by virtue of [The Landfill \(England and Wales\) \(Amendment\) Regulations 2004 \(S.I. 2004/1375\)](#), regs. 1(1), **5(1)** (as amended by S.I. 2005/1640, regs. 1(1), **8**)

Costs of disposal of waste in landfills

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

- (a) the costs of setting up and operating the landfill;
- [^{F6}(b) the costs of the financial provision required by section 74(3)(c) of the 1990 Act or by regulation 4(3)(c) of the 2000 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

F6 Reg. 11(b) substituted (1.10.2007) by [The Pet Cemeteries \(England and Wales\) Regulations 2007 \(S.I. 2007/2596\)](#), regs. 1(b), **4(5)** (with reg. 5)

Waste acceptance procedures

12.—[^{F7}(1) The operator of a landfill shall ensure that waste shall only be accepted at the landfill if—

- (a) it has been subject to the relevant waste acceptance procedure set out in Part 2 of Schedule 1; and
- (b) any sampling or testing required under Parts 2 or 3 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—

- (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.]

(3) The operator shall keep a register showing—

- (a) the quantities of waste deposited;
- (b) its characteristics;
- (c) its origin;
- (d) the 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 ^{F8}identity and] precise location on the site.

(4) The information required to be kept under paragraph (3) shall be made available to the Environment Agency 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 the Environment Agency of that fact as soon as reasonably possible.

Textual Amendments

- F7** Reg. 12(1)-(2B) substituted for reg. 12(1)(2) (16.7.2005) by [The Landfill \(England and Wales\) \(Amendment\) Regulations 2004 \(S.I. 2004/1375\)](#), regs. 1(1), **5(2)(a)**
- F8** Words in reg. 12(3)(f) inserted (16.7.2005) by [The Landfill \(England and Wales\) \(Amendment\) Regulations 2004 \(S.I. 2004/1375\)](#), regs. 1(1), **5(2)(b)**

Initial site inspections by Environment Agency

13. The operator of a landfill shall not commence disposal operations before the Environment Agency has inspected the site in order to ensure that it complies with the relevant conditions of the landfill permit.

Control and monitoring of operational landfill sites

14.—(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 3.

(3) Where the procedures required by paragraph (2) reveal any significant adverse environmental effects, the operator shall notify the Environment Agency as soon as reasonably possible.

(4) When it receives a notification of significant adverse environmental effects in accordance with paragraph (3), the Environment Agency 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 at intervals specified by the Environment Agency, on the basis of aggregated data, the results of monitoring and on such other matters which the Environment Agency requires to demonstrate compliance with the conditions of the landfill permit or to increase its 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 12(2),

is carried out by competent laboratories.

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Closure and after-care procedures for landfills

- 15.—(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 conditions specified in the landfill permit are satisfied;
 - (b) when the Environment Agency approves the initiation of the closure procedure following a request from the operator; or
 - (c) by a reasoned decision of the Environment Agency which shall be set out in a closure notice served on the operator in accordance with regulation 16.
- (4) A landfill shall not be definitively closed until—
- (a) such reports as may be required by the Environment Agency have been submitted to it by the operator; and
 - (b) the Environment Agency—
 - (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 definitive 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 the Environment Agency determines is reasonable, taking into account the time during which the landfill could present hazards;
 - (b) the operator notifies the Environment Agency of any significant adverse environmental effects revealed by the control procedures and takes the remedial steps required or approved by the Agency; 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 3 for as long as the Environment Agency considers that the landfill is likely to cause a hazard to the environment.
- [^{F9}(6) Notwithstanding sections 38 and 39 of the 1990 Act (requirements on revocation or surrender of waste management licences) or regulations 19 and 21 of the 2000 Regulations (requirements on surrender or revocation of permits), the Environment Agency shall not accept any complete or partial surrender of the landfill permit, or revoke it in whole or in part, for as long as the Environment Agency 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 the Environment Agency's approval of closure under paragraph (4)(b)(iii).

Textual Amendments

F9 Reg. 15(6) substituted (1.10.2007) by [The Pet Cemeteries \(England and Wales\) Regulations 2007 \(S.I. 2007/2596\)](#), regs. 1(b), **4(6)** (with reg. 5)

Closure Notices

16.—(1) Where the Environment Agency has taken a reasoned decision under regulation 15(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 the Environment Agency’s reasons for requiring initiation of the closure procedure;
- (b) specify the steps the operator is required to take to initiate the procedure; and
- (c) the period within which they must be taken.

(3) The Environment Agency may withdraw a closure notice at any time.

Status:

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