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STATUTORY INSTRUMENTS

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**2002 No. 1559**

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

**PART II**

LANDFILL PERMITS

**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.
- (6) Notwithstanding 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 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).