

OFFERYNNAU STATUDOL CYMRU

2003 Rhif 780 (Cy.91)

DIOGELU'R AMGYLCHEDD, CYMRU

Rheoliadau Trwyddedu Rheoli
Gwastraff (Diwygio) (Cymru) 2003

Wedi'u gwneud - - - 18 Mawrth 2003

Yn dod i rym - - - 1 Ebrill 2003

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 33(3) a 74(6)(1) o Ddeddf Diogelu'r Amgylchedd 1990(2) ac sy'n arferadwy bellach gan Gynulliad Cenedlaethol Cymru(3), ac wedi rhoi sylw penodol, wrth arfer ei bwerau o dan adran 33(3) o'r Ddeddf honno, i'r materion a nodir yn adran 33(4) o'r Ddeddf honno, drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Trwyddedu Rheoli Gwastraff (Diwygio) (Cymru) 2003, a deuant i rym ar 1 Ebrill 2003.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru.

Diwygio Rheoliadau Trwyddedu Rheoli Gwastraff 1994

2. Mae Rheoliadau Trwyddedu Rheoli Gwastraff 1994(4) drwy hyn yn cael eu diwygio yn unol â darpariaethau canlynol y Rheoliadau hyn.

- (1) Mae adran 74(6) yn galluogi gwneud rheoliadau sy'n pennu'r cymwysterau a'r profiad y mae eu hangen ar berson at ddibenion rheoli gweithgaredd a awdurdodir gan drwydded rheoli gwastraff a roddwyd o dan adran 35. Ymdrinnir â'r cymwysterau a'r profiad a bennir felly gan reoliad 4(5)(b) o [O.S. 2000/1973](#) (sy'n gymwys i Gymru a Lloegr ac sy'n diwygio rheoliad 1 o [O.S. 1994/1056](#)) fel y cymwysterau a'r profiad sy'n ofynnol ar berson at ddibenion cymhwysedd technegol i reoli gweithgaredd rheoli gwastraff a awdurdodir gan drwydded o dan Ran II o'r offeryn hwnnw (sy'n rhoi ar waith Cyfarwyddeb y Cyngor [96/61/EC](#) sy'n ymwneud ag atal a rheoli llygredd yn integredig (OJ Rhif L 257, 10.10.96, t.26)). Effaith estyn yr offeryn hwnnw i dirlenwi, a wnaed gan reoliad 6 o [O.S. 2002/1559](#) (sy'n gymwys i Gymru a Lloegr ac sy'n rhoi ar waith Cyfarwyddeb y Cyngor [99/31/EC](#) ynghylch tirlenwi gwastraff (OJ Rhif L 182, 17.7.99, t.1)), yw bod y cymwysterau a'r profiad a bennwyd yn unol ag adran 74(6) yn gymwys i bersonau sy'n rheoli tirlenwi yn unol â thrwydded dirlenwi.
- (2) [1990 p.43](#).
- (3) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru, mewn perthynas â Chymru, yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ([O.S. 1999/672](#)), erthygl 2 ac Atodlen 1.
- (4) [O.S. 1994/1056](#). Diwygiwyd y Rheoliadau hyn ddiwethaf (mewn perthynas â Chymru a Lloegr) gan reoliad 6 o [O.S. 2002/2980](#).

Dehongli – masnachwr metal sgrap

3. Yn rheoliad 1(3)(5), yn lle'r diffiniad o “scrap metal” rhoddir y diffiniad canlynol—
 ““scrap metal dealer” has the meaning given by section 9(1), and “scrap metal” has the meaning given by section 9(2), of the Scrap Metal Dealers Act 1964^(fn)”.
4. Mewn perthynas â'r diffiniad newydd yn rheoliad 1(3) mewnosodir yn y lle priodol y troednodyn canlynol—
 “(fn) 1964 c. 69. Section 9(1) was amended by section 43 of, and paragraph 2 of the Schedule to, the Vehicles (Crime) Act 2001 (c. 3). There are other amendments to that Act not relevant to these Regulations.”.

Cymhwysedd technegol

5. Yn lle rheoliad 4(6) rhoddir y canlynol—
 “**Technical competence**
 4.—(1) Subject to paragraph (2) of this regulation and regulation 5 below, and without prejudice to the European Communities (Recognition of Professional Qualifications) (Second General System) Regulation 2002^(fn), Schedule 1A has effect to prescribe for the purposes of section 74(3)(b) of the 1990 Act (management of activities to be in the hands of a technically competent person) the qualifications required of a person if that person is to be considered technically competent in relation to a facility of a type listed in Table 1 of that Schedule.
 (2) Paragraph (1) does not apply in relation to a facility which is used exclusively for the purpose of—
 (a) carrying on business as a scrap metal dealer;
 (b) dismantling motor vehicles; or
 (c) the burial of dead domestic pets.”.
6. Mewn perthynas â'r rheoliad 4 newydd, mewnosodir yn y lle priodol y troednodyn canlynol—
 “(fn) S.I. 2002/2934, implementing Council Directive 92/51/EEC on a second general system for the recognition of professional education and training. Part 1 of Schedule 2 (Professions Regulated by Law or Public Authority) designates the Waste Management Industry Training and Advisory Body as the authority for certified technically competent persons.”.

Darpariaeth drosiannol

7. Yn rheoliad 5, mewnosodir y paragraff canlynol ar y diwedd—
 “(8) Where—
 (a) a person was technically competent for the purposes of section 74(3)(b) of the 1990 Act in relation to a type of facility immediately prior to the coming into force of the Waste Management Licensing (Amendment) (Wales) Regulations 2003 (“the 2003 Regulations”) (whether or not the management of a facility of that type was in the hands of that person at that time); and

(5) Mae diwygiadau i reoliad 1 nad ydynt yn berthnasol i'r diwygiad hwn.

(6) Diwygiwyd Rheoliad 4 gan O.S. 1996/634 a 1997/2203.

(b) that person would, in order to manage a facility of that type, be required to obtain a new certificate in order to remain technically competent in relation to thereto as a result of the 2003 Regulations

then, until 31 March 2005, that person shall be treated as technically competent in relation to a facility of that type for the purposes of section 74(3)(b) of the 1990 Act.”.

Mewnosod Atodlen 1A

8. Mewnosodir yn Rheoliadau Trwyddedu Rheoli Gwastraff 1994, ar ôl Atodlen 1, yr atodlen a roddir yn yr Atodlen i'r Rheoliadau hyn.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(7) 18 Mawrth 2003

D.Elis-Thomas
Llywydd y Cynulliad Cenedlaethol

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

ATODLEN**Regulation 8****“SCHEDULE 1A****Regulation 4****Certificates of Technical Competence**

1. The qualifications required of a person if he is to be regarded as technically competent for the purposes of section 74(3)(b) of the 1990 Act to manage a facility of a description listed in Table 1 are that that person must hold one of the certificates awarded by the Waste Management Industry Training and Advisory Board⁽⁸⁾ the codes of which are specified in relation to that description of facility in that Table; and the certificates to which the codes refer are set out in Table 2.

Table 1

<i>Number</i>	<i>Type of Facility</i>	<i>Certificate Code</i>
1	Landfill site for hazardous waste	A, D, or G
2	Landfill site for hazardous waste — single waste stream	A, D, G or H
3	Landfill site for non-hazardous waste	A, B, D, E, G or I
4	Landfill site for non-hazardous waste — single waste stream	A, B, D, E, G, H, I or J
5	Landfill site for inert waste with a total capacity of greater than 50,000 cubic metres	A, B, C, D, E, F, G, I or K
6	Landfill site for inert waste with a total capacity of greater than 50,000 cubic metres — single waste stream	A, B, C, D, E, F, G, H, I, J, K or L
7	Closed landfill site for hazardous waste	A, D, G or M
8	Closed landfill site for hazardous waste — single waste stream	A, D, G, H or M
9	Closed landfill site for non-hazardous waste	A, B, D, E, G, I or M
10	Closed landfill site for non-hazardous waste — single waste stream	A, B, D, E, G, H, I, J or M
11	Closed landfill site for inert waste with a total capacity	A, B, C, D, E, F, G, I, K or M

⁽⁸⁾ The Waste Management Industry Training and Advisory Board (WAMITAB) is a private law body which was set up in 1989 by the waste management industry.

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Number	Type of Facility	Certificate Code
	of greater than 50,000 cubic metres	
12	Closed landfill site for inert waste with a total capacity of greater than 50,000 cubic metres — single waste stream	A, B, C, D, E, F, G, H, I, J, K, L or M
13	Treatment plant where hazardous waste is subjected to a chemical or physical process	N, P or S
14	Treatment plant where hazardous clinical waste is subject to a physical or chemical process	N, P, S or Ss
15	Treatment plant where hazardous waste is subjected to a chemical or physical process for the treatment of contaminated land	N, P, S or T
16	Treatment plant where non-hazardous waste is subjected to a chemical or physical process	N, P, Q, S or U
17	Treatment plant where non-hazardous waste is subjected to a composting process	N, P, Q, S, U or W
18	Treatment plant where non-hazardous waste is subjected to a chemical or physical process for the treatment of contaminated land	N, P, Q, S, T, U or V
19	Treatment plant where non-hazardous clinical waste is subjected to a chemical or physical process	N, P, S, Ss or X
20	Treatment plant where inert waste is subjected to a chemical or physical process	N, O, P, Q, R, S, U or Y
21	Transfer station for hazardous waste where the capacity of the facility is greater than 5 cubic metres	Z, DD or II
22	Transfer station for hazardous clinical waste where the capacity of the	Z, DD, II or JJ

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<i>Number</i>	<i>Type of Facility</i>	<i>Certificate Code</i>
	facility is greater than 5 cubic metres	
23	Transfer station for non-hazardous waste where the capacity of the facility is greater than 5 cubic metres	Z, DD, EE, II or KK
24	Transfer station for non-hazardous clinical waste where the capacity of the facility is greater than 5 cubic metres	Z, DD, II, JJ or LL
25	Transfer station for inert waste where the capacity is greater than 50 cubic metres	Z, AA, DD, EE, FF, II, KK or MM
26	Civic amenity site where the amount of waste accepted is 5000 tonnes per annum or less	Z, BB, DD, EE, GG, II, KK or NN
27	Civic amenity site where the amount of waste accepted is greater than 5000 tonnes per annum	Z, DD, EE, II or KK
28	Site where waste is burned in an incinerator designed to incinerate waste at a rate of more than 50 kilograms per hour but less than 1 tonne per hour	CC, HH or OO

Notes to Table 1

The following certificates ceased to be awarded on 9 October 1997: A, B, C, N, O, Z, AA, BB, and CC.

The following certificates will cease to be awarded on 31 March 2003: D, E, F, P, Q, R, DD, EE, FF, GG, and HH.

Table 2

<i>Code</i>	<i>Relevant Certificate of Technical Competence</i>
A	Managing Landfill Operations: Special Waste (Level IV)
B	Managing Landfill Operations: Biodegradable Waste (Level IV)
C	Landfill Operations: Inert Waste (Level III)
D	Managing Landfill Operations: Special Waste (Level 4)

<i>Code</i>	<i>Relevant Certificate of Technical Competence</i>
E	Managing Landfill Operations: Biodegradable Waste (Level 4)
F	Landfill Operations: Inert Waste (Level 3)
G	Level 4 in Waste Management Operations — Managing Landfill Hazardous Waste
H	Level 4 in Waste Management Operations — Managing Landfill Hazardous Waste (Single Waste Stream)
I	Level 4 in Waste Management Operations — Managing Landfill Non- Hazardous Waste
J	Level 4 in Waste Management Operations — Managing Landfill Non- Hazardous Waste (Single Waste Stream)
K	Level 3 in Waste Management Operations — Inert Waste (Landfill)
L	Level 3 in Waste Management Operations — Inert Waste (Single Waste Stream)
M	Level 3 in Waste Management Operations — Closed Landfill
N	Managing Treatment Operations: Special Waste (Level IV)
O	Treatment Operations: Inert Waste (Level III)
P	Managing Treatment Operations: Clinical or Special Waste (Level 4)
Q	Managing Treatment Operations: Biodegradable Waste (Level 4)
R	Treatment Operations: Inert Waste (Level 3)
S	Level 4 in Waste Management Operations — Managing Treatment Hazardous Waste
Ss	Level 4 in Waste Management Operations — Managing Treatment Hazardous Waste (Clinical)
T	Level 4 in Waste Management Operations — Managing Treatment Hazardous Waste (Remediation of Contaminated Land)

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Code	Relevant Certificate of Technical Competence
U	Level 4 in Waste Management Operations — Managing Treatment Non-Hazardous Waste
V	Level 4 in Waste Management Operations — Managing Treatment Non-Hazardous Waste (Remediation of Contaminated Land)
W	Level 4 in Waste Management Operations — Managing Treatment Non-Hazardous Waste (Composting)
X	Level 4 in Waste Management Operations — Managing Treatment Non-Hazardous Waste (Clinical)
Y	Level 3 in Waste Management Operations — Inert Waste (Treatment)
Z	Managing Transfer Operations: Special Waste (Level IV)
AA	Transfer Operations: Inert Waste (Level III)
BB	Civic Amenity Site Operations (Level III)
CC	Managing Incineration Operations: Special Waste (Level IV)
DD	Managing Transfer Operations: Clinical or Special Waste (Level 4)
EE	Managing Transfer Operations: Biodegradable Waste (Level 4)
FF	Transfer Operations: Inert Waste (Level 3)
GG	Civic Amenity Site Operations: (Level 3)
HH	Managing Incinerator Operations: Special Waste (Level 4)
II	Level 4 in Waste Management Operations: Managing Transfer Hazardous Waste
JJ	Level 4 in Waste Management Operations: Managing Transfer Hazardous Waste (Clinical)
KK	Level 4 in Waste Management Operations: Managing Transfer Non-Hazardous Waste
LL	Level 4 in Waste Management Operations: Managing Transfer Non-Hazardous Waste (Clinical)
MM	Level 3 in Waste Management Operations: Inert Waste (Transfer)

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<i>Code</i>	<i>Relevant Certificate of Technical Competence</i>
NN	Level 3 in Waste Management Operations: Civic Amenity Site
OO	Level 4 in Waste Management Operations: Managing Incineration

2. In Table 1 above—

“civic amenity site” means a place provided under section 1 of the Refuse Disposal (Amenity) Act 1978(9) or by virtue of section 51(1)(b) of the 1990 Act;

“clinical waste” means—

- (a) any waste which consists wholly or partly of human or animal tissue, blood or other body fluids, excretions, drugs or other pharmaceutical products, swabs or dressings, or syringes, needles or other sharp instruments, being waste which, unless rendered safe, may prove hazardous to any person coming into contact with it; and
- (b) any other waste arising from medical, nursing, dental, veterinary, pharmaceutical or similar practice, investigation, treatment, care, teaching or research, or the collection of blood for transfusion, being waste which may cause infection to any person coming into contact with it;

“closed landfill site” means a landfill site—

- (a) which ceased to accept waste before 16 July 2001; or
- (b) in relation to which the Environment Agency has, pursuant to regulation 15(4)(b)(iii) of the Landfill (England and Wales) Regulations 2002(10), notified the operator by notice in writing served on the operator that it approves the closure,

and in relation to a landfill site where sub-paragraph (a) or (b) applies to only part of the site, means that part of the site only;

“hazardous waste” means—

- (a) Directive waste which is hazardous waste within the meaning of Article 1(4) of Council Directive 91/689/EEC(11) on hazardous waste (“the Hazardous Waste Directive”) as amended by Council Directive 94/31/EC(12); and
- (b) medicinal waste, that is to say, any waste medicinal product which is not domestic waste within the meaning of the Hazardous Waste Directive,

and in this definition, “medicinal product” means a product as defined in section 130 of the Medicines Act 1968(13) (meaning of “medicinal product” etc.), of a description, or falling within a class specified in an order under section 58 of that Act(14) (medicinal products on prescription only);

“landfill site” means a waste disposal site for the deposit of waste onto or into land, including—

- (a) subject to sub-paragraph (b), any site which is used for more than a year for the temporary storage of waste; and
- (b) any internal waste disposal site, that is to say a site where a producer of waste is carrying out its own waste disposal at the place of production;

(9) 1978 c. 3.

(10) S.I. 2002/1559.

(11) OJ No. L 377, 31.12.1991, p.20.

(12) OJ No. L 168, 2.7.1994, p.28.

(13) 1968 c. 67; section 130 is amended by paragraph 3(7) to (10) of Schedule 1, and Schedule 2, to the Animal Health and Welfare Act 1984 (c. 40).

(14) Section 58 is amended by section 1 of the Medicinal Products: Prescription by Nurses etc. Act 1992 (c. 28).

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but excluding—

- (i) any facility where waste is unloaded in order to permit its preparation for further transport for recovery, treatment or disposal elsewhere;
- (ii) any site where waste is stored as a general rule for a period of less than three years prior to recovery or treatment; or
- (iii) any site where waste is stored for a period of less than one year prior to disposal;

“non-hazardous waste” means any waste which is not covered by the definition of hazardous waste;

“single waste stream” in relation to a waste disposal site refers to a site where the producer of all of the waste disposed of at that site is also the holder of the waste management licence for that site;

“transfer station” means a facility where waste is unloaded in order to permit its preparation for further transport for treatment, keeping or disposal elsewhere; and

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.”.

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer y cymwysterau a fydd yn ofynnol i berson eu cael ar gyfer rheoli gweithgareddau a awdurdodir gan drwydded rheoli gwastraff, er mwyn i ddeiliad y drwydded gael ei gydnabod fel person addas a phriodol yn unol ag adran 74 o Ddeddf Diogelu'r Amgylchedd 1990 (p.43).

Mae'r cymwysterau a gydnabyddir at ddibenion adran 74 yn cael eu trin gan reoliad 4(5)(b) o Reoliadau Atal a Rheoli Llygredd (Cymru a Lloegr) 2000 (O.S. 2000/1973) fel rhai a gydnabyddir at ddibenion trwyddedau ar gyfer gweithgaredd rheoli gwastraff a roddwyd yn unol â'r Rheoliadau hynny. Mae'r trwyddedau hyn yn cynnwys trwyddedau tirlenwi a roddir yn unol â Rheoliadau Tirlenwi (Cymru a Lloegr) 2002 (O.S. 2002/1559).

Rhoddir y cymwysterau gan Fwrdd Hyfforddi a Chynghori'r Diwydiant Rheoli Gwastraff (WAMITAB), Peterbridge House, 3, The Lakes, Northampton, NN4 7HE (Ffôn: 01604 231950, Ffacs: 01604 232457, Ebst: info.admin@wamitab.org.uk, Gwefan: www.wamitab.org.uk).

Mae'r Rheoliadau hyn yn disodli rheoliad 4 o Reoliadau Trwyddedu Rheoli Gwastraff 1994 (O.S. 1994/1056 (“y prif Reoliadau”), fel y'u hestynnir gan O.S. 1996/234 ac O.S. 1997/2203) a thrwy hynny yn cydnabod y newidiadau yn system tystysgrifau WAMITAB a fydd yn effeithiol o 1 Ebrill 2003 (rheoliad 5).

Mae'r rheoliadau hefyd yn ychwanegu paragraff (8) newydd at reoliad 5 (cymhwysedd technegol — darpariaethau trosiannol) o'r prif Reoliadau (rheoliad 7). Mae hyn yn galluogi person sydd, yn union cyn i'r Rheoliadau hyn ddod i rym, yn dechnegol gymwys o ran un math o gyfleuster (p'un a yw'r person hwnnw yn rheoli cyfleuster o'r math hwnnw ai peidio) i aros yn dechnegol gymwys o ran cyfleusterau o'r math hwnnw tan 31 Mawrth 2005.

Cyflwynir Atodlen 1A newydd i'r prif Reoliadau, sy'n nodi'r cyfleusterau y mae'n ofynnol dal tystysgrifau WAMITAB er mwyn eu rheoli a'r ystod priodol o dystysgrifau ar gyfer pob math o gyfleuster (rheoliad 8 a'r Atodlen).

Mae'r Rheoliadau hefyd yn diwygio rheoliad 1(3) o Reoliadau 1994 i ddarparu diffiniad o “scrap metal dealer” (rheoliad 3).