

2015 No. 301

ENVIRONMENTAL PROTECTION

**The Waste Management Licensing (Amendment) Regulations
(Northern Ireland) 2015**

Made - - - - *8th July 2015*

Coming into operation - *17th August 2015*

The Department of the Environment, in exercise of the powers conferred by Article 3(5) of the Waste and Contaminated Land (Northern Ireland) Order 1997(a), makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 17th August 2015.

Amendment of the Waste Management Licensing Regulations (Northern Ireland) 2003

2.—(1) The Waste Management Licensing Regulations (Northern Ireland) 2003(b) are amended in accordance with paragraphs (2) to (6)—

(2) For regulation 3 (Technical Competence) substitute—

“3.—(1) Without prejudice to the European Communities (Recognition of Professional Qualification) Regulations 2002, Schedule 1 has effect to prescribe the qualifications and experience required of a person if that person is to be considered technically competent for the purposes of Article 3(3)(b) of the 1997 Order (management of activities to be in the hands of a technically competent person).

(2) A person holding an existing Certificate of Technical Competence shall be required to acquire a relevant up-to-date qualification as detailed in Schedule 1 within 24 months of the date of operation of these Regulations.

(3) A person who has acquired technical competence must undertake an assessment every 24 months to ensure that that competence is kept up to date.”.

(3) Regulation 4 (Technical competence - transitional provisions) is revoked.

(4) In regulation 5 (Pre-qualification technical competence) for paragraph (1)(a) substitute—

“(a) a person has applied to the Waste Management Industry and Advisory Board (“WAMITAB”) for an Operator Competence Certificate in relation to one of the types of activities mentioned in paragraph (2);”.

(5) In regulation 5(1) for paragraph (d) substitute—

(a) S.I. 1997/2778 (N.I. 19) as amended

(b) S.R. 2003 No. 493 as amended

“(d) the Department is satisfied that but for regulation 3 he would be a technically competent person, then, in relation to the activity in respect of which the application mentioned in sub-paragraph (b) was made and until the expiry of 12 months from the grant of a licence pursuant to that application, regulation 3 shall not apply to that person and he shall be treated as technically competent for the purposes of Article 3(3)(b) of the 1997 Order.”.

(6) For Schedule 1 substitute—

“SCHEDULE 1

Regulation 3

1. The qualifications required of a person if he is to be regarded as technically competent for the purposes of Article 3(3)(b) of the 1997 Order to carry on an activity of a description listed in the Table below are that that person must hold one of the certificates awarded by WAMITAB, the codes of which are specified in relation to that description of activity in that Table; or for operations not covered by WAMITAB, the Department will make its own assessment of technical competence, based primarily on the specific activity and the knowledge and experience in waste management practice of the person wishing to operate it.

2. Anyone carrying out an activity listed in the Table must obtain a relevant Operator Competence Certificate except where that activity is being carried out by way (virtue) of an exemption from waste management licensing. In the event of a person carrying out activities without the appropriate level of qualification, that person will not be deemed to be a fit and proper person, which may result in that person’s application being refused or their licence being revoked.

3. Where appropriate, the Department will recognise the Vocationally Related Qualification (VRQ) “Level Certificate in Waste and Resource Management” as demonstrating operator competence where that certificate has been obtained as part of the WAMITAB Operator Competence Scheme.”

Table 1 – Operator Competence Certificate Codes

	<i>“Type of Activity</i>	<i>Minimum Relevant Operator Competence Certificate</i>
1.	Managing a landfill site for hazardous waste	4MLH
2.	Managing a landfill site for hazardous waste – single waste stream	4MLHS
3.	Managing a landfill site for non-hazardous waste	4MLNH
4.	Managing a landfill site for non-hazardous waste – single waste stream	4MLNHS
5.	Managing a landfill site for inert waste with a total capacity of greater than 50,000 cubic metres	4MLI or 4MLIO6 or 4WRMe
6.	Managing a landfill site for inert waste with a total capacity of greater than 50,000 cubic metres – single waste stream	4MLIS or 4MLISO6 or 4WRMe
7.	Managing a closed landfill site for hazardous waste	4MCL

8.	Managing a closed landfill site for hazardous waste – single waste stream	4MCL
9.	Managing a closed landfill site for non-hazardous waste	4MCL
10.	Managing a closed landfill site for non-hazardous waste – single waste stream	4MCL
11.	Managing a closed landfill site for inert waste with a total capacity of greater than 50,000 cubic metres	4MCL6
12.	Managing a closed landfill site for inert waste with a total capacity of greater than 50,000 cubic metres – single waste stream	4MLIC4 or 4WRMe
13.	Managing a treatment plant where hazardous waste is subjected to a chemical or physical process	4MPTH
14.	Managing a facility for recovery of oil/organic solvents	4MPTH or 4MTTH
15.	Managing a treatment plant where hazardous clinical waste is subjected to a chemical or physical process	4MTTHC
16.	Managing a treatment plant where hazardous waste is subjected to a chemical or physical process for the remediation of contaminated land	4MPTHR or 4MTNHR6 or 4WRMd
17.	Managing a treatment plant where non-hazardous waste is subjected to a chemical or physical process	4MPTNH or 4MPTNH6 or 4WRMa
18.	Managing a treatment plant where non-hazardous waste is subjected to a composting process	4MBTNHO or 4MBTNHI or 4MBTOW6 or 4MBTIV6 or 4WRMb
19.	Managing a treatment plant where non-hazardous waste is subjected to a chemical or physical process for the remediation of contaminated land	4MPTNHR or 4MTNHR6 or 4WRMd
20.	Managing a treatment plant where non-hazardous clinical waste is subjected to a chemical or physical process	4MTTNHC or 4MTTNHC6
21.	Managing a treatment plant where inert waste is subjected to a chemical or physical process	4MTMI or 4MTMI4 or 4WRMa

22.	Managing a transfer station for hazardous waste where the capacity of the facility is greater than 5 cubic metres	4MTSH
23.	Managing a transfer station for hazardous clinical waste where the capacity of the facility is greater than 5 cubic metres	4MTSHC
24.	Managing a transfer station for non-hazardous waste where the capacity of the facility is greater than 5 cubic metres	4MTSNH or 4MTSNH6 or 4WRMa
25.	Managing a transfer station for inert waste where the capacity is greater than 50 cubic metres	4MTSI or 4MTSI4 or 4WRMa
26.	Managing a civic amenity site where the amount of waste accepted is 5,000 tonnes per annum or less	Either 4MCAS or 4MCANH6 or 4MCAH6 or 4WRMa depending on waste received
27.	Managing a civic amenity site where the amount of waste accepted is greater than 5,000 tonnes per annum	4MTSH or 4MTSNH or 4MTSNH6 or 4WRMa
28.	Managing a 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	4MTTH
29.	Managing a treatment plant where non-hazardous waste is subjected to biological treatment: storage of digestate from anaerobic digestion plants	4MBTNHA or 4MBTSAD6 or 4MBTFAD6 or 4WRMb
30.	Managing a treatment plant where non-hazardous waste is subjected to biological treatment: anaerobic digestion facility including use of resultant biogas	4MBTNHA or 4MBTAD6 or 4WRMb
31.	Managing a treatment plant where non-hazardous waste is subjected to biological treatment: on-farm anaerobic digestion facility including use of resultant biogas	4MBTNHA or 4MBTFAD6 or 4WRMb
32.	Managing a treatment plant where non-hazardous waste is subjected to thermal treatment process	4MTTNH
33.	Managing a treatment plant where hazardous waste is subjected to thermal treatment process	4MTTH
34.	Managing a treatment plant	4MTTHA

	where hazardous waste is subjected to thermal treatment process: autoclaving	
35.	Treatment of land for reclamation, restoration or improvement of land	4MTRR6
36.	Mobile plant for treatment of land for land reclamation, restoration or improvement	4MTMPRR6
37.	Mobile plant for the treatment of asphalt waste containing coal tar	4MTMPA6
38.	Deposit in lagoons of non-hazardous dredgings from waterways	4MLNHL6 or 4WRMe
39.	Storage and treatment of dredgings for recovery	4MLNHL6 or 4WRMe
40.	Use of waste to manufacture timber or construction products	4MTMTC6
41.	Treatment of waste wood for recovery	4MTMTR6 or 4WRMa
42.	Managing a civic amenity site non-hazardous	4MCANH6 or 4WRMa
43.	Managing a civic amenity site hazardous	4MCAH6 or 4WRMa
44.	Managing a Material Recovery Facility	4MTMRF6
45.	End of Life Vehicle facilities (vehicle storage, depollution and dismantling)	4MTELV6
46.	Managing a Metal Recovery Site (MRS) (wet scrap e.g. oily metal swarf – free flowing liquid)	4MTMRS6
47.	Composting in Open Windrows	4MBTOW6 or 4WRMb
48.	Composting in closed vessels	4MBTIV6 or 4WRMb
49.	Mechanical Biological Treatment (MBT)	4MTMBT6 or 4WRMf
50.	Managing a WEEE ATF – physical treatment	4MTHWE6
51.	Mobile plant for land spreading (land treatment resulting in benefit)	4MTMPL6
52.	Mobile plant for land spreading of sewage sludge (land treatment resulting in benefit)	4MTMPLS6
53.	Non-hazardous sludge biological, chemical & physical treatment	4MTMNHS6 or 4WRMb
54.	Managing other mobile treatment facilities (non-hazardous)	4MTMPO6

55.	Use of waste in construction	4MTSCO4
56.	Mobile plant for treatment of waste to produce soil, soil substitutes and aggregate	4MTMPS4 or 4WRMa
57.	Treatment of waste to produce soil, soil substitutes and aggregate	4MTMS4 or 4WRMa
58.	In-house storage of waste	4MTSIHS4 or 4WRMa
59.	Metal Recovery Site dry scrap (including separately collected batteries) no free flowing liquid	4MTMRS4
60.	WEEE (storage only)	4MTSWE4
61.	Managing thermal treatment – hazardous waste: pyrolysis and gasification	4MTTHPG
62.	Managing thermal treatment – non-hazardous waste: pyrolysis and gasification	4MTTNHPG
63.	Managing thermal treatment – non-hazardous waste: autoclaving	4MTTNHA
64.	Storage of electrical insulating oil	4MTSEOI6”

“4. In Table 1—

“civic amenity site” or “household recycling centre” means a place provided by virtue of Article 25(1)(b) of the 1997 Order;

“closed landfill” means a landfill site which ceased to accept waste on or after 19th December 2003;

“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 his own waste disposal at the place of production; but excluding—
 - (i) any facility where waste is unloaded in order to allow 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; and
 - (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 a waste management licence, a relevant authorisation under the Landfill Regulations (Northern Ireland) 2003 or a permit under the Pollution, Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013;

“transfer station” means a facility where waste is unloaded in order to allow 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.”.

Sealed with the Official Seal of the Department of the Environment on 8th July 2015.



Wesley Shannon
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulations 3 to 5 of and Schedule 1 to the Waste Management Licensing Regulations (Northern Ireland) 2003 (the 2003 Regulations) and prescribe the accepted technical competencies for the purpose of determining if a person can be deemed a fit and proper person to hold a waste management licence.

Regulation 2(2) updates regulation 3 of the 2003 Regulations and introduces the requirement for existing operators to obtain up-to-date certification within 24 months of the operational date of these Regulations. It also introduces a requirement for operators to renew their certification every 24 months.

Regulation 2(3) revokes regulation 4 of the 2003 Regulations, which was transitional and is outdated and no longer required.

Regulations 2(4) and 2(5) amend regulation 5 of the 2003 Regulations and reduce the maximum amount of time allowed to acquire technical certification from 2 years to 12 months.

Regulation 2(6) replaces Schedule 1 to the 2003 Regulations with an updated list of Operator Competence Certificates, which takes account of new waste technologies.

© Crown copyright 2015

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£6.00

N6736 07/2015 456736T 19585

ISBN 978-0-337-99845-4



9 780337 998454