
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 235

The Landfill (Scotland) Regulations 2003

PART II

LANDFILL PERMITS

Closure and after care procedures for landfills

- 17.**—(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 relevant conditions specified in the landfill permit are satisfied;
 - (b) when SEPA approves the initiation of the closure procedure following a request from the operator; or
 - (c) by a reasoned decision of SEPA which shall be set out in a closure notice served on the operator by SEPA in accordance with Regulation 18.
- (4) A landfill shall not be definitely closed until—
- (a) such reports as may be required by SEPA have been submitted to it by the operator; and
 - (b) SEPA—
 - (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 definite 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 SEPA determines is reasonable, taking into account the time during which the landfill could present hazards;
 - (b) the operator notifies SEPA of any significant adverse environmental effects revealed by the control procedures and takes the remedial steps required or approved by SEPA; 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 4 for as long as SEPA considers that the landfill is likely to cause a hazard to the environment.
- (6) Notwithstanding [F1regulations 48 and 50 of the 2012 Regulations] (requirements on surrender or revocation of permits), SEPA shall not accept any application for complete or partial surrender of the landfill permit, or revoke it in whole or in part, for as long as SEPA 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 SEPA's approval of closure under paragraph (4)(b)(iii).

Changes to legislation: There are currently no known outstanding effects for the The Landfill (Scotland) Regulations 2003, Section 17. (See end of Document for details)

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Textual Amendments

- F1** Words in reg. 17(6) substituted (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012](#) (S.S.I. 2012/360), reg. 1(2), **Sch. 11 para. 11(5)** (with reg. 71)

Changes to legislation:

There are currently no known outstanding effects for the The Landfill (Scotland) Regulations 2003, Section 17.