
STATUTORY INSTRUMENTS

2004 No. 1375

**The Landfill (England and Wales)
(Amendment) Regulations 2004**

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Landfill (England and Wales) (Amendment) Regulations 2004 and shall come into force on 16th July 2005 except for regulations 4(2), 7, 8(1) and 9 which shall come into force on 15th June 2004.

(2) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations—

“the 2000 Regulations” means the Pollution Prevention and Control (England and Wales) Regulations(1); and

“the 2002 Regulations” means the Landfill (England and Wales) Regulations 2002(2).

Amendment of the 2002 Regulations

3. The 2002 Regulations are amended in accordance with the following regulations.

Amendment of Part 1 (Preliminary)

4.—(1) In regulation 2—

(a) at the appropriate places, insert—

““SIC Code” means a code included in “The United Kingdom Standard Industrial Classification of Economic Activities 2003”, published by the Office for National Statistics on 31st December 2002 and implemented on 1st January 2003(3);”;

“stable, non-reactive hazardous waste” means hazardous waste, the leaching behaviour of which will not change adversely in the long-term, under landfill design conditions or foreseeable accidents—

- (a) in the waste alone (for example, by biodegradation);
 - (b) under the impact of long-term ambient conditions (for example, water, air, temperature, mechanical constraints); or
 - (c) by the impact of other wastes (including waste products such as leachate and gas);”;
- (b) for the definition of “relevant waste acceptance criteria” substitute—

(1) [S.I. 2000/1973](#); amended by [S.I. 2002/1559](#); there are other amending instruments but none is relevant.

(2) [S.I. 2002/1559](#).

(3) ISBN 0-11-62-11-16417.

““relevant waste acceptance criteria” means, in relation to a landfill, the waste acceptance criteria under Parts 1 and 3 of Schedule 1 which apply to the class of landfill to which that landfill belongs;”.

- (2) At the end of regulation 4(b) insert “in a landfill”.

Amendment of Part II (Landfill Permits)

5.—(1) In regulation 10—

- (a) for paragraph (2) substitute “The operator of a landfill shall ensure that only waste which meets the relevant waste acceptance criteria shall be accepted at the landfill”; and
- (b) omit paragraphs (3) to (5).

(2) In regulation 12—

- (a) for paragraphs (1) and (2) substitute—

“(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.”; and

- (b) in paragraph (3)(f) after “its” insert “identity and”.

Substitution of Schedule 1 (Waste acceptance criteria)

6. The Schedule (which substitutes a schedule for Schedule 1 to the 2002 Regulations) shall have effect.

Amendment of Schedule 3 (Minimum monitoring procedures for landfills)

7. In paragraph 4(4) of Schedule 3 for “As” substitute “anionic surfactants”.

Amendment of Schedule 4 (Transitional Provisions)

8.—(1) In paragraph 1 of Schedule 4—

- (a) in sub-paragraph (8) for “within sub-paragraph (6)” substitute “within sub-paragraph (6), (9A) or (9B)”;
- (b) after sub-paragraph (9) insert—

“(9A) Where following receipt of a notice under sub-paragraph (9)(a)—

- (a) the operator notifies the Environment Agency that he does not propose to accept waste for disposal after the date specified in the notice as the end of the period within which an application for a landfill permit under regulation 10 of the 2000 Regulations must be made;
- (b) no application for a landfill permit is duly made within the period specified in the notice; or
- (c) an application for a landfill permit is made within the period specified in the notice but then withdrawn or deemed withdrawn at some time after the end of that period,

the Environment Agency shall ensure closure of the landfill site as soon as possible (in whole or part) in accordance with regulation 15.

(9B) Where a landfill permit is refused pursuant to an application made under sub-paragraph (9), the Agency shall ensure closure of the landfill site (in whole or part) in accordance with regulation 15 as soon as possible after the determination date for that part of the landfill site.”;

(c) for sub-paragraph (13) substitute—

“(13) In this Schedule—

- (a) “the relevant requirements of these Regulations” do not include the requirements of paragraph 1 of Schedule 2; and
- (b) “determination date” means—
 - (i) for a landfill (in whole or part) in relation to which a permit is refused and the applicant for the permit appeals against refusal, the date of affirmation of the refusal;
 - (ii) for a landfill (in whole or part) in relation to which a permit is refused and no appeal is made against the refusal, the date immediately following the last day, determined in accordance with paragraph 2 of Schedule 8 to the 2000 Regulations, on which a notice of appeal might have been given.”.

(2) In paragraph 3 of Schedule 4 in sub-paragraph (5), for “in the circumstances specified in regulation 10(3)(c) and (4)” substitute “if the waste is stable non-reactive hazardous waste and it fulfils the relevant waste acceptance criteria”.

Amendment of the 2000 Regulations

9.—(1) In paragraph 2 of Part 1 of Schedule 3 to the 2000 Regulations—

- (a) at the start of sub-paragraph (12) insert “Subject to sub-paragraph (12A)”; and
- (b) insert after sub-paragraph (12)—

“(12A) Sub-paragraph (12) shall not apply in a case where the regulator has determined in accordance with the preceding provisions of this paragraph that the primary activity of the installation is one which falls within Part A (1) of Section 5.2 in Part 1 of Schedule 1.”.

(2) In paragraph 2(1)(c) of Schedule 8 after “enforcement notice” insert “a closure notice”.

17th May 2004

Elliot Morley
Minister of State,
Department for Environment Food and Rural
Affairs