

**Closure**

Pollution Prevention and Control Act 1999

The Pollution Prevention and Control (England and Wales) Regulations 2000 (SI 2000 no 1973)

The Landfill (England and Wales) Regulations 2002 (SI 2002 no.1559)  
Regulation 16



**ENVIRONMENT  
AGENCY**

## Closure Notice

To: The Company Secretary  
Texaco Limited  
1 Westferry Circus  
Canary Wharf  
London  
E14 4HA  
Company Registration No.

Site Name and Address:

Texaco Limited  
Pembroke Plant  
Pembroke  
Pembrokeshire  
SA71 5SJ

Licence number: EAWML/34129  
Notice number: 34129CN1

The Environment Agency ('the Agency') served on you pursuant to the Landfill (England and Wales) Regulations 2002 (the 2002 Regulations), Schedule 4, paragraph 1(9) a notice requiring that you apply for a PPC permit within a specified period.

As no application for a landfill permit was duly made within the specified period, the Agency requires you to initiate the closure of the landfill site or part of it (as defined by plan reference 50/AA/653/4 attached) at Texaco Limited, Pembroke Plant, Pembroke, Pembrokeshire, SA71 5SJ, pursuant to Schedule 4, paragraph 1(9A)(b) to the Regulations..

In exercise of its powers under the above Regulations, the Agency requires you to take the steps specified in Schedule 1 to this notice with immediate effect.

The reasons for the Agency's decision are set out in Schedule 2 to this notice

Signed:

**Audrey Evans –Team Leader Regulatory Waste**

Authorised to sign on behalf of the Environment Agency

Date of signing 14<sup>th</sup> February 2006

**See notes overleaf**

## **What the law says with regard to this notice**

### **Closure Notices. Schedule 4 paragraph 1(6)(b) and Regulation 16 (The Landfill (England and Wales) Regulations 2002)**

The Agency must serve a Closure Notice when it decides, following submission by the operator of a conditioning plan, that there is no reasonable prospect of the landfill or part of it meeting the relevant requirements of these Regulations.

### **Closure Notices. Schedule 4 paragraph 1(9A)(a) and Regulation 16 (The Landfill (England and Wales) Regulations 2002)**

The Agency must serve a Closure Notice when, following receipt of a notice issued under Schedule 4, paragraph 1(9) of the 2002 Regulations requiring that the operator apply for a PPC permit within a specified period, the operator notifies the Agency that he no longer proposes to accept waste for disposal at the site after the end of that period.

### **Closure Notices. Schedule 4 paragraph 1(9A)(b) and Regulation 16 (The Landfill (England and Wales) Regulations 2002)**

The Agency must serve a Closure Notice when, following receipt of a notice issued under Schedule 4, paragraph 1(9) of the 2002 Regulations requiring that the operator apply for a PPC permit within a specified period, an application for a landfill permit is not duly made within the specified period.

### **Closure Notices. Schedule 4 paragraph 1(9A)(c) and Regulation 16 (The Landfill (England and Wales) Regulations 2002)**

The Agency must serve a Closure Notice when, following receipt of a notice issued under Schedule 4, paragraph 1(9) to the 2002 Regulations requiring that the operator apply for a PPC permit within a specified period, 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.

### **Closure Notices. Schedule 4 paragraph 1(9B) and Regulation 16 (The Landfill (England and Wales) Regulations 2002)**

The Agency must serve a Closure Notice when, a landfill permit is refused pursuant to an application made under Schedule 4, paragraph 1(9) to the 2002 Regulations. 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

In all the above cases, the Notice must state the Agency's reason for requiring the initiation of the closure procedure, the steps the operator is required to take to initiate the procedure and the period within which they must be undertaken.

The notice confirms that the authorisation in question has ceased to have effect to authorise the disposal of waste at the landfill, though the conditions of the authorisation must continue to be complied with.

### **Failing to comply with this notice, Regulation 32(1) Pollution Prevention and Control (England and Wales) Regulations 2000 (as amended) ('the PPC Regulations')**

It is an offence for a person to fail to comply with the requirements of a closure notice;

A person guilty of non-compliance with a closure notice shall be liable:

- on summary conviction to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months or to both;
- on conviction on indictment, to a fine or to imprisonment for a term not exceeding five years or to both.

### **Enforcement by High Court. Regulation 33 of the PPC Regulations**

The Agency may take proceedings in the High Court for the purpose of securing compliance with this notice.

### **Your right to appeal. Regulation 27 (Schedule 8) of the PPC Regulations**

You have a right to appeal against this notice to the Secretary of State. The PPC Regulations 2000 specify that you must appeal within 2 months of the date of the notice.

In the case of an appeal against a closure notice the Secretary of State may allow notice of appeal to be given after the expiry of 2 months from the date of the notice.

If you do appeal against this notice, the closure procedure does NOT have to be initiated whilst the appeal is pending.

Appeals must be made in writing to the Secretary of State for the Environment, The Planning Inspectorate, Room 215, Regus Building, 1 Friary, Temple Quay, Bristol, BS1 6EA or, in Wales, Planning Inspectorate, Environmental Appeals, Crown Buildings, Cathays Park, Cardiff CF10 3NQ.

The notice of appeal must contain or be accompanied by;

- a statement of the grounds of appeal;
- a copy of any relevant application;
- a copy of any relevant permit;
- a copy of any relevant correspondence between the appellant and the regulator;
- a copy of any decision or notice which is the subject matter of the appeal; and
- a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or to be disposed of on the basis of written representations.

At the same time you must send to the Agency;

- a copy of your appeal notice;
- a statement of your grounds of appeal; and
- a statement indicating whether you wish the appeal to be in the form of a hearing or to be disposed of on the basis of written representations.

You should refer to the Regulations for details of the appeal process.

**Public Registers - Reg. 29 of the PPC Regulations & Reg. 10 Waste Management Licensing Regulations 1994**

A copy of this notice will be placed on the public registers held by the Local Authority in whose area the installation is located and by the Agency.



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## **Schedule 1**

### **Specified Steps**

1. As of the **15<sup>th</sup> February 2006** cease accepting and do not recommence the acceptance of waste for disposal at the landfill.
2. Maintain, monitor and control the landfill as required by the conditions of the authorisation numbered **EAWML/34129** , which authorised the disposal of waste in the landfill.
3. Provide by **15<sup>th</sup> May 2006**, reports to demonstrate:
  - A plan identifying the area(s) of the site which is/ are to be considered definitively closed
  - Evidence that the waste mass is stable
  - Procedures for the management and control of landfill gas, leachate, groundwater and surface water
  - Procedures for monitoring; landfill gas, leachate, groundwater and stability/ settlement during the aftercare phase for that/ those area(s),
  - A procedure for reporting any significant environmental effects during the aftercare phase

Schedule 2



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**Reasons for decision**

A duly made application was not provided by the end of the specified period for an application made pursuant to the 2002 Regulations, Schedule 4, paragraph 1(9).