

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:
Texaco Limited
1 Westferry Circus
Canary Wharf
London
E14 4HA

Licence number: 34129

The Environment Agency ('the Agency') following the submission of a conditioning plan by the operator of the site, has decided that there is no reasonable prospect of the landfill meeting the relevant requirements of the Landfill (England and Wales) Regulations 2002 (the Regulations) and requires you to initiate the closure of the landfill site at:

Texaco Refinery
Pembroke
Pemb
SA71 6SJ

as described on licences referred to above, pursuant to Schedule 4, paragraph 1(6)(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:

Sean Pruca
Conditioning Plan Assessment Centre Manager

Authorised to sign on behalf of the Environment Agency

Date of signing

9 June 2003

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. 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 are silent as to the period within which your appeal should be made. However, as the right of appeal against this notice arises under Regulation 27(2) the Agency considers that to ensure administrative certainty this notice should be treated in the same way as an appeal against a variation notice, an enforcement notice or a suspension notice. Accordingly an appeal should be made within 2 months of the date of the notice.

In the case of an appeal against a variation notice, an enforcement notice or a suspension notice the Secretary of State may allow notice of appeal to be given after the expiry of 2 months from the date of service 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 Environment, Food and Rural Affairs, at Ashdown House, 123 Victoria Street, London, SW1E 6DE. 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.

Schedule 1



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Specified Steps

4. By 31 October 2003 to have permanently ceased disposal of waste at the landfill.
5. Maintain, monitor and control the landfill as required by the conditions of the authorisation numbered 34129 which authorised the disposal of waste in the landfill.
6. Notify the Agency immediately of any significant adverse environmental effects revealed during your maintenance, monitoring and control of the landfill.
4. Provide the Agency with reports to demonstrate that the site is able to comply with the aftercare requirements of Regulation 15 of the 2002 Regulations (See Agency Regulatory Guidance Note No. 7).

Schedule 2



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Reasons for decision

1. There is no reasonable prospect of the operator complying with the requirement to ensure efficient collection of *leachate* (*Schedule 2, paragraph 2. 1.(c) and paragraph 3. 1.(b)*)
2. There is no reasonable prospect of the operator complying with the lining requirements of Schedule 2, paragraph 3 to the Landfill (England and Wales) Regulations 2002.