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Asiantaeth yr
Amgylchedd Cymru
Environment
Agency Wales

Private & Confidential

Company Secretary
A D Waste Limited
Standard Landfill Site
Spencers Industrial Estate
Buckley
Cheshire
CH7 3LY

Elin cyf/Our ref: ROC 2024

Elch cyf/Your ref:

Dyddiad/Date: 16/12/2005

Dear Sir/Madam,

THE LANDFILL (ENGLAND AND WALES) REGULATIONS 2002
OFFENCE UNDER SCHEDULE 4, PARAGRAPH 1(6)
FAILURE TO RESPOND TO A CLOSURE NOTICE

It has been decided not to take any formal action on this occasion and to issue this warning letter. A copy of this letter will be retained by the Agency and if there are further breaches, these will be considered in accordance with the Agency's Enforcement and Prosecution policy.

Whilst you are under no obligation to respond to this letter, please let me know the reason for this failure and the steps that you intend to take or have taken to prevent recurrence within the next seven days. Any representations which you make will be taken into consideration by the Agency in deciding whether or not to instigate enforcement action following any future breaches of legislation.

If you have any technical queries regarding this issue, please contact Lindsey Worrall. However your written response should be marked for the attention of Jason Westerberg-Liptrot, Environmental Crime team, at the address given below.

Yours faithfully,

Lee Rawlinson
Team Leader Environment Management

DEPT. SCANNED	UPWD
DATE SCANNED	16/11/06
NO. OF PAGES	5

Asiantaeth yr Amgylchedd Cymru
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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: A D WASTE LIMITED, STANDARD LANDFILL SITE, SPENCERS
INDUSTRIAL ESTATE, BUCKLEY, FLINTSHIRE CH7 3LY

Regarding

STANDARD LANDFILL SITE, SPENCERS INDUSTRIAL ESTATE,
BUCKLEY, FLINTSHIRE CH7 3LY

Licence / Permit number(s) 174/93/M1 EAWML 37073

[Notice number] SLCN02

The Environment Agency ('the Agency') following the submission of a conditioning plan by the operator of the site, but no submission of an application has decided that there is no reasonable prospect of the landfill or part of it (as defined by plan reference LA0014/P1) 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 *Standard Landfill site [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:

Lee Rawlinson-- Team Leader Environment Management

Authorised to sign on behalf of the Environment Agency

Date of signing

16th Decemeber 2005

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

1. As of the 16th December 2005 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 Waste Management Licence Number 173/93/M1 EAWME 07/01 which authorised the disposal of waste in the landfill.
3. Provide by Friday 27th January 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

See Agency Landfill Directive Regulatory Guidance Note No. 7 (V.2.0)

Schedule 2



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Reasons for decision

**An Application for a landfill permit was not made in pursuant to the
2002 Regulations, Schedule 4. Paragraph 1 (9).**
