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Asiantaeth yr
Amgylchedd Cymru
Environment
Agency Wales

Mr Steffan Jones
Cyngor Gwynedd County Council
Environment Directorate,
Highways and Municipal Services
Cibyn Industrial Estate
Caernarfon, Gwynedd
LL55 2BF

Ein cyf/Our ref: NOW 07L/NOW
24L/EAWML/37004

Eich cyf/Your ref:

Dyddiad/Date: 11 May 2006

Dear Mr Jones,

Landfill (England and Wales) Regulations 2002
Ffridd Rasmus Landfill (Area 2), Morfa Rd, Harlech, Gwynedd, LL46 2UW

Please find enclosed a closure notice that is issued to Cyngor Gwynedd County Council, on 9 May 2006 under Regulation 16 of the Landfill (England and Wales) Regulations 2002.

If you have any queries please do not hesitate to contact me on the telephone number below.

Lynda Bigland

Yours faithfully

Lynda Bigland
Regulatory Specialist (Waste)

Direct dial 01244 894554
Direct fax 01244 550144

DEPT. SCANNED	REG W
DATE SCANNED	19/6/06
NO. OF PAGES	



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



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Closure Notice

**To: Steffan Jones, Cyngor Gwynedd County Council, Environment
Directorate, Highways and Municipal Services, Cibyn Industrial Estate,
Caernarfon, Gwynedd LL55 2BF**

Ffridd Rasus landfill (Area 2), Morfa Road, Harlech, Gwynedd, LL46 2UW

Licence numbers NOW 07L/ NOW 24L/EAWML/37004

Notice number - 37004CN1

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 you to apply for a PPC permit within a specified period.

As a landfill permit has been refused pursuant to an application 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 **19387W036 Fig. 1.2 dated May 1997**) at **Ffridd Rasus Landfill (Area 2), Morfa Rd, Harlech, Gwynedd**, pursuant to Schedule 4, paragraph 1(9B) 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:

**Tim Owen,
Environment Management Team Leader**

Authorised to sign on behalf of the Environment Agency

Date of signing

9-5-06

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

Waste may be accepted for disposal in accordance with the terms and conditions of your existing waste management licence NOW 07L/NOW 24L/EAWML/37004, except for waste banned by the direct application of the Landfill Regulations.

The acceptance of waste for disposal shall be subject to the additional controls detailed in Annex 1 to this schedule.

By 4th August 2006 provide the Agency with reports to demonstrate that the continued acceptance of waste for disposal at the site will not cause pollution of the environment or harm to human health. Such reports shall include:

- a. evidence to identify what impact the continued acceptance of waste for disposal at the site is likely to have on human health and the environment, which shall include:
 - *Hydrogeological risk assessment*
 - *Stability assessment*
 - *Landfill Gas assessment*
 - *Nuisance assessment*
- b. Such evidence as is considered necessary to enable us to assess whether continued acceptance of waste is in accordance with the relevant factors in Section 13 (Aspects of Closure) of Government Interpretation of Landfill Regulations having regard to the environmental consequences of immediate closure. This may include an assessment of:
 - any information the operator wishes to present on alternative disposal facilities for each waste type currently accepted for disposal at the site;
 - the environmental risk posed by each waste type currently accepted for disposal at the site;
 - the minimum quantity of waste required to achieve an acceptable landform compatible with the prevention of pollution and harm to human health;
 - the minimum time period required to reach an acceptable landform given stated assumptions on waste types and quantities accepted;
 - the remediation measures that may be required to prevent pollution or harm to human health;
 - the costs of any identified remediation measures with proposals to meet those costs;
 - the costs of restoration and aftercare with proposals to meet those costs;
 - cost benefit analysis of the continued acceptance of waste for disposal

The information on the landform shall be accompanied by plans and cross sections at an appropriate scale.

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

Schedule 2



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Your landfill permit application was refused pursuant to an application made under Schedule 4, paragraph 1(9) to the 2002 Regulations.