



ENVIRONMENT
AGENCY

**TECHNICAL COMPETENCE FOR
OPERATORS OF AUTHORISED WASTE
FACILITIES**

July 2004

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SECTION 1: BACKGROUND AND LEGISLATION

1.1 Purpose & Scope of this document

- 1.1.1 This document provides detailed guidance on the provision of Technically Competent management relating to licensed or permitted waste management activities. The guidance is intended for use by Environment Agency (“the Agency”) staff, operators of licensed or permitted activities, as well as applicants for licences or permits in England and Wales.
- 1.1.2 ‘Technically Competent Management’ is a requirement of the Waste Management Licensing Regime created under Part II of the Environmental Protection Act 1990 and of the Pollution Prevention and Control (England and Wales) Regulations 2000 (in relation to ‘specified waste management activities’). This guidance is applicable under both regimes.
- 1.1.3 The Landfill (England and Wales) Regulations 2002 introduced a further test of operator competence relating to the provision of ‘adequate professional technical development and training’, but that test is outside the scope of this document.

1.2 The origins of Technically Competent Management

- 1.2.1 The Environmental Protection Act 1990 (EPA 90) section 74(3)(b) requires that the management of the activities authorised by the licence is in the hands of a technically competent person. Waste Management Paper 4 (WMP4) interprets ‘management’ in this context to mean that the technically competent person is in a position to control the day to day activities authorised by the licence and carried out at the licensed site and that Technically competent management may rest with several people. The Secretary of State may, by regulation, prescribe the qualifications and experience required by a person to demonstrate technical competence (section 74(6) of EPA 90). Regulation 4 and 5 of the Waste Management Licensing Regulations 1994 (as amended) (WMLR94) prescribe the necessary qualifications and experience. Regulation 4 (WMLR94 as amended) states that a person is technically competent if, in relation to the facility type listed in regulation, he holds a relevant certificate of technical competence (CoTC) awarded by the Waste Management Industry Training and Advisory Board (WAMITAB) after successful completion of an N/S/VQ.
- 1.2.2 **Enquiries**
Technical enquiries relating to a specific application or licence should be addressed to the appropriate local Agency Area Office whereas for queries relating to the award scheme or Certificates of Technical Competence should be addressed to WAMITAB (contact details shown below).

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Peterbridge House
3 The Lakes
Northampton
NN4 7HE

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1.3 Application of Technically Competent Management under the Waste Management Licensing Regulations 1994 (as amended).

1.3.1 The technically competent managers (TCMs) must be able to demonstrate technical competence by one of the prescribed means:

- (a) relevant certificate of technical competence awarded by WAMITAB and prescribed in Schedule 1A of the WMLR94 (as amended)
- (b) qualifying experience (e.g. as demonstrated by a certificate of qualifying experience (CQE)), the criteria for which can be found in WMLR94 (as amended), regulation 5.
- (c) Agency assessment of technical competence where the type of facility is not listed in Schedule 1A
- (d) 'Pre-qualification technical competence' whereby the Agency assesses licence applicants at non-landfill sites as per (c) above. If the applicant is successful and has applied to WAMITAB for the appropriate CoTC they benefit from a two-year grace period from the issuing of that specific licence in which to obtain that certificate. This was introduced by the 1996 amendment to regulation 4 of WMLR.

or by retained deemed competence (site specific) depending on legislative requirements.

1.3.2 Two of the above terms are explained further below;

“CQEs”: People over 55 years of age on 10 August 1994 with at least 5 years experience as managers of a relevant facility during the previous 10 years, would be treated as technically competent for the relevant types of facility until August 2004. For those sites carrying out activities under a Section 11, EPA 90 resolution the expiry date is 1 October 2006.

“Deemed Competence”: EPA90, section 74(3)(b) introduced the requirement of a licence holder to be a “fit and proper person” of which one aspect is technical competence. Any person holding a licence before May 1994 will not have been subject to the test of whether or not he is a fit and proper person in relation to that licence, accordingly then the licence holder has been deemed to be technically competent. If however the management of the licensed activities falls into the hands of a different person, or if there is a subsequent significant change to a licence, then the site will cease to be in the hands of a technically competent person. Further guidance on this can be found in Waste Management Paper 4.

Please note that “deemed” and “pre-qualification competence as described above, only applies to waste management licences.

1.4 Application of Technically Competent Management under The Pollution Prevention And Control (England And Wales) Regulations 2000 (As Amended).

1.4.1 The Pollution Prevention and Control (England and Wales) Regulations 2000 (as amended) (PPC Regs) require that if any specified waste management activity is (or is to be) authorised at an IPPC installation, the Regulator must

not grant or transfer a permit unless the operator is a fit and proper person in relation to that activity.

1.4.2 Specified waste management activities are defined Regulation 2 of the PPC Regulations as:-

Any one of the following activities-

- the disposal of waste in a landfill, whether or not the disposal falls within Section 5.2 of Part 1 of Schedule 1;
- the disposal of waste falling within Section 5.3 of that part of that Schedule;
- the recovery of waste falling within Paragraphs (i), (ii), (v) or (vii) of Paragraph (c) of Part A (1) of Section 5.4 of that part of that Schedule.

1.4.3 The test for technical competence in respect of Fit and Proper Person (FAPP) is set out in Regulation 4 (5)b as follows:

“the qualifications and experience required of a person for the purposes of Section 74(3)(b) of that Act (ie. the Environmental Protection Act 1990) which are prescribed under Section 74(6) of that Act shall be treated as the qualifications and experience required of a person for the purposes of Paragraph (3)(b)”

The Regulations made under Section 74 (6) are:-

- Regulation 4 of the Waste Management Licensing Regulations 1994 (as amended by the Waste Management Licensing (Amendment) Regulations 1997) and the Waste Management Regulations 1996
- Regulation 5 of the Waste Management Licensing Regulations 1994 (as amended by the Waste Management Regulations 1996)
- Regulation 4 of the Waste Management Licensing (Amendment etc) Regulations 1995
- Regulations 4 & 5 of the Waste Management Regulations 1996
- Regulation 20 of the Special Waste Regulations 1996 as amended by the Special Waste Regulations (Amendment) Regulations 1997

However, some of the transitional arrangements are no longer relevant because the deadlines have passed. Also it should be noted that the ‘pre-qualification technical competence’ two year period of grace under the 1996 regulations is not applicable under PPC. The following table summarises the current position for the significant provisions.

Regulations	Implications	Applicability
Reg 4 WMLR94 (as amended to 2003)	Sets out the Schedule of WAMITAB awards, activities outside the Schedule fall to Agency Assessment	In Force and the most used provisions for demonstrating TCM
Reg 5(1) WMLR94 (as amended)	Scheme of provisional CoTCs available on commencement of the TCM requirements.	No longer relevant - All pCoTCs have now expired.
Reg 5(2) WMLR94 (as amended)	'Qualifying experience' and CQEs, (so called 'grandfather rights') allowing experienced older managers to continue to manage the same type of facility.	Continues to apply until 10/08/04
Reg 4 WMR 1996	Enabled 'pre-qualification technical competence' whereby the Agency assesses licence applicants at non-landfill sites. If the applicant is successful they benefit from a two-year grace period from the grant of that specific licence in which to obtain a CoTC.	Not relevant to PPC Reg 4(1)(b) restricts the use to waste management licence applications.
Reg 5(5) WMLR 1996	'Qualifying experience' and CQEs (so called 'grandfather rights') allowing experienced older managers to continue to manage a facility authorised by a resolution under s11 of the Control of Pollution Act 1974	Continues to apply until 1 st October 2006

SECTION 2: THE SYSTEM OF WAMITAB AWARDS

2.1 Changes in 2003

- 2.1.1 Schedule 1A, provided in the Waste Management Licensing (England) Regulations 2003, replaces Table 1, regulation 4 of the WMLR94 (as amended). (An identical amendment was made in Wales, on the same date, under the Waste Management Licensing (Wales) Regulations 2003. references in this paper to ‘the 2003 Regulations’ can be taken to refer to either set of regulations as is appropriate).
- 2.1.2 Using Schedule of the 2003 regulations, the type of facility where the activities are authorised by a waste management licence or permit requiring a CoTC can be determined. Furthermore from the table, the appropriate award for the type of waste handled at a particular facility can also be determined.
- 2.1.3 For those facilities excluded from Schedule 1A, the Environment Agency (the Agency) will carry out an assessment of a manager’s technical competence. Separate guidance on this is available from the Agency.
- 2.1.2 It was identified by the Industry that there was a need for a WAMITAB composting award. Previously, managers of licensed composting operations were assessed for technical competence by the Agency. To adjust to this change, a transitional provision has been provided in the 2003 regulations.
- 2.1.3 Civic Amenity sites have been split into two categories. The ‘Level 3 in Waste Management Operations: Civic Amenity Site’ award will only be applicable for those sites which accept up to 5,000 tonnes per annum. For Civic Amenity Sites that accept greater than 5,000 tonnes per annum, managers will need to gain either the ‘Level 4 in Waste Management Operations: Managing Transfer Hazardous Waste’ or ‘Level 4 in Waste Management Operations: Managing Transfer Non-Hazardous Waste’ award. A transitional provision has been provided in the 2003 regulations allowing managers 2 years from 1st April 2003 to gain the new award.
- 2.1.4 Waste types have been classified as hazardous, non-hazardous and inert and are defined in schedule 1A of the 2003 regulations to match definitions in other legislation eg Landfill Regulations.

The Special Waste Regulations 1996 (as amended) are due to be replaced by Hazardous waste regulations and until this occurs, for the purposes of technical competence, hazardous waste should be read as special waste. The majority of Special waste will be regarded Hazardous waste under the new regulations, however there are likely to be a number of exceptions which you will need to be aware of when the new regulations come in to force.

The definition of inert waste given in the Scheme differs from the definition used for previously awarded “inert” CoTC. It is likely that many waste types formerly classified as inert will now be defined as non-hazardous. For holders of existing inert Level 3 COTC awards, a transition period has been provided in the 2003 Regulations, allowing 2 years for managers to gain the relevant

non-hazardous COTC where this is required. However, if a waste type is classified as inert on a licence or permit, then an inert CoTC (Level 3) will be applicable.

2.2 New Awards

2.2.1 Tables 2.2a and Table 2.2b below lists the entire set of the awards and certificates available from 1st April 2003 in relation to the facility type and the specific activities authorised at the facility.

2.2.2 Care must be taken when a person holds one of the activity specific options offered under an award type. For example, a person holding a single waste stream landfill award for landfills taking waste from a company's process/activity will only be able to manage this type of facility. The hierarchy for this type of certificate falls to the waste type ie a single waste stream hazardous waste award will be valid for a similar single waste stream non-hazardous activity or a similar single waste stream inert waste activity. They will not be able to manage a commercial landfill taking waste from a variety of sources.

Table 2.2a Facilities

Number	Type of Facility	Certificate Code
1	Landfill site for hazardous waste	G
2	Landfill site for hazardous waste - single waste stream	G or H
3	Landfill site for non-hazardous waste	G or I
4	Landfill site for non-hazardous waste - single waste stream	G,H,I or J
5	Landfill site for inert waste with a total capacity of greater than 50,000 cubic metres	G,I or K
6	Landfill site for inert waste with a total capacity of greater than 50,000 cubic metres - single waste stream	G,H,I,J,K or L
7	Closed landfill site for hazardous waste	G or M
8	Closed landfill site for hazardous waste - single waste stream	G,H or M
9	Closed landfill site for non-hazardous waste	G,I or M
10	Closed landfill site for non-hazardous waste – single waste stream	G,H,I,J or M
11	Closed landfill site for inert waste with a total capacity of greater than 50,000 cubic metres	G,I,K or M

12	Closed landfill site for inert waste with a total capacity of greater than 50,000 cubic metres - single waste stream	G,H,I,J,K,L or M
13	Treatment plant where hazardous waste is subjected to a chemical or physical process	S
14	Treatment Plant where hazardous clinical waste is subjected to a physical or chemical process	S or Ss
15	Treatment plant where hazardous waste is subjected to a chemical or physical process for the treatment of contaminated land	S or T
16	Treatment plant where non-hazardous waste is subjected to a chemical or physical process	S or U
17	Treatment plant where non-hazardous waste is subjected to a composting process	S,U or W
18	Treatment plant where non-hazardous waste is subjected to a chemical or physical process for the treatment of contaminated land	S,T,U or V
19	Treatment plant where non-hazardous clinical waste is subjected to a chemical or physical process	S,Ss or X
20	Treatment plant where inert waste is subjected to a chemical or physical process	S,U or Y
21	Transfer station for hazardous waste where the capacity of the facility is greater than 5 cubic metres	II
22	Transfer station for hazardous clinical waste where the capacity of the facility is greater than 5 cubic metres	II or JJ
23	Transfer station for non-hazardous waste where the capacity of the facility is greater than 5 cubic metres	II or KK
24	Transfer station for non-hazardous clinical waste where the capacity of the facility is greater than 5 cubic metres	II,JJ or LL
25	Transfer station for inert waste where the capacity is greater than 50 cubic metres	II,KK or MM
26	Civic amenity site where the amount of waste accepted is 5000 tonnes per annum or less	II,KK or NN
27	Civic amenity site where the amount of waste accepted is greater than 5000 tonnes per annum	II or KK
28	Site where waste is burned in an incinerator designed to incinerate waste at a rate of more than 50 kilograms per hour but less than 1 tonne per hour	OO

Table 2.2b Certificates of Technical Competence

COTC Title	Certificate Code	WAMITAB Code
Level 4 in Waste Management Operations - Managing Landfill Hazardous Waste	G	4LH
Level 4 in Waste Management Operations - Managing Landfill Hazardous Waste (Single Waste Stream)	H	4LHWS
Level 4 in Waste Management Operations - Managing Landfill Non-Hazardous Waste	I	4LNH
Level 4 in Waste Management Operations - Managing Landfill Non- Hazardous Waste (Single Waste Stream)	J	4LNHWS

Level 3 in Waste Management Operations - Inert Waste (landfill)	K	3INL
Level 3 in Waste Management Operations -Inert Waste (Single Waste Stream)	L	3INLSWS
Level 3 in Waste Management Operations - Closed Landfill	M	3CL
Level 4 in Waste Management Operations - Managing Treatment Hazardous Waste	S	4TMH
Level 4 in Waste Management Operations - Managing Treatment Hazardous Waste (Clinical)	Ss	4TMHC
Level 4 in Waste Management Operations - Managing Treatment Hazardous Waste (Remediation of Contaminated Land)	T	4TMHCL
Level 4 in Waste Management Operations - Managing Treatment Non-Hazardous Waste	U	4TMNH
Level 4 in Waste Management Operations - Managing Treatment Non-Hazardous Waste (Remediation of Contaminated Land)	V	4TMNHCL
Level 4 in Waste Management Operations - Managing Treatment Non-Hazardous Waste (Composting)	W	4COMP
Level 4 in Waste Management Operations - Managing Treatment Non-Hazardous Waste (Clinical)	X	4TMNHC
Level 3 in Waste Management Operations - Inert Waste (Treatment)	Y	3INTM
Level 4 in Waste Management Operations: Managing Transfer Hazardous Waste	II	4TSH
Level 4 in Waste Management Operations: Managing Transfer Hazardous Waste (Clinical)	JJ	4TSHC
Level 4 in Waste Management Operations: Managing Transfer Non-Hazardous Waste	KK	4TSNH
Level 4 in Waste Management Operations: Managing Transfer Non-Hazardous Waste (Clinical)	LL	4TSNHC
Level 3 in Waste Management Operations: Inert Waste (Transfer)	MM	3INTS
Level 3 in Waste Management Operations: Civic Amenity Site	NN	3CAS
Level 4 in Waste Management Operations: Managing Incineration	OO	4INC

2.3 Hierarchy of Awards.

2.3.1 This section provides a quick reference to determine which WAMITAB awards (past and present) are currently a valid demonstration of technical competence at each type of waste facility.

2.3.2 This is illustrated, by means of Table 2.3 below which provides:

- the type of facility requiring a CoTC awarded by WAMITAB;
- the waste classification;
- the appropriate present award - valid from 1 April 2003;
- the equivalent valid award that ceased to be awarded on 31 March 2003;
- the equivalent valid award, if applicable, that ceased to be awarded on 9 October 1997.

The relationship between previous awards, waste classifications and the present classifications are shown in the table.

2.3.2 The colours in the right hand column show the certificates that are still valid as follows:

Red (normal text) – represents those certificates that are awarded from 1 April 2003;

Black (bold text) – represents those certificates that ceased to be awarded from 31 March 2003;

Blue (italic text) – represents those certificates that ceased to be awarded on 9 October 1997.

The table illustrates where the previous awards are still valid. The credibility of the existing CoTC framework has been maintained for those that have already demonstrated competence. So, for example, a person holding the special waste landfill award will be qualified to manage a hazardous waste landfill, a non-hazardous waste landfill or an inert waste landfill.

The table also illustrates the hierarchy of awards for both present and previous awards. For example, a person holding a landfill CoTC for managing a hazardous waste landfill, will be qualified to manage a non-hazardous landfill and also an inert landfill.

Table 2.3 – Hierarchy of awards

Type of Facility	Certificate, including WAMITAB award code
Landfill site for hazardous waste	Waste Management Operations – Managing Landfill Hazardous waste (Level 4) 4LH
	Managing Landfill Operations: Special Waste (Level 4) LS4
	<i>Managing Landfill Operations: Special Waste (Level IV) L4-A</i>
Landfill site for hazardous waste - single waste stream	Level 4 in Waste Management Operations – Managing Landfill Hazardous Waste (Single Waste Stream) 4LHSWS
	Waste Management Operations – Managing Landfill Hazardous waste (Level 4) 4LH
	Managing Landfill Operations: Special Waste (Level 4) LS4
	<i>Managing Landfill Operations: Special Waste (Level IV) L4A</i>
Landfill site for non-hazardous waste	Waste Management Operations – Managing Landfill Non-Hazardous waste (Level 4) 4LNH
	Waste Management Operations – Managing Landfill Hazardous waste (Level 4) 4LH
	Managing Landfill Operations: Biodegradable Waste (Level 4) LB4
	Managing Landfill Operations: Special Waste (Level 4) LS4
	<i>Managing Landfill Operations: Special Waste (Level IV) L4-A</i>
	<i>Managing Landfill Operations: Biodegradable Waste (Level IV) L4-B</i>
Landfill site for non-hazardous waste - single waste stream	Level 4 in Waste Management Operations - Managing Landfill Non- Hazardous Waste (Single Waste Stream) 4LHSWS
	Level 4 in Waste Management Operations - Managing Landfill Hazardous Waste (Single Waste Stream) 4LNHSWS
	Waste Management Operations – Managing Landfill Non-Hazardous waste (Level 4) 4LNH
	Waste Management Operations – Managing Landfill Hazardous waste (Level 4) 4LH
	Managing Landfill Operations: Biodegradable Waste (Level 4) LB4
	Managing Landfill Operations: Special Waste (Level 4) LS4
	<i>Managing Landfill Operations: Special Waste (Level IV) L4-A</i>
	<i>Managing Landfill Operations: Biodegradable Waste (Level IV) L4-B</i>
Landfill site for inert waste with a total capacity of greater than 50,000 cubic metres	Level 3 in Waste Management Operations - Inert Waste (landfill) 3INL
	Waste Management Operations – Managing Landfill Non-Hazardous waste (Level 4) 4LNH

	<p>Waste Management Operations – Managing Landfill Hazardous waste (Level 4) 4LH</p> <p>Landfill Operations: Inert Waste (Level 3) LI3</p> <p>Managing Landfill Operations: Biodegradable Waste (Level 4) LB4</p> <p>Managing Landfill Operations: Special Waste (Level 4) LS4</p> <p><i>Managing Landfill Operations: Inert Waste (Level III) L3</i></p> <p><i>Managing Landfill Operations: Special Waste (Level IV) L4-A</i></p> <p><i>Managing Landfill Operations: Biodegradable Waste (Level IV) L4-B</i></p>
Landfill site for inert waste with a total capacity of greater than 50,000 cubic metres - single waste stream	<p>Level 3 in Waste Management Operations - Inert Waste (Single Waste Stream) 3INSWS</p> <p>Level 4 in Waste Management Operations - Managing Landfill Non- Hazardous Waste (Single Waste Stream) 4LNHSWS</p> <p>Level 4 in Waste Management Operations - Managing Landfill Hazardous Waste (Single Waste Stream) 4LHSWS</p> <p>Waste Management Operations – Managing Landfill Non-Hazardous waste (Level 4) 4LNH</p> <p>Waste Management Operations – Managing Landfill Hazardous waste (Level 4) 4LH</p> <p>Level 3 in Waste Management Operations - Inert Waste (landfill) 3INL</p> <p>Landfill Operations: Inert Waste (Level 3) LI3</p> <p>Managing Landfill Operations: Biodegradable Waste (Level 4) LB4</p> <p>Managing Landfill Operations: Special Waste (Level 4) LS4</p> <p><i>Managing Landfill Operations: Inert Waste (Level III) L3</i></p> <p><i>Managing Landfill Operations: Special Waste (Level IV) L4-A</i></p> <p><i>Managing Landfill Operations: Biodegradable Waste (Level IV) L4-B</i></p>
Closed landfill site for hazardous waste	<p>Level 3 in Waste Management Operations - Closed Landfill 3CL</p> <p>Waste Management Operations – Managing Landfill Hazardous waste (Level 4) 4LH</p> <p>Managing Landfill Operations: Special Waste (Level 4) LS4</p> <p><i>Managing Landfill Operations: Special Waste (Level IV) L4-A</i></p>
Closed landfill site for hazardous waste - single waste stream	<p>Level 3 in Waste Management Operations - Closed Landfill 3CL</p> <p>Level 4 in Waste Management Operations - Managing Landfill Hazardous Waste (Single Waste Stream) 4LHSWS</p> <p>Waste Management Operations – Managing Landfill Hazardous waste (Level 4) 4LH</p>

	Managing Landfill Operations: Special Waste (Level 4) LS4 <i>Managing Landfill Operations: Special Waste (Level IV) L4-A</i>
Closed landfill site for non-hazardous waste	Level 3 in Waste Management Operations - Closed Landfill 3CL Waste Management Operations – Managing Landfill Non-Hazardous waste (Level 4) 4LNH Waste Management Operations – Managing Landfill Hazardous waste (Level 4) 4LH Managing Landfill Operations: Biodegradable Waste (Level 4) LB4 Managing Landfill Operations: Special Waste (Level 4) LS4 <i>Managing Landfill Operations: Special Waste (Level IV) L4-A</i> <i>Managing Landfill Operations: Biodegradable Waste (Level IV) L4-B</i>
Closed landfill site for non-hazardous waste - single waste stream	Level 3 in Waste Management Operations - Closed Landfill 3CL Level 4 in Waste Management Operations - Managing Landfill Non- Hazardous Waste (Single Waste Stream) 4NHSWS Level 4 in Waste Management Operations - Managing Landfill Hazardous Waste (Single Waste Stream) 4LHSWS Waste Management Operations – Managing Landfill Non-Hazardous waste (Level 4) 4LNH Waste Management Operations – Managing Landfill Hazardous waste (Level 4) 4LH Managing Landfill Operations: Biodegradable Waste (Level 4) LB4 Managing Landfill Operations: Special Waste (Level 4) LS4 <i>Managing Landfill Operations: Special Waste (Level IV) L4-A</i> <i>Managing Landfill Operations: Biodegradable Waste (Level IV) L4-B</i>
Closed landfill site for inert waste with a total capacity of greater than 50,000 cubic metres	Level 3 in Waste Management Operations - Closed Landfill 3CL Level 3 in Waste Management Operations - Inert Waste (landfill) 3INL Waste Management Operations – Managing Landfill Non-Hazardous waste (Level 4) 4LNH Waste Management Operations – Managing Landfill Hazardous waste (Level 4) 4LH Landfill Operations: Inert Waste (Level 3) LI3 Managing Landfill Operations: Biodegradable Waste (Level 4) LB4 Managing Landfill Operations: Special Waste (Level 4) LS4

	<p><i>Managing Landfill Operations: Inert Waste (Level III) L3</i></p> <p><i>Managing Landfill Operations: Special Waste (Level IV) L4-A</i></p> <p><i>Managing Landfill Operations: Biodegradable Waste (Level IV) L4-B</i></p>
Closed landfill site for inert waste with a total capacity of greater than 50,000 cubic metres - single waste stream	<p>Level 3 in Waste Management Operations - Closed Landfill 3CL</p> <p>Level 3 in Waste Management Operations - Inert Waste (Single Waste Stream) 3INLSWS</p> <p>Level 4 in Waste Management Operations - Managing Landfill Non- Hazardous Waste (Single Waste Stream) 4LNHSWS</p> <p>Level 4 in Waste Management Operations - Managing Landfill Hazardous Waste (Single Waste Stream) LHSWS</p> <p>Level 3 in Waste Management Operations - Inert Waste (landfill) 3INL</p> <p>Waste Management Operations – Managing Landfill Non-Hazardous waste (Level 4) 4LNH</p> <p>Waste Management Operations – Managing Landfill Hazardous waste (Level 4) 4LH</p> <p>Landfill Operations: Inert Waste (Level 3) LI3</p> <p>Managing Landfill Operations: Biodegradable Waste (Level 4) LB4</p> <p>Managing Landfill Operations: Special Waste (Level 4) LS4</p> <p><i>Managing Landfill Operations: Inert Waste (Level III) L3</i></p> <p><i>Managing Landfill Operations: Special Waste (Level IV) L4-A</i></p> <p><i>Managing Landfill Operations: Biodegradable Waste (Level IV) L4-B</i></p>
Treatment plant where hazardous waste is subjected to a chemical or physical process	<p>Waste Management Operations – Managing Treatment Hazardous waste (Level 4) 4TMH</p> <p>Managing Treatment Operations: Clinical or Special Waste (Level 4) TMS4</p> <p><i>Managing treatment operations: special waste (level IV) T4-A</i></p>
Treatment Plant where hazardous clinical waste is subjected to a physical or chemical process	<p>Level 4 in Waste Management Operations – Managing Treatment Hazardous Waste (Clinical) 4TMHC</p> <p>Waste Management Operations – Managing Treatment Hazardous waste (Level 4) 4TMH</p> <p>Managing Treatment Operations: Clinical or Special Waste (Level 4) TMS4</p> <p><i>Managing treatment operations: special waste (level IV) T4-A</i></p>
Treatment plant where hazardous waste is subjected to a chemical or physical process for the treatment of contaminated land	<p>Level 4 in Waste Management Operations – Managing Treatment Hazardous Waste (Remediation of Contaminated Land) 4TMHCL</p>

	<p>Waste Management Operations – Managing Treatment Hazardous waste (Level 4) 4TMH</p> <p>Managing Treatment Operations: Clinical or Special Waste (Level 4) TMS4</p> <p><i>Managing treatment operations: special waste (level IV) T4-A</i></p>
Treatment plant where non-hazardous waste is subjected to a chemical or physical process	<p>Level 4 in Waste Management Operations – Managing Treatment Non-Hazardous Waste 4TMNH</p> <p>Waste Management Operations – Managing Treatment Hazardous waste (Level 4) 4TMH</p> <p>Managing Treatment Operations: Clinical or Special Waste (Level 4) TMS4</p> <p>Managing Treatment Operations: Biodegradable Waste (Level 4) TMB4</p> <p><i>Managing treatment operations: special waste (level IV) T4-A</i></p>
Treatment plant where non-hazardous waste is subjected to a composting process	<p>Level 4 in Waste Management Operations – Managing Treatment Non-Hazardous Waste (Composting) 4COMP</p> <p>Level 4 in Waste Management Operations – Managing Treatment Non-Hazardous Waste 4TMNH</p> <p>Waste Management Operations – Managing Treatment Hazardous waste (Level 4) 4TMH</p> <p>Managing Treatment Operations: Clinical or Special Waste (Level 4) TMS4</p> <p>Managing Treatment Operations: Biodegradable Waste (Level 4) TMB4</p> <p><i>Managing treatment operations: special waste (level IV) T4-A</i></p>
Treatment plant where non-hazardous waste is subjected to a chemical or physical process for the treatment of contaminated land	<p>Level 4 in Waste Management Operations – Managing Treatment Non-Hazardous Waste (Remediation of Contaminated Land) 4TMNHCL</p> <p>Level 4 in Waste Management Operations – Managing Treatment Hazardous Waste (Remediation of Contaminated Land) 4TMHCL</p> <p>Level 4 in Waste Management Operations – Managing Treatment Non-Hazardous Waste 4TMNH</p> <p>Waste Management Operations – Managing Treatment Hazardous waste (Level 4) 4TMH</p> <p>Managing Treatment Operations: Clinical or Special Waste (Level 4) TMS4</p> <p>Managing Treatment Operations: Biodegradable Waste (Level 4) TMB4</p> <p><i>Managing treatment operations: special waste (level IV) T4-A</i></p>
Treatment plant where non-hazardous clinical waste is subjected to a chemical or physical process	<p>Level 4 in Waste Management Operations – Managing Treatment Non-Hazardous Waste (Clinical) 4TMNHC</p> <p>Level 4 in Waste Management Operations – Managing Treatment Hazardous Waste (Clinical) 4TMHC</p>

	<p>Waste Management Operations – Managing Treatment Hazardous waste (Level 4) 4TMH</p> <p>Managing Treatment Operations: Clinical or Special Waste (Level 4) TMS4</p> <p><i>Managing treatment operations: special waste (level IV) T4-A</i></p>
Treatment plant where inert waste is subjected to a chemical or physical process	<p>Waste Management Operations – Inert waste (Treatment) (Level 3) 3INTM</p> <p>Waste Management Operations – Managing Treatment Non-hazardous waste (Level 4) 4TMNH</p> <p>Waste Management Operations – Managing Treatment Hazardous waste (Level 4) 4TMH</p> <p>Treatment Operations: Inert Waste (Level 3) TMI3</p> <p>Managing Treatment Operations: Biodegradable Waste (Level 4) TMB4</p> <p>Managing Treatment Operations: Clinical or Special Waste (Level 4) TMS4</p> <p><i>Treatment Operations: Inert Waste (III) T3-A</i></p> <p><i>Managing Treatment Operations: Special Waste (level IV) T4-A</i></p>
Transfer station for hazardous waste where the capacity of the facility is greater than 5 cubic metres	<p>Waste Management Operations – Managing Transfer Hazardous waste (Level 4) 4TSH</p> <p>Managing Transfer Operations: Clinical or Special Waste (Level 4) TSS4</p> <p><i>Managing Transfer Operations: Special Waste (level IV) T4-B</i></p>
Transfer station for hazardous clinical waste where the capacity of the facility is greater than 5 cubic metres	<p>Level 4 in Waste Management Operations: Managing Transfer Hazardous Waste (Clinical) 4TSHC</p> <p>Waste Management Operations – Managing Transfer Hazardous waste (Level 4) 4TSH</p> <p>Managing Transfer Operations: Clinical or Special Waste (Level 4) TSS4</p> <p><i>Managing Transfer Operations: Special Waste (level IV) T4-B</i></p>
Transfer station for non-hazardous waste where the capacity of the facility is greater than 5 cubic metres	<p>Waste Management Operations – Managing Transfer Non-hazardous waste (Level 4) 4TSNH</p> <p>Waste Management Operations – Managing Transfer Hazardous waste (Level 4) 4TSH</p> <p>Managing Transfer Operations: Biodegradable Waste (Level 4) TSB4</p> <p>Managing Transfer Operations: Clinical or Special Waste (Level 4) TSS4</p> <p><i>Managing Transfer Operations: Special Waste (level IV) T4-B</i></p>
Transfer station for non-hazardous clinical waste where the capacity of the facility is greater than 5 cubic metres	<p>Level 4 in Waste Management Operations: Managing Transfer Non-Hazardous Waste (Clinical) 4TSNHC</p> <p>Level 4 in Waste Management Operations: Managing Transfer Hazardous Waste (Clinical) 4TSHC</p> <p>Waste Management Operations – Managing Transfer Hazardous waste (Level 4) 4TSH</p>

	Managing Transfer Operations: Clinical or Special Waste (Level 4) TSS4 <i>Managing Transfer Operations: Special Waste (level IV) T4-B</i>
Transfer station for inert waste where the capacity is greater than 50 cubic metres	Waste Management Operations – Inert waste (Transfer) (Level 3) 3INTS Waste Management Operations – Managing Transfer, Non-Hazardous Waste (Level 4) 4TSNH Waste Management Operations – Managing Transfer, Hazardous Waste (Level 4) 4TSH Transfer Operations: Inert Waste (Level 3) TSI3 Managing Transfer Operations: Biodegradable Waste (Level 4) TSB4 Managing Transfer Operations: Clinical or Special Waste (Level 4) TSS4 <i>Transfer Operations: Inert Waste (Level III) T3-B</i> <i>Managing Transfer Operations: Special Waste (level IV) T4-B</i>
Civic amenity site where the amount of waste accepted is 5000 tonnes per annum or less	Waste Management Operations – Civic Amenity Site (Level 3) 3CAS Waste Management Operations – Managing Transfer, Non-Hazardous Waste (Level 4) 4TSNH Waste Management Operations – Managing Transfer, Hazardous Waste (Level 4) 4TSH Civic Amenity Site Operations (Level 3) CA3 Managing Transfer Operations: Biodegradable Waste (Level 4) TSB4 Managing Transfer Operations: Clinical or Special Waste (Level 4) TSS4 <i>Civic Amenity Operations (Level III) T3-C</i> <i>Managing Transfer Operations: Special Waste (level IV) T4-B</i>
Civic amenity site where the amount of waste accepted is greater than 5000 tonnes per annum	Waste Management Operations – Managing Transfer, Non-Hazardous Waste (Level 4) 4TSNH Waste Management Operations – Managing Transfer, Hazardous Waste (Level 4) 4TSH Managing Transfer Operations: Biodegradable Waste (Level 4) TSB4 Managing Transfer Operations: Clinical or Special Waste (Level 4) TSS4 <i>Managing Transfer Operations: Special Waste (level IV)T4-B</i>
Site where waste is burned in an incinerator designed to incinerate waste at a rate of more than 50 kilograms per hour but less than 1 tonne per hour	Waste Management Operations: Managing Incineration (Level 4) 4INC Managing incinerator operations: special waste (Level 4) INC4 <i>Managing incinerator operations: special waste (Level IV)T4-C</i>

2.4 Activities and appropriate Awards

2.4.1 The number of operators changing their processes and equipment to increase recovery and recycling will increase because of the Waste Strategy and the Landfill Directive requirements for pre-treatment. Situations have arisen where transfer stations have introduced processes and equipment that may change them into a treatment type of facility. However, operators would have difficulty gaining the treatment award on sites where the primary activity is one of transfer of waste. Any treatment of waste needs to be licensed and charged appropriately but (for the purposes of technical competence) it does not always follow that the treatment award is the relevant award. The following table lists the licensed activities and the most likely appropriate award. This table is for the purposes of technical competence only and is not exclusive.

Table 2.4 – Activity and appropriate award

ACTIVITY	TRANSFER OR TREATMENT WAMITAB AWARD	COMMENTS
PHYSICAL – Separation and sorting of wastes		
Dismantling	Usually Transfer award	Transfer where it is undertaken to facilitate transport of waste, e.g. dismantling of large structures to aid loading.
Filtration	Treatment award	Undertaken either to recover or dispose of waste.
Grading	Treatment/Transfer award	May be undertaken either to recover or dispose of waste (treatment) or to facilitate onward transport (transfer).
Screening	Treatment/Transfer award	May be undertaken either to recover or dispose of waste (treatment) or to facilitate onward transport (transfer).
Separation – phase division	Treatment award	Undertaken either to recover or dispose of waste.
Settlement	Treatment award usually (unless lagooning – landfill award)	Undertaken either to recover or dispose of waste.
Sorting of wastes into different	Usually Transfer award	Could be separation

components (not segregation or repackaging of the same waste type into physically smaller units)		into multiple waste streams for further transport to different disposal, routes.
Repackaging of waste types which involves sorting or mixing of different waste types or components, or other treatment.	Transfer award	To facilitate transfer, e.g. bulking up into larger containers. Could be repackaging to recover waste, e.g. from damaged to new packaging for re-use. Decide on a site-specific basis.
PHYSICAL – Size reduction and separation by cutting, etc.		
Chipping	Transfer award	Usually undertaken to facilitate transport of waste.
Cutting (including oxy-acetylene)	Usually Transfer award	Transfer where it is undertaken to facilitate transport of waste, e.g. dismantling of large vehicles/structures to aid loading. See Dismantling.
Pelletisation	Treatment award	Usually to recover waste, e.g. production of waste derived fuel, fertiliser from sludge etc.
Shearing	Usually transfer award	See Dismantling.
Shredding of for example oil filters	Treatment award	Metal recovery
Shredding	Transfer award	May occur to aid transport as part of size reduction.
PHYSICAL TREATMENT		
Compaction of wastes – other than as an integral part of placing wastes during disposal to land.	Transfer award	Undertaken to facilitate transport.
Compaction to facilitate solid/liquid phase separation	Transfer/Treatment award	Usually undertaken to recover waste.
Crushing	Transfer award	Undertaken to facilitate transport.
Densifying	Transfer award	Undertaken to facilitate transport.
Dewatering, draining	Usually treatment award	But may be undertaken to facilitate transport, e.g. allowing sludges

		to dry to aid transport.
Autoclaving, Heat Treatment	Treatment award	Does not involve preparation for further transport.
Microwaving	Treatment award	Does not involve preparation for further transport.
CHEMICAL or PHYSICO-CHEMICAL TREATMENT		
Absorption	Treatment award	
Coagulation	Treatment award	
Disinfection	Treatment award	
Distillation	Treatment award	
Fixation	Treatment award	
Flocculation	Treatment award	
Leachate treatment off-site, other than as part of landfill operation	Treatment award	
Neutralisation	Treatment award	
Oxidation	Treatment award	
Precipitation	Treatment award	
Solidification	Treatment award	
Sterilisation	Treatment award	
Vitrification	Treatment award	
Washing	Treatment award	
BIOLOGICAL – primary activity		
Anaerobic digestion	Agency assessed	Biological treatment – Agency assessed
Bioremediation	Agency assessed	Biological treatment – Agency assessed
Biological treatment	Agency assessed	Biological treatment – Agency assessed
Composting (for disposal or recovery)	Treatment Award	

2.5 Examples

Example 1

A manager of a composting operation handling non-hazardous waste, will require the Waste Management Operations - Managing Treatment Non-Hazardous Waste (Composting) Level 4 certificate. A person holding this award will not be able to manage a non-hazardous treatment activity other than composting. However, a manager holding the Waste Management Operations – Managing Treatment Non-Hazardous, Level 4, will be able to manage a composting facility (hierarchy!).

Example 2

A person holds the Managing Transfer Operations: Clinical or Special Waste (level 4) certificate and wants to act as manager for a hazardous waste transfer station. This CoTC ceased to be awarded on 31 March 2003, but is still valid so he can act as the TCM for the site.

Example 3

A person holds a Waste Management Operations - Managing Treatment Hazardous Waste (Remediation of Contaminated Land) Level 4 certificate and wants to provide technically competent management on a site authorised to treat other hazardous waste. He will be unable to do this as the optional units chosen for this award meant that relevant units for the treatment of other hazardous waste were not gained.

Example 4

To manage a closed landfill site, the manager must either hold the Waste Management Operations – Closed Landfills (Level 3) or one of the equivalent operational awards. For example, if the site when operational handled non-hazardous waste, then a manager holding a Waste Management Operations – Managing Non-hazardous waste (level 4) will be able to provide technically competent management. Under the award hierarchy (as illustrated in Table 2.3, section 2) the hazardous waste award would also be acceptable as would the Biodegradable and Special Waste awards that ceased to be issued on 31 March 2002.

Example 5

A treatment plant, handling non-hazardous clinical waste will require the manager to hold the Waste Management Operations – Treatment Non-hazardous (Clinical) Level 4. The manager holding this award will not be able to manage a non-hazardous treatment plant, the optional certificate only qualifies the manager to handle clinical wastes (as defined). Similarly a manager holding the Waste Management Operations – Treatment Non-hazardous, Level 4, will not be able to manage a site handling clinical waste (as defined) as he will not have gained the relevant clinical waste experience and units.

Example 6

The single waste stream landfill award will apply to sites that do not take other people's waste on a commercial basis. If a contractor carries out work on behalf of the licence holder, he may be considered to be the waste producer

but for the purposes of Technical Competence the single waste stream award would still be applicable.

Example 7

A Local Authority provides a civic amenity site operated directly by employees of the Local Authority. The licence authorises the keeping of wastes including some special wastes with an annual tonnage of 5000 to 25000 tonnes. The appropriate WAMITAB award for this facility is Managing Transfer Hazardous Waste 4TSH, the earlier equivalent award would also be applicable. Where special waste is not specified on the licence, then 4TSNH or equivalent would be applicable.

Example 8

A Local Authority contracts out the running of a civic amenity site to an operator. The licence authorises the keeping of wastes including some special wastes with an annual tonnage of less than 5,000 tonnes. The appropriate WAMITAB award for this facility is Civic Amenity Site (3CAS) or earlier equivalent. The Managing Transfer Hazardous Waste award would also be applicable.

SECTION 3: MANAGEMENT RESPONSIBILITY AND ATTENDANCE AT SITE

3.1 Management Responsibilities

3.1.1 It is up to the operator to provide a robust management structure for each facility to ensure that the management of the authorised activities is in the hands of a Technically Competent person. This management system should be clearly demonstrable to the Agency.

3.1.2 The law on Technical Competence requires that the management of activities authorised by the licence/permit is in the hands of a technically competent person. For Waste Management Licences, WMP 4 interprets “management” in this context to mean that the technically competent person is in a position to control the day to day activities authorised by the licence and carried on at the licensed site. The guidance goes on to state that the technically competent management may rest with several people.

3.1.3 In assessing whether technically competent management is provided there are three key considerations:

(a) Are the activities in question authorised by the licence/permit and carried out at the authorised site?

(b) Do the managers nominated as the technically competent persons meet the requirements for technical competence as set out in the legislation?

(c) Are the managers nominated as the technically competent persons in a position to control the day to day activities referred to?

(a) Are the activities in question authorised by the licence/permit?

Where some of the activities on site are outside the scope of the licence/permit they should be disregarded for the purpose of assessing technical competence.

(b) Do the managers nominated as Technically Competent Persons meet the legislative requirements for technical competence?

(See Section 2) The Technically Competent Persons should be able to demonstrate their competence, eg by holding the relevant award.

(c) Are the managers nominated as technically competent persons in a position to control the day to day activities in question?

The technically competent persons should be able to ensure that the day to day activities can be achieved through:

- The effective operation of the management structure as it applies to the particular site, providing the right mix of qualified, experienced and trained staff to plan, supervise and support operations
- Application of appropriate control mechanisms in the form of quality systems and protocols and appropriate supervision

It is therefore essential for that technically competent persons attend sites for regular and appropriate periods of time to ensure that the

management structure is operated effectively and the control mechanisms are applied.

- 3.1.4 Technically competent management of an authorised site may be provided by more than one person. In these circumstances each person must demonstrate technical competence by the one of the prescribed means (see para 2.4 (b)). This allows operators to provide control of day to day activities through more than one technically competent person so that the requirement for on site presence may be shared.
- 3.1.5 Where the licence or permit requires, any changes to the technically competent management of a site are to be reported to the Agency detailing the changes and
- providing the names and qualifications of any new technically competent person
 - where he/she fits into the management structure
 - a comprehensive schedule of sites allocated to the person.

3.2 Site Attendance

- 3.2.1 Personal attendance at the facility by the Technically Competent persons forms a key element of the site management. This would normally be accompanied by other management instructions and procedures to ensure full control over the activities. Operators will generally have flexibility to demonstrate to the Agency that the operations are in the hands of technically competent people, without reference to minimum attendance standards in Appendix 1 below, providing this is agreed in writing. However, where such a “minimum site attendance standard” is met for a particular facility this indicates that there is adequate management control.
- 3.2.2 An indicative minimum attendance can be found in Appendix 1. The standard is based upon a sites OPRA Environmental Score. This is to be applied in the following circumstances:
- New operators (less than 6 months in place)
 - New activities (less than 6 months old)
 - Operators without a settled management system (lack of accredited, written and adhered to procedures).
 - Activities where an alternative minimum attendance is not agreed with the Agency
 - Instances, indicated by an elevated OPRA Operator Performance Score, when activities appear to be running beyond the control of the management. An elevated score in this circumstance is defined as an Operator Performance Score of 20 or more in any quarter.
- 3.2.3 When agreeing a reasonable alternative standard of attendance between the Agency and operator, the activity authorised and carried out at that site together with the type of waste being handled must be taken into consideration

- 3.2.4 There should always be a minimum site attendance of one hour on a weekly basis, on all operational sites. If, however, the facility is non-operational (see paragraph 3.2.7 below for the definition of operational) ie zero operational hours, site attendance will not be required.
- 3.2.5 In this context the working week commences Sunday midnight and concludes on the following Sunday at midnight.
- 3.2.6 Records of minimum attendance (either in line with Appendix 1 or at a level agreed between operator and Agency), together with the weekly operational hours should be made for example in the site diary and made available for inspection by the Agency.
- 3.2.7 A site would be considered operational whenever it is either accepting or removing waste, or undertaking any process or activity involving waste that should be under the day-to-day control of the TCM. Where the operational hours vary, it would be useful to log these changes together with the technically competent person's site attendance in the site diary/log.
- 3.2.8 An overall 'cap' of 48 hours for site attendance will be applied to all facility types. The Agency would not normally expect nominated managers to provide more than 48 towards the provision of Technically Competent Management (in line with the European Working Time Directive on working week hours).
- 3.2.9 For two or more separately authorised facilities where:
- They are in the hands of the same licence holder or operator,
- and*
- They share a common boundary

then the Agency will normally assimilate the site attendance requirements of the facility with the lower site attendance requirements into the requirements of the facility with the higher attendance percentage. However, the appropriate technical competence qualification will be necessary for each type of facility. For example where there is a separately authorised civic amenity site on a landfill site, the attendance requirements of the landfill will satisfy the attendance requirements for both facilities by a technically competent person holding both the relevant awards.

- 3.2.10 For landfill sites in post closure phase where waste input has been completed and the only authorised activities which are continuing are the management of landfill gas, stability, water and leachate, demonstration of TCM does not require specific on-site attendance by a technically competent person. Consequently there is no limit to the number of closed sites for which TCM can be demonstrated through a single technically competent person.

SECTION 4

REGULATORY APPROACH

- 4.1.1 The Agency will monitor management control and attendance of Technically Competent Management at licenced or permitted facilities through routine compliance assessment visits and extended site audits.
- 4.1.2 If the holder of the licence or permit is no longer a fit and proper person by reason of the management of the activities having ceased to be in the hands of a technically competent person, the licence or permit will normally be suspended so that it no longer permits the keeping, treating or disposal of waste until the management of the activities is in the hands of a technically competent person. Further guidance can be found in the Agency's Enforcement and Prosecution Policy.

APPENDIX 1

TECHNICAL COMPETENCE SITE ATTENDANCE REQUIREMENTS

Facility OPRA Environmental Score	% operational hours requiring weekly attendance
0-15	5%
16-30	10%
31-45	15%
46-60	20%
61-75	25%
76-90	30%
91-105	35%
106-120	40%
121-135	45%
136-150	50%

NB: For in-house facilities, taking only their own waste, a minimum attendance of 1 hour per week will be required