

LGG guidance documents

LANDFILL GUIDANCE GROUP ***Governance of Industry Codes of Practice***

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Version history

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1	May 2018	Agreed by LGG

Prepared by the Engineering SubGroup of the Landfill Regulation Group. This document has been approved by the Landfill Guidance Group – an industry group of landfill professionals – with advice and input from regulatory bodies.

Governance of Landfill Guidance/Industry Code of Practice (ICoP)

Introduction

This document identifies the governance process for guidance for the landfill industry produced by the industry side of the Landfill Regulation Group. Landfill industry representatives on the LRG will form a separate group known as the 'Landfill Guidance Group', this group will oversee landfill guidance adoption, maintenance and development. The Landfill Guidance Group membership will be comprised of existing LRG members from non-governmental organisations. Guidance documents will take the form of ICoPs (Industry Codes of Practice); previous agreed documentation will remain as guidance if so applicable. The ICoPs will cover guidance regarding site management practices but NOT regulation of landfill sites or other permitted operations. This document provides details of the procedures for:

- The ownership of the guidance;
- The adoption of existing guidance;
- The identification and need for future guidance, and;
- The identification and need for amendments to existing guidance.

It therefore outlines the process by which landfill guidance is produced and its subsequent storage on a publicly available website.

Ownership of the guidance

The Landfill Regulation Group (LRG) constitutes members from DEFRA and other government departments, Environment Agency (EA), Natural Resources Wales (NRW), Environmental Services Association (ESA), waste management companies, consultants, suppliers and other stakeholders.

A number of subgroups report to the LRG; each of these groups is responsible for a specific discipline within the landfill industry. For example, there are subgroups for landfill engineering, monitoring and landfill gas. New groups can be created as required by LRG to fulfil a particular need.

Historically, landfill guidance has been owned by the regulators (EA and NRW) and produced in consultation with the waste industry. In line with recent changes in government policy the regulators will only publish 'how to comply' guidance. Any best practice guidance that the landfill industry considers necessary will be produced by the landfill industry.

Best practice guidance will therefore be owned by the landfill industry.

General Rules for Landfill Guidance

Where new landfill best practice guidance is to be produced or where an existing guidance document is to be amended, it is essential that the credibility of the document is maintained and that it is based on technical and environmental risk assessments and judgements and that it is not driven by a desire for commercial advantage to any particular group or company. The owner of the specific guidance should be identified and a working group created by the relevant LRG subgroup. The perceived need for the guidance should be addressed and agreed with a risk-based approach being taken, proportionate to the scale and complexity of the task. Wherever possible, the regulator(s) should be included as part of the working group. Where disputes are encountered, independent experts within the field to which the particular guidance relates, should be used to resolve the specific dispute.

Adoption of Existing (pre-2016) Landfill Guidance

Existing (pre-2016) landfill guidance should be adopted by the relevant subgroup only where the guidance remains relevant and the subgroup considers it necessary to publish that guidance. The need to adopt existing guidance will be determined by the relevant subgroup. The Landfill Guidance Group will identify the relevant subgroup where this is not clear.

New/Amended Guidance

Discussions / meetings are held regularly at subgroup level. If the need for a new guidance document or a revision to an existing document identified at the relevant subgroup, a one page briefing note outlining details of the proposed guidance or amendment together with an estimated timetable for the work needed will be submitted to the Landfill Guidance Group for approval before the work is taken forward.

If approval is provided the relevant subgroup will agree the membership of the working group together with the project manager/lead contact. The regulators shall be invited to nominate an appropriate representative for membership of the working group. Wherever possible the relevant senior technical officer(s) from the regulator(s) is/are part of the working group, to ensure their involvement at the earliest opportunity.

Once the new guidance has been produced or the existing guidance amended and the final draft for comment agreed at the relevant subgroup, it will then be submitted to the Landfill Guidance Group who will co-ordinate a broader circulation to the other subgroups and stakeholders. The consultation copy will also be placed on the host site inviting comments within an agreed timescale. A mechanism for people to comment on the particular guidance will be confirmed at the time of consultation, to allow comments made to the Landfill Guidance Group.

All comments that are made to the Landfill Guidance Group will be forwarded to the relevant working group of the subgroup for consideration. All comments will be addressed by the working group and a reply provided to the Landfill Guidance Group. The Landfill Guidance Group will agree the final version of the guidance.

Once the final version is agreed this will then become recognised industry best practice but nothing within the guidance shall preclude the need to comply with any requirements of the regulator. A flowchart is given below to illustrate the process that follows for guidance production.

Hosting the guidance

Once an ICoP or guidance document is finalised, ESA will host the document (in pdf format) on a publicly available area of its website.

Each ICoP or guidance document must be dated and contain an amendments page.

ESA will also archive any older versions of ICoPs and guidance documents in an accessible location so that a historic audit trail is maintained for legal purposes.

Flow Chart for Producing New or Amending Existing Landfill Guidance

