

99012032011000, 99012032011000

Apply for modification of a landfill already approved by plan approval or plan permit or of its operation.

Heruntergeladen am 06.06.2025

<https://fimportal.de/xzufi-services/106353646/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99012032011000, 99012032011000
Leistungsbezeichnung I	Apply for modification of a landfill already approved by plan approval or plan permit or of its operation.
Leistungsbezeichnung II	
Typisierung	2a - Bundesauftragsverwaltung: Regelung, Land: Vollzug
Quellredaktion	Mecklenburg-Vorpommern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Baurecht (012)
Verrichtungskennung	Änderung (011)
SDG-Informationsbereich	

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Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	26.03.2015
Fachlich freigegeben durch	Ministry of Economics, Labor and Health Mecklenburg-Western Pomerania
Handlungsgrundlage	https://www.gesetze-im-internet.de/vwvfg/_73.html https://www.gesetze-im-internet.de/vwvfg/_73.html
Teaser	The substantial modification of a landfill or its operation, which has already been approved by plan approval or plan authorization, is also a significant project. It therefore also requires special official approval.
Volltext	<p>The substantial modification of a landfill or its operation, which has already been approved by plan approval or plan authorization, is also a significant project. It therefore also requires special official approval.</p> <p>In principle, the competent authority issues the modification approval to the applicant in a strictly formalized administrative procedure, the so-called plan approval procedure. Approval for the significant modification of the landfill or its operation is then granted in a so-called planning approval decision. The planning approval procedure requires an environmental impact assessment to be carried out for the project applied for. In addition, the public must be involved in a special hearing procedure. The applicant's application documents are made available to the public for this purpose. Recognized nature conservation and environmental associations are given the opportunity to comment. Affected citizens can voice their objections to the landfill project. The comments and objections submitted in good time are discussed by the responsible authority with the affected parties, the objectors and the nature conservation and environmental associations involved in a separate meeting (so-called discussion meeting). The purpose of the discussion is to determine the</p>

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material to be weighed up for the subsequent decision by the competent authority on the approval of the proposed amendment.

In legally defined, rather simple case constellations, the authority can, in deviation from this, also issue the approval for the substantial modification of the landfill in a less formalized administrative procedure, the so-called planning approval procedure. The approval for the substantial modification of the landfill is then granted by means of a so-called planning approval. The basic prerequisites for a decision by way of a planning approval are, on the one hand, the reduced environmental relevance of the requested modification project and, on the other hand, the absence of any impact on the rights of third parties. The law stipulates that the substantial modification of a landfill may only be approved by way of a planning permit if the modification of the landfill is not likely to have a significantly adverse environmental impact. However, an official decision by way of a planning approval procedure is always ruled out if the rights of third parties are more than insignificantly affected by the proposed modification.

In planning approval procedures, it is not necessary to carry out an environmental impact assessment due to the low environmental relevance of the planned changes. Due to the fact that the rights of third parties are not affected, there is also no public participation within the framework of a special hearing procedure. However, it is still necessary to hear the authorities whose areas of responsibility are affected by the proposed modification.

Non-substantial changes to an already approved landfill or its operation, which nevertheless have a certain environmental relevance, do not require approval. However, they must be notified in writing by the landfill operator to the competent authority at least one month before the intended change. However, the landfill operator is free to apply for approval for the desired changes by way of a plan approval or plan permit. If, upon reviewing the notification, the competent authority determines that a substantial change exists, a plan approval or plan permit procedure must be conducted.

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Whether the proposed change to a landfill is substantial or immaterial is a question of the individual case. As a general rule, a change is substantial if it raises the question of approval anew and gives rise to a renewed examination of the landfill approval.

Erforderliche Unterlagen

According to § 19 paragraph 1 of the Landfill Ordinance, the documents required for the substantial modification of a landfill, which must at least be submitted by the applicant to the competent authority, are:

1. the name and residence or registered office of the project sponsor, the operator and the designer,
2. the indication whether a plan approval or a plan permit or whether an approval of an early start is applied for,
3. location and designation of the landfill,
4. justification of the necessity of the measure,
5. Capacity of the landfill,
6. List of wastes with indication of waste codes and waste designations according to the Annex to the List of Wastes Ordinance and a description according to type and nature,
7. Information on the planning designations of the site, site conditions, hydrology, hydrogeology, geological conditions, engineering-geological and geotechnical conditions,
8. Measures of the construction and deposition phase, including the planned pollution prevention and control measures, as well as the control and monitoring measures,
9. measures of the decommissioning and aftercare phase,
10. information on the security deposit,
11. in the case of the use of landfill substitute construction materials, a list of the wastes to be used with details of the waste codes and waste designations in accordance with the Annex to the List of Wastes Ordinance, including details of the total quantity and properties to be used, as well as a description of the areas of use and justification of the necessity of the use.

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However, the obligation to submit information regularly refers only to the information that is now subject to a change compared to the initial project.

In addition, Section 6 of the Environmental Impact Assessment Act must be observed.

If a non-substantial change is to be notified, the landfill operator must, in accordance with Section 19 (2) of the Landfill Ordinance, submit the documents listed above under numbers 1 to 11 with the written notification of change to the competent authority at least one month before the intended change. In this case, too, the obligation to submit documents regularly extends only to the information that is now subject to a change compared to the original project.

The documents must be submitted in writing as a rule, or in electronic form if requested by the competent authority.

The competent authority is at liberty to demand further application or notification documents. With regard to the content and scope of the documents to be submitted, the applicants or landfill operators are recommended to contact the competent authority at an early stage.

Voraussetzungen

Pursuant to Section 36 (1) of the Closed Substance Cycle Waste Management Act, planning approval or planning authorization for the substantial modification of a landfill may only be granted if:

1\ it is ensured that the public welfare is not impaired, in particular that

a) no hazards can be caused to the objects of protection specified in § 15 Paragraph 2 Sentence 2 of the Closed Substance Cycle and Waste Management Act,

b) precautions are taken against impairment of the objects of protection specified in Section 15 Paragraph 2 Sentence 2 of the Closed Substance Cycle Waste Management Act primarily by means of structural, operational or organizational measures in accordance with the state of the art, and

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c) energy is used sparingly and efficiently, and

2\.. no facts are known which give rise to concerns about the reliability of the operator or the persons responsible for the construction, management or supervision of the operation or for the aftercare of the landfill, and

3\.. the persons referred to in No. 2 and the other personnel have the necessary technical and expert knowledge for their activities, and

4\.. no adverse effects on the rights of others are to be expected (adverse effects on the rights of others are, however, exceptionally irrelevant in the case of Section 36 (2) of the Closed Substance Cycle Waste Management Act), and

5\.. the findings of a waste management plan declared to be binding do not conflict with the project.

Another unwritten requirement is the existence of a justification for the plan in the form of a need for a landfill at the planned location.

The substantive requirements for the approval of landfills are thus identical in the plan approval and plan approval procedures. The only differences are in the formal requirements for the procedure.

The landfill operator may carry out the notified insignificant change to a landfill pursuant to Section 35 (4) of the Closed Substance Cycle Waste Management Act in conjunction with Section 15 (2) of the Federal Immission Control Act as soon as the competent authority informs him that the change does not require approval or the authority has not made a statement within one month of receipt of the notification (exemption fiction).

Kosten

In addition to necessary out-of-pocket expenses, the following fees in particular shall be charged in euros for plan approval, plan authorization or the review of a notice of change in accordance with fee numbers 214 ff of the Appendix to the Waste Costs Ordinance:

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- 214.1 Planning approval pursuant to Section 35 (2) KrWG
 - 214.1.1 Production value \leq 10,000 TEUR 750 to 40,000
 - 214.1.2 Production value \geq 10,000 TEUR 5 per mille of the production value
- 214.2 Planning approval pursuant to Section 35 (3) KrWG
 - 214.2.1 Production value \leq 10,000 TEUR 750 to 30,000
 - 214.2.2 Production value \geq 10,000 TEUR 4 per mille of production value
 - 214.3 Surcharge for a general or site-specific preliminary assessment of the individual case pursuant to § 3c or § 3e UVPG, provided that the result of the preliminary assessment does not necessitate the performance of an environmental impact assessment 10 percent of the fees pursuant to No. 214.2
 - 214.6 Surcharge for the review of amended application documents prior to completion of the approval procedure up to 40 percent of the fees pursuant to Sections 214.1 to 214.4, at least 200
 - 214.7 Reduction if an expert is commissioned by the authority in agreement with the applicant to expedite the procedure 10 to 30 percent of the fees under items 214.1 to 214.4, up to a maximum of the expenses for the expert
 - 214.8 Reduction for installations that are part of an enterprise registered under Regulation (EC) No. 761/2001 or Regulation (EC) No. 1221/2009 30 percent of the fees under items 214.1, 214.2 and 214.4
 - 214.9 Examination of a notification of a change in a landfill pursuant to Section 35 (4) KrWG,
 - 214.9.1 insofar as the notification relates to the location or condition of the facility 30 percent of the fees pursuant to numbers 214.1 to 214.4
 - 214.9.2 if the change relates to the mode of operation of the facility 150 to 4,000
 - The fee under fee number 214.9 shall be credited in full against the respective fee under fee number 214.1 or 214.2 if planning approval or planning permission is sought for the change.

Verfahrensablauf

Substantial change:

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- Early contact between the applicant and the responsible authority
 - Preliminary discussions between the applicant and the competent authority on the project, the necessary application documents and the form of the application
 - Submission of a written - if necessary also electronic - application with associated application documents by the applicant to the competent authority
 - Consultation with the authorities concerned by the competent authority
 - In the case of planning approval procedures: Execution of public participation in separate hearing procedure with plan interpretation and discussion date
 - Official review of the approval requirements on the basis of the application documents and comments from the relevant authorities.
 - in the case of planning approval procedures: Consideration of the result of the separate hearing procedure - in particular of the discussion meeting
 - Official decision on the granting of plan approval or plan authorization; announcement of the official decision.

Non-substantial change:

- Early contact between the landfill operator and the competent authority
 - Preliminary discussions between the landfill operator and the competent authority on the project, the necessary notification documents and the form in which the notification is to be submitted
 - Filing of the notification of change and submission of associated documents in written form - if necessary also in electronic form
 - written confirmation of receipt of the notification and the associated documents by the competent authority
 - Official review of the notification and associated documents to determine whether they require approval
 - official notification of the (lack of) need for approval of the change

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	<ul style="list-style-type: none"> If the authority does not respond within one month, the change is deemed to be exempt from approval.
Bearbeitungsdauer	depending on the individual case
Frist	Notification of a non-substantial change to a landfill shall be given by the landfill operator at least one month prior to the intended change.
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	<p>The substantial modification of a landfill or its operation already approved by plan approval or plan permit also requires special official approval. In principle, the competent authority issues this modification approval to the applicant in a strictly formalized administrative procedure, the so-called plan approval procedure. The approval for the substantial modification of the landfill is then issued in the form of a so-called planning approval decision. In certain, rather simple cases, the approval for modification can also be issued by the competent authority in a less formalized administrative procedure, the so-called plan approval procedure. The approval of the substantial change of the landfill then takes place via a so-called plan approval.</p> <p>Non-substantial changes to an already approved landfill or its operation do not require approval. However, they must be notified in advance by the landfill operator to the competent authority.</p>
Ansprechpunkt	
Zuständige Stelle	The State Agency for Agriculture and Environment - Department 5 (Immission and Climate Protection, Waste and Recycling Management), in whose office area the landfill is located, which is to be changed according to the planning of the applicant.
Formulare	

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Ursprungsportal	<p>Apply for modification of a landfill already approved by plan approval or plan permit or of its operation., Änderung einer bereits durch Planfeststellung oder Plangenehmigung zugelassenen Deponie oder ihres Betriebes beantragen</p>