
STATUTORY INSTRUMENTS

2012 No.

**ENVIRONMENTAL PROTECTION, ENGLAND AND
WALES**

**The Environmental Permitting (England and Wales)
(Amendment) (No 2) Regulations 2012**

Made - - - - - ***
Laid before Parliament ***
Laid before the National Assembly for Wales ***
Coming into force in accordance with regulation 2

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These Regulations are made in exercise of the powers conferred by sections 2 and 7(9) of, and Schedule 1 to, the Pollution Prevention and Control Act 1999(a).

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, have in accordance with section 2(4) of the Pollution Prevention and Control Act 1999 consulted(b)—

- (a) the Environment Agency;
- (b) such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses as they consider appropriate; and
- (c) such other bodies or persons as they consider appropriate.

The Secretary of State in relation to England, and the Welsh Ministers in relation to Wales, make the following Regulations.

PART 1

General

Citation

1. These Regulations may be cited as the Environmental Permitting (England and Wales) (Amendment) (No 2) Regulations 2012.

Commencement

- 2.—(1) These Regulations come into force in accordance with this regulation.
- (2) Subject to paragraph (3), these Regulations come into force on 7th January 2013.
- (3) In relation to an existing installation, these Regulations come into force on 7th January 2014.
- (4) In this regulation “existing installation” means an installation carrying out an activity listed in Part A of Part 2 of Schedule 1 to the principal Regulations, which is in operation before 7th January 2013 or in respect of which a duly-made application for a permit is submitted before that date and which is put into operation on or before 7th January 2014.

Interpretation

3. In these Regulations, “the principal Regulations” means the Environmental Permitting (England and Wales) Regulations 2010(c).

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- (a) 1999 c. 24. Paragraph 9A of Schedule 1 was inserted by S.I. 2005/925. Paragraph 21A was inserted by section 38 of the Waste and Emissions Trading Act 2003 (c. 33). Paragraph 24 was amended by S.I. 2005/925. Paragraph 25 was amended by section 105(1)(a) and (b) of the Clean Neighbourhoods and Environment Act 2005 (c. 16). Functions of the Secretary of State under section 2 (except in relation to offshore oil and gas exploration and exploitation), so far as exercisable in relation to Wales, were transferred to the national Assembly for Wales by article 3 of S.I. 2005/1958. Those functions were then transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
 - (b) The requirement in that section to consult the bodies and persons mentioned was transferred from the National Assembly for Wales to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
 - (c) S.I. 2010/675.

PART 2

Amendment to the principal Regulations

Regulation 2 (interpretation: general)

- 4.—(1) Regulation 2(1) of the principal Regulations is amended as follows.
- (2) For the definition of “directly associated activity” substitute—
- ““directly associated activity”, in relation to an activity, means an operation which—
- (a) has a technical connection with that activity,
 - (b) is carried on on the same site as that activity, and
 - (c) could have an effect on pollution.”.
- (3) In the definition of “emission”—
- (a) for paragraph (c) substitute—
- “(c) in relation to a solvent emission activity, the direct release of substances into the air from individual or diffuse sources forming part of that activity.”;
- (b) after paragraph (g) insert—
- “(h) in relation to waste incineration plants and waste co-incineration plants, the direct or indirect release of substances into the air.”.
- (4) In the definition of “hazardous waste” for “except in Section 5.1 of Part 2 of Schedule 1” substitute “subject to paragraph (6)”.
- (5) In the definition of “mobile plant” omit paragraph (a).
- (6) For the definitions of “Part A mobile plant”, “Part A(1) mobile plant”, “Part A(2) mobile plant” and “Part B mobile plant” substitute—
- ““Part B mobile plant” has the meaning given in paragraph 1 of Part 1 of Schedule 1;”
- (7) Omit the definitions “SED activity” and “SED installation”.
- (8) After the definition of “sewer” insert—
- ““solvent emission activity” means any activity listed in paragraph 2 of Part 1 of Schedule 14;”.
- (9) For the definition of “waste” substitute—
- ““waste”, subject to paragraph (5) where it applies, and except where otherwise defined, means anything that—
- (a) in relation to an activity that falls within—
 - (i) Chapter 5 of Part 2 of Schedule 1,
 - (ii) Schedule 13,
 - (iii) Schedule 14,
 - (iv) Schedule 15, or
 - (v) Schedule 17,is waste within the meaning of Article 3(1) of the Waste Framework Directive; and
 - (b) in any other case—
 - (i) is waste within the meaning of Article 3(1) of the Waste Framework Directive; and
 - (ii) is not excluded from the scope of that Directive by Article 2(1), (2) or (3) of that Directive.”.
- (10) After the definition of “waste battery or accumulator” insert—
- ““waste incineration and co-incineration plant” means any plant to which Schedule 13 applies;”.

(11) In the definition of “waste mobile plant”, in paragraph (c) omit “, Part A mobile plant”.

(12) After paragraph (5) insert—

“(6) In relation to an activity that falls within Chapter 5 of Part 2 of Schedule 1, Schedule 13, 14, 15 or 17, hazardous waste includes waste mentioned in Article 2(1), (2) and (3) of the Waste Framework Directive.”.

Regulation 3 (interpretation: Directives)

5. In regulation 3 of the principal Regulations—

(a) for the definition of “the IPPC Directive” substitute—

““Industrial Emissions Directive” means Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast);”;

(b) omit the definition of the “Waste Incineration Directive”.

Regulation 5 (exempt facilities)

6. In regulation 5(1) of the principal Regulations—

(a) in the definition of “exempt facility”, after paragraph (c) insert—

“(d) an exempt solvent emission activity.”;

(b) after the definition of “exempt groundwater activity” insert—

““exempt solvent emission activity” means any solvent emission activity to which Part 3 of Schedule 14 applies and which meets the requirements of that Part;”;

(c) in the definition of “exempt waste operation”, for paragraph (a) substitute—

“(a) that is not carried on at an installation, and”.

Regulation 7 (interpretation: operate a regulated facility and operator)

7. In regulation 7 of the principal Regulations, in the definition “operate a regulated facility”—

(a) after “water discharge activity” for “or” substitute “;”;

(b) after “groundwater activity”, insert “waste incineration plant, co-incineration plant or solvent emission activity”.

Regulation 8 (interpretation: regulated facility and class of regulated facility)

8.—(1) In regulation 8(1) of the principal Regulations, after sub-paragraph (g) insert—

“(h) waste incineration and co-incineration plants;

(i) solvent emission activity.”.

(2) In regulation 8(4) of the principal Regulations, after sub-paragraph (d) insert—

“(e) waste incineration and co-incineration plants;

(f) solvent emission activity.”.

Regulation 12 (requirement for an environmental permit)

9. In regulation 12 of the principal Regulations, after paragraph (5) insert—

“(6) Paragraph (1)(a) does not apply in relation to installations referred to in paragraph (7) until 7th July 2015.

(7) The installations to which this paragraph refers are those which are in operation before 7th January 2013 and which are carrying on an activity listed in the following paragraphs of Part 2 of Schedule 1—

- (a) Section 1.2 Part A(1)(d) in relation to gasification of fuels other than coal;
- (b) Sections 4.1 to 4.4 and 4.6 in relation to biological processing of chemicals;
- (c) Section 5.1 in relation to waste incineration or co-incineration above the relevant thresholds if not already requiring a permit;
- (d) Section 5.3 Part A(1)(a)(i) to (iv) and (xi) in relation to stationary technical units carrying out only one or more of the following treatments of hazardous waste—
 - (i) biological treatment;
 - (ii) physico-chemical treatment;
 - (iii) blending, mixing or repackaging prior to submission to any of the other activities listed in Section 5.3 Part A(1)(a) or Section 5.1 Part A(1);
 - (iv) surface impoundment;
- (e) Section 5.4 Part A(1)(a)(iii) to (v) in relation to disposal of non-hazardous waste, pre-treatment of waste for incineration or co-incineration, treatment of slags and ashes and treatment in shredders of metal waste;
- (f) Section 5.4 Part A(1)(b) in relation to recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day (or 100 tonnes per day if the only waste treatment activity is anaerobic digestion) involving one or more of the following activities and excluding activities covered by Directive 91/271/EC of 21 May 1991 concerning urban waste-water treatment^(a)—
 - (i) biological treatment;
 - (ii) pre-treatment of waste for incineration or co-incineration;
 - (iii) treatment of slags and ashes;
 - (iv) treatment in shredders of metal waste;
- (g) Section 5.5 Part A(1)(b) (temporary storage of hazardous waste with a capacity above 50 tonnes, excluding on the site where the waste is generated);
- (h) Section 5.5 Part A(1)(b) (underground storage of hazardous waste with a total capacity exceeding 50 tonnes);
- (i) Section 5.6 Part A(1)(a) (independently operated treatment of waste water not covered by Directive 91/271/EEC and discharged by an installation carrying out any other Part A(1) or A(2) activity);
- (j) Section 6.1 Part A(2) in relation to the manufacture of board if not already requiring a permit;
- (k) Section 6.6 Part A(2) (preservation of wood and wood products with chemicals with a production capacity exceeding 75m³ per day other than exclusively treating against sapstain);
- (l) Section 6.8 Part A(1)(d)(iii) in relation to food production from mixed animal and vegetable materials if not already requiring a permit.”.

Regulation 14 (content and form of an environmental permit)

10. In regulation 14 of the principal Regulations, after paragraph (6) insert—

“(7) Every environmental permit to which Schedules 7, 13 and 14 apply is deemed to contain the following conditions, unless such conditions are included in the permit—

- (a) in the event that the operation of a regulated facility gives rise to an incident or accident which significantly affects the environment, the operator of that regulated facility must immediately—

(a) OJ No L 135, 30.5.1991, p 40.

- (i) inform the regulator,
- (ii) take the measures necessary to limit the environmental consequences of such an incident or accident, and
- (iii) take the measures necessary to prevent further possible incidents or accidents;
- (b) in the event of a breach of any permit condition the operator of a regulated facility must immediately—
 - (i) inform the regulator, and
 - (ii) take the measures necessary to ensure that compliance is restored within the shortest possible time;
- (c) in the event of a breach of permit condition which poses an immediate danger to human health or threatens to cause an immediate significant adverse effect on the environment, the operator of a regulated facility must immediately suspend the operation of the regulated facility or the relevant part of it until compliance with the permit conditions has been restored.”.

Regulation 17 (single site permits)

11. In regulation 17(2)(b) of the principal Regulations, omit “(other than a standard facility to which the IPPC Directive applies)”.

Regulation 18 (consolidation of an environmental permit)

12. In regulation 18(1)(b) of the principal Regulations omit “, not being a standard facility to which the IPPC Directive applies”.

Regulation 32 (discharge of functions)

- 13.—(1) In regulation 32(2) of the principal Regulations—
- (a) in sub-paragraph (a) omit “or Part A(2) mobile plant”;
 - (b) after sub-paragraph (b) insert—
 - “(c) a solvent emission activity subject only to Schedule 14;
 - (d) a waste incineration or waste co-incineration plant subject only to Schedule 13”.
- (2) In regulation 32(3) and (4) omit “Part A(2) mobile plant or” where it occurs.

Regulation 35 (specific provisions applying to environmental permits)

14. In regulation 35(2) of the principal Regulations—
- (a) in sub-paragraph (a) omit “and Part A mobile plant”;
 - (b) in sub-paragraph (h) for “SED installations” substitute “solvent emission activities”;
 - (c) in sub-paragraph (i), after “Schedule 15” insert “or Schedule 15A”.

Regulation 36 (enforcement notices)

15. In regulation 36 of the principal Regulations, after paragraph (4) insert—
- “(5) In the case of a regulated facility to which Schedule 7, 13 or 14 applies, if the regulator considers that an incident or accident significantly affecting the environment has occurred as the result of the operation of that regulated facility, the regulator may serve a notice on the operator of that facility.
- (6) Where a notice is served under paragraph (5), it must—
- (a) specify the measures necessary to limit the environmental consequences of the incident or accident, and

- (b) specify the measures necessary to prevent further possible incidents or accidents.”.

Regulation 40 (defences)

16. In regulation 40 of the principal Regulations, after paragraph (3) insert—

“(4) It is a defence for a person charged with an offence under regulation 38(1) in relation to an installation referred to in regulation 12(5) to prove that a duly-made application for a permit was submitted by 24th November 2014.”.

Regulation 58 (notices in relation to emissions to water)

17. In regulation 58(1) of the principal Regulations, omit “and Part A mobile plant”.

Regulation 63 (directions to the Agency: installations outside the United Kingdom)

18.—(1) In regulation 63(1) of the principal Regulations for “Article 18(1) of the IPPC Directive” substitute “Article 26(1) of the Industrial Emissions Directive”.

(2) In regulation 63(2) of the principal Regulations, for “Article 18(2) of the IPPC Directive” substitute “Article 26(2) of the Industrial Emission Directive”.

Regulation 65 (fees and charges in relation to the exercise of regulators functions by local authorities)

19. In regulation 65(1) of the principal Regulations, after sub-paragraph (c) insert—

- “(d) fees payable to an exemption registration authority for the registration of a solvent emission activity; and
- (e) charges payable to an exemption registration authority in respect of the subsistence of a registration of a solvent emission activity.”.

PART 3

Amendment to the Schedules to the principal Regulations

Part 1 of Schedule 1 (activities, installations and mobile plant, interpretation and application: general)

20.—(1) Part 1 of Schedule 1 to the principal Regulations is amended as follows.

(2) In paragraph 1 (interpretation)—

- (a) in the definition of “directly associated activity”, omit “, in relation to an activity other than a SED activity,”;
- (b) omit the definitions of “Part A mobile plant”, “Part A(1) mobile plant” and “Part A(2) mobile plant”.

(3) In paragraph 2(2) and (3) (activities falling within more than one Part description) omit the words “(other than a description in Section 7)” where they occur.

(4) In paragraph 3 (application of activities falling within Sections 1.1 to 6.9 of Part 2)—

- (a) in the heading, omit “Sections 1.1 to 6.9 of”;
- (b) in sub-paragraph (c)—
- (i) after “installation” insert “, other than a waste incineration plant or a waste co-incineration plant subject to Schedule 13,”;
- (ii) omit “Part A mobile plant or”; and
- (iii) for “and” substitute “or”;

(c) after paragraph 3(f) insert—

“(g) carried on at a waste incineration plant or waste co-incineration plant subject to Schedule 13 in an experimental plant used for research, development and testing in order to improve the incineration process and which treats less than 50 tonnes of waste per year.”.

(5) For paragraph 4 substitute—

“Application of thresholds in Part 2

4. For the purposes of assessing whether an activity is above any of the thresholds given in Part 2 of this Schedule, where several activities falling under the same activity description containing a threshold are operated in the same installation, the capacities of those activities must be added together.”.

(6) In paragraph 6 (Application of Part B activities: releases into the air) omit sub-paragraph (2)(a).

Part 2 of Schedule 1 (activities)

21. Part 2 of Schedule 1 to the principal Regulations is amended in accordance with regulations 22 to 47.

Combustion activities

22. In Section 1.1 (combustion activities), in Part A(1)—

(a) omit paragraph (b).

(b) in *Interpretation and application of Part A(1)*, omit paragraph 5.

Gasification, liquefaction and refining activities

23. In Section 1.2 (gasification, liquefaction and refining activities), in Part A(1)—

(a) omit paragraph (b);

(b) in paragraph (d), for “Coal or lignite gasification” substitute “Gasification or liquefaction of (i) coal, or (ii) other fuels in installations with a total rated thermal input of 20 megawatts or more”;

(c) omit paragraphs (e) and (f);

(d) in paragraph (h), omit sub-paragraphs (iii) to (v);

(e) omit paragraph (i);

(f) omit paragraph (k).

(g) in *Interpretation and application of Part A(1)*, in paragraph 1(b), after “incineration” insert “or pyrolysis”.

Non-ferrous metals

24. In Section 2.2 (non-ferrous metals)—

(a) in Part A(1)—

(i) in paragraph (b), for “(such as refining or foundry casting)” substitute “and the operation of non-ferrous metal foundries”;

(ii) omit paragraphs (c) to (e);

(iii) omit paragraphs (g) to (i);

(b) in Part A(2), in paragraph (a), for “(such as refining or foundry casting)” substitute “and the operation of non-ferrous metal foundries”.

Production of cement and lime

25. In Section 3.1 (production of cement and lime)—

- (a) in Part A(1)—
 - (i) in paragraph (a) for “or producing and grinding cement clinker” substitute “in rotary kilns with a production capacity exceeding 500 tonnes per day or in other kilns with a production capacity exceeding 50 tonnes per day”;
 - (ii) in paragraph (b)—
 - (aa) after “producing lime” add “or magnesium oxide”;
 - (bb) in sub-paragraph (i) omit “or other furnaces”;
 - (cc) after sub-paragraph (i), omit “or” and sub-paragraph (ii).
- (b) omit Part A(2).
- (c) in Part B, after paragraph (d), insert “(e) Grinding cement clinker.”.

Activities involving asbestos

26. In Section 3.2 (activities involving asbestos), in Part A(1), omit paragraph (c).

Manufacturing glass and glass fibre

27. In Section 3.3 (manufacturing glass and glass fibre), in Part A(1)—

- (a) in paragraph (a), after “glass fibre” add “with a melting capacity exceeding 20 tonnes per day”;
- (b) omit paragraph (b).

Production of other mineral fibres

28. In Section 3.4 (production of other mineral fibres), in Part A(1)—

- (a) for paragraph (a) substitute—

“Melting mineral substances including the production of mineral fibres with a melting capacity exceeding 20 tonnes per day.”;
- (b) omit paragraph (b).

The chemical industry

29. In Chapter 4 (the chemical industry), in paragraph 1 (interpretation of Chapter 4), for “producing in a chemical plant by chemical processing for commercial purposes substances or groups of substances” substitute “the production on an industrial scale by chemical or biological processing of substances or groups of substances”.

Organic chemicals

30. In Section 4.1 (organic chemicals)—

- (a) in Part A(1) omit paragraphs (b) to (g);
- (b) for paragraph (b) of Part B, substitute—

“(b) The flame bonding or cutting with heated wires of polyurethane foams or polyurethane elastomers.”.

Inorganic chemicals

31. In Section 4.2 (inorganic chemicals), in Part A(1)—

- (a) omit paragraph (c);

- (b) omit paragraph (g);
- (c) omit paragraphs (i) and (j).

Chemical fertiliser production

32. In Section 4.3 (chemical fertiliser production), in Part A(1) omit paragraph (b).

Plant health products and biocides

33. In Section 4.4 (plant health products and biocides), in Part A(1) omit paragraph (b).

Pharmaceutical production

34. In Section 4.5 (pharmaceutical production), in Part A(1)—
- (a) in paragraph (a), omit “using a chemical or biological process”;
 - (b) omit paragraph (b).

Manufacturing activities involving carbon disulphide or ammonia

35. In Section 4.7 (manufacturing activities involving carbon disulphide or ammonia), in Part A(1) omit paragraph (a).

Waste management

36. In Chapter 5 (waste management), for Interpretation of Section 5.1, substitute—

““In this Section—

“waste incineration plant” means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of waste, with or without recovery of the combustion heat generated, through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;

“waste co-incineration plant” means any stationary or mobile technical unit whose main purpose is the generation of energy or production of material products and which uses waste as a regular or additional fuel or in which waste is thermally treated for the purpose of disposal through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated.”.

Incineration and co-incineration of waste

37. In Section 5.1 (incineration and co-incineration of waste)—

- (a) for Part A(1) of Section 5.1 substitute—

“Part A(1)

- (a) The incineration of hazardous waste in an incineration or co-incineration plant with a capacity exceeding 10 tonnes per day.
 - (b) The incineration of non-hazardous waste in an incineration or co-incineration plant with a capacity exceeding 3 tonnes per hour.
 - (c) The incineration, other than incidentally in the course of burning landfill gas or solid or liquid waste, of any gaseous compound containing halogens in a plant which is not an incineration plant or a co-incineration plant.”;
- (b) in Part A(2) of Section 5.1 omit paragraphs (a) and (b).

New section 5.3 (disposal or recovery of hazardous waste)

38. For Section 5.3 (disposal of waste other than by incineration or landfill), substitute—

“SECTION 5.3

Disposal or recovery of hazardous waste

Part A(1)

- (a) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving one or more of the following activities—
 - (i) biological treatment;
 - (ii) physico-chemical treatment;
 - (iii) blending or mixing prior to submission to any of the other activities listed in this Section or in Section 5.1;
 - (iv) repackaging prior to submission to any of the other activities listed in this Section or in Section 5.1;
 - (v) solvent reclamation or regeneration;
 - (vi) recycling or reclamation of inorganic materials other than metals or metal compounds;
 - (vii) regeneration of acids or bases;
 - (viii) recovery of components used for pollution abatement;
 - (ix) recovery of components from catalysts;
 - (x) oil re-refining or other reuses of oil;
 - (xi) surface impoundment.”.

New section 5.4 (disposal, recovery or a mix of disposal and recovery of non-hazardous waste)

39. For Section 5.4 (recovery of waste), substitute—

“SECTION 5.4

Disposal, recovery or a mix of disposal and recovery of non-hazardous waste

Part A(1)

- (a) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day (or 100 tonnes per day if the only waste treatment activity is anaerobic digestion) involving one or more of the following activities, and excluding activities covered by Council Directive 91/271/EEC concerning urban waste-water treatment by—
 - (i) biological treatment;
 - (ii) physico-chemical treatment;
 - (iii) pre-treatment waste for incineration or co-incineration;
 - (iv) treatment of slags and ashes;
 - (v) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.
- (b) Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day (or 100 tonnes per day if the only waste treatment activity is anaerobic digestion) involving one or more of the following activities and excluding activities covered by Council Directive 91/271/EEC, by—
 - (i) biological treatment;
 - (ii) pre-treatment of waste for incineration or co-incineration;

- (iii) treatment of slags and ashes;
- (iv) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.”.

New section 5.5 (temporary or underground storage of hazardous waste)

40. For Section 5.5 (the production of fuel from waste), substitute—

“SECTION 5.5

Temporary or underground storage of hazardous waste

Part A(1)

- (a) Temporary storage of hazardous waste not covered under Section 5.2 pending any of the activities listed in Sections 5.1, 5.2, 5.3 and paragraph (b) of this Section with a total capacity exceeding 50 tonnes, excluding temporary storage, pending collection, on the site where the waste is generated.
- (b) Underground storage of hazardous waste with a total capacity exceeding 50 tonnes.”.

New section 5.6 (treatment of waste water)

41. After the new section 5.5 (temporary or underground storage of hazardous waste), insert—

“SECTION 5.6

Treatment of waste water

Part A(1)

- (a) Independently operated treatment of waste water not covered by Directive 91/271/EEC and discharged by an installation carrying out any other Part A(1) or A(2) activity.”.

Paper, pulp and board manufacturing activities

42. In Section 6.1 (paper, pulp and board manufacturing activities)—

- (a) in Part A(1) omit paragraph (c);
- (b) in Part A(2), for paragraph (a) substitute—
 - “(a) Production of one or more of the following wood-based panels with a production capacity exceeding 600m³ per day: oriented strand board, particleboard or fibreboard.”.

Tar and bitumen activities

43. In Section 6.3 (tar and bitumen activities), in Part A(1) omit sub-paragraph (ii) and the preceding “or”.

Coating activities, printing and textile treatments

44. In Section 6.4 (coating activities, printing and textile treatments)—

- (a) in Part A(1), omit paragraphs (a) and (c);
- (b) in *Interpretation and application of Part B*, in paragraph 3, for “a SED installation” substitute “a regulated facility at which an activity listed in paragraph 2 of Schedule 14 is carried out”.

Timber activities

45. In Section 6.6 (timber activities), for Part A(1) substitute—

“Part A(2)

- (a) Preservation of wood and wood products with chemicals with a production capacity exceeding 75 m³ per day other than exclusively treating against sapstain.”

Treatment of animal and vegetable matter and food industries

46. In Section 6.8 (treatment of animal and vegetable matter and food industries), in Part A(1)—

(a) for paragraph (d) substitute—

“(d) Treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed from—

- (i) only animal raw materials (other than milk only) with a finished product production capacity greater than 75 tonnes per day;
- (ii) only vegetable raw materials with a finished product production capacity greater than 300 tonnes per day or 600 tonnes per day where the installation operates for a period of no more than 90 consecutive days in any year;
- (iii) animal and vegetable raw materials (other than milk only), both in combined and separate products, with a finished product production capacity in tonnes per day greater than—
 - (aa) 75 if A is equal to 10 or more; or
 - (bb) $[300 - (22.5 \times A)]$ in any other case,where ‘A’ is the portion of animal material in percent of weight of the finished product production capacity;
- (iv) when calculating the weight of finished product for the purposes of paragraphs (i) to (iii), the weight of packaging must be ignored.”;

(b) omit paragraph (f).

SED activities

47. Omit Section 7 (SED activities).

Schedule 2 (exempt facilities: general)

48.—(1) Schedule 2 to the principal Regulations is amended as follows.

(2) In paragraph 1 (interpretation: general)—

- (a) in the definition of “operator” after “water discharge activity” insert “, solvent emission activity”;
- (b) in the definition of “registered”, in sub-paragraph (b) after “water discharge activity” insert “, solvent emission activity”.

(3) In paragraph 2 (interpretation: exemption registration authority), after sub-paragraph (5) insert—

“(6) The exemption registration authority in relation to an exempt solvent emission activity is the local authority in whose area the activity is carried on.”.

(4) After paragraph 3 (exempt waste operations) insert—

“Exempt solvent emission activities

“**3A.** For the purposes of the definition of “exempt solvent emission activity” the requirements are—

- (a) that a solvent emission activity—
 - (i) falls within a description and operates above a solvent consumption threshold set out in Table 1 of Schedule 14, and
 - (ii) complies with the requirements of paragraphs 2 to 7 of Part 3 of Schedule 14;
 - (b) that the solvent emission activity is registered and an operator is registered in relation to it;
 - (c) that the operator of the solvent emission activity notifies the registration authority of any substantial change to the operation of the activity.”.
- (5) In paragraph 6 (procedure for registering an exempt facility)—
- (a) in sub-paragraph (2), after “in relation to”, insert “a solvent emission activity,”;
 - (b) after sub-paragraph (3), insert—

“(3A) In relation to a solvent emission activity, the relevant particulars are—

 - (a) the full address including post code of the place where the solvent emission activity will take place;
 - (b) the name and address of the operator of the solvent emission activity;
 - (c) a description of the solvent emission activity;
 - (d) whether or not the operator of the solvent emission activity intends to operate a solvent reduction scheme.”.
- (6) After paragraph 14 (record keeping for exempt waste operations) insert—

“Record keeping for exempt solvent emission activities

14A. An operator who carries on an exempt solvent emission activity must—

- (a) keep records of the quantity and nature of the solvents used in the course of the operation of that activity;
- (b) retain any records made in accordance with paragraph (a) for 2 years; and
- (c) during that period make all such records available to the exemption registration authority on request.”.

Schedule 3 (exempt facilities: descriptions and conditions)

49. In paragraph 3 of Section 1 of Chapter 2 of Part 1 of Schedule 3, after sub-paragraph (c), insert—

“(d) the operation is not an activity that falls within Chapter 5 of Part 2 of Schedule 1.”.

Schedule 5 (environmental permits)

50.—(1) Schedule 5 to the principal Regulations is amended as follows.

- (2) In paragraph 5(1)(c) omit “, unless the facility is a Part A installation”.
- (3) In paragraph 5(5), in the definition of “dry cleaning”, for “Part B of Section 7 of Part 2 of Schedule 1” substitute “Paragraph 3 of Schedule 14”.
- (4) In paragraph 10 (consultation with other member States)—
 - (a) in the definition of “member State”, for “the IPPC Directive” substitute “Annex I to the Industrial Emissions Directive”;
 - (b) in the definition of “relevant information”, for “Annex V to the IPPC” substitute “Annex IV to the Industrial Emissions Directive”;

(c) in sub-paragraph (5), for “IPPC Directive” substitute “Industrial Emissions Directive”.

Schedule 7 (Part A installations and Part A mobile plant)

51. For Schedule 7 to the principal Regulations, substitute—

“SCHEDULE 7

Regulation 35(2)(a)

Part A installations

Application

1. This Schedule applies to every Part A installation.

Interpretation

2. When interpreting the Industrial Emissions Directive for the purposes of this Schedule—

- (a) “installation” means “Part A installation”;
- (b) “permit” means “environmental permit”;
- (c) the competent authority is the regulator;
- (d) “substance” is to be read as including, after the words “its compounds” in Article 3(1) of the Industrial Emissions Directive, the words “and any biological entity or micro-organism”;
- (e) “general binding rule” means a standard rule published under regulation 26(5).

Exercise of regulator’s functions: general

3. The regulator must exercise its functions under these regulations for the purpose of achieving a high level of protection of the environment taken as a whole by, in particular, preventing or, where that is not practicable, reducing emissions into the air, water and land.

Applications for the grant of an environmental permit

4. The regulator must ensure that every application for the grant of an environmental permit includes the information specified in Article 12 of the Industrial Emissions Directive.

Exercise of relevant functions

5.—(1) The regulator must exercise its relevant functions so as to ensure compliance with the following provisions of the Industrial Emissions Directive—

- (a) Articles 5(1) and (3);
- (b) Article 6;
- (c) Article 7;
- (d) Article 8(2);
- (e) Article 9;
- (f) Article 11;
- (g) Article 13(7);
- (h) Article 14;
- (i) Article 15 (excluding the penultimate sub-paragraph of Article 15(4));

- (j) Article 16;
- (k) Article 17;
- (l) Article 18;
- (m) Article 20(1) and (2);
- (n) Article 22 (excluding the last sub-paragraph of Article 22(2));
- (o) Article 26(4).

Developments in best available techniques

6.—(1) The regulator must ensure that it is informed of developments in best available techniques and of the publication of any new or updated BAT conclusions and where appropriate must exercise its functions so as to encourage the application of emerging techniques, in particular for those identified in BAT reference documents.

(2) In this paragraph—

- (a) “best available techniques” has the meaning given in Article 3(10) of the Industrial Emissions Directive;
- (b) “BAT reference document” has the meaning given in Article 3(11) of the Industrial Emissions Directive;
- (c) “emerging technique” has the meaning given in Article 3(14) of the Industrial Emissions Directive.

Review of Environmental Permits

7. The regulator must review an environmental permit in accordance with Article 21 of the Industrial Emissions Directive if any of the circumstances in that Article applies in relation to the Part A installation whose operation the permit authorises.

Public Participation

8. The regulator must exercise its functions so as to meet the requirements of Article 24 of the Industrial Emissions Directive.

Inspections

9. When inspecting a regulated facility in accordance with regulation 34(2) the regulator must comply with Article 23 of the Industrial Emissions Directive.”.

Schedule 8 (part B installations and part B mobile plant)

52. For Schedule 8 to the principal Regulations substitute—

“SCHEDULE 8

Regulation 35(2)(b)

Part B installations and Part B mobile plant

Application

1. This Schedule applies in relation to every Part B installation and Part B mobile plant.

Interpretation

2. For the purposes of this Schedule—

- (a) “substance” means any chemical element and its compounds and any biological entity or micro-organism, with the exception of the following substances—
 - (i) radioactive substances as defined in Article 1 of Council Directive 96/29/Euratom laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation^(a);
 - (ii) genetically modified micro-organisms as defined in Article 2(b) of Directive 2009/41/EC of the European Parliament and of the Council on the contained use of genetically modified micro-organisms^(b);
 - (iii) genetically modified organisms as defined in point 2 of Article 2 of Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms^(c);
- (b) “best available techniques” means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing in principle the basis for emission limit values relevant to air pollution designed to prevent and where that is not practicable, generally to reduce emissions and the impact on the environment as a whole;
- (c) “techniques” includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;
- (d) “available techniques” means those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, and which are reasonably accessible to the operator;
- (e) “best” means most effective in achieving a high general level of protection of the environment as a whole.

Exercise of regulator’s functions: general

3. The regulator must exercise its functions under these Regulations for the purpose of preventing or, where that is not practicable, reducing emissions into air.

Applications for the grant of an environmental permit

4.—(1) The regulator must ensure that every application for the grant of an environmental permit includes the following information—

- (a) the installation and its activities;
- (b) the sources of emissions to air from the installation;
- (c) the nature and quantities of foreseeable emissions to air from the installation as well as identification of significant effects of those emissions on the environment;
- (d) the proposed technology or other techniques for preventing, or where that is not possible, reducing emissions to air from the installation;
- (e) further measures planned to ensure that the installation is operated in such a way that—
 - (i) all appropriate preventive measures are taken against pollution, in particular through the application of best available techniques; and
 - (ii) no significant pollution is caused;
- (f) measures planned to monitor emissions into the air;

(a) OJ No L 159, 29.6.1996, p. 1.
 (b) OJ No L 125, 21.5.2009, p. 75.
 (c) OJ No L 106, 17.4.2001, p. 1.

- (g) the main alternatives, if any, to the measures required in paragraphs (d) to (f);
- (h) a non-technical summary of the details referred to in paragraphs (a) to (f).

(2) Sub-paragraph (1)(d) does not apply to the extent that the application relates to the burning of waste oil in an appliance with a net rated thermal input of less than 0.4 megawatts at a Part B installation.

(3) In the case of a new installation or a substantial change where Article 4 of Directive 85/337/EEC applies, any relevant information obtained or conclusion arrived at pursuant to Articles 5, 6 and 7 of that Directive shall be taken into consideration by the regulator for the purposes of granting the permit.

Exercise of relevant functions

5. The regulator must, for the purpose of preventing or, where that is not practicable, reducing emissions into the air, exercise its relevant functions under these Regulations in relation to Part B installations and Part B mobile plant so as to ensure that—

- (a) installations and mobile plant are operated in such a way that—
 - (i) appropriate preventive measures are taken against air pollution, in particular through the application of the best available techniques;
 - (ii) no significant air pollution is caused;
- (b) where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, additional measures are required by the permit, without prejudice to other measures which might be taken to comply with environmental quality standards;
- (c) permits include emission limit values, which may if appropriate be supplemented or replaced by equivalent parameters or technical measures, for polluting substances likely to be emitted into the air from the installation or mobile plant concerned in significant quantities;
- (d) where emissions of a greenhouse gas from an installation are specified in Annex 1 to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the European Union in relation to an activity carried out in that installation, the permit does not include an emission limit value for direct emissions of that gas unless it is necessary to ensure that no significant local pollution is caused.

(2) The regulator must ensure that emission limit values or equivalent parameters or technical measures are based on the best available techniques without prescribing the use of any technique or specific technology, but taking into account the technical characteristics of the installation or mobile plant, including, in the case of an installation, its geographical location and the local environmental conditions.

Change in operation

6.—(1) Operators holding permits for Part B installations must notify the regulator of any substantial change in the operation of that installation.

(2) Where there is a substantial change in the operation of a Part B installation, the regulator must ensure that the environmental permit is reviewed and if necessary, updated in order to ensure that paragraph 3 continues to be complied with.

Review of permits

7. The regulator must review an environmental permit where—

- (a) the air pollution caused by the installation or mobile plant is of such significance that the existing emission limit values of the permit need to be revised or new values need to be included in the permit;

- (b) substantial changes in the best available techniques make it possible to reduce emissions significantly without imposing excessive costs;
- (c) the operational safety of the process or activity requires other techniques to be used; or
- (d) new legislation necessitates a review.

Developments in best available techniques

8. The regulator must ensure that it is informed of developments in the best available techniques.”.

Schedule 9 (waste operations)

53.—(1) Schedule 9 to the principal Regulations is amended as follows.

(2) In paragraph 3(3)(b), for “Section 5.3” substitute “Part A(1)(a) of Section 5.3 or Part A(1)(a) (i) and (ii) of Section 5.4”.

(3) In paragraph 3(3)(c), for “Part A(1)(c)(i), (ii), (v) or (vii) of section 5.4” substitute “Part A(1)(a)(ii), (v), (viii) or (x) of Section 5.3”.

(4) In paragraph 3(4)(b), after “installation” insert “or (c) meets a description in Part 1 of Schedule 3 of an exempt waste operation”.

Schedule 13 (waste incineration)

54. For Schedule 13 to the principal Regulations substitute—

“SCHEDULE 13

Regulation 35(2)(h)

Waste Incineration

Application

1. This Schedule applies in relation to every waste incineration plant and waste co-incineration plant to which chapter IV of the Industrial Emissions Directive applies.

Applications for the grant of an environmental permit

2. The regulator must require that every application for the grant of an environmental permit includes the information specified in Article 44 of the Industrial Emissions Directive.

Exercise of relevant functions

3. The regulator must exercise its relevant functions so as to ensure compliance with the following provisions of the Industrial Emissions Directive—

- (a) Article 5(1) and (3);
- (b) Article 7;
- (c) Article 8(2);
- (d) Article 9;
- (e) Article 42
- (f) Article 43;
- (g) Article 45(1), (2) and (4);
- (h) Article 46;

- (i) Article 47;
- (j) Article 48(1) to (4);
- (k) Article 49;
- (l) Article 50;
- (m) Article 51(1) to (3) ;
- (n) Article 52;
- (o) Article 53;
- (p) Article 54;
- (q) Article 55;
- (r) Article 82(5).

(2) But when interpreting the Industrial Emissions Directive for the purposes of this Schedule, in Article 51(1) ignore the words “Member states may lay down rules governing these authorisations”.”.

Schedule 14 (solvent emission activities)

55. For Schedule 14 to the principal Regulations substitute—

“SCHEDULE 14

Regulation 35(2)(h)

PART 1

Solvent Emission Activities

Application

1. This Schedule applies in relation to every solvent emission activity referred to in paragraph 2.

Solvent emission activities

2. The activities listed in Table 1 are solvent emission activities if they are operated above the solvent consumption threshold for the activity.

Table 1

Solvent emission activities

<i>Activity</i>	<i>Solvent consumption threshold in tonnes/year</i>
Heatset web offset printing	15
Publication rotogravure	25
Other rotogravure, flexography, rotary screen printing, laminating or varnishing units	15
Rotary screen printing on textile or cardboard	30
Surface cleaning using either volatile organic compounds which, under Regulation (EC) No 1272/2008(a) are	1

(a) OJ No L 353, 13.12.2008, p. 1.

<i>Activity</i>	<i>Solvent consumption threshold in tonnes/year</i>
assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F or halogenated volatile organic compounds which are assigned or need to carry the hazard statements H341 or H351 under that Regulation	
Other surface cleaning	2
Vehicle coating and vehicle refinishing	0.5
Coil coating	25
Other coating activities including metal, plastic, textile (except rotary screen printing on textile), fabric, film and paper coating	5
Winding wire coating	5
Coating activity applied to wooden surfaces	15
Dry cleaning	0
Wood impregnation	25
Coating activity applied to leather	10
Footwear manufacture	5
Wood and plastic lamination	5
Adhesive coating	5
Manufacture of coating preparations, varnishes, inks and adhesives	100
Rubber conversion	15
Vegetable oil and animal fat extraction and vegetable oil refining activities	10
Manufacturing of pharmaceutical products	50

Interpretation and application of the activities listed in Table 1

3.—(1) In Table 1—

“adhesive” means any preparation, including all the organic solvents or preparations containing organic solvents necessary for its proper application, which is used to adhere separate parts of a product;

“adhesive coating” means any activity in which an adhesive is applied to a surface, excluding the application of adhesive and laminating associated with printing activities;

“coating” means any preparation, including all the organic solvents or preparations containing organic solvents necessary for its proper application, which is used to provide a decorative, protective or other functional effect on a surface;

“coating activity” means any activity in which a single or a multiple application of a continuous film of a coating is applied to:

(a) any of the following vehicles:

(i) new cars, defined as vehicles of category M1 in Directive 2007/46/EC of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles() and of category N1 in so far as they are coated at the same installation as M1 vehicles;

(ii) truck cabins, defined as the housing for the driver, and all integrated housing for the technical equipment, of vehicles of categories N2 and N3 in Directive 2007/46/EC;

- (iii) vans and trucks, defined as vehicles of categories N1, N2 and N3 in Directive 2007/46/EC, but not including truck cabins;
- (iv) buses, defined as vehicles of categories M2 and M3 in Directive 2007/46/EC;
- (v) trailers, defined in categories O1, O2, O3 and O4 in Directive 2007/46/EC;
- (b) metallic and plastic surfaces including surfaces of airplanes, ships, trains, etc.;
- (c) wooden surfaces;
- (d) textile, fabric, film and paper surfaces;
- (e) leather.

Coating activities do not include the coating of substrate with metals by electrophoretic and chemical spraying techniques. If the coating activity includes a step in which the same article is printed by whatever technique used, that printing step is considered part of the coating activity. However, printing activities operated as a separate activity are not included, but may be covered by this Schedule.

“coil coating” means any activity where coiled steel, stainless steel, coated steel copper alloys or aluminium strip is coated with either a film forming or laminate coating in a continuous process;

“consumption” means the total input of organic solvents into an installation per calendar year, or any other 12-month period, less any volatile organic compounds that are recovered for reuse;

“dry cleaning” means any industrial or commercial activity using volatile organic compounds to clean garments, furnishing and similar consumer goods excluding the manual removal of stains and spots in the textile and clothing industry;

“flexography” means a printing activity using an image carrier of rubber or elastic photopolymers on which the printing areas are above the non-printing areas, and liquid inks which dry through evaporation;

“footwear manufacture” means any activity of producing complete footwear or parts of footwear;

“heat web offset printing” means a web-fed printing activity using an image carrier in which the printing and non-printing area are in the same plane, where—

- (a) the non-printing area is treated to attract water and reject ink,
- (b) the printing area is treated to receive and transmit ink to the surface to be printed, and
- (c) evaporation takes place in the oven where hot air is used to heat the printed material;

“ink” means a preparation, including all the organic solvents or preparations containing organic solvents necessary for its proper application which is used in a printing activity to impress text or images on to a surface;

“laminating associated to a printing activity” means the adhering together of 2 or more flexible materials to produce laminates;

“manufacturing of coating preparations, varnishes, inks and adhesives” means the manufacture of coating preparations, varnishes, inks and adhesives as final products and where carried on at the same site, the manufacture of intermediates by the mixing of pigments, resins and adhesive materials with organic solvent or other carrier, including—

- (a) dispersion and pre-dispersion activities,
- (b) viscosity and tint adjustments, and
- (c) operations for filling the final product into its container;

“manufacturing of pharmaceutical products” means an activity that involves the—

- (a) chemical synthesis,

- (b) fermentation,
- (c) extraction, or
- (d) formulation and finishing,

of pharmaceutical products and, where carried on at the same site, the manufacture of intermediate products;

“organic compound” means any compound containing at least the element carbon and one or more of hydrogen, halogens, oxygen, sulphur, phosphorus, silicon or nitrogen, with the exception of carbon oxides and inorganic carbonates and bicarbonates;

“organic solvents” means any volatile organic compound which is used alone or in combination with other agents, and without undergoing a chemical change to dissolve raw materials, products or waste materials, as a—

- (a) cleaning agent to dissolve contaminants,
- (b) dissolver,
- (c) dispersion medium,
- (d) viscosity adjuster,
- (e) surface tension adjuster,
- (f) plasticiser, or
- (g) preservative;

“printing activity” means any activity (not being a step in a coating activity) for reproducing text and/or images in which, with the use of an image carrier, ink is transferred onto any type of surface, including the use of associated varnishing, coating and laminating techniques;

“publication rotogravure” means a rotogravure printing activity used for printing paper for magazines, brochures, catalogues or similar products, using toluene-based inks;

“reuse” means the use of organic solvents recovered from an installation for any technical or commercial purpose and including use as a fuel but excluding the final disposal of such recovered organic solvent as waste;

“rotary screen printing” means a web-fed printing activity in which liquid ink which dries only through evaporation is passed onto the surface to be printed by forcing it through a porous image carrier, in which the printing area is open and the non-printing area is sealed off;

“rotogravure” means a printing activity, using a cylindrical image carrier in which the printing area is below the non-printing area and liquid inks which dry through evaporation, and in which the recesses are filled with ink and the surplus is cleaned off the non-printing area before the surface to be printed contacts the cylinder and lifts the ink from the recesses;

“rubber conversion” means—

- (a) any activity of mixing, milling, blending, calendering, extrusion or vulcanisation of natural or synthetic rubber, or
- (b) any ancillary operations for converting natural or synthetic rubber into a finished product;

“surface cleaning” means any activity, except dry cleaning, using organic solvents to remove contamination from the surface of material including degreasing but excluding the cleaning of equipment; and a cleaning activity consisting of more than one step before or after any other activity is to be considered as one surface cleaning activity;

“varnish” means a transparent coating;

“varnishing” means an activity by which varnish or an adhesive coating for the purpose of sealing the packaging material is applied to a flexible material;

“vegetable oil and animal fat extraction and vegetable oil refining activities” means any activity to extract vegetable oil from seeds and other vegetable matter, the processing of dry residues to produce animal feed, the purification of fats and vegetable oils derived from seeds, vegetable matter or animal matter;

“vehicle refinishing” means any industrial or commercial coating activity and associated degreasing activities performing—

- (a) the original coating of road vehicles as defined in the Motor Vehicle Directive or part of them with refinishing-type materials, where this is carried on away from the original manufacturing line, or
- (b) the coating of trailers (including semi-trailers) (category O in the Motor Vehicle Directive);

“volatile organic compound” or “VOC” means—

- (a) any organic compound having a vapour pressure of 0.01 or more kPa at 293.15K or having a corresponding volatility under the particular conditions of use, or
- (b) the fraction of creosote which exceeds a vapour pressure of 0.01 kPa at 293.15K;

“web-fed” means that the material to be printed is fed to the machine from a reel as distinct from separate sheets;

“winding wire coating” means any coating activity of metallic conductors used for winding the coils in transformers and motors, etc;

“wood and plastic lamination” means any activity to adhere together wood or plastic to produce laminated products;

“wood impregnation” means any activity giving a loading of preservative in timber.

(2) An activity is deemed to be operated above the solvent consumption threshold specified for that activity under Table 1 if the activity is likely to be operated above that threshold in any 12-month period.

(3) An activity listed in Table 1 includes the cleaning of equipment but, except for a surface cleaning activity, not the cleaning of products.

PART 2

Solvent Emission Activities requiring a permit

Application of this Part

1. This part applies to all solvent emission activities—
 - (a) which are carried out in the same installation as any other activities listed in Part 2 of Schedule 1;
 - (b) where the operator demonstrates that for an individual installation the emission limit value for fugitive emissions is not technically and economically feasible;
 - (c) which are listed under the heading ‘other coating activities’ Table 1 and which cannot be carried out under contained conditions and where compliance with the emission limits is not technically feasible;
 - (d) where total emission limit values for an installation processing individual batches of seeds and other vegetable matter are set on a case by case basis;
 - (e) in any other case where the solvent emission activity is not registered in accordance with of Part 3 of this Schedule, or is no longer so registered.

Interpretation

2. When interpreting Chapter V of the Industrial Emissions Directive for the purposes of this Schedule the competent authority is the regulator.

Exercise of relevant functions

3. The regulator must exercise its relevant functions so as to ensure compliance with the following provisions of the Industrial Emissions Directive—

- (a) Article 5(1) and (3);
- (b) Article 7;
- (c) Article 8(2);
- (d) Article 9;
- (e) Article 57;
- (f) Article 59 (except article 59(4));
- (g) Article 60;
- (h) Article 61;
- (i) Article 62;
- (j) Article 63;
- (k) Article 65;
- (l) Articles 82(7), (8) and (9).

PART 3

Exempt Solvent Emission activities

Application of this Part

1. This Part applies to every solvent emission activity except for an activity to which Part 2 applies.

Emission limits

- 2.** The operator of a solvent emission activity to which this Part applies must—
- (a) ensure that the emission limits in Parts 1 to 4 of Annex VII to the Industrial Emissions Directive are complied with; or
 - (b) operate a solvent reduction scheme in accordance with Part 5 of Annex VII.

Monitoring of emissions

3. The operator of a solvent emission activity to which this Part applies must monitor emissions in accordance with Part 6 of Annex VII to the Industrial Emissions Directive.

Data reporting

4. The operator of a solvent emission activity to which this part applies must supply the registration authority on request with data enabling that authority to verify compliance in accordance with Part 8 of Annex VII to the Industrial Emissions Directive, with either of the following:

- (a) emission limit values in waste gases, fugitive emission limit values and total emission limit values; or
- (a) the requirements of any reduction scheme being operated.

Start up and shut down

5. The operator of a solvent emission activity to which this part applies must ensure that all appropriate precautions are taken to minimise emissions of volatile organic compounds during start-up and shut-down operations.

Incidents and accidents

6. The operator of a solvent emission activity to which this Part applies must ensure that—

- (a) in the event that the operation of the activity gives rise to an incident or accident which significantly affects the environment, the operator of that activity immediately—
 - (i) informs the regulator, and
 - (ii) takes the measures necessary to limit the environmental consequences of such an incident or accident, and
 - (iii) takes the measures necessary to prevent further possible incidents or accidents.
- (b) in the event of a breach of the requirements of this Part, the operator of that activity immediately—
 - (i) informs the regulator,
 - (ii) takes the measures necessary to ensure that compliance is restored within the shortest possible time
- (c) in the event of a breach of the requirements of this Part which poses an immediate danger to human health or threatens to cause an immediate significant adverse effect on the environment, the operator of that activity immediately suspends the operation of the activity or the relevant part of it until compliance with the requirements of this Part has been restored.

Notices

7.—(1) If it appears to an exemption registration authority that a solvent emission activity should no longer be treated as an exempt activity, the authority may by notice served on the operator of that activity declare that with effect from a specified date the activity is not to be treated as an exempt solvent emission activity;

(2) If an exempt solvent emission activity causes an incident or accident which seriously affects the environment, the exemption registration authority may by notice served on the operator of that activity require the operator to take any appropriate measures that the authority considers necessary to limit the environmental consequences of the incident or accident and to prevent further possible incidents or accidents.

Emission of hazardous substances or mixtures

8.—(1) The operator of any solvent emission activity to which this Schedule applies and which uses substances or mixtures which, because of their content of volatile organic compounds classified as carcinogens, mutagens or toxic to reproduction under Regulation (EC) No 1272/2008 are assigned or need to carry the hazard statements H 340, H350, H350i, H360D or H360F or, until 1st June 2015, the risk phrases R45, R46, R49, R60 or R61, must replace those substances or mixtures as far as possible by less harmful substances or mixtures within the shortest possible time.

(2) The operator of any solvent emission activity to which this Schedule applies and which uses substances or mixtures which are mentioned in sub-paragraph (1) or halogenated volatile organic compounds which are assigned or need to carry the hazard statements H341 or H351 or, until 1st June 2015, the risk phrases R40 or R68, must control

emissions of those substances under contained conditions as far as technically and economically feasible to safeguard public health and the environment and must not exceed the emission limit values referred to in sub-paragraph (3).

(3) The emission limit values referred to in sub-paragraph (2) are—

- (a) for emissions of the volatile organic compounds which, under Regulation (EC) No 1272/2008 are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F and where the mass flow of the sum of the compounds causing the labelling is greater than, or equal to 10g/h: 2 mg/Nm³ referring to the mass sum of the individual compounds;
- (b) until 1st June 2015, for emissions of halogenated volatile organic compounds which are assigned or need to carry the hazard statements H341 or H351 or the risk phrases R40 or R68, where the mass flow of the sum of the compounds causing those hazard statements or labelling is greater than, or equal to, 100 g/h: 20 mg/Nm³ referring to the mass sum of the individual compounds; and
- (c) from 1st June 2015, for emissions of halogenated volatile organic compounds which are assigned or need to carry the hazard statements H341 or H351, where the mass flow of the sum of the compounds causing those hazard statements is greater than, or equal to, 100 g/h: 20 mg/Nm³ referring to the mass sum of the individual compounds.”.

Schedule 15 (large combustion plants)

56. After Schedule 15 to the principal Regulations, insert—

“SCHEDULE 15A

Regulation 35(2)(i)

Large Combustion Plants

Application

1.—(1) Subject to sub-paragraph (2), this Schedule applies in relation to every combustion plant with a total rated thermal input of 50 megawatts or more.

(2) This Schedule applies—

- (a) in relation to new combustion plants from 7th January 2013;
- (b) in relation to existing combustion plants from 1st January 2016.

Interpretation

2.—(1) In this Schedule—

“large combustion plant” means a plant to which chapter III of the Industrial Emissions Directive applies.

“combustion plant” has the meaning given in Article 3(25) of the Industrial Emissions Directive;

“new combustion plant” means any combustion plant which is not an existing combustion plant;

“existing combustion plant” means any combustion plant in respect of which a permit has been granted before 7th January 2013, or in respect of which the operator has submitted a duly-made application for a permit before that date, provided that the plant is put into operation no later than 7th January 2014.

(2) When interpreting the Industrial Emissions Directive for the purposes of this Schedule—

- (a) the competent authority is—

- (i) for the purposes of exercising a judgement as to whether there is an overriding need to maintain energy supplies under Articles 30(6) and 37 the Industrial Emissions Directive, the appropriate authority;
- (ii) otherwise, the regulator;
- (c) “permit” means environmental permit.

Exercise of relevant functions

3. The regulator must exercise its relevant functions so as to ensure compliance with the following provisions of the Industrial Emissions Directive—

- (a) Article 29;
 - (b) Article 30(1) to (8), except the second subparagraph of 30(5) and the last subparagraph of 30(6);
 - (c) Article 31(1) and (2);
 - (d) Article 32(1) to (3);
 - (e) Article 33;
 - (f) Article 34(1) and (2);
 - (g) Article 35(1);
 - (h) Article 37;
 - (i) Article 38;
 - (j) Article 39;
 - (k) Article 40.
- (2) The regulator must—
- (a) immediately inform the appropriate authority of any derogation under Article 30(5) of the Industrial Emissions Directive;
 - (b) immediately inform the appropriate authority if it considers that a derogation in accordance with Articles 30(6) or 37(2) of the Industrial Emissions Directive is or might be appropriate.”.

Schedule 17 (titanium dioxide)

57. For Schedule 17 to the principal Regulations substitute—

“SCHEDULE 17

Regulation 35(2)(k)

Titanium Dioxide

Application

1. This Schedule applies in relation to every regulated facility in which titanium dioxide is produced.

Exercise of relevant functions

2. The regulator must exercise its relevant functions so as to ensure compliance with the following provisions of the Industrial Emissions Directive—

- (a) Article 67;
- (b) Article 68;
- (c) Article 69;

(d) Article 70.”.

Date *Name*
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

Date *Name*
Minister for Environment and Sustainable Development
one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Permitting (England and Wales) Regulations 2010 (SI 2010/675) (“the principal Regulations”), to transpose Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) (Recast).

The regulations come into force in accordance with regulation 2.

Regulations 4 to 19 make various amendments to the principal Regulations.

Regulation 20 amends Part 1 of Schedule 1 to the principal Regulations.

Regulations 21 to 47 make amendments to Part 2 of Schedule 1 to the principal Regulations.

Regulations 48 to 50 amend Schedules 2, 3 and 5 to the principal Regulations.

Regulation 51 substitutes a new Schedule 7 relating to Part A installations.

Regulation 52 substitutes a new Schedule 8 relating to Part B installations.

Regulation 53 makes amendments to Schedule 9.

Regulation 54 substitutes a new Schedule 13 on waste incineration.

Regulation 55 substitutes a new Schedule 14 relating to solvent emission activities.

Regulation 56 inserts a new Schedule 15A after Schedule 15 to the principal Regulations.

Regulation 57 substitutes a new Schedule 17 on titanium dioxide.

An impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Better Regulation Programme, Department for Environment, Food and Rural Affairs, Ergon House, Horseferry Road, London SW1P 2AL.