Department of Environment, Food and Rural Affairs March 2012

Industrial Emissions Directive

Proposed amendments to Environmental Permitting (England and Wales) Regulations 2010: - Schedule1

The Environmental Permitting (England and Wales) Regulations 2010 (SI 2010 No.675) are at http://www.legislation.gov.uk/uksi/2010/675/contents/made .

*This document shows Schedule 1 as it would be with the proposed amendment Regulations in force. Inserted material is in **bold red italics**: deleted material is in highlighted ~~strikethrough~~. Note that a few amendments to Schedule 1 are expected to come into force in April 2012 – these are shown in **bold italics**.*

SCHEDULE 1 Regulation 2(1)

Activities, installations and mobile plant

PART 1

Interpretation and application: general

Interpretation

1. In this Schedule—

"activity" means, subject to this Part, an activity listed in Part 2 of this Schedule;

"background quantity" means, in relation to the release of a substance resulting from an activity, such quantity of that substance as is present in—

(a) water supplied to the site where the activity is carried on,

(b) water abstracted for use in the activity, and

(c) precipitation onto the site on which the activity is carried on;

"controlled waters" has the meaning given in section 104 of the 1991 Act;

"directly associated activity", ~~in relation to an activity other than a SED activity,~~ means an operation which—

(a) has a technical connection with the activity,

(b) is carried on on the same site as the activity, and

(c) could have an effect on pollution;

"installation" means (except where used in the definition of "excluded plant" in Section 5.1 of Part 2 of this Schedule)—

(a) a stationary technical unit where one or more activities are carried on, and

(b) any other location on the same site where any other directly associated activities are carried on,

and references to an installation include references to part of an installation;

"net rated thermal input" means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal;

"Part A activity" means a Part A(1) activity or a Part A(2) activity;

"Part A(1) activity" means an activity falling within Part A(1) of any Section in Part 2 of this Schedule;

"Part A(2) activity" means an activity falling within Part A(2) of any Section in Part 2 of this Schedule;

"Part A installation" means a Part A(1) installation or a Part A(2) installation;

"Part A(1) installation" means an installation where there is carried on—

(a) a Part A(1) activity,

(b) a Part A(1) activity and either a Part A(2) activity or a Part B activity, or

(c) a Part A(1) activity, a Part A(2) activity and a Part B activity;

"Part A(2) installation" means an installation, not being a Part A(1) installation, where there is carried on—

(a) a Part A(2) activity, or

(b) a Part A(2) activity and a Part B activity;

~~"Part A mobile plant" means Part A(1) mobile plant or Part A(2) mobile plant;~~

~~"Part A(1) mobile plant" means plant, other than an installation, that is used to carry on—~~

~~(a) a Part A(1) activity,~~

~~(b) a Part A(1) activity and either a Part A(2) activity or a Part B activity, or~~

~~(c) a Part A(1) activity, a Part A(2) activity and a Part B activity;~~

~~"Part A(2) mobile plant" means plant, other than an installation, that is used to carry on—~~

~~(a) a Part A(2) activity, or~~

~~(b) a Part A(2) activity and a Part B activity;~~

"Part B activity" means an activity falling within Part B of any Section in Part 2 of this Schedule;

"Part B installation" means, subject to Sections 2.2, 5.1 and 6.4 of Part 2 of this Schedule, an installation, not being a Part A installation, where a Part B activity is carried on; and

"Part B mobile plant" means plant, not being Part A mobile plant, that is designed to move or be moved whether on roads or other land and that is used to carry on a Part B activity.

Activities falling within more than one Part description

2.—(1) Where, in Part 2 of this Schedule, an activity falls within a description in Part A(1) and a description in Part A(2) that activity must be regarded as falling only within that description which fits it most aptly.

(2) Where, in Part 2 of this Schedule, an activity falls within a description in Part A(1) and a description in Part B ~~(other than a description in Section 7)~~ that activity must be regarded as falling only within the description in Part A(1).

(3) Where, in Part 2 of this Schedule, an activity falls within a description in Part A(2) and a description in Part B ~~(other than a description in Section 7)~~ that activity must be regarded as falling only within the description in Part A(2).

Application of activities falling within ~~Sections 1.1 to 6.9 of~~ Part 2

3. An activity is not to be taken to be an activity falling within Sections 1.1 to 6.9 of Part 2 of this Schedule if it is—

(a) carried on in a working museum to demonstrate an industrial activity of historic interest;

(b) carried on for educational purposes in a school as defined in section 4(1) of the Education Act 1996(**a**);

(c) carried on at an installation ***other than a waste incineration plant or a waste co-incineration plant subject to Schedule 13*** or by means of ~~Part A mobile plant or~~ Part B mobile plant solely used for research, development ~~and~~ ***or*** testing of new products and processes;

(d) the running on or within an aircraft, hovercraft, mechanically propelled road vehicle, railway locomotive or ship or other vessel of an engine which propels or provides electricity for it;

(e) the running of an engine in order to test it before it is installed or in the course of its development;

(f) carried on as a domestic activity in connection with a private dwelling; ***or***

(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.***

~~**Capacity: Part A(1) and A(2) descriptions**~~

~~**4.** (1) This paragraph applies for the purpose of determining whether an activity carried on in a stationary technical unit falls within a description in Part A(1) or Part A(2) of Part 2 of this Schedule which refers to capacity, other than design holding capacity.~~

~~(2) Where a person carries out several activities falling within the same description in Part A(1) or Part A(2) in different parts of the same stationary technical unit or in different stationary technical units on the same site, the capacities of each part or unit, as the case may be, must be added together and the total capacity must be attributed to each part or unit for the purpose of determining whether the activity carried on in each part or unit falls within a description in Part A(1) or Part A(2).~~

~~(3) For the purpose of sub-paragraph (2), no account must be taken of capacity when determining whether activities fall within the same description.~~

~~(4) Where an activity falls within a description in Part A(1) or Part A(2) by virtue of this paragraph it is not to be taken to be an activity falling within a description in Part B (other than a description in Section 7).~~

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."***

(**a**) 1996 c. 56; section 4(1) was substituted by the Education Act 1997 (c. 44), section 51.

Operation below thresholds: effect on the installation

5. Where an operator is authorised by an environmental permit to operate an installation at which Part A(1) activities, Part A(2) activities or Part B activities which are described in Part 2 of this Schedule by reference to a threshold (whether in terms of capacity or otherwise) are carried on, the installation does not cease to be a Part A(1) installation, a Part A(2) installation or a Part B installation, as the case may be, by virtue of the installation being operated below the relevant threshold unless the permit ceases to have effect in accordance with these Regulations.

Application of Part B activities: releases into the air

6.—(1) Subject to sub-paragraph (2), an activity is not to be taken to be a Part B activity within Part 2 of this Schedule if it cannot result in the release into the air of a substance listed in sub-paragraph (3) or there is no likelihood that it will result in the release into the air of any such substance except in a quantity which is so trivial that it is incapable of causing pollution or its capacity to cause pollution is insignificant.

(2) Sub-paragraph (1) does not apply to—

~~(a) a SED activity; or~~

(b) an activity which may give rise to an offensive smell noticeable outside the site where the activity is carried on.

(3) References to, or to the release into the air of, a substance listed in this paragraph are to any of the following substances—

(a) oxides of sulphur and other sulphur compounds;

(b) oxides of nitrogen and other nitrogen compounds;

(c) oxides of carbon;

(d) organic compounds and partial oxidation products;

(e) metals, metalloids and their compounds;

(f) asbestos (suspended particulate matter and fibres), glass fibres and mineral fibres;

(g) halogens and their compounds;

(h) phosphorus and its compounds;

(i) particulate matter.

References to releases into water

7. References in Part 2 of this Schedule to a substance, or to the release into water of a substance, listed in this paragraph or to its release in a quantity which, in any 12-month period, is greater than the background quantity by an amount specified in this paragraph are references to the following substances and amounts—

Table

Substance	*Amount greater than the background quantity (in grammes) in any 12-month period*
Mercury and its compounds	200 (expressed as metal)
Cadmium and its compounds	1,000 (expressed as metal)
All isomers of hexachlorocyclohexane	20
All isomers of DDT	5
Pentachlorophenol and its compounds	350 (expressed as PCP)
Hexachlorobenzene	5
Hexachlorobutadiene	20
Aldrin	2
Dieldrin	2

Endrin	1
Polychlorinated Biphenyls	1
Dichlorvos	0.2
1, 2—Dichloroethane	2,000
All isomers of trichlorobenzene	75
Atrazine	350*
Simazine	350*
Tributyltin compounds	4 (expressed as TBT)
Triphenyltin compounds	4 (expressed as TPT)
Trifluralin	20
Fenitrothion	2
Azinphos-methyl	2
Malathion	2
Endosulfan	0.5

* Where both Atrazine and Simazine are released, the figure for both substances in aggregate is 350 grammes.

References to certain substances

8.—(1) References in Part 2 of this Schedule to a substance listed in this paragraph are to any of the following substances—

(a) alkali metals and their oxides and alkaline earth metals and their oxides;

(b) organic solvents;

(c) azides;

(d) halogens and their covalent compounds;

(e) metal carbonyls;

(f) organo-metallic compounds;

(g) oxidising agents;

(h) polychlorinated dibenzofuran and any congener thereof;

(i) polychlorinated dibenzo-p-dioxin and any congener thereof;

(j) polyhalogenated biphenyls, terphenyls and naphthalenes;

(k) phosphorus;

(l) pesticides.

(2) In this paragraph, "pesticide" means any chemical substance or preparation prepared or used for destroying any pest, including those used for—

(a) protecting plants or wood or other plant products from harmful organisms;

(b) regulating the growth of plants;

(c) giving protection against harmful creatures or rendering such creatures harmless;

(d) controlling organisms with harmful or unwanted effects on water systems, buildings or other structures, or on manufactured products; or

(e) protecting animals against ectoparasites.

PART 2

Activities

CHAPTER 1

Energy activities

SECTION 1.1

Combustion activities

Interpretation of Section 1.1

1. . In this Section—

—anaerobic digestion‖ means the mesophilic and thermophilic biological decomposition and stabilisation of biodegradable materials which—

(a) is carried on under controlled anaerobic conditions,

(b) produces a methane-rich gas mixture, and

(c) results in stable sanitised material that can be applied to land for the benefit of agriculture or to improve the soil structure or nutrients in land; and

—recovered oil‖ means waste oil which has been processed but which has not ceased to be waste.

Part A(1)

(a) Burning any fuel in an appliance with a rated thermal input of 50 or more megawatts.

~~(b) Unless carried on as part of a Part A(2) or Part B activity, burning any—~~

~~(i) waste oil;~~

~~(ii) recovered oil; or~~

~~(iii) fuel manufactured from, or comprising, any other waste,~~

~~in an appliance with a rated thermal input of 3 or more megawatts, but less than 50 megawatts.~~

Interpretation and application of Part A(1)

1. For the purpose of Part A(1)(a) of this Section, where 2 or more appliances with an aggregate rated thermal input of 50 megawatts or more are operated on the same site by the same operator those appliances must be treated as a single appliance with a rated thermal input of 50 megawatts or more.

2. Nothing in this Part of this Section applies to burning fuels in an appliance installed on an offshore platform situated on, above or below those parts of the sea adjacent to England and Wales from the low water mark to the seaward baseline of the United Kingdom territorial sea.

3. In paragraph 2, "offshore platform" means any fixed or floating structure which—

(a) is used for the purposes of or in connection with the production of petroleum; and

(b) in the case of a floating structure, is maintained on a station during the course of production,

but does not include any structure where the principal purpose of the use of the structure is the establishment of the existence of petroleum or the appraisal of its characteristics, quality or quantity or the extent of any reservoir in which it occurs.

4. In paragraph 3, "petroleum" includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata but does not include coal or bituminous shales or other

stratified deposits from which oil can be extracted by destructive distillation.

~~*5. In Part A(1)(b)(iii) of this Section, "fuel" excludes—*~~
~~*(a) gas produced by biological degradation of waste in a landfill that is not listed in Part 2 of this Schedule,*~~
~~*(b) gas produced as a result of the anaerobic digestion of biodegradable waste, and*~~
~~*(c) fuel which has ceased to be waste..*~~

6. Nothing in this Part of this Section applies to burning fuels in an appliance installed on a storage or unloading platform as defined in regulation 2 of the Offshore Combustion Installations (Prevention and Control of Pollution) Regulations 2001(a)

Part B

Unless falling within Part A(1)(a) of this Section—

(a) Burning any fuel (other than a fuel mentioned in Part A(1)(b)) in—

(i) a boiler;

(ii) a furnace;

(iii) a gas turbine; or

(iv) a compression ignition engine,

with a net rated thermal input of 20 or more megawatts, but a rated thermal input of less than 50 megawatts.

(b) Burning any—

(i) waste oil;

(ii) recovered oil;

(iii) solid fuel which has been manufactured from waste by an activity involving the application of heat,

in an appliance with a rated thermal input of less than 3 megawatts.

(c) Burning fuel manufactured from or including waste (other than a fuel mentioned in paragraph (b)) in an appliance with a net rated thermal input of 0.4 or more megawatts, but a rated thermal input of less than 3 megawatts.

(d) Burning fuel manufactured from or including waste (other than a fuel mentioned in paragraph (b)) in 2 or more appliances which have a combined net rated thermal input of 0.4 or more megawatts, but a rated thermal input of less than 3 megawatts.

Interpretation and application of Part B

1. Part B does not apply to any activity falling within Part A(1) or Part A(2) of Section 5.1.

2. In Part B(b)(iii), (c) or (d) of this Section, "fuel" excludes—
(a) gas produced by biological degradation of waste, and

(b) fuel which has ceased to be waste.".

SECTION 1.2

Gasification, Liquefaction and Refining Activities

Part A(1)

(a) Refining gas where this is likely to involve the use of 1,000 or more tonnes of gas in any 12-month period.

~~(b) Reforming natural gas.~~

(c) Operating coke ovens.

~~(d)~~ ***Gasification or liquefaction of (i) coal, or (ii) other fuels in installations with a total rated thermal input of 20 megawatts or more.*** ~~Coal or lignite gasification.~~

~~*(e) Producing gas from oil or other carbonaceous material or from mixtures of oil and other carbonaceous material, unless the production is carried on as part of an activity which is a combustion activity (whether or not that combustion activity is described in Section 1.1), or the gas is produced as a result of –*~~

~~*(i) the anaerobic digestion of biodegradable material, none of which is waste, or*~~

~~*(ii) the anaerobic digestion of biodegradable waste in an installation with a waste treatment capacity not exceeding 100 tonnes per day.*~~

~~(f) Purifying or refining any product of any of the activities falling within paragraphs (a) to (e) or converting it into a different product.~~

(g) Refining mineral oils.

(h) The loading, unloading, handling or storage of, or the physical, chemical or thermal treatment of—

(i) crude oil;

(ii) stabilised crude petroleum;

~~(iii) crude shale oil;~~

~~(iv) where related to another activity described in this paragraph, any associated gas or condensate; or~~

~~(v) emulsified hydrocarbons intended for use as a fuel.~~

~~(i) The further refining, conversion or use (otherwise than as a fuel or solvent) of the product of any activity falling within paragraph (g) or (h) in the manufacture of a chemical.~~

(j) Activities involving the pyrolysis, carbonisation, distillation, liquefaction, gasification, partial oxidation or other heat treatment of—

(i) coal (other than the drying of coal);

(ii) lignite;

(iii) oil;

(iv) other carbonaceous material; or

(v) mixtures of any of these,

otherwise than with a view to making charcoal.

~~(k) Odorising natural gas or liquefied petroleum gas where that activity is related to a Part A activity.~~

Interpretation and application of Part A(1)

1. Part A(1)(j) does not include—

(a) the use of any substance as a fuel;

(b) the incineration ***or pyrolysis*** of any substance as a waste;

—

(***c) any activity for the treatment of sewage or sewage sludge;***

(d) the anaerobic digestion of biodegradable material, none of which is waste; or

(e) the anaerobic digestion of biodegradable waste in an installation with a waste treatment capacity not exceeding 100 tonnes per day.‖

2. In Part A(1)(j), the heat treatment of oil, other than distillation, does not include the heat treatment of waste oil or waste emulsions containing oil in order to recover the oil from aqueous emulsions.

3. In Part A(1)—

—anaerobic digestion‖ means the mesophilic and thermophilic biological decomposition and stabilisation of biodegradable materials which—

(a) is carried on under controlled anaerobic conditions,

(b) produces a methane-rich gas mixture, and

(c) results in stable sanitised material that can be applied to land for the benefit of agriculture or to improve the soil structure or nutrients in land; and

—carbonaceous material‖ includes such materials as charcoal, coke, peat, rubber and wood, but does not include wood which has not been chemically treated or sewage.

Part A(2)

(a) Refining gas where this activity does not fall within Part A(1)(a) of this Section.

Part B

(a) Blending odorant for use with natural gas or liquefied petroleum gas.

(b) The storage of petrol in stationary storage tanks at a terminal, or the loading or unloading at a terminal of petrol into or from road tankers, rail tankers or inland waterway vessels.

(c) The unloading of petrol into stationary storage tanks at a service station, if the total quantity of petrol unloaded into such tanks at the service station in any 12-month period is likely to be $500m^3$ or more.

(d) Motor vehicle refuelling activities at an existing service station after the prescribed date, if the petrol refuelling throughput at the existing service station in any 12-month period is, or is likely to be, $3500m^3$ or more.

(e) Motor vehicle refuelling activities at a new service station, if the petrol refuelling throughput at the service station in any 12-month period is likely to be $500m^3$ or more.

Interpretation of Part B

1. In Part B—

"existing service station" means a service station—

(a) which was put into operation; or

(b) for which planning permission under the Town and Country Planning Act 1990(**a**) was granted,

before 31st December 2009;

"inland waterway vessel" means a vessel, other than a sea-going vessel, having a total dead weight of 15 or more tonnes;

"new service station" means a service station which is put into operation on or after 31st December 2009, other than an existing service station;

"petrol" means any petroleum derivative (other than liquefied petroleum gas), with or without additives, having a Reid vapour pressure of 27.6 or more kilopascals, which is intended for use as a fuel for motor vehicles;

"prescribed date" means—

(a) if an application for the grant or variation of an environmental permit was made under the 2007 Regulations on or before 1st January 2010—

(i) if the application was granted, the date of grant,

(ii) if the application was refused and the applicant appeals against the refusal, the date of the appeal determination or the date the appeal is withdrawn, or

(iii) if the application was refused, and the applicant does not appeal against the refusal, the day after the last day on which an appeal could be brought; or

---

(**a**) 1990 c. 8.

(b) if no such application is made, 1st January 2010;

"service station" means any premises where petrol is dispensed to motor vehicle fuel tanks from stationary storage tanks;

"terminal" means any premises which are used for the storage and loading of petrol into road tankers, rail tankers or inland waterway vessels.

2. Any other expressions used in Part B which are also used in Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations(**a**) have the same meaning as in that Directive.

CHAPTER 2

Production and Processing of Metals

SECTION 2.1

Ferrous Metals

Interpretation of Section 2.1

1. In this Section, "ferrous alloy" means an alloy of which iron is the largest constituent, or equal to the largest constituent, by weight, whether or not that alloy also has a non-ferrous metal content greater than any percentage specified in Section 2.2.

Part A(1)

(a) Roasting or sintering metal ore, including sulphide ore, or any mixture of iron ore with or without other materials.

(b) Producing, melting or refining iron or steel or any ferrous alloy, including continuous casting, except where the only furnaces used are—

(i) electric arc furnaces with a designed holding capacity of less than 7 tonnes, or

(ii) cupola, crucible, reverbatory, rotary, induction, vacuum, electro-slag or resistance furnaces.

(c) Processing ferrous metals and their alloys by using hot-rolling mills with a production capacity of more than 20 tonnes of crude steel per hour.

(d) Loading, unloading or otherwise handling or storing more than 500,000 tonnes in total in any 12-month period of iron ore, except in the course of mining operations, or burnt pyrites.

Part A(2)

(a) Unless falling within Part A(1)(b) of this Section, producing pig iron or steel, including continuous casting, in a plant with a production capacity of more than 2.5 tonnes per hour.

(b) Operating hammers in a forge, the energy of which is more than 50 kilojoules per hammer, where the calorific power used is more than 20 megawatts.

(c) Applying protective fused metal coatings with an input of more than 2 tonnes of crude steel per hour.

(d) Casting ferrous metal at a foundry with a production capacity of more than 20 tonnes per day.

Part B

(a) Unless falling within Part A(1)(b) of this Section, producing pig iron or steel, including continuous casting, in a plant with a production capacity of 2.5 or less tonnes per hour.

(**a**) OJ No L 365, 31.12.1994, p 24, as amended by Regulation (EC) No 1882/2003 (OJ No L 284, 31.10.2003, p 1).

(b) Unless falling within Part A(2)(a) or (d) of this Section, producing, melting or refining iron or steel or any ferrous alloy (other than producing pig iron or steel, including continuous casting) using—

(i) one or more electric arc furnaces, none of which has a designed holding capacity of 7 or more tonnes; or

(ii) a cupola, crucible, reverberatory, rotary, induction, electro-slag or resistance furnace.

(c) Desulphurising iron, steel or any ferrous alloy.

(d) Heating iron, steel or any ferrous alloy (whether in a furnace or other appliance) to remove grease, oil or any other non-metallic contaminant (including such operations as the removal by heat of plastic or rubber covering from scrap cable) unless—

(i) it is carried on in one or more furnaces or other appliances the primary combustion chambers of which have in aggregate a rated thermal input of less than 0.2 megawatts;

(ii) it does not involve the removal by heat of plastic or rubber covering from scrap cable or of any asbestos contaminant; and

(iii) it is not related to any other activity falling within this Part of this Section.

(e) Unless falling within Part A(1) or Part A(2) of this Section, casting iron, steel or any ferrous alloy from deliveries of 50 or more tonnes of molten metal.

SECTION 2.2

Non-Ferrous Metals

Interpretation and application of Section 2.2

1. In this Section "non-ferrous metal alloy" means an alloy which is not a ferrous alloy, as defined in Section 2.1.

2. Part A(1)(c) to (h) and Part B do not apply to hand soldering, flow soldering or wave soldering.

Part A(1)

(a) Unless falling within Part A(2) of this Section, producing non-ferrous metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic activities.

(b) Melting, including making alloys, of non-ferrous metals, including recovered products ***and the operation of non-ferrous metal foundries*** ~~(such as refining or foundry casting)~~ where—

(i) the plant has a melting capacity of more than 4 tonnes per day for lead or cadmium or 20 tonnes per day for all other metals; and

(ii) any furnace (other than a vacuum furnace), bath or other holding vessel used in the plant for the melting has a design holding capacity of 5 or more tonnes.

~~(c) Except where the activity is related to an activity described in Part A(2)(a), or Part B(a), (d) or (e) of this Section, refining any non-ferrous metal or alloy, other than the electrolytic refining of copper.~~

~~(d) Producing, melting or recovering by chemical means or by the use of heat, lead or any lead alloy, if—~~

~~(i) the activity may result in the release into the air of lead; and~~

~~(ii) in the case of lead alloy, the percentage by weight of lead in the alloy in molten form is more than 23 per cent if the alloy contains copper and 2 per cent in other cases.~~

~~(e) Recovering any gallium, indium, palladium, tellurium or thallium if the activity may result in their release into the air.~~

(f) Producing, melting or recovering (whether by chemical means or by electrolysis or by the use of heat) cadmium or mercury or any alloy containing more than 0.05 per cent by weight of either of those metals or both in aggregate.

~~(g) Mining zinc- or tin-bearing ores where the activity may result in the release into water of cadmium or any compound of cadmium in a concentration which is greater than the background concentration.~~

~~(h) Manufacturing or repairing involving the use of beryllium or selenium or an alloy containing one or both of those metals, if the activity may result in the release into the air of any substance in paragraph 6(3) of Part 1 of this Schedule; but an activity does not fall within this paragraph by reason of it involving an alloy that contains beryllium if that alloy in molten form contains less than 0.1 per cent by weight of beryllium and the activity falls within Part B(a) or (d) of this Section.~~

~~(i) Pelletising, calcining, roasting or sintering any non-ferrous metal ore or any mixture of such ore and other materials.~~

Interpretation of Part A(1)

1. In Part A(1)(g), "background concentration" means any concentration of cadmium or any compound of cadmium which would be present in the release irrespective of any effect the activity may have had on the composition of the release and includes such concentration of those substances as is present in—

(a) water supplied to the site where the activity is carried on;

(b) water abstracted for use in the activity; and

(c) precipitation onto the site on which the activity is carried on.

Part A(2)

(a) Melting, including making alloys, of non-ferrous metals, including recovered products ***and the operation of non-ferrous metal foundries*** ~~(such as refining or foundry casting)~~ where—

(i) the plant has a melting capacity of more than 4 tonnes per day for lead or cadmium or 20 tonnes per day for all other metals, and no furnace (other than a vacuum furnace), bath or other holding vessel used in the plant for the melting has a design holding capacity of 5 or more tonnes; or

(ii) the plant uses a vacuum furnace of any design holding capacity.

Part B

(a) Melting, including making alloys, of non-ferrous metals (other than tin or any alloy which in molten form contains 50 per cent or more by weight of tin), including recovered products (such as refining or foundry casting) in plant with a melting capacity of 4 tonnes or less per day for lead or cadmium or 20 tonnes or less per day for all other metals.

(b) The heating in a furnace or any other appliance of any non-ferrous metal or non-ferrous metal alloy for the purpose of removing grease, oil or any other non-metallic contaminant, including such operations as the removal by heat of plastic or rubber covering from scrap cable, if not related to another activity described in this Part of this Section; but an activity does not fall within this paragraph if—

(i) it involves the use of one or more furnaces or other appliances the primary combustion chambers of which have in aggregate a net rated thermal input of less than 0.2 megawatts; and

(ii) it does not involve the removal by heat of plastic or rubber covering from scrap cable or of any asbestos contaminant.

(c) Melting zinc or a zinc alloy in conjunction with a galvanising activity at a rate of 20 or less tonnes per day.

(d) Melting zinc, aluminium or magnesium or an alloy of one or more of these metals in conjunction with a die-casting activity at a rate of 20 or less tonnes per day.

(e) Unless falling within Part A(1) or Part A(2) of this Section, the separation of copper, aluminium, magnesium or zinc from mixed scrap by differential melting.

Interpretation and application of Part B

1. When determining the extent of an installation carrying on an activity within Part B(e), any location where the associated storage or handling of scrap which is to be heated as part of that activity is carried on, other than a location where scrap is loaded into a furnace, is to be ignored.

SECTION 2.3

Surface Treating Metals and Plastic Materials

Part A(1)

(a) Unless falling within Part A(2) of this Section, surface treating metals and plastic materials using an electrolytic or chemical process where the aggregated volume of the treatment vats is more than $30m^3$.

Part A(2)

(a) Surface treating metals and plastic materials using an electrolytic or chemical process where the aggregated volume of the treatment vats is more than $30m^3$ and where the activity is carried on at the same installation as one or more activities falling within—

(i) Part A(2) or Part B of Section 2.1;

(ii) Part A(2) or Part B of Section 2.2; or

(iii) Part A(2) or Part B of Section 6.4.

Part B

(a) Any process for the surface treatment of metal which is likely to result in the release into air of any acid-forming oxide of nitrogen and which does not fall within Part A(1) or Part A(2) of this Section.

CHAPTER 3

Mineral Industries

SECTION 3.1

Production of Cement and Lime

Part A(1)

(a) Producing cement clinker ***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.*** ~~or producing and grinding cement clinker~~.

(b) Producing lime ***or magnesium oxide*** —

~~(i)~~ in kilns ~~or other furnaces~~ with a production capacity of more than 50 tonnes per day~~; or~~

(ii) ~~if the activity is likely to involve the heating in any 12-month period of 5,000 or more tonnes of calcium carbonate or calcium magnesium carbonate or both in aggregate~~.

~~**Part A(2)**~~

~~(a) Unless falling with Part A(1) of this Section, grinding cement clinker.~~

~~(b) Unless falling within Part A(1) of Section 2.1 or 2.2, grinding metallurgical slag in plant with a grinding capacity of more than 250,000 tonnes in any 12-month period.~~

Part B

(a) Storing, loading or unloading cement or cement clinker in bulk prior to further transportation in bulk.

(b) Blending cement in bulk or using cement in bulk other than at a construction site, including the bagging of cement and cement mixtures, the batching of ready-mixed concrete and the manufacture of concrete blocks and other cement products.

(c) Slaking lime for the purpose of making calcium hydroxide or calcium magnesium hydroxide.

(d) Producing lime where the activity is not likely to involve the heating in any 12-month period of 5,000 or more tonnes of calcium carbonate or calcium magnesium carbonate or both in aggregate.

(e) Grinding cement clinker.

SECTION 3.2

Activities Involving Asbestos

Interpretation of Section 3.2

1. In this Section "asbestos" means any of the following fibrous silicates: actinolite, amosite, anthophyllite, chrysotile, crocidolite and tremolite.

Part A(1)

(a) Producing asbestos or manufacturing products based on or containing asbestos.

(b) Stripping asbestos from railway vehicles except—

(i) in the course of the repair or maintenance of the vehicle;

(ii) in the course of recovery operations following an accident; or

(iii) where the asbestos is permanently bonded in cement or in any other material (including plastic, rubber or resin).

~~(c) Destroying a railway vehicle by burning if asbestos has been incorporated in, or sprayed on to, its structure.~~

Part B

(a) Unless related to an activity falling within Part A(1) of this Section, the industrial finishing of—

(i) asbestos cement;

(ii) asbestos cement products;

(iii) asbestos fillers;

(iv) asbestos filters;

(v) asbestos floor coverings;

(vi) asbestos friction products;

(vii) asbestos insulating board;

(viii) asbestos jointing, packaging or reinforcement material;

(ix) asbestos packing;

(x) asbestos paper or card; or

(xi) asbestos textiles.

SECTION 3.3

Manufacturing Glass and Glass Fibre

Part A(1)

(a) Manufacturing glass fibre ***with a melting capacity exceeding 20 tonnes per day***.

~~(b) Manufacturing glass frit or enamel frit and its use in any activity where that activity is related to its manufacture and the aggregate quantity of such substances manufactured in any 12-month period is likely to be 100 or more tonnes.~~

Part A(2)

(a) Manufacturing glass, unless falling within Part A(1) of this Section, where the melting capacity of the plant is more than 20 tonnes per day.

Part B

Unless falling within Part A(1) or Part A(2) of this Section—

(a) Manufacturing glass at any location with the capacity to make 5,000 or more tonnes of glass in any 12-month period, and any activity involving the use of glass which is carried on at any such location in conjunction with its manufacture.

(b) Manufacturing glass where the use of lead or any lead compound is involved.

(c) Manufacturing any glass product where lead or any lead compound has been used in the manufacture of the glass except—

(i) making products from lead glass blanks; or

(ii) melting, or mixing with another substance, glass manufactured elsewhere to produce articles such as ornaments or road paint.

(d) Polishing or etching glass or glass products in the course of any manufacturing activity if—

(i) hydrofluoric acid is used; or

(ii) hydrogen fluoride may be released into the air.

(e) Manufacturing glass frit or enamel frit and its use in any activity where that activity is related to its manufacture.

SECTION 3.4

Production of Other Mineral Fibres

Part A(1)

~~(a)~~ ***Melting mineral substances including the production of mineral fibres with a melting capacity exceeding 20 tonnes per day.*** ~~Unless falling within Part A(1) or Part A(2) of Section 3.3, melting mineral substances in plant with a melting capacity of more than 20 tonnes per day.~~

~~(b) Unless falling within Part A(1) of Section 3.3, producing any fibre from any mineral.~~

SECTION 3.5

Other Mineral Activities

Part A(2)

(a) Manufacturing cellulose fibre reinforced calcium silicate board using unbleached pulp.

Part B

(a) Unless falling within Part A(1) or Part A(2) of any Section, the crushing, grinding or other size reduction, other than the cutting of stone, or the grading, screening or heating of any designated mineral or mineral product except where the operation of the activity is unlikely to result in the release into the air of particulate matter.

(b) Any of the following activities unless carried on at an exempt location—

(i) crushing, grinding or otherwise breaking up coal, coke or any other coal product;

(ii) screening, grading or mixing coal, coke or any other coal product;

(iii) loading or unloading petroleum coke, coal, coke or any other coal product except unloading on retail sale.

(c) The crushing, grinding or other size reduction, with machinery designed for that purpose, of bricks, tiles or concrete.

(d) Screening the product of any activity described in paragraph (c).

(e) Coating road stone with tar or bitumen.

(f) Loading, unloading or storing pulverised fuel ash in bulk prior to further transportation in bulk.

(g) The fusion of calcined bauxite for the production of artificial corundum.

Interpretation and application of Part B

1. In Part B—

"coal" includes lignite;

"designated mineral or mineral product" means—

(a) clay, sand or any other naturally occurring mineral other than coal;

(b) metallurgical slag;

(c) boiler or furnace ash produced from the burning of coal, coke or any other coal product;

(d) gypsum which is a by-product of any activity;

"exempt location" means—

(a) any premises used for the sale of petroleum coke, coal, coke or any coal product where the throughput of such substances at those premises in any 12-month period is in aggregate likely to be less than 10,000 tonnes; or

(b) any premises to which petroleum coke, coal, coke or any coal product is supplied only for use there;

"retail sale" means sale to the final customer.

2. Part B does not apply to any activity carried on underground.

SECTION 3.6

Ceramic Production

Part A(1)

(a) Manufacturing ceramic products (including roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain) by firing in kilns, where—

(i) the kiln production capacity is more than 75 tonnes per day; or

(ii) the kiln capacity is more than $4m^3$ and the setting density is more than 300 kg/m^3,

and a reducing atmosphere is used other than for the purposes of colouration.

Part A(2)

(a) Unless falling within Part A(1) of this Section, manufacturing ceramic products (including roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain) by firing in kilns, where—

(i) the kiln production capacity is more than 75 tonnes per day; or

(ii) the kiln capacity is more than $4m^3$ and the setting density is more than 300 kg/m^3.

Part B

(a) Unless falling within Part A(1) or A(2) of this Section, firing heavy clay goods or refractory materials (other than heavy clay goods) in a kiln.

(b) Vapour glazing earthenware or clay with salts.

Interpretation of Part B

1. In Part B—

"clay" includes a blend of clay with ash, sand or other materials;

"refractory material" means material (such as fireclay, silica, magnesite, chrome-magnesite, sillimanite, sintered alumina, beryllia and boron nitride) which is able to withstand high temperatures and to function as a furnace lining or in other similar high temperature applications.

CHAPTER 4

The Chemical Industry

Interpretation of Chapter 4

1. In Part A(1) of the Sections of this Chapter, "producing" means ***the production on an industrial scale by chemical or biological processing of substances or groups of substances*** ~~producing in a chemical plant by chemical processing for commercial purposes substances or groups of substances~~ listed in the relevant Sections.

SECTION 4.1

Organic Chemicals

Interpretation of Section 4.1

1. In this Section, "pre-formulated resin or pre-formulated gel coat" means any resin or gel coat which has been formulated before being introduced into polymerisation or co-polymerisation activity, whether or not the resin or gel coat contains a colour pigment, activator or catalyst.

Part A(1)

(a) Producing organic chemicals such as—

(i) hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);

(ii) organic compounds containing oxygen (for example alcohols, aldehydes, ketones, carboxylic acids, esters, ethers, peroxides, phenols, epoxy resins);

(iii) organic compounds containing sulphur (for example sulphides, mercaptans, sulphonic acids, sulphonates, sulphates and sulphones and sulphur heterocyclics);

(iv) organic compounds containing nitrogen (for example amines, amides, nitrous-, nitro- or azo-compounds, nitrates, nitriles, nitrogen heterocyclics, cyanates, isocyanates, di-isocyanates and di-isocyanate prepolymers);

(v) organic compounds containing phosphorus (for example substituted phosphines and phosphate esters);

(vi) organic compounds containing halogens (for example halocarbons, halogenated aromatic compounds and acid halides);

(vii) organometallic compounds (for example lead alkyls, Grignard reagents and lithium alkyls);

(viii) plastic materials (for example polymers, synthetic fibres and cellulose-based fibres);

(ix) synthetic rubbers;

(x) dyes and pigments;

(xi) surface-active agents.

~~(b) Producing any other organic compounds not described in paragraph (a).~~

~~(c) Polymerising or co-polymerising any unsaturated hydrocarbon or vinyl chloride (other than a pre-formulated resin or pre-formulated gel coat which contains any unsaturated hydrocarbon) which is likely to involve, in any 12-month period, the polymerisation or co-polymerisation of 50 or more tonnes of any of those materials, or any combination of those materials in aggregate.~~

~~(d) Any activity involving the use in any 12-month period of 1 or more tonnes of toluene di-isocyanate or other di-isocyanate of comparable volatility or, where partly polymerised, the use of partly polymerised di-isocyanates or prepolymers containing 1 or more tonnes of those monomers, if the activity may result in a release into the air which contains such a di-isocyanate monomer.~~

~~(e) The flame bonding of polyurethane foams or polyurethane elastomers.~~

~~(f) Recovering —~~

~~(i) carbon disulphide;~~

~~(ii) pyridine or any substituted pyridine.~~

~~(g) Recovering or purifying acrylic acid, substituted acrylic acid or any ester of acrylic acid or of substituted acrylic acid.~~

Part B

(a) Unless falling within Part A(1) of this Section, any activity where the carrying on of the activity by the person concerned at the location in question is likely to involve the use in any 12-month period of 5 tonnes or more of any di-isocyanate or of any partly polymerised di-isocyanate or, in aggregate, of both.

(b) ***The flame bonding or cutting with heated wires of polyurethane foams or polyurethane elastomers*** ~~Cutting polyurethane foams or polyurethane elastomers with heated wires~~.

(c) Any activity for the polymerisation or co-polymerisation of any pre-formulated resin or pre-formulated gel coat which contains any unsaturated hydrocarbon, where the activity is likely to involve, in any 12-month period, the polymerisation or co-polymerisation of 100 or more tonnes of unsaturated hydrocarbon.

(d) Unless falling within Part A(1) of this Section, any activity involving the use of toluene di-isocyanate or partly polymerised di-isocyanate if—

(i) less than 1 tonne of toluene di-isocyanate monomer is likely to be used in any 12-month period; and

(ii) the activity may result in a release into the air which contains toluene di-isocyanate.

SECTION 4.2

Inorganic Chemicals

Part A(1)

(a) Producing inorganic chemicals such as—

(i) gases (for example ammonia, hydrogen chloride, hydrogen fluoride, hydrogen cyanide, hydrogen sulphide, oxides of carbon, sulphur compounds, oxides of nitrogen, hydrogen, oxides of sulphur, phosgene);

(ii) acids (for example chromic acid, hydrofluoric acid, hydrochloric acid, hydrobromic acid, hydroiodic acid, phosphoric acid, nitric acid, sulphuric acid, oleum and chlorosulphonic acid);

(iii) bases (for example ammonium hydroxide, potassium hydroxide, sodium hydroxide);

(iv) salts (for example ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate, cupric acetate, ammonium phosphomolybdate);

(v) non-metals, metal oxides, metal carbonyls or other inorganic compounds (for example calcium carbide, silicon, silicon carbide, titanium dioxide);

(vi) halogens or interhalogen compounds comprising 2 or more of halogens, or any compound comprising one or more of those halogens and oxygen.

(b) Unless falling within any other Section, any manufacturing activity which is likely to result in the release into the air of any hydrogen halide (other than the manufacture of glass or the coating, plating or surface treatment of metal) or which is likely to result in the release into the air or water of any halogen or any of the compounds mentioned in paragraph (a)(vi) (other than the treatment of water).

(c) ~~Unless falling within any other Section, any manufacturing activity involving the use of hydrogen cyanide or hydrogen sulphide~~.

(d) Unless falling within any other Section, any manufacturing activity (other than the application of a glaze or vitreous enamel) involving the use of, or the use or recovery of, any compound of any of the following elements—

(i) antimony;

(ii) arsenic;

(iii) beryllium;

(iv) gallium;

(v) indium;

(vi) lead;

(vii) palladium;

(viii) platinum;

(ix) selenium;

(x) tellurium;

(xi) thallium,

where the activity may result in the release into the air of any of those elements or compounds or the release into water of any substance listed in paragraph 7 of Part 1 of this Schedule.

(e) Recovering any compound of cadmium or mercury.

(f) Unless falling within any other Section, any manufacturing activity involving the use of mercury or cadmium or any compound of either element or which may result in the release into air of either of those elements or their compounds.

~~(g) Unless carried on as part of any other activity within this Schedule —~~

~~(i) recovering, concentrating or distilling sulphuric acid or oleum;~~

~~(ii) recovering nitric acid;~~

~~(iii) purifying phosphoric acid.~~

(h) Unless falling within any other Section, any activity (other than the combustion or incineration of carbonaceous material as defined in the Interpretation of Part A(1) of Section 1.2) which is likely to result in the release into the air of any acid-forming oxide of nitrogen.

~~(i) Unless carried on as part of any other activity within this Schedule, recovering ammonia.~~

~~(j) Extracting any magnesium compound from sea water.~~

SECTION 4.3

Chemical Fertiliser Production

Part A(1)

(a) Producing (including any blending which is related to their production) phosphorus-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers).

~~(b) Converting chemical fertilisers into granules.~~

SECTION 4.4

Plant Health Products and Biocides

Part A(1)

(a) Producing plant health products or biocides.

(b) Formulating such products if this may result in the release into water of any substance listed in paragraph 7 of Part 1 of this Schedule in a quantity which, in any 12-month period, is greater than the background quantity by more than the amount specified in that paragraph for that substance.

SECTION 4.5

Pharmaceutical Production

Part A(1)

(a) Producing pharmaceutical products ~~using a chemical or biological process~~.

~~(b) Formulating such products if this may result in the release into water of any substance listed in paragraph 7 of Part 1 of this Schedule in a quantity which, in any 12-month period, is greater than the background quantity by more than the amount specified in that paragraph for that substance.~~

SECTION 4.6

Explosives Production

Part A(1)

(a) Producing explosives.

SECTION 4.7

Manufacturing Activities Involving Carbon Disulphide or Ammonia

Part A(1)

~~(a) Unless falling within Part A(2) of Section 6.7, any manufacturing activity which may result in the release of carbon disulphide into the air.~~

(b) Any activity for the manufacture of a chemical which may result in the release of ammonia into the air other than an activity in which ammonia is only used as a refrigerant.

SECTION 4.8

The Storage of Chemicals in Bulk

Part B

(a) The storage in tanks, other than in tanks for the time being forming part of a powered vehicle, of any of the substances listed below except where the total storage capacity of the tanks installed at the location in question in which the relevant substance may be stored is less than the figure specified below in relation to that substance—

(i) one or more acrylates, 20 tonnes (in aggregate);

(ii) acrylonitrile, 20 tonnes;

(iii) anhydrous ammonia, 100 tonnes;

(iv) anhydrous hydrogen fluoride, 1 tonne;

(v) toluene di-isocyanate, 20 tonnes;

(vi) vinyl chloride monomer, 20 tonnes;

(vii) ethylene, 8,000 tonnes.

CHAPTER 5

Waste Management

SECTION 5.1

Incineration and Co-incineration of Waste

Interpretation of Section 5.1

1. 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

~~"co-incineration" means the use of wastes as a regular or additional fuel in a co-incineration plant or the thermal treatment of waste for the purpose of disposal in a co-incineration plant;~~

~~"co-incineration plant" means any stationary or mobile plant whose main purpose is the generation of energy or production of material products, and—~~

~~(a) which uses wastes as a regular or additional fuel; or~~

~~(b) in which waste is thermally treated for the purpose of disposal.~~

~~If co-incineration takes place in such a way that the main purpose of the plant is not the generation of energy or production of material products but rather the thermal treatment of waste, the plant must be regarded as an incineration plant.~~

~~This definition covers the site and the entire plant including all co-incineration lines, waste reception, storage, on site pre-treatment facilities, waste-, fuel- and air-supply systems, boiler, facilities for the treatment of exhaust gases, on-site facilities for treatment or storage of residues and waste water, stack devices and systems for controlling incineration operations, recording and monitoring incineration conditions, but does not cover co-incineration in an excluded plant;~~

~~"excluded plant" means—~~

~~(a) a plant treating only the following wastes—~~

~~(i) vegetable waste from agriculture and forestry,~~

~~(ii) vegetable waste from the food processing industry, if the heat generated is recovered,~~

~~(iii) fibrous vegetable waste from virgin pulp production and from production of paper from pulp, if it is co-incinerated at the place of production and the heat generated is recovered,~~

~~(iv) wood waste with the exception of wood waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coating, and which includes in particular such wood waste originating from construction and demolition waste,~~

~~(v) cork waste,~~

(vi) radioactive waste,

(vii) animal carcasses as regulated by Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3rd October 2002 laying down health rules concerning animal by-products not intended for human consumption(**a**), or

(viii) waste resulting from the exploration for, and the exploitation of, oil or gas resources from off-shore installations and incinerated on board the installation; or

(b) 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;

"hazardous waste", in relation to any solid or liquid waste, has the meaning given in regulation 6 of (in relation to England) the Hazardous Waste (England and Wales) Regulations 2005(**b**) or (in relation to Wales) regulation 6 of the Hazardous Waste (Wales) Regulations 2005(**c**), but does not include –

(a) combustible liquid wastes including waste oils, provided that they meet the following criteria –

(i) the mass content of polychlorinated aromatic hydrocarbons, for example polychlorinated biphenyls or pentachlorinated phenol amounts to concentrations not higher than those set out in the relevant Community legislation,

(ii) these wastes are not rendered hazardous by virtue of containing other constituents listed in Schedule 2 to (in relation to England) the Hazardous Waste (England and Wales) Regulations 2005, or (in relation to Wales) Schedule 2 to the Hazardous Waste (Wales) Regulations 2005 in quantities or in concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of the Waste Framework Directive, and

(iii) the net calorific value amounts to at least 30 MJ per kilogramme;

(b) any combustible liquid wastes which cannot cause, in the flue gas directly resulting from their combustion, emissions other than those from gasoil as defined in Article 1(1) of Council Directive 93/12/EEC relating to the sulphur content of certain liquid fuels(**d**) or a higher concentration of emissions than those resulting from the combustion of gasoil as so defined;

"incineration plant" means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of wastes with or without recovery of the combustion heat generated, including –

(a) the incineration by oxidation of waste; and

(b) other thermal treatment processes such as pyrolysis, gasification or plasma processes in so far as the substances resulting from the treatment are subsequently incinerated.

This definition covers the site and the entire incineration plant including all incineration lines, waste reception, storage, on site pre-treatment facilities, waste fuel and air supply systems, boiler, facilities for the treatment of exhaust gases, on site facilities for treatment or storage of residues and waste water, stack, devices and systems for controlling incineration operations, recording and monitoring incineration conditions, but does not cover incineration in an excluded plant;

"non-hazardous waste" means waste which is not hazardous waste;

"relevant Community legislation" has the same meaning as in Article 3(2)(a)(i) of the Waste Incineration Directive;

"waste" means any solid or liquid waste as defined in Article 1(1)(a) of the Waste Framework Directive.

(**a**) OJ No L 27, 10.10.2002, p 1.
(**b**) S.I. 2005/894.
(**c**) S.I. 2005/1806 (W. 138).
(**d**) OJ No L 74, 23.3.1993, p 81, as last amended by Directive 1999/32/EC (OJ No L 121, 11.5.1999, p 13).

~~**Part A(1)**~~

~~(a) The incineration of hazardous waste in an incineration plant.~~

~~(b) Unless carried on as part of any other Part A(1) activity, the incineration of hazardous waste in a co-incineration plant.~~

~~(c) The incineration of non-hazardous waste in an incineration plant with a capacity of 1 tonne or more per hour.~~

~~(d) Unless carried on as part of any other activity in Part A(1), the incineration of hazardous waste in a plant which is not an incineration plant or a co-incineration plant.~~

~~(e) Unless carried on as part of any other activity in Part A(1), the incineration of non-hazardous waste in a plant which is not an incineration plant or a co-incineration plant but which has a capacity of 1 tonne or more per hour.~~

~~(f) 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.~~

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.

Part A(2)

~~(a) The incineration of non-hazardous waste in an incineration plant with a capacity of less than 1 tonne per hour.~~

~~(b) Unless carried on as part of any other Part A activity, the incineration of non-hazardous waste in a co-incineration plant.~~

(c) The incineration of animal carcasses in a plant, which is not an incineration plant or a co-incineration plant, with a capacity of more than 10 tonnes per day but less than 1 tonne per hour.

Part B

(a) The incineration of non-hazardous waste in a plant which is—

(i) not an incineration plant or a co-incineration plant, and

(ii) on premises where there is plant, other than incineration plant or co-incineration plant, which has an aggregate capacity of 50 kilogrammes or more per hour but less than 1 tonne per hour.

(b) The cremation of human remains.

Application of Part B

1. When determining the extent of an installation carrying on an activity within Part B, any location of the following description is to be ignored: any location where the associated storage or handling of wastes and residues which are to be incinerated as part of that activity is carried on, other than a location where the associated storage or handling of animal remains intended for burning in an incinerator used wholly or mainly for the incineration of such remains or residues from the burning of such remains in such an incinerator is carried on.

SECTION 5.2

Disposal of Waste by Landfill

Part A(1)

(a) The disposal of waste in a landfill—

(i) receiving more than 10 tonnes of waste in any day, or

(ii) with a total capacity of more than 25,000 tonnes,

but excluding disposals in a landfill taking only inert waste.

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.

~~*Disposal of Waste other than by Incineration or Landfill*~~

~~**Part A(1)**~~

~~(a) The disposal of hazardous waste (other than by incineration or landfill) in a facility with a capacity of more than 10 tonnes per day.~~

~~(b) The disposal of waste oils (other than by incineration or landfill) in a facility with a capacity of more than 10 tonnes per day.~~

~~(c) Disposal of non-hazardous waste in a facility with a capacity of more than 50 tonnes per day by—~~

~~(i) biological treatment, not being treatment specified in any paragraph other than paragraph D8 of Annex IIA to the Waste Framework Directive, which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 in that Annex (D8), or~~

~~(ii) physico-chemical treatment, not being treatment specified in any paragraph other than paragraph D9 in Annex IIA to the Waste Framework Directive, which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 in that Annex (for example, evaporation, drying, calcination, etc) (D9).~~

~~*Interpretation and application of Part A(1)*~~

~~**1.** In Part A(1)(b) "disposal" means the processing or destruction of waste oil as well as its storage and tipping above ground.~~

~~**2.** Part A(1) does not apply to the treatment, by means of mobile plant, of—~~

~~(a) waste soil; or~~

~~(b) contaminated material, substances or products, for the purpose of remedial action with respect to land or controlled waters.~~

~~**3.** The reference to a D paragraph number in brackets at the end of Part A(1)(c)(i) and (ii) is a reference to the number of the corresponding paragraph in Annex IIA to the Waste Framework Directive (disposal operations).~~

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(a) 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 or 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."

(**a**)

Recovery of Waste

Part A(1)

(a) Recovering by distillation of any oil or organic solvent.

(b) Cleaning or regenerating carbon, charcoal or ion exchange resins by removing matter which is, or includes, any substance listed in paragraphs 6 to 8 of Part 1 of this Schedule.

(c) Unless carried on as part of any other Part A activity, recovering hazardous waste in a plant with a capacity of more than 10 tonnes per day by means of the following operations –

(i) the use principally as a fuel or other means to generate energy (R1),

(ii) solvent reclamation/regeneration (R2),

(iii) recycling/reclamation of inorganic materials other than metals and metal compounds (R5),

(iv) regeneration of acids or bases (R6),

(v) recovering components used for pollution abatement (R7),

(vi) recovery of components from catalysts (R8),

(vii) oil re-refining or other reuses of oil (R9).

Interpretation and application of Part A(1)

1. Part A(1)(a) and (b) do not apply to any of the following activities, except where the activity involves distilling more than 100 tonnes per day –

(a) distilling oil for the production or cleaning of vacuum pump oil;

(b) an activity which is ancillary to and related to another activity, whether described in this Schedule or not, which involves the production or use of the substance which is recovered, cleaned or regenerated.

2. Part A(1) does not apply to the treatment, by means of mobile plant, of –

(a) waste soil; or

(b) contaminated material, substances or products, for the purpose of remedial action with respect to land or controlled waters.

3. The reference to an R paragraph number in brackets at the end of Part A(1)(c)(i) to (vii) is a reference to the number of the corresponding paragraph in Annex IIB to the Waste Framework Directive (recovery operations).

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.

~~*The Production of Fuel from Waste*~~

~~**Part A(1)**~~

~~(a) Making solid fuel (other than charcoal) from waste by any process involving the use of heat.~~

SECTION 5.6

Treatment of waste water

(b) Part A(1)

(c) (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."

CHAPTER 6

Other Activities

SECTION 6.1

Paper, Pulp and Board Manufacturing Activities

Part A(1)

(a) Producing, in industrial plant, pulp from timber or other fibrous materials.

(b) Producing, in industrial plant, paper and board where the plant has a production capacity of more than 20 tonnes per day.

~~(c) Any activity associated with making paper pulp or paper, including activities connected with the recycling of paper such as de-inking, if the activity may result in the release into water of any substance in paragraph 7 of Part 1 of this Schedule in a quantity which, in any 12-month period, is greater than the background quantity by more than the amount specified in that paragraph in relation to that substance.~~

Interpretation of Part A(1)

1. In Part A(1)(c), "paper pulp" includes pulp made from wood, grass, straw or similar materials and references to the making of paper are to the making of any product using paper pulp.

Part A(2)

~~(a)~~ ***Production of one or more of the following wood-based panels with a production capacity exceeding 600m^3 per day: oriented strand board, particleboard or fibreboard*** ~~Manufacturing wood particleboard, oriented strand board, wood fibreboard, plywood, cement-bonded particleboard or any other composite wood-based board.~~

SECTION 6.2

Carbon Activities

Part A(1)

(a) Producing carbon or hard-burnt coal or electro-graphite by means of incineration or graphitisation.

SECTION 6.3

Tar and Bitumen Activities

Part A(1)

(a) The following activities—

~~(i)~~ distilling tar or bitumen in connection with any process of manufacture~~, or~~

~~(ii) heating tar for the manufacture of electrodes or carbon-based refractory materials,~~

where the activity is likely to involve the use in any 12-month period of 5 or more tonnes of tar or of bitumen or both in aggregate.

Part B

(a) Any activity not falling within Part A(1) of this Section or of Section 6.2 involving—

(i) heating, but not distilling, tar or bitumen in connection with any manufacturing activity, or

(ii) oxidising bitumen by blowing air through it, at plant where no other activities described in any Section in this Schedule are carried on,

where the carrying on of the activity is likely to involve the use in any 12-month period of 5 or more tonnes of tar or bitumen or both in aggregate.

Interpretation of Part B

1. In Part B, "tar" and "bitumen" include pitch.

SECTION 6.4

Coating Activities, Printing and Textile Treatments

Part A(1)

~~(a) Applying or removing a coating material containing any tributyltin compound or triphenyltin compound, if carried on at a shipyard or boatyard where vessels of a length of 25 metres or more can be built, maintained or repaired.~~

(b) Pre-treating (by operations such as washing, bleaching or mercerization) or dyeing fibres or textiles in plant with a treatment capacity of more than 10 tonnes per day.

~~(c) Treating textiles if the activity may result in the release into water of any substance in paragraph 7 of Part 1 of this Schedule in a quantity which, in any 12-month period, is greater than the background quantity by more than the amount specified in that paragraph in relation to that substance.~~

Part A(2)

(a) Unless falling within Part A(1) of this Section, surface treating substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, in plant with a consumption capacity of more than 150 kg per hour or more than 200 tonnes per year.

Part B

(a) Unless falling within Part A(1) or Part A(2) of this Section or Part A(2)(c) of Section 2.1, any process (other than for the re-painting or re-spraying of or of parts of aircraft or road

or railway vehicles) for applying to a substrate, or drying or curing after such application, printing ink or paint or any other coating material as, or in the course of, a manufacturing activity, where the process may result in the release into the air of particulate matter or of any volatile organic compound and is likely to involve the use in any 12-month period of—

(i) 20 or more tonnes of printing ink, paint or other coating material which is applied in solid form,

(ii) 20 or more tonnes of any metal coating which is sprayed on in molten form,

(iii) 25 or more tonnes of organic solvents in respect of any cold set web offset printing activity or any sheet fed offset litho printing activity, or

(iv) 5 or more tonnes of organic solvents in respect of any activity not mentioned in sub-paragraph (iii).

(b) Unless falling within Part A(2) of this Section, re-painting or re-spraying road vehicles or parts of them if the activity may result in the release into the air of particulate matter or of any volatile organic compound and the carrying on of the activity is likely to involve the use of 1 or more tonne of organic solvents in any 12-month period.

(c) Re-painting or re-spraying aircraft or railway vehicles or parts of them if the activity may result in the release into the air of particulate matter or of any volatile organic compound and the carrying on of the activity is likely to involve the use in any 12-month period of—

(i) 20 or more tonnes of any paint or other coating material which is applied in solid form,

(ii) 20 or more tonnes of any metal coatings which are sprayed on in molten form, or

(iii) 5 or more tonnes of organic solvents.

Interpretation and application of Part B

1. In Part B—

"aircraft" includes gliders and missiles;

"coating material" means paint, printing ink, varnish, lacquer, dye, any metal oxide coating, any adhesive coating, any elastomer coating, any metal or plastic coating and any other coating material.

2. The amount of organic solvents used in an activity must be calculated as—

(a) the total input of organic solvents into the process, including both solvents contained in coating materials and solvents used for cleaning or other purposes; less

(b) any organic solvents that are removed from the process for re-use or for recovery for re-use.

(2) When determining the extent of an installation carrying on an activity within Part B any location where the associated cleaning of used storage drums prior to painting or their incidental handling in connection with such cleaning is carried on is to be ignored, unless that location forms part of a ***regulated facility at which an activity listed in paragraph 2 of Schedule 14 is carried out*** ~~SED installation~~.

SECTION 6.5

The Manufacture of Dyestuffs, Printing Ink and Coating Materials

Part B

(a) Unless falling within Part A(1) or Part A(2) of any other Section—

(i) manufacturing or formulating printing ink or any other coating material containing, or involving the use of, an organic solvent, where the carrying on of the activity is likely to involve the use of 100 or more tonnes of organic solvents in any 12-month period,

(ii) manufacturing any powder for use as a coating material where there is the capacity to produce 200 tonnes or more of such powder in any 12-month period.

Interpretation of Part B

1. In Part B, "coating material" has the same meaning as in Section 6.4.

2. The amount of organic solvents used in an activity must be calculated as—

(a) the total input of organic solvents into the process, including both solvents contained in coating materials and solvents for cleaning or other purposes; less

(b) any organic solvents, not contained in coating materials, that are removed from the process for re-use or for recovery for re-use.

SECTION 6.6

Timber Activities

~~**Part A(1)**~~

~~(a) Curing, or chemically treating, as part of a manufacturing process, timber or products wholly or mainly made of wood if any substance in paragraph 7 of Part 1 of this Schedule is used.~~

Part A(2)

(a) Preservation of wood and wood products with chemicals with a production capacity exceeding 75 m^3 per day other than exclusively treating against sapstain."

Part B

(a) Unless falling within Part A(2) of Section 6.1, manufacturing products wholly or mainly of wood at any works if the activity involves a relevant activity and the throughput of the works in any 12-month period is likely to be more than—

(i) 10,000 cubic metres in the case of works at which wood is only sawed, or wood is sawed and subjected to excluded activities, or

(ii) 1,000 cubic metres in any other case.

Interpretation of Part B

1. In Part B—

"excluded activity" means any relevant activity (other than sawing) which, ignoring any sawing carried on at the works, would be unlikely to result in the release into the air of any substance in paragraph 6(3) of Part 1 of this Schedule in a quantity capable of causing significant harm;

"relevant activity" means the sawing, drilling, sanding, shaping, turning, planing, curing or chemical treatment of wood;

"throughput" means the amount of wood which is subjected to a relevant activity, but where wood is subject to 2 or more relevant activities at the same works, the second and any subsequent activity is to be ignored;

"wood" includes any product consisting wholly or mainly of wood; and

"works" includes a sawmill or any other premises where relevant activities are carried on.

SECTION 6.7

Activities Involving Rubber

Part A(2)

(a) Manufacturing new tyres (but not remoulds or retreads) if this involves the use in any 12-month period of 50,000 or more tonnes of one or more of the following—

(i) natural rubber,

(ii) synthetic organic elastomers,

(iii) other substances mixed with them.

Part B

(a) Unless falling within Part A(1) or Part A(2) of any Section, the mixing, milling or blending of—

(i) natural rubber, or

(ii) synthetic organic elastomers,

if carbon black is used.

(b) Any activity which converts the product of an activity falling within paragraph (a) into a finished product if related to an activity falling within that paragraph.

SECTION 6.8

The Treatment of Animal and Vegetable Matter and Food Industries

Interpretation of Section 6.8

1. In this Section—

"animal" includes a bird or a fish;

"excluded activity" means—

(a) any activity carried on on a farm or agricultural holding other than—

(i) the manufacture of goods for sale,

(ii) the production of compost for growing mushrooms,

(b) the manufacture or preparation of food or drink for human consumption but excluding—

(i) the extraction, distillation or purification of animal or vegetable oil or fat otherwise than as an activity incidental to the cooking of food for human consumption,

(ii) any activity involving the use of green offal or the boiling of blood except the cooking of food (other than tripe) for human consumption,

(iii) the cooking of tripe for human consumption elsewhere than on premises on which it is to be consumed,

(c) the fleshing, cleaning and drying of pelts of fur-bearing mammals,

(d) any activity carried on in connection with the operation of a collection centre for animal by-products,

(e) any activity for the manufacture of soap not falling within Part A(1) of Section 4.1,

(f) the storage of vegetable matter not falling within any other Section,

(g) the cleaning of shellfish shells,

(h) the manufacture of starch,

(i) the processing of animal or vegetable matter at premises authorised for the feeding of a recognised pack of hounds under the Animal By-Products Regulations,

(j) the salting of hides or skins, unless related to any other activity listed in this Schedule,

(k) any activity for composting animal or vegetable matter or a combination of both, except where that activity is carried on for the purposes of cultivating mushrooms,

(l) any activity for cleaning, and any related activity for drying or dressing, seeds, bulbs, corms or tubers (and "related activity" means an activity being carried on by the same person at the same site),

(m) the drying of grain or pulses,

(n) any activity for the production of cotton yarn from raw cotton or for the conversion of cotton yarn into cloth;

"food" includes—

(a) drink,

(b) articles and substances of no nutritional value which are used for human consumption, and

(c) articles and substances used as ingredients in the preparation of food;

"green offal" means the stomach and intestines of any animal, other than poultry or fish, and their contents.

Part A(1)

(a) Tanning hides and skins at a plant with a treatment capacity of more than 12 tonnes of finished products per day.

(b) Slaughtering animals at a plant with a carcass production capacity of more than 50 tonnes per day.

(c) Disposing of or recycling animal carcasses or animal waste, other than by rendering or by incineration falling within Section 5.1, at a plant with a treatment capacity exceeding 10 tonnes per day of animal carcasses or animal waste or both in aggregate.

~~(d) Treating and processing materials intended for the production of food products from —~~

~~(i) animal raw materials (other than milk) at a plant with a finished product production capacity of more than 75 tonnes per day; or~~

~~(ii) vegetable raw materials at a plant with a finished product production capacity of more than 300 tonnes per day (average value on a quarterly basis).~~

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 x 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

(e) Treating and processing milk, the quantity of milk received being more than 200 tonnes per day (average value on an annual basis).

~~(f) Processing, storing or drying by the application of heat the whole or part of any dead animal or any vegetable matter (other than the treatment of effluent so as to permit its discharge into controlled waters or into a sewer unless the treatment involves the drying of any material with a view to its use as animal feedstuff) if the processing, storing or drying —~~

~~(i) does not fall within any other Section, or Part A(2) of this Section, and is not an excluded activity; and~~

~~(ii) may result in the release into water of any substance in paragraph 7 of Part 1 of this Schedule in a quantity which, in any 12 month period, is greater than the background quantity by more than the amount specified in relation to the substance in that paragraph.~~

Part A(2)

(a) Disposing of or recycling animal carcasses or animal waste by rendering at plant with a treatment capacity exceeding 10 tonnes per day of animal carcasses or animal waste or both in aggregate.

Part B

(a) Processing, storing or drying by the application of heat the whole or part of any dead animal or any vegetable matter (other than the treatment of effluent so as to permit its discharge into controlled waters or into a sewer unless the treatment involves the drying of any material with a view to its use as animal feedstuff) if the processing, storing or drying—

(i) does not fall within another Section, or Part A(1) or Part A(2) of this Section;

(ii) is not an excluded activity; and

(iii) may result in the release into the air of—

(aa) any substance in paragraph 6(3) of Part 1 of this Schedule, or

(bb) any offensive smell noticeable outside the premises on which the activity is carried on.

(b) Breeding maggots in any case where 5 or more kg of animal matter, vegetable matter or both in aggregate, are introduced into the process in any week.

SECTION 6.9

Intensive Farming

Part A(1)

(a) Rearing poultry or pigs intensively in an installation with more than—

(i) 40,000 places for poultry;

(ii) 2,000 places for production pigs (over 30 kg); or

(iii) 750 places for sows.

SECTION 6.10

Carbon capture and storage

Part A(1)

(a) Capture of carbon dioxide streams from an installation for the purposes of geological storage pursuant to Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide(a).‖.

~~SECTION 7~~ ***~~NB: Section 7 is transferred~~ verbatim ~~to the replacement Schedule14~~***

~~*SED Activities*~~

~~**Part B**~~

~~(a) The activities listed in the table below if they are operated above the solvent consumption threshold for the activity.~~

~~*Activity*~~	~~*Solvent consumption threshold in tonnes/year*~~
~~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 substances or~~	~~1~~

preparations which because of their content of volatile organic compounds classified as carcinogens, mutagens or toxic to reproduction under Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances(**a**) are assigned or need to carry one or more of the risk phrases R45, R46, R49, R60 or R61, or halogenated VOCs which are assigned or need to carry the risk phrase R40	
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 Part B

1. For the purposes of Part B –

"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 (including a step in which the same article is printed using any technique) but does not include the coating of substrate with metals by electrophoretic or chemical spraying techniques;

"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;

(**a**) OJ No 196, 16.8.1967, p 1 (OJ/SE Series I Chapter 1967 P, p 19), as last amended by Directive 2006/121/EC (OJ No L 396, 30.12.2006, p 850).

~~"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;~~

~~"*the Motor Vehicle Directive*‖ *means Directive 2007/46/EC of the European Parliament and of the Council*‖*(b) establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles*;;~~

~~"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;

"other coating activities" means a coating activity applied to —

(a) trailers, defined in categories O1, O2, O3, and O4 in the Motor Vehicle Directive,

(b) metallic and plastic surfaces including surfaces of airplanes, ships, trains, or

(c) textile, fabric, film and paper surfaces;

"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 coating" means a coating activity applied to the following vehicles —

(a) new cars, defined as vehicles of category M1 in the Motor Vehicle Directive, and of category N1 in so far as they are coated at the same installation as M1 vehicles,

(b) truck cabins, defined as the housing for the driver, and all integrated housing for the technical equipment, of vehicles of category N2 or N3 in the Motor Vehicle Directive,

(c) vans and trucks, defined as vehicles of category N1, N2 or N3 in the Motor Vehicle Directive, but not including truck cabins, or

(d) buses, defined as vehicles in category M2 or M3 in the Motor Vehicle Directive;

"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 Part B if the activity is likely to be operated above that threshold in any 12-month period.

3. An activity listed in Part B includes the cleaning of equipment but, except for a surface cleaning activity, not the cleaning of products.