

## SCHEDULE 2

Regulations 2, 12, 33 and 67

## SOLVENT EMISSIONS

**PART 1**

## Solvent emission activities

1. An activity listed in column 1 of table 1 is a solvent emissions activity if it is operated above the solvent consumption threshold (“SCT”) as described in column 2 of the table.

**Table 1**

<i>Activity</i>	<i>SCT (tonnes/year)</i>
1. Heatset web offset printing	15
2. Publication rotogravure	25
3. Other rotogravure, flexography, rotary screen printing, laminating or varnishing units	15
4. Rotary screen printing on textiles or cardboard	30
5. Surface cleaning using substances that are—	1
(a) volatile organic compounds assigned, or that need to carry, one or more of the hazard statements <sup>M1</sup> H340, H350, H350i, H360D or H360F	
(b) halogenated volatile organic compounds are assigned, or that need to carry, either of the hazard statements H341 or H351	
6. Other surface cleaning	2
7. Vehicle coating and vehicle refinishing	0.5
8. Coil coating	25
9. Other coating activities, including metal, plastic, textiles (except rotary screen printing on textiles), fabric, film and paper coating	5
10. Winding wire coating	5
11. Coating activity applied to wooden surfaces	15
12. Dry cleaning	0
13. Wood impregnation	25
14. Coating activity applied to leather	10
15. Footwear manufacture	5
16. Wood and plastic lamination	5
17. Adhesive coating	5
18. Manufacture of coating mixtures, varnishes, inks and adhesives	100
19. Rubber conversion	15

20. Vegetable oil and animal fat extraction and vegetable oil refining activities	10
21. Manufacturing of pharmaceutical products	50

### Marginal Citations

**M1** See the Hazardous Substances Regulation, as defined in regulation 2(1), for the meaning of ‘hazard statements’ and ‘risk phrases’.

2. Paragraph 1 is interpreted in accordance with paragraphs 3 to 6.
3. An activity listed in table 1 is deemed to be operated above the solvent consumption threshold if it is likely to be operated above that threshold in any period of 12 months.
4. An activity listed in table 1 includes the cleaning of equipment in respect of the activity but not, except for a surface cleaning activity, the cleaning of products.
5. Where an activity listed in table 1 is carried out in different parts of a stationary technical unit, or in different units on the same site, the capacities of each part or unit are added together and the total capacity attributed to each part or unit for the purpose of determining whether the activity is operated above the threshold.
6. In the period to 31st May 2015, the entry in column 1 of the fifth row of the Table in Part 1 is to be read as if—
  - (a) “ or one or more of the risk phrases R45, R46, R49, R60 or R61 ” is inserted after “H360F”, and
  - (b) “ or either of the risk phrases R40 or R68 ” is inserted after “H351”.

## PART 2

### SEPA functions

7.—<sup>[F1]</sup>(1) SEPA must exercise its functions under these Regulations so as to ensure that the operation of a solvents installation complies with the following provisions of the Industrial Emissions Directive:—

- (a) Articles 5(1) and (3),
- (b) Article 7,
- (c) Article 8(2),
- (d) Article 9,
- <sup>[F2]</sup>(dd) Article 58,
- (e) Article 59 (except the last paragraph of point (1) and point (4)),
- (f) Article 60,
- (g) Article 61,
- (h) Article 62,
- (i) Article 63,
- (j) Article 65, and
- (k) Article 82(7) to (9).

[<sup>F3</sup>(2) When interpreting the Industrial Emissions Directive for the purposes of this paragraph, Article 5 of the Industrial Emissions Directive is to be read as if a reference to a numbered Article of Council [Directive 85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment were a reference to the same numbered Article of [Directive 2011/92/EU](#) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment, as last amended by [Directive 2014/52/EU](#) of the European Parliament and of the Council.]

[<sup>F4</sup>(3) For the purposes of this schedule, the Industrial Emissions Directive is to be read as if—

- (a) in Article 5(1) “or Union ” were omitted,
- (b) in Article 5(3) for—
  - (i) the words “where Article 4 of Directive [85/337/EEC](#) applies” there were substituted “in relation to which an environmental impact assessment is required”,
  - (ii) the words “Articles 5, 6, 7 and 9 of that Directive” there were substituted “an environmental impact assessment”,
- (c) in Article 7—
  - (i) the words from “Without prejudice” to “environmental damage” were omitted,
  - (ii) for “Member States” there were substituted “ SEPA ”,
- (d) in Article 8, for “Member States”, at each place it occurs, there were substituted “ SEPA ”,
- (e) in Article 9(2), for “Member States” there were substituted “ SEPA ”,
- (f) in Article 59—
  - (i) in paragraph 1 for “Member States”, at each place it occurs, there were substituted “ SEPA ”,
  - (ii) in paragraph 1 the last subparagraph were omitted,
  - (iii) paragraph 4 were omitted,
- (g) in Article 60, for “Member States” there were substituted “ SEPA ”,
- (h) in Article 65(3), for the words “restrictions laid down in Article 4(1) and (2) of Directive [2003/4/EC](#)” there were substituted “ exceptions set out in regulation 10 of the Environmental Information (Scotland) Regulations 2004”]

#### Textual Amendments

- F1** Sch. 2 para. 7(1) renumbered (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **3(4)(a)**
- F2** Sch. 2 para. 7(1)(dd) inserted (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/26\)](#), regs. 1, **13(24)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Sch. 2 para. 7(2) inserted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **3(4)(b)**
- F4** Sch. 2 para. 7(3) inserted (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/26\)](#), regs. 1, **13(24)(a)(ii)** (as amended by [S.S.I. 2019/175](#), regs. 1(1)(b), 8(4)(b)); 2020 c. 1, Sch. 5 para. 1(1)

8. SEPA may permit emissions to exceed a fugitive emission limit required under [<sup>F5</sup>paragraph 7(1)(e)], provided that—

- (a) it is not technically and economically feasible to comply with that sub-paragraph,
- (b) SEPA ensures that the operator of the installation uses the best available techniques in respect of those emissions, and

- (c) SEPA is satisfied that there are no significant risks to human health and the environment.

#### Textual Amendments

- F5** Words in Sch. 2 para. 8 substituted (31.12.2020) by The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (S.S.I. 2019/26), regs. 1, **13(24)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

**9.** SEPA may permit emissions from the coating activities described in row 9 of the Table in Part 1 that cannot be carried out under contained conditions to exceed an emissions limit required under [F6]paragraph 7(1)(e)], provided that—

- (a) it is not technically and economically feasible to comply with that paragraph, and
- (b) SEPA ensures that the operator of the installation uses the best available techniques in respect of those emissions.

#### Textual Amendments

- F6** Words in Sch. 2 para. 9 substituted (31.12.2020) by The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (S.S.I. 2019/26), regs. 1, **13(24)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

## PART 3

### Duties on operators

#### Data reporting

**10.—(1)** The operator of a solvents installation must on request provide SEPA with such information as it may reasonably request to verify compliance under [F7]sub-paragraphs 3 to 6] with—

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

(2) Information may be provided in a [F8]plan equivalent to a] solvent management plan prepared under Part 7 of Annex VII to the Industrial Emissions Directive.

[F9](3) In the case of continuous measurements the emission limit values must be considered to be complied with if—

- (a) none of the arithmetic averages of all valid readings taken during any 24 hour period of operation of an installation or activity except start-up and shut-down operations and maintenance of equipment exceeds the emission limit values,
- (b) none of the hourly averages exceeds the emission limit values by more than a factor of 1.5.

(4) In the case of periodic measurements the emission limit values must be considered to be complied with if, in one monitoring exercise—

- (a) the average of all the measurement values does not exceed the emission limit values,
- (b) none of the hourly averages exceeds the emission limit values by more than a factor of 1.5.

(5) Compliance with requirements derived from Part 4 of Annex VII to the Industrial Emissions Directive must be verified on the basis of the sum of the mass concentrations of the individual volatile organic compounds concerned. For all other cases, compliance must be verified on the basis of the

total mass of organic carbon emitted unless otherwise based on a limit derived from Part 2 of Annex VII to the Industrial Emissions Directive.

(6) Gas volumes may be added to the waste gas for cooling or dilution purposes where technically justified but must not be considered when determining the mass concentration of the pollutant in the waste gas.]

#### Textual Amendments

- F7** Words in Sch. 2 para. 10(1) substituted (31.12.2020) by The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (S.S.I. 2019/26), regs. 1, **13(24)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Sch. 2 para. 10(2) inserted (31.12.2020) by The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (S.S.I. 2019/26), regs. 1, **13(24)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Sch. 2 para. 10(3)-(6) inserted (31.12.2020) by The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (S.S.I. 2019/26), regs. 1, **13(24)(d)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Monitoring of emissions

**11.**—<sup>F10</sup>(1) The operator of a solvents installation must monitor emissions from the installation in accordance with <sup>F11</sup>sub-paragraphs (2) to (4)]

<sup>F12</sup>(2) Channels to which abatement equipment is connected, and which at the final point of discharge emit more than an average of 10 kilogrammes per hour of total organic carbon, must be monitored continuously for compliance.

(3) In other cases, SEPA must ensure that either continuous or periodic measurements are carried out. For periodic measurements at least three measurement values must be obtained during each measurement exercise.

(4) Measurements are not required where end-of-pipe abatement equipment is not needed to comply with these Regulations.]

#### Textual Amendments

- F10** Sch. 2 para. 11(1) renumbered (31.12.2020) by The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (S.S.I. 2019/26), regs. 1, **13(24)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Sch. 2 para. 11(1) substituted (31.12.2020) by The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (S.S.I. 2019/26), regs. 1, **13(24)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Sch. 2 para. 11(2)-(4) inserted (31.12.2020) by The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (S.S.I. 2019/26), regs. 1, **13(24)(e)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

## PART 4

### Interpretation

**12.** In this Schedule—

“adhesive” means any mixture, including all the organic solvents or mixtures 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,

“affected part” means that part of an solvents installation which undergoes a substantial change in operation or in which abatement equipment is installed,

“coating” means any mixture, including all the organic solvents or mixtures 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 and 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,

“consumption” means the total input of organic solvents into an installation per calendar year, or any other twelve month period, less any volatile organic compounds that are recovered for reuse, and for that purpose “input” means the quantity of organic solvents and their quantity in mixtures used when carrying out an activity (including the solvents recycled inside and outside the installation) and which are counted every time they are used to carry out the activity,

“contained conditions” means conditions under which an installation is operated so that the volatile organic compounds released from the activity are collected and discharged in a controlled way either via a stack or abatement equipment and are, therefore, not entirely fugitive,

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...

“dry cleaning” means any industrial or commercial activity using volatile organic compounds in an installation 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 using liquid inks which dry through evaporation,

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

“halogen” means bromine, chlorine, fluorine or iodine,

“halogenated organic solvent” means an organic solvent which contains at least one halogen atom per molecule,

“halogenated volatile organic compound” means a volatile organic compound containing a halogen,

“hazard statement substance” means—

- (a) in relation to a solvent emissions activity (other than dry cleaning) a substance which, is classified as a carcinogen, mutagen or toxic to reproduction under Regulation (EC) No. 1272/2008, and in the case where the contents include a—
  - (i) volatile organic compound, is assigned or needs to carry the hazard statements H340, H350, H350i, H360D and H360F or,
  - (ii) halogenated volatile organic compounds, is assigned or needs to carry the hazard statements H341 and H351,
- (b) in relation to dry cleaning, such a substance which because of the contents include a volatile organic compound is assigned or needs to carry the hazard statements H340, H350, H350i, H360D and H360F,

“heatset 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 substance, including all the organic solvents or mixtures 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 mixtures, varnishes, inks and adhesives” means the manufacture of coating mixtures, varnishes, inks and adhesives as final products and where carried out 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—

- (a) the chemical synthesis,
- (b) fermentation,
- (c) extraction, or
- (d) formulation and finishing,

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

“mixture” means mixture as defined in Article 3(2) of Regulation (EC) No 1907/2006 of European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and establishing a European Chemicals Agency <sup>M2</sup>,

“organic solvent” 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) metallic and plastic surfaces, including surfaces of airplanes, ships or trains,
- (b) textiles or fabric,
- (c) 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,

“risk phrase substance” means—

- (a) in relation to a solvent emissions activity other than dry cleaning a substance which, because of its content of volatile organic compounds classified as carcinogens, mutagens, or toxic to reproduction under Directive 67/548/EEC<sup>M3</sup> is assigned or needs to carry the risk phrases R45, R46, R49, R60 and R61 or, in the case of halogenated volatile organic compounds, is assigned or needs to carry the risk phrases R40 and R68,
- (b) in relation to dry-cleaning a substance which, because of its content of volatile organic compounds classified as carcinogens, mutagens, or toxic to reproduction under Directive 67/548/EEC is assigned or needs to carry the risk phrases R45, R46, R49, R60 and R61,

“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 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 those recesses,

“rubber conversion” means—

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

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

[<sup>F14</sup>“the Type Approval Regulation” means Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles;]

“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 M<sup>1</sup> in [<sup>F15</sup>the Type Approval Regulation] and of category N<sup>1</sup> in so far as they are coated at the same installation as M<sup>1</sup> vehicles,

- (b) truck cabins, defined as the housing for the driver, and all integrated housing for the technical equipment, of vehicles of categories N<sup>2</sup> and N<sup>3</sup> in [<sup>F15</sup>the Type Approval Regulation],
  - (c) vans and trucks, defined as vehicles of categories M<sup>2</sup> and M<sup>3</sup> in [<sup>F15</sup>the Type Approval Regulation] but not including truck cabins,
  - (d) buses, defined as vehicles of categories M<sup>2</sup> and M<sup>3</sup> in [<sup>F15</sup>the Type Approval Regulation],
  - (e) trailers, defined in categories O<sup>1</sup>, O<sup>2</sup>, O<sup>3</sup> and O<sup>4</sup> in [<sup>F15</sup>the Type Approval Regulation], but not where the activity is carried out as part of the repair, conservation or decoration of those vehicles referred to in (a) to (e) above outside of manufacturing installations,
- “vehicle refinishing” means any industrial or commercial coating activity and associated degreasing activities performing—

- (a) the original coating of road vehicles as defined in [<sup>F16</sup>the Type Approval Regulation], or part of them with refinishing-type materials, where this is carried out away from the original manufacturing line, or
- (b) the coating of trailers (including semi-trailers) (category O),

“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, and

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

#### Textual Amendments

- F13** Words in Sch. 2 para. 12 omitted (1.9.2020) by virtue of [The Road Vehicles \(Approval\) Regulations 2020 \(S.I. 2020/818\)](#), [reg. 1\(b\)](#), [Sch. 6 para. 26\(2\)\(a\)](#) (with Sch. 4 paras. 16, 17)
- F14** Words in Sch. 2 para. 12 inserted (1.9.2020) by [The Road Vehicles \(Approval\) Regulations 2020 \(S.I. 2020/818\)](#), [reg. 1\(b\)](#), [Sch. 6 para. 26\(2\)\(b\)](#) (with Sch. 4 paras. 16, 17)
- F15** Words in Sch. 2 para. 12 substituted (1.9.2020) by [The Road Vehicles \(Approval\) Regulations 2020 \(S.I. 2020/818\)](#), [reg. 1\(b\)](#), [Sch. 6 para. 26\(2\)\(c\)](#) (with Sch. 4 paras. 16, 17)
- F16** Words in Sch. 2 para. 12 substituted (1.9.2020) by [The Road Vehicles \(Approval\) Regulations 2020 \(S.I. 2020/818\)](#), [reg. 1\(b\)](#), [Sch. 6 para. 26\(2\)\(d\)](#) (with Sch. 4 paras. 16, 17)

#### Marginal Citations

- M2** OJ L 396, 30.12.2006, p.1, as last amended by Commission Regulation (EU) No 412/2012 (OJ L 128, 16.5.2012, p.1).
- M3** OJ L 196, 16.8.1967, p.1, as last amended by Commission Directive 98/98/EC (OJ L 355, 30.12.1998, p.1).

**Changes to legislation:**

There are currently no known outstanding effects for the The Pollution Prevention and Control (Scotland) Regulations 2012, SCHEDULE 2.