
STATUTORY INSTRUMENTS

1998 No. 767

The Environmental Protection (Prescribed Processes and Substances) (Amendment) (Hazardous Waste Incineration) Regulations 1998

Amendment of the principal Regulations

- 2.—(1) At the end of regulation 3(3) of the principal Regulations there shall be added:
- “except that, as respects the application of paragraph (bb) of Section 5.1, Part A, in Schedule 1, it means, subject to regulation 3 of the Environmental Protection (Prescribed Processes and Substances) (Amendment) (Hazardous Waste Incineration) Regulations 1998, 13th April 1998”.
- (2) In Section 5.1 of Schedule 1 to the principal Regulations (incineration):
- (a) after paragraph (b) of Part A there shall be inserted the following paragraph:
- “(bb) The incineration of hazardous waste in an incineration plant, other than in an exempt hazardous waste incineration plant.”;
- (b) in the definition of “clinical waste”(1) the words “in the definition of exempt incinerator” shall be inserted before “means”;
- (c) the following definition shall be inserted before the definition of “exempt incinerator”:
- ““exempt hazardous waste incineration plant” means:
- (i) an incineration plant for animal carcasses or remains;
- (ii) an incineration plant for infectious clinical waste, provided that such waste is not rendered hazardous as a result of the presence of constituents listed in Annex II to Directive 91/689/EEC on hazardous waste(2) other than constituent C35 in that list (infectious substances); or
- (iii) a municipal waste incineration plant also burning infectious clinical waste which is not mixed with other wastes which are rendered hazardous as a result of one of the properties listed in Annex III to Directive 91/689/EEC other than property H9 in that list (infectious);”;
- (d) the following definitions shall be inserted after the definition of “exempt incinerator”:
- ““hazardous waste” means any solid or liquid waste as defined in Article 1(4) of Directive 91/689/EEC but shall not include the following waste:
- (i) combustible liquid wastes, including waste oils as defined in Article 1 of Directive 75/439/EEC on the disposal of waste oils(3), provided that they meet the following three criteria:
- (a) the mass content of polychlorinated aromatic hydrocarbons, e.g. polychlorinated biphenyls or pentachlorinated phenol, amounts to

(1) The definition of “clinical waste” was substituted by paragraph 8 of Schedule 1 to S.I.1994/1271.

(2) OJNo. L377, 31.12.91, p.20.

(3) OJ No. L194, 25.7.75, p.23.

- concentrations not higher than those set out in the relevant Community legislation⁽⁴⁾;
- (b) these wastes are not rendered hazardous by virtue of containing other constituents listed in Annex II to Directive 91/689/EEC in quantities or in concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of Directive 75/442/EEC on waste⁽⁵⁾; and
 - (c) the net calorific value amounts to at least 30 MJ per kilogramme;
- (ii) any combustible liquid wastes which cannot cause, in the flue gas directly resulting from their combustion, emissions other than those from gas oil, as defined in Article 1(1) of Directive 75/716/EEC on the approximation of the laws of Member States relating to the sulphur content of certain liquid fuels⁽⁶⁾ or a higher concentration of emissions than those resulting from the combustion of gas oil as so defined;
 - (iii) hazardous waste resulting from the exploration for and the exploitation of oil and gas resources from off-shore installations and incinerated on board;
 - (iv) municipal waste covered by Directives 89/369/EEC on the prevention of air pollution from new municipal waste incineration plants⁽⁷⁾ and 89/429/EEC on the reduction of air pollution from existing municipal waste incineration plants⁽⁸⁾;
 - (v) sewage sludges from the treatment of municipal waste waters which are not rendered hazardous by virtue of containing constituents listed in Annex II to Directive 91/689/EEC in quantities or in concentrations which are inconsistent with the achievement of the objectives set out in the Article 4 of Directive 75/442/EEC on waste;

“incineration of hazardous waste in an incineration plant” means the incineration by oxidation of hazardous wastes, with or without recovery of the combustion heat generated, including pretreatment as well as pyrolysis or other thermal treatment processes, for example, plasma process, in so far as their products are subsequently incinerated, and includes the incineration of such wastes as a regular or additional fuel for any industrial process;”.

(3) In Schedule 2 to the principal Regulations (rules for the interpretation of Schedule 1):

(a) after paragraph 4 there shall be inserted the following paragraph:

“**4A.** Notwithstanding the rule set out in paragraph 4, where a process falls within the description in paragraph (bb) of Part A of Section 5.1 of Schedule 1 and Part B of any other Section in that Schedule, that process shall be regarded as falling only within the description in paragraph (bb) of Part A of Section 5.1.”;

(b) after paragraph 8 there shall be inserted the following paragraph:

“**8A.** The rule in paragraph 8 shall not apply in the case of the incineration of hazardous waste in an incineration plant, as described in paragraph (bb) of Part A of Section 5.1 of Schedule 1, when the prescribed process is a Part B process.”.

(4) See in particular Council Directive 96/59/EC (OJ No. L243, 24.9.96, p. 31).

(5) OJ No. L194, 25.7.75, p.39; amended by Council Directive 91/156 (OJ No. L78, 26.3.91, p.32).

(6) OJ No. L307, 27.11.75, p.22.

(7) OJ No. L163, 14.6.89, p.32.

(8) OJ No. L203, 15.7.89, p.50.