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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Pollution Prevention and Control (Scotland) Regulations 2000 (the “PPC Regulations”).

Regulation 3 amends the definition of “specified waste management activity” in regulation 2(1) (interpretation: general) of the PPC Regulations for the purpose of regulation 4 of the PPC Regulations so as to include “the disposal of waste in a waste incineration installation”.

Regulation 4 amends regulation 7(6)(c) of the PPC Regulations to insert a reference to “on the same site” such that this provision is consistent with regulation 7(6)(b); and regulation 7(7) so as to omit a reference to the operation of a Part A plant on a different site requiring a separate permit. Regulation 4 also inserts a new paragraph (10A) to provide that where a substantial change has resulted in the issue of a permit applicable to the part of the installation affected by the change, SEPA may on determination of an application for a permit for the remainder of the installation issue a consolidated permit for the whole installation.

Regulation 5 amends regulation 12 of the PPC Regulations so as to extend the application of this provision to mobile plant and to provide that the operator shall not make the proposed change in the operation of an installation during any period beginning with the date on which notice is served by SEPA under regulation 26(2) of the PPC Regulations and ending on the date on which the applicant furnishes the information specified in the notice.

Regulations 6 and 7 amend regulation 19(1) and 21(4) respectively of the PPC Regulations so as to extend the application of these provisions to mobile plant.

Regulation 8 amends section 1.2 (refining mineral oil and gas, operating coke ovens and coal gasification and liquefaction activities) of Part A of Part 1 of Schedule 1 to the PPC Regulations to qualify the reference to sewage as sewage “sludge”. Regulation 8 also inserts a new paragraph (j) in that section to regulate odourising natural gas or liquefied petroleum gas where that activity is related to a Part A activity.

Regulation 9 amends section 2.1 (ferrous metals) of Part 1 of Schedule 1 to the PPC Regulations to extend it to the regulation of vacuum and electro-slag furnaces. Regulation 9 replaces paragraph (i) of section 2.2 (non-ferrous materials) of Part A of that Schedule to include a reference to “furnace, bath or other holding vessel” instead of “installation”. Regulation 9 also replaces section 2.3 (surface treating metals and plastic materials) of Part A of that Schedule to regulate activities involving the release of surface treating materials using cadmium or any compound thereof in certain quantities.

Regulation 10 makes various amendments to Chapter 4 (the chemical industry) of Part 1 of Schedule 1 to the PPC Regulations. Regulation 10 replaces paragraph (a) of Part B of section 4.1 (organic chemicals) and paragraph (b) of Part A of section 4.2 (inorganic chemicals); inserts a new paragraph (g) in that section regarding any other activity subject to certain exceptions which does not fall within certain sections of that Schedule; and which may result in the release into the air of any acid forming oxide of nitrogen. Regulation 10 also replaces Part A of section 4.7 (manufacturing activities involving carbon disulphide or ammonia) so as to include (unless falling within any description set out in section 6.7 of that Part of that Schedule) any manufacturing activity involving rubber.

Regulation 11 makes various incidental amendments to Chapter 5 (waste management) of Part 1 to the PPC Regulations. Regulation 11 also inserts a new paragraph (i) in Part A of section 5.1 (incineration and co-incineration of waste) to include (unless carried out as part of any other Part A

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activity) the thermal treatment of any gaseous compound containing halogens arising from electrical equipment.

Regulation 11 also inserts a new paragraph (1A) in Part A (interpretation of Part A) of section 5.4 (recovery activities) such that Paragraph (a) of that Part applies to recovering by distillation unless carried on as part of an activity falling within any description in Part B of section 6.4 of Chapter 6 or Part B of Chapter 7 of that Schedule.

Regulation 12 makes various incidental amendments to Chapter 6 (other activities) of Part 1 of Schedule 1 to the PPC Regulations and in particular, amends section 6.6 (timber activities) of Part B so as to provide for sanding activities. Regulation 12 replaces paragraphs (b), Part A of section 6.8 (the treatment of animal and vegetable matter) to exclude the disposal of or recycling of animal carcasses or animal waste associated with the production of fishmeal or fish oil for food.

Regulation 13 replaces the definition of “vehicle refinishing” in paragraph (2), Part B of section 7 (SED activities) so as to omit the reference to the coating of road vehicles as defined in Directive [70/156/EEC](#), or part of them, carried out as part of vehicle repair, conservation or decoration outside of manufacturing installations.

Regulation 14 replaces paragraph (3) of Part 2 (interpretation of Part 1) of Schedule 1 to the PPC Regulations so as to provide that an activity shall not be taken to be an activity falling within any section of chapters 1 to 6 of Part 1 of that Schedule if it is carried out at an installation or mobile plant used solely for research, development and testing of new products and processes. However, it applies to any waste incineration installation only if it is used solely for research, development and testing in order to improve the incineration process and which treats less than 50 tonnes of waste per year.

Regulation 14 also replaces paragraph 9(2) of Part 2 of that Schedule so as to extend its application to any section of Part A or Part B of Part 1 of that Schedule; and paragraph (14)(1) of Part 2 of that Schedule so as to make provision for releases of substances to land.

Regulation 15 amends Tables 1 and 2 in paragraph 2(2) of Part 1 of Schedule 3, primarily in consequence of amendments in regulations 10(c)(v) and 11(a) above.

Regulation 16 makes incidental amendments to Part 1 (applications for permits) of Schedule 4 to the PPC Regulations as regards information about sites where activities are to be permitted.

Regulation 17 replaces paragraph 9(e) of Part 2 (determination of applications) of Schedule 4 so as to extend the application of that provision to mobile plant; and inserts a new sub-paragraph (d) in paragraph 15(2) of that Part of that Schedule such that for the purpose of calculating the 4 month period in paragraph 15(1) thereof, no account shall be taken of certain time periods where separate applications are made to operate different parts of one installation.

Regulation 17 also inserts a new paragraph (15A) in that Part of that Schedule such that where separate applications are made to operate different parts of one installation, SEPA shall send a copy of any notice served on any of the applicants under paragraph 15(4) to all of the other applicants in respect of that same installation.

Regulation 18 inserts a new paragraph 20A in Part 3 (national security and confidential information) of Schedule 4 to the PPC Regulations so that the requirements of paragraph (9) with the exception of paragraph 9(f) of that Schedule shall not apply in so far as they would require a person mentioned in any of those provisions to be given information which is not included in the register by virtue of regulation 28 of the PPC Regulations.

Regulation 19 replaces paragraph (2) of Part 1 (applications for variations of conditions) of Schedule 7 to the PPC Regulations so as to extend the application of the provision to instances where any proposed change mentioned therein would result in a change of location of Part A mobile plant.

Regulation 20 inserts a reference to a closure notice under regulation 18(1) of the [Landfill \(Scotland\) Regulations 2003 \(S.S.I. No. 235\)](#) in paragraph 2(1)(c) of Schedule 8 (procedures in connection with appeals to the Scottish Ministers) to the PPC Regulations.

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Regulation 21 replaces sub-paragraphs (x) to (z) of paragraph (1) of Schedule 9 (registers) to the PPC Regulations in order to correct an error in the numbering of those provisions.

A full regulatory impact assessment has not been produced for this instrument, which has no significant impact on the costs of business.