

## SCHEDULE 1

### Activities, installations and mobile plant

## PART 2

### Activities

## CHAPTER 5

### Waste Management

## SECTION 5.1

### *Incineration and Co-incineration of Waste*

#### Interpretation of Section 5.1

1. In this Section—

“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-preserved 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<sup>(1)</sup>, 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<sup>(2)</sup> or (in relation to Wales) regulation 6 of the Hazardous Waste (Wales) Regulations 2005<sup>(3)</sup>, 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<sup>(4)</sup> 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;

---

(1) OJ No L 27, 10.10.2002, p 1.

(2) S.I. 2005/894.

(3) S.I. 2005/1806 (W. 138).

(4) 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).

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

**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(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.