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STATUTORY INSTRUMENTS

1994 No. 1271

ENVIRONMENTAL PROTECTION

The Environmental Protection (Prescribed Processes and Substances Etc.) (Amendment) Regulations 1994

<i>Made</i>	- - - -	<i>10th May 1994</i>
<i>Laid before Parliament</i>		<i>11th May 1994</i>
<i>Coming into force</i>		
<i>Except for regulation 4</i>		<i>1st June 1994</i>
<i>Regulation 4</i>		<i>1st December 1994</i>

The Secretary of State for the Environment as respects England, the Secretary of State for Wales as respects Wales and the Secretary of State for Scotland as respects Scotland, in exercise of the powers conferred on them by section 2 of and paragraphs 1, 2, 6 and 7 of Schedule 1 to the Environmental Protection Act 1990⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Environmental Protection (Prescribed Processes and Substances Etc.) (Amendment) Regulations 1994 and, except for regulation 4, shall come into force on 1st June 1994.

(2) Regulation 4 shall come into force on 1st December 1994.

(3) In these Regulations—

“the Act” means the Environmental Protection Act 1990;

“the principal Regulations” means the Environmental Protection (Prescribed Processes and Substances) Regulations 1991⁽²⁾, and references to a Section are references to a section in Schedule 1 to those Regulations.

(1) 1990 c. 43.

(2) S.I. 1991/472, amended by S.I. 1991/836, 1992/614, 1993/1749, 1993/2405.

Amendment of the Environmental Protection (Applications, Appeals and Registers) Regulations 1991

2. In regulation 4(1) of the Environmental Protection (Applications, Appeals and Registers) Regulations 1991(3), after sub-paragraph (h) there shall be inserted the following sub-paragraph—

“(i) the islands or district council in whose area the process will be carried on, in the case of all prescribed processes designated for central control which will be carried on in Scotland in respect of which the enforcing authority is under a duty, by virtue of paragraph 2(1) of Schedule 4 to the Waste Management Licensing Regulations 1994(4), to discharge its functions under Part I of the 1990 Act with the objective of ensuring that waste is recovered or disposed of without causing nuisance through noise.”.

Amendments of the principal Regulations coming into force on 1st June 1994

3. The principal Regulations shall be amended in accordance with the provisions of Schedule 1 below.

Amendments of the principal Regulations coming into force on 1st December 1994

4.—(1) Regulation 4 of the principal Regulations (exceptions) shall be amended in accordance with the provisions of Schedule 2 below.

(2) In regulation 6(2) of the principal Regulations (prescribed substances), for the words “Schedule 5” there shall be substituted the words “column 1 of Schedule 5”.

(3) Schedule 1 to the principal Regulations (descriptions of processes) shall be amended in accordance with the provisions of Schedule 3 below.

(4) Schedule 2 to the principal Regulations (rules for the interpretation of Schedule 1) shall be amended in accordance with the provisions of Schedule 4 below.

(5) For Schedule 5 to the principal Regulations (release into water: prescribed substances) there shall be substituted the Schedule set out in Schedule 5 below.

Transitionals

5. Schedule 6 below (transitionals) shall have effect.

Signed by authority of the Secretary of State

6th May 1994

Robert Atkins
Minister of State,
Department of the Environment

10th May 1994

John Redwood
Secretary of State for Wales

(3) S.I. 1991/507, to which there are amendments not relevant to these Regulations.

(4) S.I. 1994/1056.

10th May 1994

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

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SCHEDULE 1

Regulation 3

AMENDMENTS OF THE PRINCIPAL REGULATIONS COMING INTO FORCE ON 1ST JUNE 1994

PART I

AMENDMENT OF REGULATION 4

1. After regulation 4(4A)(5) there shall be inserted the following paragraph—

“(4B) The use of a fume cupboard shall not be taken to fall within a description in Schedule 1 if it is used as a fume cupboard in a laboratory for research or testing, and it is not—

- (a) a fume cupboard which is an industrial and continuous production process enclosure; or
- (b) a fume cupboard in which substances or materials are manufactured.

In this paragraph, “fume cupboard” has the meaning given by the British Standard ‘Laboratory fume cupboards’ published by the British Standards Institution numbered BS7258: Part 1: 1990(6).”.

PART II

AMENDMENTS OF SCHEDULE 1

2. In Part B of Section 1.3 (combustion processes), in paragraph (e)(7), for the words “located with” there shall be substituted the words “used together with (whether or not it is operated simultaneously with)”.

3. In Part B of Section 2.1 (iron and steel), at the end of paragraph (d), there shall be added the following—

“; but a process does not fall within this paragraph if—

- (i) it is a process for heating iron, steel or any ferro-alloy in 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;
- (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 process described in this Part of this Section.”.

4. At the end of Section 2.1 there shall be added the following—

“In this Section “net rated thermal input” has the same meaning as in Section 1.3.”.

5. In Part B of Section 2.2 (non-ferrous metals)—

- (a) in paragraph (a), after the words “non-ferrous metal alloy” there shall be inserted the words “(other than tin or any alloy which, in molten form, contains 50% or more by weight of tin)”;
- (b) at the end of paragraph (e) there shall be added the following—

(5) Regulation 4(4A) was inserted by S.I. 1992/614, Schedule 1, paragraph 2.

(6) The International Standard Book Number (ISBN) in respect of BS 7258: Part 1: 1990 is 0 580 17977 X.

(7) Paragraph (e) was amended by S.I. 1992/614, Schedule 1, paragraph 7.

“; but a process 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.”.

6. At the end of Section 2.2 there shall be added the following—

“In this Section “net rated thermal input” has the same meaning as in Section 1.3.”.

7. In Part B of Section 3.4 (other mineral processes), in paragraph (a), after the words “other size reduction” there shall be inserted the words “(other than the cutting of stone)”.

8. In Section 5.1 (incineration)(8), for the definition of “clinical waste” there shall be substituted the following definition—

““clinical waste” means waste (other than waste consisting wholly of animal remains) which falls within sub-paragraph (a) or (b) of the definition of such waste in paragraph (2) of regulation 1 of the Controlled Waste Regulations 1992(9) (or would fall within one of those sub-paragraphs but for paragraph (4) of that regulation).”.

9. In Part B of Section 6.5 (coating processes and printing), for paragraph (a)(iii)(cc) there shall be substituted the following—

“(cc) 25 tonnes or more of organic solvents in respect of any cold set web offset printing process or any sheet fed offset litho printing process or, in respect of any other process, 5 tonnes or more of organic solvents.”.

10. In Section 6.5, for the words from “in calculating” to the end there shall be substituted the following—

“the amount of organic solvents used in a process shall 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.”.

11. At the end of Section 6.6 (the manufacture of dyestuffs, printing ink and coating materials) there shall be added the words

“, and the amount of organic solvents used in a process shall 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 (not contained in coating materials) that are removed from the process for re-use or for recovery for re-use.”.

12. In Part B of Section 6.7 (timber processes)(10) —

- (a) for the words “12 month period” to “500 cubic metres” there shall be substituted the following words—

“12 month period is likely to exceed—

(8) Section 5.1 was amended by S.I. [1992/614](#), Schedule 1, paragraph 9.

(9) S.I. [1992/588](#).

(10) Part B of Section 6.7 was amended by S.I. [1992/614](#), Schedule 1, paragraph 11.

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- (i) 10,000 cubic metres, in the case of works at which wood is sawed but at which wood is not subjected to any other relevant processes or is subjected only to relevant processes which are exempt processes; or
 - (ii) 1,000 cubic metres in any other case.”;
- (b) before the definition of “throughput” there shall be inserted the following—
- “relevant processes other than sawing are “exempt processes” where, if no sawing were carried on at the works, the activities carried on there would be treated as not falling within this Part of this Section by virtue of regulation 4(2);”;
- 13.** In Part B of Section 6.8 (processes involving rubber), in paragraph (a)(ii) after the word “synthetic” there shall be inserted the word “organic”.
- 14.** In Section 6.9 (the treatment and processing of animal or vegetable matter)—
- (a) at the end of the definition of “exempt process” (but before the word “and”)(**11**) there shall be added the following—
 - “(iv) any process carried on in connection with the operation of a knacker’s yard, as defined in article 3(1) of the Animal By-Products Order 1992(**12**);
 - (v) any process for the manufacture of soap not falling within a description in Part A of Section 4.2 of this Schedule;
 - (vi) the storage of vegetable matter otherwise than as part of any prescribed process;
 - (vii) the cleaning of shellfish shells;
 - (viii) the manufacture of starch;
 - (ix) the processing of animal or vegetable matter at premises for feeding a recognised pack of hounds registered under article 10 of the Animal By-Products Order 1992;
 - (x) the salting of hides or skins, unless related to any other prescribed process;
 - (xi) any process for composting animal or vegetable matter or a combination of both, except where that process is carried on for the purposes of cultivating mushrooms;
 - (xii) any process for cleaning, and any related process for drying or dressing, seeds, bulbs, corms or tubers;
 - (xiii) the drying of grain or pulses;
 - (xiv) any process for the production of cotton yarn from raw cotton or for the conversion of cotton yarn into cloth;”;
 - (b) after the definition of “exempt process” there shall be inserted the following definition—

““food” includes drink, articles and substances of no nutritional value which are used for human consumption, and articles and substances used as ingredients in the preparation of food;”.

PART III

AMENDMENT OF SCHEDULE 2

- 15.** In Schedule 2 to the principal Regulations, after paragraph 2A(**13**) there shall be inserted the following paragraphs—

(11) The definition of “exempt process” was amended by S.I. 1993/1749, regulation 2(2).

(12) S.I. 1992/3303.

(13) Paragraph 2A was inserted by S.I. 1993/2405, regulation 3.

2B. Notwithstanding the rule set out in paragraph 2, where a process of reforming natural gas described in paragraph (a) of Part A of Section 1.1 of Schedule 1 is carried on as an inherent part of and primarily for the purpose of producing a feedstock for a process described in Part A of any Section of Chapter 4 of that Schedule (“the other process”), that reforming process shall be treated as part of the other process and not as a separate process.

2C. Notwithstanding the rule set out in paragraph 2, where the same person carries on at the same location two or more Part B processes described in the provisions of Schedule 1 mentioned in any one of the following sub-paragraphs, those processes shall be treated as requiring authorisation as a single process falling within Part B of the Section first mentioned in the relevant sub-paragraph—

- (a) Section 2.1 and Section 2.2;
- (b) Section 3.1 and Section 3.4;
- (c) Section 3.6 and Section 3.4;
- (d) Section 6.5 and Section 6.6;
- (e) Section 6.7 and paragraph (e) of Part B of Section 1.3 insofar as it relates to any process for the burning of waste wood.”.

SCHEDULE 2

Regulation 4(1)

AMENDMENTS OF REGULATION 4 OF THE PRINCIPAL REGULATIONS COMING INTO FORCE ON 1ST DECEMBER 1994

1. For regulation 4(1)(ii) there shall be substituted the following—

“(ii) that it cannot result in the release into water of any substance prescribed by regulation 6(2) except—

- (a) in a concentration which is no greater than the background concentration; or
- (b) in a quantity which does not, in any 12 month period, exceed the background quantity by more than the amount specified in relation to the description of substance in column 2 of Schedule 5; and”.

2. In regulation 4(4) after the word “propels” there shall be inserted the words “or provides electricity for”.

3. In regulation 4(4A)(14) the words “which is designed to propel an aircraft, hovercraft, mechanically propelled road vehicle, railway locomotive or ship or other vessel” shall be omitted.

4. Regulation 4(5A)(15) shall be omitted.

5. For regulation 4(7) there shall be substituted the following—

“(7) In these Regulations—

“background concentration” means any concentration of the relevant substance which would be present in the release irrespective of any effect the process may have had on the composition of the release and, without prejudice to the generality of the foregoing, includes such concentration of the substance as is referred to in paragraph (8) below; and

(14) Regulation 4(4A) was inserted by S.I. 1992/614, Schedule 1, paragraph 2.

(15) Regulation 4(5A) was inserted by S.I. 1992/614, Schedule 1, paragraph 3.

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“background quantity” means such quantity of the relevant substance as is referred to in paragraph (8) below.

(8) The concentration or, as the case may be, quantity mentioned in paragraph (7) above is such concentration or quantity as is present in—

- (a) water supplied to the premises where the process is carried on;
- (b) water abstracted for use in the process; and
- (c) precipitation onto the premises on which the process is carried on.”.

SCHEDULE 3

Regulation 4(3)

AMENDMENTS OF SCHEDULE 1 TO THE PRINCIPAL REGULATIONS COMING INTO FORCE ON 1ST DECEMBER 1994

1. In Part A of Section 1.1 (gasification and associated processes)(16)—
 - (a) for paragraph (a) there shall be substituted the following paragraphs—
 - “(a) Reforming natural gas.
 - (aa) Refining natural gas if that process is related to another Part A process or is likely to involve the use in any 12 month period of 1000 tonnes or more of natural gas.”;
 - (b) at the end of paragraph (b) there shall be added the words “if that process is related to another Part A process”;
 - (c) at the end of paragraph (c) there shall be added the words “, unless carried on as part of a process which is a combustion process (whether or not that process falls within Section 1.3 of this Schedule)”.
2. For Part B of Section 1.1 there shall be substituted the following—

“PART B

- (a) Odourising natural gas or liquified petroleum gas, except where that process is related to a Part A process.
 - (b) Blending odourant for use with natural gas or liquified petroleum gas.
 - (c) Any process for refining natural gas not falling within paragraph (aa) of Part A of this Section.”.
3. At the end of Section 1.1 there shall be added the following—

“In this Section, “refining natural gas” does not include refining mains gas.”.
 4. In paragraph (a) of Part A of Section 1.2 (carbonisation and associated processes), after the word “coal” there shall be inserted the words “(other than the drying of coal)”.
 5. At the end of Part A of Section 1.3 (combustion processes)(17) there shall be inserted the following—

“Nothing in this Part of this Section applies to the burning of any fuel in a boiler, furnace or other appliance with a net rated thermal input of less than 3 megawatts.”.

(16) Chapter 1 of Schedule 1 was amended by S.I. 1992/614, Schedule 1, paragraph 4.

(17) Section 1.3 of Schedule 1 was amended by S.I. 1992/614, Schedule 1, paragraphs 6 and 7.

6. In Part B of Section 1.3, after the words “in relation to” there shall be inserted the words “and as part of”.
7. In Part A of Section 1.4 (petroleum processes)—
 - (a) for paragraph (a)(iv) there shall be substituted the following—

“(iv) if related to another process described in this paragraph, any associated gas or condensate.”;
 - (b) paragraph (b) shall be omitted;
 - (c) in paragraph (c), the words “or (b)” shall be omitted.
8. In Part A of Section 2.1 (iron and steel)—
 - (a) for paragraph (e) there shall be substituted the following paragraph—

“(e) Pelletising, calcining, roasting or sintering iron ore or any mixture of iron ore and other materials.”;
 - (b) in each of paragraphs (f), (g), (h) and (i) for the word “ferro-alloy” there shall be substituted the words “ferrous alloy”;
 - (c) paragraph (k) shall be omitted;
 - (d) after paragraph (l), there shall be inserted the following paragraph—

“(m) Any process for rolling iron, steel or any ferrous alloy carried on in relation to any process described in paragraph (f) or (g), and any process carried on in conjunction with such rolling involving the scarfing or cutting with oxygen of iron, steel or any ferrous alloy.”;
 - (e) at the end of Part A, there shall be added the following—

“A process does not fall within paragraph (a), (b), (c) or (d) of this Part of this Section unless—

 - (i) it is carried on as part of or is related to a process falling within a paragraph of this Part of this Section other than paragraph (a), (b), (c) or (d); or
 - (ii) it consists of, forms part of or is related to a process which is likely to involve the unloading in any 12 month period of more than 500,000 tonnes of iron ore or burnt pyrites or, in aggregate, both.”.
9. In Part B of Section 2.1—
 - (a) in paragraph (a)(ii) after the word “cupola” there shall be inserted the words “, crucible furnace, reverberatory furnace”;
 - (b) in each of paragraphs (a), (c) and (d), for the word “ferro-alloy” there shall be substituted the words “ferrous alloy”;
 - (c) for paragraph (b) there shall be substituted the following paragraph—

“(b) Any process for the refining or making of iron, steel or any ferrous alloy in which air or oxygen or both are used, if related to a process described in this Part of this Section.”;
 - (d) after paragraph (e) there shall be inserted the following—

“(f) Any other process involving the casting of iron, steel or any ferrous alloy from deliveries of 50 tonnes or more at one time of molten metal.”.
10. At the end of Section 2.1 there shall be added the following—

“In this Section and Section 2.2, “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

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a non-ferrous metal content greater than any percentage specified in Section 2.2 below, and “non-ferrous metal alloy” shall be construed accordingly.”.

11. In Part A of Section 2.2 (non-ferrous metals)(18)—

- (a) in paragraph (c)—
 - (i) after the words “any non-ferrous metal” there shall be inserted the words “(other than the electrolytic refining of copper)”;
 - (ii) for “(a), (c) or (d)” there shall be substituted “(a), (c), (d) or (g)”;
- (b) in paragraph (d) for “(b), (c) or (d)” there shall be substituted “(b), (c), (d) or, except in the case of a process which produces any nickel alloy, (g)”;
- (c) for paragraph (e) there shall be substituted the following paragraph—
 - “(e) Any process for producing, melting or recovering by chemical means or by the use of heat lead or any lead alloy, if—
 - (i) the process may result in the release into the air of particulate matter or smoke which contains lead; and
 - (ii) in the case of lead alloy, the percentage by weight of lead in the alloy in molten form exceeds 23% if the alloy contains copper and 2% in other cases.”;
- (d) in paragraph (ee)(19), the words “producing or” shall be omitted;
- (e) for paragraph (f)(20) there shall be substituted the following paragraph—
 - “(f) Any process for 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 of both of those metals in aggregate.”;
- (f) in paragraph (g)—
 - (i) after the words “involving the” there shall be inserted the words “manufacture or”;
 - (ii) at the end there shall be inserted the following—
 - “; but a process does not fall within this paragraph by reason solely of its involving the melting of an alloy of beryllium if that alloy contains less than 0.1 per cent by weight of beryllium in molten form and the process falls within a description in paragraph (a), (d) or (g) of Part B of this Section.”;
- (g) in paragraph (h), for the word “cable” there shall be substituted the words “scrap cable”;
- (h) paragraph (j) shall be omitted;
- (i) at the end there shall be added the following paragraph—
 - “(k) Pelletising, calcining, roasting or sintering any non-ferrous metal ore or any mixture of such ore and other materials.”.

12. In Part B of Section 2.2—

- (a) after paragraph (b) there shall be inserted the following paragraph—
 - “(bb) The fusion of calcined bauxite for the production of artificial corundum.”;
- (b) at the end there shall be added the following—
 - “(g) Any process for producing or melting by chemical means or by the use of heat any of the elements listed below or any alloy containing any of those elements if

(18) Part A of Section 2.2 was amended by S.I. 1992/614 Schedule 1, paragraph 8, and by S.I. 1993/2405, regulation 2(1).

(19) Paragraph (ee) of Section 2.2A was inserted by S.I. 1993/2405, regulation 2(1)(a).

(20) Paragraph (f) of Section 2.2A was amended by S.I. 1993/2405, regulation 2(1)(b).

the process may result in the release into the air of particulate matter or smoke which contains any of those elements—

antimony
arsenic
chromium
magnesium
maganese
phosphorus
platinum

The processes described in paragraphs (a), (c), (d) and (g) above include any related process for the refining of any non-ferrous metal or non-ferrous metal alloy.”.

13. At the end of Section 2.2 there shall be added the following—

“Nothing in this Section shall be taken to prescribe the processes of hand soldering or flow soldering.”.

14. Section 2.3 (smelting processes) shall be omitted.

15. In Part A of Section 3.1 (cement and lime manufacture and associated processes), at the end of paragraph (d) there shall be added the words “where the process is likely to involve the heating in any 12 month period of 5,000 tonnes or more of either substance or, in aggregate, of both.”.

16. In Part B of Section 3.1—

(a) in paragraph (b), after the words “related to” there shall be inserted the words “and carried on as part of”;

(b) at the end there shall be added the following paragraph—

“(c) The heating of calcium carbonate or calcium magnesium carbonate for the purpose of making lime where the process is not likely to involve the heating in any 12 month period of 5,000 tonnes or more of either substance or, in aggregate, of both.”.

17. In paragraph (c)(iii) of Part A of Section 3.2 (processes involving asbestos), for the words “plastic, rubber or a resin” there shall be substituted the words “cement or in any other material (including plastic, rubber or a resin)”.

18. In Part B of Section 3.4 (other mineral processes)—

(a) in paragraph (a), in sub-paragraph (ii), after the words “related to” there shall be inserted the words “and carried on as part of”;

(b) in paragraph (b)(iii) after the words “loading or unloading” there shall be inserted the words “petroleum coke”;

(c) after paragraph (e) there shall be inserted the following paragraph—

“(f) Loading, unloading, or storing pulverised fuel ash in bulk prior to further transportation in bulk, unless carried on as part of or in relation to a process falling within another description in this Schedule.”.

19. In Section 3.4—

(a) for the definition of “exempt location”, there shall be substituted the following definition—

““exempt location” means—

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- (i) 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
 - (ii) any premises to which petroleum coke, coal, coke, or any coal product is supplied only for use there;”;
- (b) after the definition of “exempt location” there shall be inserted the following definition—
““retail sale” means sale to the final consumer.”.

20. In Part A of Section 3.5 (glass manufacture and production), there shall be added at the end the words “and the aggregate quantity of such substances manufactured in any 12 month period is likely to be 100 tonnes or more.”.

21. In Part B of Section 3.5, there shall be added at the end the following—

- “(e) The manufacture of glass frit or enamel frit and its use in any process where that process is related to its manufacture if not falling within Part A of this Section.”.

22. For Section 3.6 of Schedule 1 (ceramic production) there shall be substituted the following Section—

“Section 3.6

Ceramic production

PART A

Firing heavy clay goods or refractory material in a kiln where a reducing atmosphere is used for a purpose other than coloration.

PART B

- (a) Firing heavy clay goods or refractory material (other than heavy clay goods) in a kiln where the process does not fall within a description in Part A of this Section.
- (b) Vapour glazing earthenware or clay with salts.

In this Section—

“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.”.

23. In Chapter 4 of Schedule 1 (the chemical industry), before Section 4.1 there shall be inserted the following—

“Except where paragraph 2 or 8 of Schedule 2 applies, nothing in this chapter of this Schedule applies to the operation of waste treatment plant.”.

24. In Part A of Section 4.1 (petrochemical processes)—

- (a) in paragraph (a) for the word “olefins” there shall be substituted the words “unsaturated hydrocarbons”;
- (b) for paragraph (d) there shall be substituted the following paragraph—

“(d) Any process for the polymerisation or co-polymerisation of any unsaturated hydrocarbons or of a product of a process mentioned in paragraph (b) or (c) which is likely to involve, in any 12 month period, the polymerisation or co-polymerisation of 50 tonnes or more of any of those materials or, in aggregate, of any combination of those materials.”.

25. In Part A of Section 4.2 (the manufacture and use of organic chemicals)—

(a) for paragraph (a) there shall be substituted the following paragraphs—

“(a) the manufacture of styrene or vinyl chloride;

(aa) the polymerisation or co-polymerisation of styrene or vinyl chloride where the process is likely to involve, in any 12 month period, the polymerisation or co-polymerisation of 50 tonnes or more of either of those materials or, in aggregate, of both;”;

(b) in paragraph (c), for the words “organic acid or its anhydride” there shall be substituted the words “any carboxylic acid or any anhydride of carboxylic acid”;

(c) for paragraph (d) there shall be substituted the following paragraph—

“(d) any process for the manufacture of a chemical involving the use of any substance mentioned in paragraph (c) if the process may result in the release of any such substance into the air;”;

(d) for paragraph (g) there shall be substituted the following paragraph—

“(g) the manufacture or recovery of pyridine, or of any substituted pyridines;”;

(e) in paragraph (i), for the words “any acrylate” there shall be substituted the words “any designated acrylate”;

(f) in paragraph (j), for the words “involving the use of any acrylate” there shall be substituted the words “which is likely to involve the use in any 12 month period of 1 tonne or more of any designated acrylate or, in aggregate, of more than one such designated acrylate”;

(g) there shall be added at the end the following definition—

“In this Part of this Section, “designated acrylate” means any of the following, namely, acrylic acid, substituted acrylic acids, the esters of acrylic acid and the esters of substituted acrylic acids.”.

26. In Part A of Section 4.3 (acid processes)—

(a) at the end of paragraph (c) there shall be added the words “and excluding also any process where such a release could only occur as a result of the storage and use of SO₂ in cylinders”;

(b) in paragraph (f), after the words “this Schedule)” there shall be inserted the words “which is not described in Part B of this Section, does not fall within a description in Section 2.1 or 2.2 of this Schedule and is not treated as so falling by virtue of the rules in Schedule 2, and”;

(c) in paragraph (g), after the word “manufacture” there shall be inserted the words “or purification”.

27. For Part B of Section 4.3 there shall be substituted the following—

“PART B

Any process for the surface treatment of metal which is likely to result in the release into the air of any acid-forming oxide of nitrogen and which does not fall within a description in Section 2.1 or 2.2 of this Schedule and is not treated as so falling by virtue of the rules in Schedule 2.”.

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- 28.** In paragraph (e) of Part A of Section 4.4 (processes involving halogens)—
- (a) after the words “paragraph (c)” there shall be inserted the words “or any of their acids”;
 - (b) for the word “pickling” there shall be substituted the words “surface treatment”.
- 29.** At the end of Part A of Section 4.6 (chemical fertiliser production) there shall be added the following words—
- “; and “manufacture of chemical fertilisers” shall be taken to include any process for blending chemical fertilisers which is related to a process for their manufacture.”.
- 30.** For Part A of Section 4.7 (pesticide production) there shall be substituted the following—

“PART A

The manufacture or the formulation of chemical pesticides if the process may result in the release into water of any substance described in Schedule 5.”.

- 31.** For Part A of Section 4.8 (pharmaceutical production) there shall be substituted the following—

“PART A

The manufacture or the formulation of a medicinal product if the process may result in the release into water of any substance described in Schedule 5.”.

- 32.** For Section 4.9 (the storage of chemicals in bulk), there shall be substituted the following—

“Section 4.9

The storage of chemicals in bulk

PART A

Nil

PART B

The storage in a tank or tanks, other than as part of a Part A process, and other than in a tank for the time being forming part of a powered vehicle, of any of the substances listed below except where the total 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;

any one or more designated acrylates	20 tonnes
acrylonitrile	20 tonnes
anhydrous ammonia	100 tonnes
anhydrous hydrogen fluoride	1 tonne
toluene di-isocyanate	20 tonnes
vinyl chloride monomer	20 tonnes

ethylene

8,000 tonnes

In this Section, “designated acrylate” has the same meaning as in Part A of Section 4.2.”.

33. In Section 5.1 (incineration)(21), in paragraph (c) of Part A, after the words “related to” there shall be inserted the words “and carried on as part of”.

34. For Part A of Section 5.2 (recovery processes) there shall be substituted the following—

“PART A

- (a) The recovery by distillation of any oil or organic solvent.
- (b) The cleaning or regeneration of carbon, charcoal or ion exchange resins by removing matter which is, or includes, any substance described in Schedule 4, 5 or 6. Nothing in this Part of this Section applies to—
 - (i) the distillation of oil for the production or cleaning of vacuum pump oil; or
 - (ii) a process which is ancillary and related to another process which involves the production or use of the substance which is recovered, cleaned or regenerated.”.

35. In paragraph (b) of Part A of Section 6.1, for the words “related to” there shall be substituted the words “associated with”.

36. In Part A of Section 6.2 (di-isocyanate processes)—

- (a) for paragraph (b) there shall be substituted the following paragraph—
 - “(b) Any manufacturing process involving the use of toluene di-isocyanate or partly polymerised toluene di-isocyanate if—
 - (i) 1 tonne or more of toluene di-isocyanate monomer is likely to be used in any 12 month period; and
 - (ii) the process may result in a release into the air which contains toluene di-isocyanate.”;
- (b) paragraph (c) shall be omitted;
- (c) for paragraph (d) there shall be substituted the following paragraph—
 - “(d) The flame bonding of polyurethane foams or polyurethane elastomers, and the hot wire cutting of such substances where such cutting is related to any other Part A process.”.

37. For Part B of Section 6.2 there shall be substituted the following—

“PART B

- (a) Any process not falling within any other description in this Schedule where the carrying on of the process 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) Any process not falling within any other description in this Schedule involving the use of toluene di-isocyanate or partly polymerised di-isocyanate if—

(21) Section 5.1 was amended by S.I. [1992/614](#), Schedule 1, paragraph 9.

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- (i) less than 1 tonne of toluene di-isocyanate monomer is likely to be used in any 12 month period; and
 - (ii) the process may result in a release into the air which contains toluene di-isocyanate.
- (c) The hot wire cutting of polyurethane foams or polyurethane elastomers, except where this process is related to any other Part A process.”.

38. For Section 6.3 (tar and bitumen processes) there shall be substituted the following—

“Section 6.3

Tar and bitumen processes

PART A

Any process not falling within any other description in this Schedule involving—

- (a) the distillation of tar or bitumen in connection with any process of manufacture; or
- (b) the heating of tar or bitumen for the manufacture of electrodes or carbon-based refractory materials,

where the carrying on of the process 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 tar or of bitumen or, in aggregate, of both.

PART B

Any process not falling within Part A of this Section or within any other description in this Schedule involving—

- (a) the heating, but not the distillation, of tar or bitumen in connection with any process of manufacture; or
- (b) (unless the process is related to and carried on as part of a process falling within Part A of Section 1.4 of this Schedule) the oxidation of bitumen by blowing air through it,

where the carrying on of the process 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 tar or of bitumen or, in aggregate, of both.

In this Section the expressions “tar” and “bitumen” include pitch.”.

39. Section 6.4 (processes involving uranium) shall be omitted.

40. In Part A of Section 6.5 (coating processes and printing), paragraph (c) shall be omitted.

41. For Part B of Section 6.5 there shall be substituted the following—

“PART B

- (a) Any process (other than for the repainting or respraying of or of parts of aircraft or road or railway vehicles) for the application to a substrate of, or the drying or curing after such application of, printing ink or paint or any other coating material as, or in the course of, a manufacturing process where—

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- (i) the process may result in the release into the air of particulate matter or of any volatile organic compound; and
- (ii) the carrying on of the process by the person concerned at the location in question is likely to involve the use in any 12 month period of—
 - (aa) 20 tonnes or more applied in solid form of any printing ink, paint or other coating material; or
 - (bb) 20 tonnes or more of any metal coatings which are sprayed on in molten form; or
 - (cc) 25 tonnes or more of organic solvents in respect of any cold set web offset printing process or any sheet fed offset litho printing process or, in respect of any other process, 5 tonnes or more of organic solvents.
- (b) Any process for the repainting or respraying of or of parts of road vehicles if the process may result in the release into the air of particulate matter or of any volatile organic compound and the carrying on of the process by the person concerned at the location in question is likely to involve the use of 1 tonne or more of organic solvents in any 12 month period.
- (c) Any process for the repainting or respraying of or of parts of aircraft or railway vehicles if the process may result in the release into the air of particulate matter or of any volatile organic compound and the carrying on of the process by the person concerned at the location in question is likely to involve the use in any 12 month period of—
 - (i) 20 tonnes or more applied in solid form of any paint or other coating material; or
 - (ii) 20 tonnes or more of any metal coatings which are sprayed on in molten form; or
 - (iii) 5 tonnes or more of organic solvents.”.

42. In Section 6.5, for the words from “In this Section” to “plastic coating” there shall be substituted the following—

“In this Section—

“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”.

43. For Part A of Section 6.6 (the manufacture of dyestuffs, printing ink and coating materials) there shall be substituted the following—

“PART A

Any process for the manufacture of dyestuffs if the process involves the use of hexachlorobenzene.”.

44. In Part B of Section 6.6—

- (a) the words “not falling within a description in any other Section in this Schedule” shall be omitted;
- (b) in paragraph (b), for the words “use as a coating” there shall be substituted the words “use as a coating material”.

45. In Part A of Section 6.7 (timber processes), paragraph (b) shall be omitted.

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46. In Part B of Section 6.7(22), after the definition of “throughput” but before the word “and” there shall be inserted the following definition—

““wood” includes any product consisting wholly or mainly of wood;”.

47. In Part B of Section 6.9 (the treatment and processing of animal or vegetable matter)(23), for paragraph (a)(i) there shall be substituted the following—

“(i) where the process has the characteristics described in regulation 4(1)(ii) above; but”.

SCHEDULE 4

Regulation 4(4)

AMENDMENTS OF SCHEDULE 2 TO THE PRINCIPAL REGULATIONS COMING INTO FORCE ON 1ST DECEMBER 1994

1. In paragraph 2A(24), after the words “Part A of Section 1.4” there shall be inserted the words “, Part A of Section 6.3”.

2. In paragraph 5, there shall be added at the end the following sub-paragraph—

“(e) any description of a Part B process includes any related process which would fall within paragraph (c) of Part A of Section 1.3 if it were not so related.”.

3. In paragraph 7, there shall be added at the end the following sub-paragraph—

“(3) Where by reason of such use or disposal as is mentioned in sub-paragraph (1), processes of different descriptions are carried out with the same plant and machinery and those processes include Part B processes falling within different Sections of Schedule 1 (but no Part A processes), those processes shall, notwithstanding the rule set out in paragraph 2, be treated as a single Part B process falling within the description in whichever of those Sections first appears in that Schedule.”.

4. For paragraph 8 there shall be substituted the following paragraph—

“8. Where in the course of, or as a process ancillary to, any prescribed process the person carrying on that process uses, treats or disposes of waste at the same location (whether as fuel or otherwise), the use, treatment or disposal of that waste shall, notwithstanding the rule set out in paragraph 2, be regarded as falling within the description of that process, whether the waste was produced by the person carrying on the process or acquired by him for such use, treatment or disposal.”.

5. Paragraph 10 shall be omitted.

(22) Part B of Section 6.7 was amended by S.I. 1992/614, Schedule 1, paragraph 11.

(23) Part B of Section 6.9 of Schedule 1 was amended by S.I. 1993/1749, regulation 2(2).

(24) Paragraph 2A was inserted by S.I. 1993/2405, regulation 3.

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SCHEDULE 5

Regulation 4(5)

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 5 TO
THE PRINCIPAL REGULATIONS ON 1ST DECEMBER 1994

“SCHEDULE 5

Regulations 4(1) and 6(2)

RELEASE INTO WATER: PRESCRIBED SUBSTANCES

(1) Substance	(2) Amount in excess of background quantity released in any 12 month period (Grammes)
Mercury and its compounds	200 (expressed as metal)
Cadmium and its compounds	1000 (expressed as metal)
All isomers of hexachlorocyclohexane	20
All isomers of DDT	5
Pentachlorophenol and its compounds	350
Hexachlorobenzene	5
Hexachlorobutadiene	20
Aldrin	2
Dieldrin	2
Endrin	1
Polychlorinated Biphenyls	1
Dichlorvos	0.2
1,2-Dichloroethane	2000
All isomers of trichlorobenzene	75
Atrazine	350*
Simazine	350*
Tributyltin compounds	4
Triphenyltin compounds	4
Trifluralin	20
Fenitrothion	2
Azinphos-methyl	2
Malathion	2
Endosulfan	0.5”

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

SCHEDULE 6

Regulation 5

TRANSITIONALS

Interpretation**1. In this Schedule—**

“existing process” means a process—

- (a) which was being carried on at some time in the 12 months immediately preceding 1st December 1994; or
- (b) which is to be carried on at a works, plant or factory or by means of mobile plant which was under construction or in course of manufacture or in the course of commission at that date, or the construction or supply of which was the subject of a contract entered into before that date;

“the determination date” for a prescribed process means—

- (a) in the case of a process for which an authorisation is granted, the date on which the enforcing authority grants it, whether in pursuance of the application or, on an appeal, of a direction to grant it;
- (b) in the case of a process for which an authorisation is refused—
 - (i) if the applicant appeals against the refusal, the date of the affirmation of the refusal;
 - (ii) if no appeal is made against the refusal, the date immediately following the last day, determined in accordance with regulation 10(1) of the Environmental Protection (Applications, Appeals and Registers) Regulations 1991⁽²⁵⁾, on which notice of appeal might have been given;

“Part A process” and “Part B process” have the same meaning as in the principal Regulations⁽²⁶⁾.

Processes which cease to be prescribed processes**2.—(1) This paragraph applies to a process—**

- (a) which, by virtue of regulation 4 above, ceases to be a prescribed process on 1st December 1994; and
- (b) in respect of which no authorisation under section 6 of the Act is in force on 1st June 1994.

(2) Regulation 3(3) of the principal Regulations (the prescribed date) shall not apply to a process to which this paragraph applies.

(3) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies shall be 30th November 1994.

Processes which become Part A prescribed processes**3.—(1) This paragraph applies to a process which—**

- (a) becomes a Part A process on 1st December 1994 by virtue of regulation 4 above; and
- (b) before that date, is not a prescribed process.

(2) Regulation 3(3) of the principal Regulations (the prescribed date) shall not apply to a process to which this paragraph applies.

⁽²⁵⁾ S.I. 1991/507.

⁽²⁶⁾ See S.I. 1991/472, regulation 2, for the definition of these terms.

(3) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies other than an existing process shall be 30th November 1994.

(4) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies which is an existing process shall, subject to subparagraph (5) below, be—

(a) 30th November 1994; or

(b) the date determined in accordance with Schedule 3 to the principal Regulations⁽²⁷⁾,

whichever is the later.

(5) Where application is duly made in accordance with section 6 of the Act before 1st November 1994 for authorisation to carry on an existing process to which this paragraph applies, the prescribed date as respects the carrying on by the applicant (or other person in his place) of the process to which the application relates shall be the determination date for that process.

Processes which transfer from Part B to Part A

4.—(1) This paragraph applies to a process which—

(a) becomes a Part A process on 1st December 1994 by virtue of regulation 4 above; and

(b) immediately before that date, is a Part B process.

(2) Regulation 3(3) of the principal Regulations (the prescribed date) shall not apply to a process to which this paragraph applies.

(3) For this purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies other than an existing process shall be 30th November 1994.

(4) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies which is an existing process shall, subject to subparagraph (5) below, be 31st December 1994.

(5) Where application is duly made in accordance with section 6 of the Act before 1st January 1995 for authorisation to carry on an existing process to which this paragraph applies, the prescribed date as respects the carrying on by the applicant (or other person in his place) of the process to which the application relates shall be the determination date for that process.

Processes which become Part B prescribed processes

5.—(1) This paragraph applies to a process which—

(a) becomes a Part B process on 1st December 1994 by virtue of regulation 4 above; and

(b) before that date, is not a prescribed process.

(2) Regulation 3(3) of the principal Regulations (the prescribed date) shall not apply to a process to which this paragraph applies.

(3) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies other than an existing process shall be 30th November 1994.

(4) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies which is an existing process shall, subject to subparagraph (5) below, be 31st May 1995.

(27) Schedule 3 to the principal Regulations was amended by S.I. 1991/836, S.I. 1993/1749, S.I. 1993/2405.

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(5) Where application is duly made in accordance with section 6 of the Act before 1st June 1995 for authorisation to carry on an existing process to which this paragraph applies, the prescribed date as respects the carrying on by the applicant (or other person in his place) of the process to which the application relates shall be the determination date for that process.

Processes which transfer from Part A to Part B

6.—(1) This paragraph applies to a process which—

- (a) becomes a Part B process on 1st December 1994 by virtue of regulation 4 above; and
- (b) immediately before that date, is a Part A process for the carrying on of which an application for an authorisation under section 6 of the Act is not yet required to be made.

(2) Regulation 3(3) of the principal Regulations (the prescribed date) shall not apply to a process to which this paragraph applies.

(3) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies other than an existing process shall be 30th November 1994.

(4) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies which is an existing process shall, subject to sub-paragraph (5) below, be 31st May 1995.

(5) Where application is duly made in accordance with section 6 of the Act before 1st June 1995 for authorisation to carry on an existing process to which this paragraph applies, the prescribed date as respects the carrying on by the applicant (or other person in his place) of the process to which the application relates shall be the determination date for that process.

7.—(1) This paragraph applies to an existing process—

- (a) which becomes a Part B process on 1st December 1994 by virtue of regulation 4 above; and
- (b) which, immediately before that date, is a Part A process; and
- (c) to which paragraph 6 above does not apply.

(2) Regulation 3(3) of the principal Regulations (the prescribed date) shall not apply to a process to which this paragraph applies.

(3) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in the case of a process to which this paragraph applies shall, subject to sub-paragraph (4) below, be 31st December 1994.

(4) Where application is duly made in accordance with section 6 of the Act before 1st January 1995 for authorisation to carry on an existing process to which this paragraph applies, the prescribed date as respects the carrying on by the applicant (or other person in his place) of the process to which the application relates shall be the determination date for that process.

(5) The requirements of paragraphs 1(2) and 2 of Schedule 1 to the Act (advertisement and consultation) shall not apply in relation to an application made as described in sub-paragraph (4) above if, in respect of the process to which that application relates—

- (a) an authorisation under section 6 of the Act is in force on 30th November 1994; or
- (b) an application for an authorisation under section 6 of the Act has been made and the requirements of those paragraphs have been fulfilled in relation to that application before 1st December 1994.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend two statutory instruments relating to integrated pollution control and local authority air pollution control under Part I of the Environmental Protection Act 1990.

Regulation 2 amends the Environmental Protection (Applications, Appeals and Registers) Regulations 1991 (S.I. 1991/507) to require consultation with the islands or district council in relation to certain processes carried on in Scotland.

Regulation 3 and Schedule 1 make further amendments to the Environmental Protection (Prescribed Processes and Substances) Regulations 1991 (S.I. 1991/472) (“the principal Regulations”). The effect of these amendments is to remove some processes from control under Part I of the Act.

Regulation 4 and Schedules 2 to 5, which come into force on 1st December 1994, make further amendments to the principal Regulations. Regulation 5 and Schedule 6 make transitional provision as to the date from which an authorisation under Part I of the Act is required to carry on a process which, by virtue of these amendments, becomes or ceases to be subject to integrated pollution control or local authority air pollution control, or is transferred from one form of control to the other.

A compliance cost assessment in respect of these Regulations may be obtained from Air Quality Division, Department of the Environment, Romney House, 43 Marsham Street, London SW1P 3PY, Environment Division, Welsh Office, Cathays Park, Cardiff CF1 3NQ, or the Scottish Office, Environment Department, 83 Princes Street, Edinburgh EH2 2ER.

The British Standard ‘Laboratory fume cupboards’ published by the British Standards Institution numbered BS 7258: Part I: 1990, which is referred to in paragraph 1 of Schedule 1 to these Regulations, may be obtained from any of the sales outlets of the British Standards Institution or by post from the Sales Department, British Standards Institution, Linford Wood, Milton Keynes, MK14 6LE (Telephone number: Milton Keynes (STD 0908) 320033).