



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 2802 (Cy.241)

2006 No. 2802 (W.241)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

Rheoliadau Atal a Rheoli Llygredd
(Cymru a Lloegr)
(Diwygio) (Cymru)
2006

The Pollution Prevention and
Control (England and Wales)
(Amendment) (Wales) Regulations
2006

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Atal a Rheoli Llygredd (Cymru a Lloegr) 2000 (O.S. 2000/1973) ("y Rheoliadau PPC") o ran Cymru.

These Regulations amend the Pollution Prevention and Control (England and Wales) Regulations 2000 (S.I. 2000/1973) ("the PPC Regulations") in relation to Wales.

Mae rheoliad 2(2) yn cynyddu mwyafswm y gosb y caiff llys Ynadon ei gosod o dan reoliad 32(2)(a) o'r Rheoliadau PPC o ran tramgwyddau a gyflawnir ar ôl dwyn i rym adran 154(1) o Ddeddf Cyfiawnder Troseddol 2003 (sy'n rhoi terfynau ar bŵer llys Ynadon i garcharu).

Regulation 2(2) increases the maximum penalty a Magistrates' court may impose under regulation 32(2)(a) of the PPC Regulations in respect of offences committed after section 154(1) of the Criminal Justice Act 2003 (which limits a Magistrates' court's power to impose imprisonment) is brought into force.

Mae Rheoliad 2(3)(a) yn diwygio rhan B o adran 1.2 (Gweithgareddau Nwyeiddio, Hylifo a Phuro) o Atodlen 1 i'r Rheoliadau PPC drwy ychwanegu gweithgareddau ail-lenwi tanwydd i gerbydau at y rhestr o weithgareddau sy'n ei gwneud yn ofynnol cael caniatâd o dan y Rheoliadau PPC. Mae hyn yn bodloni rhwymedigaeth y DU sy'n codi o Brotocol Genefa Pwyllgor Economaidd y Cenhedloedd Unedig ar gyfer Ewrop i Gonfensiwn 1979 ar Lygredd Aer Trawsffiniol Pellgyrhaeddol Ynghylch Rheoli Allyriadau Cyfansoddion Organig Anwedol neu eu Dylifiadau Trawsffiniol. Daeth y Protocol hwn i rym ar 29 Medi 1997 ar ôl iddo gael ei fabwysiadu ym mis Tachwedd 1991. Gellir gweld y Protocol ar wefan UNECE yn www.unece.org.

Regulation 2(3)(a) amends part B of section 1.2 (Gasification, Liquefaction and Refining Activities) of Schedule 1 to the PPC Regulations by adding motor vehicle refuelling activities to the list of activities that require a permit under the PPC Regulations. This meets a UK obligation arising from the UN Economic Committee for Europe Geneva Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution Concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes. This Protocol entered into force on 29 September 1997 following its adoption in November 1991. The Protocol can be seen on the UNECE website at www.unece.org.

Mae rheoliad 2(3)(b) yn diwygio Adran 5.1 (Hyslogi a Chyddylogi Gwastraff) o Atodlen 1 i'r Rheoliadau PPC drwy egluro nad yw hyslogi o ganlyniad i losgi nwy tirlenwol yn ddarostyngedig i ganiatâd o dan y Rheoliadau PPC.

Regulation 2(3)(b) amends Section 5.1 (Incineration and Co-incineration of waste) of Schedule 1 to the PPC Regulations by clarifying that incineration incidentally in the course of burning of landfill gas is not subject to permission under the PPC Regulations.

Mae rheoliad 2(3)(c) yn cywiro gwall drafftio yn Rhan B o adran 7 (Gweithgareddau SED) o Atodlen 1 i'r Rheoliadau PPC.

Mae rheoliad 2(4) yn diwygio Atodlen 3 (Dyddiad Rhagnodedig a Threfniadau Trosiannol) i'r Rheoliadau PPC i esemptio gweithredwyr penodol o beiriannau sychlanhau sy'n derbyn arian sy'n dewis peidio â gwneud cais am ganiatâd cyn 31 Hydref 2006 o ofynion y Gyfarwyddeb Allyriadau Toddyddion 1999/13/EC i gael caniatâd ar y sail bod y gweithredwyr yn cytuno i roi'r gorau i gyflawni gweithrediadau sy'n dod o fewn cwrpas y Gyfarwyddeb honno yn y gosodiad cyn 31 Hydref 2007.

Regulation 2(3)(c) corrects a drafting error in Part B of section 7 (SED Activities) of Schedule 1 to the PPC Regulations.

Regulation 2(4) amends Schedule 3 (Prescribed Date and Transitional Arrangements) to the PPC Regulations to exempt certain operators of coin-operated dry cleaning machines who choose not to make an application for a permit before 31 October 2006 from the permit requirements of the Solvent Emissions Directive 1999/13/EC on the basis that the operators agree to cease carrying-out operations that fall within the scope of that Directive at the installation before the 31 October 2007.

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CYMRU****ENVIRONMENTAL
PROTECTIONS, WALES****Rheoliadau Atal a Rheoli Llygredd
(Cymru a Lloegr)
(Diwygio) (Cymru)
2006****The Pollution Prevention and
Control (England and Wales)
(Amendment) (Wales) Regulations
2006**

Wedi'u gwneud 17 Hydref 2006
Yn dod i rym 25 Hydref 2006

Made 17 October 2006
Coming into force 25 October 2006

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), ar ôl iddo ymghynghori ag Asiantaeth yr Amgylchedd, y cyrff neu'r personau hynny y mae'n ymddangos iddo eu bod yn cynrychioli buddiannau llywodraeth leol, diwydiant, amaethyddiaeth a busnesau bach yn eu trefn y mae o'r farn eu bod yn briodol a'r cyrff a'r personau eraill hynny y mae o'r farn eu bod yn briodol yn unol ag adran 2(4) o Ddeddf Atal a Rheoli Llygredd 1999 ("y Ddeddf")(1), yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 2 o'r Ddeddf ac sydd bellach yn arferadwy gan y Cynulliad Cenedlaethol(2):

The National Assembly for Wales ("the National Assembly"), having consulted the Environment Agency, such bodies or persons appearing to it to be representative of the interests of local government, industry, agriculture and small businesses respectively as it considers appropriate and such other bodies and persons as it considers appropriate in accordance with section 2(4) of the Pollution Prevention and Control Act 1999 ("the Act")(1), makes the following Regulations in exercise of the powers conferred on the Secretary of State by section 2 of the Act and which are now exercisable by the National Assembly(2):

Enwi, cychwyn a chymhwysu

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Atal a Rheoli Llygredd (Cymru a Lloegr) (Diwygio) (Cymru) 2006.

(2) Daw'r Rheoliadau hyn i rym ar 25 Hydref 2006.

(3) Mae'r Rheoliadau hyn yn gymwys i Gymru.

Title, commencement and application

1.-(1) The title of these Regulations is the Pollution Prevention and Control (England and Wales) (Amendment) (Wales) Regulations 2006.

(2) These Regulations come into force on 25 October 2006.

(3) These Regulations apply to Wales.

(1) 1999 p.24. Diwygiwyd paragraff 25 o Ran II o Atodlen 1 gan adran 105 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 (p.16). Nid yw deddfwriaeth ddiwygio arall yn berthnasol i'r Rheoliadau hyn.

(2) *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2005 (O.S. 2005/1958), erthygl 3.

(1) 1999 c.24. Paragraph 25 of Part II of Schedule 1 was amended by section 105 of the Clean Neighbourhoods and Environment Act 2005 (c.16). Other amending legislation is of no relevance to these Regulations.

(2) *See* the National Assembly for Wales (Transfer of Functions) Order 2005 (S.I. 2005/1958), article 3.

Diwygio Rheoliadau Atal a Rheoli Llygredd (Cymru a Lloegr) 2000

2.-(1) Diwygier Rheoliadau Atal a Rheoli Llygredd (Cymru a Lloegr) 2000(1) fel a ganlyn.

(2) Ym mharagraff (2)(a) o reoliad 32 (tramgwyddau)(2)-

- (a) yn lle "£20,000" rhodder "£50,000"; a
- (b) yn lle "six months" rhodder "12 months".

(3) Diwygier Rhan 1 o Atodlen 1 (Gweithgareddau, Gosodiadau a Chyfarpar Symudol) fel a ganlyn-

(a) Yn Rhan B o Adran 1.2 (Gweithgareddau Nwyeiddio, Hylifo a Phuro)-

(i) yn lle'r atalnod llawn ar ddiwedd paragraff (d) rhodder hanner colon ac ychwaneger y paragraffau canlynol-

"(e) motor vehicle refuelling activities at existing service stations, if the petrol refuelling throughput at the service station in any period of twelve months commencing on or after 1st January 2007 is, or it is likely to be, 3500m³ or more;

(f) motor vehicle refuelling activities at new service stations, if the petrol refuelling throughput at the service station in any period of twelve months is likely to be 500m³ or more."

(ii) o dan y pennawd "Interpretation of Part B", ym mharagraff 1 ar ôl y geiriau "In this Part", mewnosoder-

""existing service station" means a service station-

- (a) which is put into operation; or
- (b) for which planning permission under the Town and Country Planning Act 1990(3) was granted,

before 31 December 2009"; ac

(iii) o dan y pennawd "Interpretation of Part B", ym mharagraff 1 o flaen y diffiniad o "petrol", mewnosoder-

""new service station" means a service station which is put into operation on or after 31st December 2009 other than an existing service station;"

(1) O.S. 2000/1973; yr offerynnau diwygio perthnasol yw O.S. 2004/107 ac O.S. 2004/3276. Nid yw deddfwriaeth ddiwygio arall yn berthnasol i'r Rheoliadau hyn.

(2) Ni fydd y cosbau uwch hyn yn gymwys ond o ran tramgwyddau a gyflawnir ar ôl dwyn i rym adran 154(1) o Ddeddf Cyfiawnder Troseddol 2003 (p.44). *Gweler* adran 105(2) o Ddeddf Cymdogaethau Glân a'r Amgylchedd.

(3) 1990 p.8, y mae diwygiadau iddi nad ydynt yn berthnasol i'r Rheoliadau hyn.

Amendment of the Pollution Prevention and Control (England and Wales) Regulations 2000

2.-(1) The Pollution Prevention and Control (England and Wales) Regulations 2000(1) are amended as follows.

(2) In paragraph (2)(a) of regulation 32 (offences)(2)-

- (a) for "£20,000" substitute "£50,000"; and
- (b) for "six months" substitute "12 months".

(3) Part 1 of Schedule 1 (Activities, Installations and Mobile Plant) is amended as follows-

(a) in Part B of Section 1.2 (Gasification, Liquefaction and Refining Activities)-

(i) replace the full stop at the end of paragraph (d) with a semi-colon and add the following paragraphs-

"(e) motor vehicle refuelling activities at existing service stations, if the petrol refuelling throughput at the service station in any period of twelve months commencing on or after 1st January 2007 is, or it is likely to be, 3500m³ or more;

(f) motor vehicle refuelling activities at new service stations, if the petrol refuelling throughput at the service station in any period of twelve months is likely to be 500m³ or more."

(ii) under the heading "Interpretation of Part B", in paragraph 1 after the words "In this Part", insert-

""existing service station" means a service station-

- (a) which is put into operation; or
- (b) for which planning permission under the Town and Country Planning Act 1990(3) was granted,

before 31st December 2009"; and

(iii) under the heading "Interpretation of Part B", in paragraph 1 before the definition of "petrol", insert-

""new service station" means a service station which is put into operation on or after 31st December 2009 other than an existing service station;"

(1) S.I. 2000/1973; relevant amending instruments are S.I. 2004/107 and S.I. 2004/3276. Other amending legislation is not relevant to these Regulations.

(2) These increased penalties will apply only in relation to offences committed after section 154(1) of the Criminal Justice Act 2003 (c.44) is brought into force. *See* section 105(2) of the Clean Neighbourhoods and Environment Act 2005.

(3) 1990 c.8, to which there are amendments not relevant to these Regulations.

- (b) ym mharagraff (f) o Ran A(1) o Adran 5.1 (Hylosgi a Chydhyllosgi Gwastraff), ar ôl "burning" mewnosoder "landfill gas or";
- (c) ym mharagraff 4 o Ran B o Adran 7 (Gweithgareddau SED)-
- (i) yn lle'r geiriau "coming into force of these Regulations", pan ymddangosant am y tro cyntaf, rhodder y geiriau "20th January 2004",
- (ii) yn is-baragraffau (a) a (b), yn lle'r geiriau "date of coming into force of these Regulations", rhodder y geiriau "20th January 2004".
- (4) Diwygier Atodlen 3 (Dyddiad Rhagnodedig a Threfniadau Trosiannol) fel a ganlyn-
- (a) yn Rhan 3 (Gosodiadau SED)-
- (i) ym mharagraff 13(1), ar ôl "paragraphs" mewnosoder "13A,",
- (ii) ar ôl paragraff 13, mewnosoder-
- "13A.-(1) An operator of an existing SED installation-**
- (a) involving only dry cleaning as defined in paragraph (2) of Part B of Section 7 of Part 1 of Schedule 1 (SED Activities), by means of coin-operated dry cleaners; and
- (b) in respect of which no application for a permit to operate the existing SED installation is duly made by 31st October 2006,
- shall be deemed to have made a notification to the regulator of the operator's undertaking to cease to operate that existing SED installation by 31st October 2007.
- (2) Where sub-paragraph (1) applies, the operator of an existing SED installation shall be relieved of the requirement to apply for a permit under regulation 10 (Permits: general provisions), and the operation of that existing SED installation until 31st October 2007 without a permit shall not constitute an offence under regulation 32(1)(a) (Offences).
- (3) For the purposes of sub-paragraph (1), "coin-operated dry cleaners" include dry cleaning machines functioning by means of coins, tokens, cards or other similar triggering mechanisms. ";
- (b) ar ôl Rhan 4, mewnosoder Rhan 5 newydd fel y'i nodir yn yr Atodlen i'r Rheoliadau hyn.

- (b) in paragraph (f) of Part A(1) of Section 5.1 (Incineration and Co-incineration of Waste), after "burning" insert "landfill gas or";
- (c) in paragraph 4 of Part B of Section 7 (SED Activities)-
- (i) for the words "coming into force of these Regulations", on the first occasion when they appear, substitute the words "20th January 2004",
- (ii) in sub-paragraphs (a) and (b), for the words "date of coming into force of these Regulations", substitute the words "20th January 2004".
- (4) Schedule 3 (Prescribed Date and Transitional Arrangements) is amended as follows-
- (a) in Part 3 (SED Installations)-
- (i) in paragraph 13(1), after "paragraphs" insert "13A,",
- (ii) after paragraph 13, insert-
- "13A.-(1) An operator of an existing SED installation-**
- (a) involving only dry cleaning as defined in paragraph (2) of Part B of Section 7 of Part 1 of Schedule 1 (SED Activities), by means of coin-operated dry cleaners; and
- (b) in respect of which no application for a permit to operate the existing SED installation is duly made by 31st October 2006,
- shall be deemed to have made a notification to the regulator of the operator's undertaking to cease to operate that existing SED installation by 31st October 2007.
- (2) Where sub-paragraph (1) applies, the operator of an existing SED installation shall be relieved of the requirement to apply for a permit under regulation 10 (Permits: general provisions), and the operation of that existing SED installation until 31st October 2007 without a permit shall not constitute an offence under regulation 32(1)(a) (Offences).
- (3) For the purposes of sub-paragraph (1), "coin-operated dry cleaners" include dry cleaning machines functioning by means of coins, tokens, cards or other similar triggering mechanisms. ";
- (b) after Part 4, insert a new Part 5 as set out in the Schedule to these Regulations.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(1)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(1)

17 Hydref 2006

17 October 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

YR ATODLEN

SCHEDULE

Rheoliad 2(4)(b)

Regulation 2(4)(b)

RHAN 5 NEWYDD YN ATODLEN 3 I
REOLIADAU ATAL A RHEOLI LLYGREDD
(CYMRU A LLOEGR) 2000

NEW PART 5 OF SCHEDULE 3 TO THE
POLLUTION PREVENTION AND
CONTROL (ENGLAND AND WALES)
REGULATIONS 2000

"PART 5: REFUELLING INSTALLATIONS

"PART 5: REFUELLING INSTALLATIONS

20.-(1) Parts 1 and 2 of this Schedule apply to existing refuelling installations and new refuelling installations subject to the provisions of this Part.

20.-(1) Parts 1 and 2 of this Schedule apply to existing refuelling installations and new refuelling installations subject to the provisions of this Part.

(2) The prescribed date for a new refuelling installation is the relevant date.

(2) The prescribed date for a new refuelling installation is the relevant date.

(3) The prescribed date for an existing refuelling installation is-

(3) The prescribed date for an existing refuelling installation is-

(a) where an application for a permit to operate the existing refuelling installation is made by the relevant date, the determination date for that existing refuelling installation; or

(a) where an application for a permit to operate the existing refuelling installation is made by the relevant date, the determination date for that existing refuelling installation; or

(b) where no such application is made, the relevant date.

(b) where no such application is made, the relevant date.

(4) Where an installation which is subject to a permit under these Regulations contains an existing or new refuelling installation, the operator shall not operate the existing or new refuelling installation after the prescribed dates specified in subparagraph (3) except under and to the extent authorised by a variation of the conditions of that permit granted by the regulator under regulation 17.

(4) Where an installation which is subject to a permit under these Regulations contains an existing or new refuelling installation, the operator shall not operate the existing or new refuelling installation after the prescribed dates specified in subparagraph (3) except under and to the extent authorised by a variation of the conditions of that permit granted by the regulator under regulation 17.

(5) Paragraph 9 of Part 2 of this Schedule (deemed applications) shall not apply to an existing Part B installation or mobile plant which consists only of an existing refuelling installation.

(5) Paragraph 9 of Part 2 of this Schedule (deemed applications) shall not apply to an existing Part B installation or mobile plant which consists only of an existing refuelling installation.

(6) In this Part-

(6) In this Part-

(1) 1998 p.38.

(1) 1998 c.38.

"existing refuelling installation" means an installation where an activity falling within paragraph (e) of Part B of Section 1.2 of Schedule 1 is carried out;

"determination date" has the same meaning as in paragraph 6 of Part 1 of Schedule 3;

"new refuelling installation" means an installation where an activity falling within paragraph (f) of Part B of Section 1.2 of Schedule 1 is carried out; and

"the relevant date" is 1st January 2010."

"existing refuelling installation" means an installation where an activity falling within paragraph (e) of Part B of Section 1.2 of Schedule 1 is carried out;

"determination date" has the same meaning as in paragraph 6 of Part 1 of Schedule 3;

"new refuelling installation" means an installation where an activity falling within paragraph (f) of Part B of Section 1.2 of Schedule 1 is carried out; and

"the relevant date" is 1st January 2010."

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