SCHEDULE 1 Regulation 2(4)

ACTIVITIES AND INSTALLATIONS AND MOBILE PLANT

PART I

ACTIVITIES

CHAPTER 1

ENERGY INDUSTRIES

Section 1.1

Combustion

PART A

(a) Burning any fuel in a combustion appliance with a net rated thermal input of 50 megawatts or more.

(b) Burning any of the following fuels in an appliance with a net rated thermal input of three megawatts or more otherwise than as an activity which is related to a Part B activity:–

(i) waste oil;

(ii) recovered oil;

(iii) any fuel manufactured from any other waste.

Interpretation of Part A

For the purposes of paragraph (a), where two or more appliances with an aggregate rated thermal input of 50 megawatts or more are operated on the same site by the same operator those appliances shall be treated as a single appliance with a rated thermal input of 50 megawatts or more.

PART B

(a) Burning any fuel in a boiler or furnace with a net rated thermal input of 20 megawatts or more but less than 50 megawatts.

(b) Burning any fuel in a gas turbine or compression ignition engine with a net rated thermal input of 20 megawatts or more but less than 50 megawatts.

(c) Burning waste oil or recovered oil as a fuel in an appliance with a net rated thermal input of less than 3 megawatts.

(d) Burning solid fuel which has been manufactured from waste by a process involving the application of heat in an appliance with a net rated thermal input of less than 3 megawatts.

(e) Burning fuel manufactured from waste, other than waste oil or recovered oil or such fuel as is mentioned in paragraph (d) in any appliance with a net rated thermal input of less than 3 megawatts but more than 0.4 megawatts or which is used together with other appliances, which each have a net rated thermal input of less than 3 megawatts, where the aggregate net rated thermal input of all the appliances is at least 0.4 megawatts.

Interpretation of Part B

1. Nothing in Part B applies to any activity falling within Part A of Section 5.1.

2. In paragraph (c), "fuel" does not include gas produced by biological degradation of waste.

Interpretation of Section 1.1

For the purposes of section 1.1–

"net rated thermal input" is the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal;

"waste oil" means any mineral based lubricating or industrial oil which has become unfit for the use for which it was intended and, in particular, used combustion engine oil, gearbox oil, mineral lubricating oil, oil for turbines and hydraulic;

"recovered oil" means waste oil which has been processed before being used.

Section 1.2

Refining Mineral Oil and Gas, Operating Coke Ovens and Coal Gasification and Liquefaction Activities.

PART A

(a) Refining gas including natural gas or its products.

(b) Reforming natural gas.

(c) Operating a coke oven.

(d) Producing gas from coal, lignite, oil or other carbonaceous material or from mixtures thereof, other than from sewage, unless carried on as part of an activity which is a combustion activity, whether or not that activity falls within Section 1.1.

(e) Purifying or refining any product of any of the activities described in paragraphs (a), (b), (c) or (d) of this Section or converting it into a different product.

(f) The refining of mineral oils, or the loading, unloading or other handling of, the storage of, or other physical, chemical or thermal treatment of–

  (i) crude oil;

  (ii) stabilised petroleum;

  (iii) crude shale oil;

  (iv) where related to another activity described in this paragraph, any associated gas or condensate;

  (v) emulsified hydrocarbons intended for use as a fuel.

(g) The further refining, conversion or use, in the manufacture of a chemical of the product of any activity listed in paragraph (f) above, otherwise than as a fuel or solvent.

(h) Activities involving the pyrolysis, carbonisation, distillation, liquefaction, gasification, partial oxidation or other heat treatment of coal (other than the drying of coal), lignite, oil, other carbonaceous material of mixtures thereof otherwise than with a view to making charcoal.

(i) Purifying or refining any of the products of an activity mentioned in paragraph (a) or its conversion into a different product.

Nothing in paragraph (h) or (i) refers to the use of any substance as a fuel or its incineration as a waste or to any activity for the treatment of sewage.

In paragraph (h), the heat treatment of oil does not include heat treatment of waste oil or waste emulsions containing oil in order to recover the oil from aqueous emulsions.

Interpretation of Part A

In Part A "carbonaceous material" includes such materials as charcoal, coke, peat, rubber and wood.

PART B

(a) Odorising natural gas or liquefied petroleum gas, except where that activity is related to a Part A activity.

(b) Blending odorant for use with natural gas or liquefied petroleum gas.

(c) The following activities:–

(i) the storage of petrol in stationary storage tanks at a terminal, or the loading or unloading of petrol into or from a road tanker, a rail tanker or an inland waterway vessel at a terminal;

(ii) the unloading of petrol into stationary storage tanks at a service station, other than an exempt service station, if the total quantity of petrol unloaded into such tanks at the service station in any 12 month period is likely to be equal to or greater than $100m^3$.

Interpretation of Part B

1. In Part B–

"inland waterway vessel" means a vessel, other than a sea-going vessel, having a total dead weight of 15 tonnes or more;

"petrol" means any petroleum derivative, with or without additives, having a Reid vapour pressure of 27.6 kilopascals or more which is intended for use as a fuel for motor vehicles, other than liquefied petroleum gas;

"service station" means any premises where petrol is dispensed to motor vehicle fuel tanks from stationary storage tanks;

"terminal" means any premises which are used for the storage and loading of petrol into road tankers, rail tankers or inland waterway vessels;

"exempt service station" is as defined in the Environmental Protection (Prescribed Processes and Substances) Regulations 1991(**1**).

2. Any other expressions which are also used in European Parliament and Council Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations(**2**) have the same meaning as in that Directive.

CHAPTER 2

PRODUCTION AND PROCESSING OF METALS

Section 2.1

Ferrous Metals

PART A

(a) Roasting or sintering metal ore, including sulphide ore, or any mixture of iron ore with or without other materials.

(b) Producing, melting or refining iron or steel or any ferrous alloy, including continuous casting, except where the only furnaces involved are–

(i) electric arc furnaces of less than 7 tonnes designed holding capacity; or

(ii) cupola, crucible, reverbatory, rotary, induction or resistance furnaces.

(**1**) S.I.1991/507; that definition was added by S.I. 1996/2678.
(**2**) O.J. No. L 365, 31.12.94, p.24.

(c) Processing ferrous metals and their alloys by using hot-rolling mills with a production capacity of more than 20 tonnes of crude steel per hour.

(d) Loading, unloading or otherwise handling or storing more than 500,000 tonnes in total in any period of 12 months of iron ore, except in the course of mining operations, or burnt pyrites.

(e) Producing pig iron or steel, including continuous casting, in a plant with a production capacity of more than 2.5 tonnes per hour unless falling within paragraph (b) of Part A of this Section.

(f) Operating hammers in a forge, the energy of which is more than 50 kilogoules per hammer, where the calorific power used is more than 20 megawatts.

(g) Applying protective fused metal coatings with an input of more than 2 tonnes of crude steel per hour.

(h) Casting ferrous metal at a foundry with a production capacity of more than 20 tonnes per day.

(i) Handling slag arising in conjunction with an activity in this Section.

PART B

(a) Producing pig iron or steel, including continuous casting, in a plant with a production capacity of 2.5 tonnes or less per hour, unless falling within paragraph (b) of Part A of this Section.

(b) Producing, melting or refining iron or steel or any ferrous alloy (other than producing pig iron or steel, and including continuous casting) using–

(i) one or more electric arc furnaces, none of which has a designed holding capacity of 7 tonnes or more; or

(ii) a cupola, crucible furnace, reverberatory furnace, rotary furnace, induction furnace or resistance furnace,

unless falling within paragraph (e) or (h) of Part A of this Section.

(c) Desulphurising iron, steel or any ferrous alloy.

(d) Heating iron, steel or any ferrous alloy (whether in a furnace or other appliance) to remove grease, oil or any other non-metallic contaminant (including such operations as the removal by heat of plastic or rubber covering scrap cable) unless–

(i) it is carried out in one or more furnaces or other appliances the primary combustion chambers of which have in aggregate a 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 activity falling within this Part of this Section.

(e) Casting iron, steel or any ferrous alloy from deliveries of 50 tonnes or more of molten metal falling within Part A of this Section.

Interpretation of Section 2.1

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 a non-ferrous metal content greater than any percentage specified in Section 2.2 below.

Section 2.2

Non-ferrous Metals

PART A

(a) Producing non-ferrous metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic activities and in this paragraph "secondary raw materials" include scrap and other waste.

(b) Melting, including making alloys, of non-ferrous metals, including recovered products, refining, foundry casting, etc. in an installation with a melting capacity exceeding–

(i) 4 tonnes per day for lead or cadmium; or

(ii) 20 tonnes per day for all other metals in aggregate.

(c) Refining any non-ferrous metal or its alloy, other than the electrolytic refining of copper.

(d) Producing, melting or recovering by chemical means or by the use of heat lead or any lead alloy, if–

(i) the activity may result in the release into the air of lead; and

(ii) in the case of lead alloy, the percentage by weight of lead in the alloy in molten form exceeds 23 per cent if the alloy contains copper and 2 per cent in other cases.

(e) Recovering any of the elements listed below if the activity may result in their release into the atmosphere–

gallium;

indium;

palladium;

tellurium;

thallium.

(f) 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.

(g) Mining zinc or tin bearing ores where the activity may result in the release into water of cadmium or any compound of cadmium which may result in concentrations of cadmium or any compound of cadmium in concentrations in water above background concentrations.

(h) Manufacturing or repairing involving the manufacture or use of beryllium or selenium or an alloy containing one or both of those metals if the process may release in to the air of any of the substances mentioned in Schedule 5; but an activity does not fall into this description by reason of it involving an alloy that contains beryllium if that alloy contains less than 0.1 per cent by weight of beryllium.

(i) Unless described elsewhere in this Section, melting, including making alloys, of non-ferrous metals, including recovered products, refining and foundry casting in an installation which has a design holding capacity exceeding 5 tonnes.

(j) Pelletising, calcining, roasting or sintering any non-ferrous metal ore or any mixture of any suchore and other materials.

PART B

(a) Unless falling in Part A of this section, melting, including making alloys, of non ferrous metals (other than tin or any alloy which in molten form contains 50 per cent or more by weight of tin) including recovered products, refining foundry casting, etc. in an installation which has a design holding capacity of less than 5 tonnes.

(b) The separation of copper, aluminium, magnesium or zinc from mixed scrap by differential heating.

(c) The heating in a furnace or any other application of any non-ferrous metal or non-ferrous metal alloy for the purpose of removing grease oil or any other non-metallic contaminant, including such operations as the removal by heat of plastic or rubber covering from scrap cable if not related to another activity described in this Part; but an activity 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.

(d) Melting zinc or a zinc alloy in conjunction with a galvanising activity at a rate not exceeding 20 tonnes per day.

(e) Melting zinc, aluminium or magnesium or an alloy of one or more of these metals in conjunction with a die-casting activity at a rate not exceeding 20 tonnes per day.

Interpretation of Part B

In this Part, "net rated thermal input" has the same meaning as in Section 1.1

Interpretation of Section 2.2

1. In this Section, "non-ferrous metal alloy" and cognate expressions mean an alloy which is not a ferrous alloy, as defined in Section 2.1.

2. Nothing in paragraphs (c) to (h) of Part A or in Part B of this Section shall be taken to prescribe the activities of hand soldering, flow soldering or wave soldering.

Section 2.3

Surface Treating Metals and Plastic Materials

PART A

Surface treating metals and plastic materials using an electrolytic or chemical activity where the aggregated volume of the treatment vats exceeds $30m^3$.

PART B

Any process for the surface treatment of metal is likely to result in the release into air of any acid-forming oxide of nitrogen and which does not fall within a description in Part A of this Section.

CHAPTER 3

MINERAL INDUSTRIES

Section 3.1

Production of Cement and Lime

PART A

(a) Producing or grinding cement clinker.

(b) Producing lime in kilns or other furnaces with a production capacity exceeding 50 tonnes per day or where the activity is likely to involve the heating in any 12 month period of 5,000 tonnes of calcium carbonate or calcium magnesium carbonate or, in aggregate, both.

PART B

(a) Any of the following activities:–

(i) Storing, loading or unloading cement or cement clinker in bulk prior to further transportation in bulk;

(ii) Blending cement in bulk or using cement in bulk other than at a construction site, including the bagging of cement and cement mixture, the batching of ready-mixed concrete and the manufacture of concrete blocks and other cement products.

(b) Slaking lime for the purpose of making calcium hydroxide or calcium magnesium hydroxide.

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

Section 3.2

Activities Involving Asbestos

PART A

(a) Producing asbestos or manufacturing products based on or containing asbestos.

(b) Stripping asbestos from railway vehicles except–

(i) in the course of the repair or maintenance of the vehicle;

(ii) in the course of recovery operations following an accident; or

(iii) where the asbestos is permanently bonded in cement or in any other material (including plastic, rubber or resin).

(c) Destroying a railway vehicle by burning if asbestos has been incorporated in, or sprayed on to, its structure.

PART B

The industrial finishing, including shaping, drilling, or fitting manufactured asbestos products, of any of the following products where not carried out in conjunction with manufacture–

asbestos filters;

asbestos friction products;

asbestos jointing, packaging, and reinforcement material;

asbestos packing;

asbestos textiles.

Interpretation of Section 3.2

In this Section, "asbestos" includes any of the following fibrous silicates:–

actinolite, amosite, anthophylite, chrysotile, crocidolite and tremolite.

Section 3.3

Glass and Glass Fibre Manufacture

PART A

(a) Manufacturing glass fibre.

(b) Manufacturing glass frit or enamel fit where the aggregate quantity of such stances manufactured in any period of 12 months is likely to be 100 tonnes or more.

(c) Manufacturing glass, unless falling within a description in paragraph (a) or (b) above where the melting capacity exceeds 20 tonnes per day.

PART B

Unless falling within a description in Part A of this Section–

(a) The manufacture of glass at any location where the person concerned has the capacity to make 5,000 tonnes or more in any 12 month period, and any activity involving the use of glass which is carried out at any such location in conjunction with its manufacture.

(b) Manufacturing glass where the use of lead or any lead compound is involved.

(c) Making any glass product where lead or any lead compound has been used in the manufacture of the glass except–

(i) making products from lead glass blanks;

(ii) melting, or mixing with another substance, glass manufactured elsewhere to produce articles such as ornaments or road paint.

(d) Polishing or etching glass or glass products in the course of any manufacturing activity if–

(i) hydrofluoric acid is used; or

(ii) hydrogen fluoride may be released into the air.

(e) The manufacture of glass frit or enamel frit and its use in any activity where that activity is related to its manufacture.

Section 3.4

Production of Other Mineral Fibres

PART A

(a) Melting mineral substances, including the production of mineral fibres, in an installation with a melting capacity exceeding 20 tonnes per day.

(b) Manufacturing any fibre from any mineral.

PART B

NIL

Section 3.5

Other mineral activities

PART A

NIL

PART B

(a) Unless falling within any description in any Part A of this Part of this Schedule, the crushing, grinding or other size reduction, other than the cutting of stone, or the grading, screening or heating of any designated mineral or mineral product, except where the operation of the activity is unlikely to result in the release into the air of particulate matter.

(b) Any of the following activities, unless carried on at an exempt location:–

(i) crushing, grinding or otherwise breaking up coal or coke or any other coal product;

(ii) screening, grading or mixing coal, or coke or any other coal product;

(iii) loading or unloading petroleum coke, coal, coke or any other coal product, except unloading on retail sale.

(c) The crushing, grinding or other size reduction, with machinery designed for that purpose, of bricks, tiles or concrete.

(d) Screening the product of any such activity as is described in paragraph (c).

(e) Coating road stone with tar or bitumen.

(f) Loading, unloading, or storing pulverised fuel ash in bulk prior to further transportation in bulk.

(g) The fusion of calcined bauxite for the production of artificial corundum.

Interpretation of Part B

In this Part–

"coal" includes lignite;

"designated mineral or mineral product" means–

(i) clay, sand and any other naturally occurring mineral other than coal or lignite;

(ii) metallurgical slag;

(iii) boiler or furnace ash produced from the burning of coal, coke or any other coal product;

(iv) gypsum which is a by-product of any activity;

"exempt location" means–

(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;

"retail sale" means sale to the final customer.

Nothing in this Section applies to any activity carried on underground.

Section 3.6

Ceramic Production

PART A

Manufacturing ceramic products including roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, by firing in kilns with a production capacity exceeding 75 tonnes per day, or where the kiln capacity exceeds 4m3 and where the setting density of the kiln exceeds 300 kg/m3.

PART B

(a) Firing heavy clay goods or refractory goods other than heavy clay goods in a kiln where the activity does not fall within a description in Part A of this Section.

(b) Vapour glazing earthenware or clay with salts.

Interpretation of Part B

In this Part–

"clay" includes a blend of clay with ash, sand or other materials;

"refractory" means refractory 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.

CHAPTER 4

THE CHEMICAL INDUSTRY

Production within the meaning of the categories of activities contained in Part A of the Sections in this Chapter means the production by chemical processing for commercial purposes or on an industrial scale of substances or groups of substances listed in Sections 4.1 to 4.6.

PART A

(a) Producing or manufacturing by chemical means organic chemicals including–

(i) hydrocarbons, linear or cyclic, saturated or unsaturated, aliphatic or aromatic;

(ii) organic compounds containing oxygen, including alcohols, aldehydes, ketones, carboxylic acids, esters, ethers, peroxides, phenols, epoxy resins;

(iii) organic compounds containing sulphur, including sulphides, mercaptans, sulphonic acids, sulphonates, sulphates and sulphones and sulphur heterocyclics;

(iv) organic compounds containing nitrogen including amines, amides, nitrous-, nitro-or azo-compounds, nitrate, nitriles, nitrogen heterocyclics, cyanates, isocyanates, di-isocyanates and di-isocyanate prepolymers;

(v) organic compounds containing phosphorus including substituted phosphines and phosphate esters;

(vi) organic compounds containing halogens, such as halocarbons, halogenated aromatic compounds and acid halides;

(vii) organometallic compounds, such as lead alkyls, Grignard reagents and lithium alkyls;

(viii) plastic materials such as polymers, synthetic fibres and cellulose-based fibres;

(ix) synthetic rubbers;

(x) dyes and pigments;

(xi) surface-active agents;

(xii) any other organic compounds not described in paragraphs (i) to (xi) above which have the potential to pollute the environment.

(b) Polymerising or co-polymerising any unsaturated hydrocarbons or a product of an activity mentioned in paragraph (a), (other than a pre-formulated resin or pre-formulated gel coat which contains any unsaturated hydrocarbons), 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.

(c) Carrying out any activity involving the use of 1 tonne or more of toluene di-isocyanate or partly polymerised toluene di-isocyanate or other di-isocyanate compounds which have comparable volatility in any 12 month period; where the activity may result in a release into the air which contains such a di-isocyanate monomer.

(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 activity.

(e) Recovering–

(i) carbon disulphide;

(ii) pyridine, or any substituted pyridines.

(f) Recovering or purifying any designated acrylate.

In Part A, "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.

PART B

(a) Carrying out any activity involving–

(i) the use of less than 1 tonne of toleune di-isocyanate or partly polymerised toluene di-isocyanate or other di-isocyanate compounds which have comparable volatility in any 12 month period;

(ii) the use of 5 tonnes or more of methyl di-isocyanate or partly polymerised di-isocyanate or other di-isocyanate compounds which have comparable volatility in any 12 month period,

where the activity may result in a release into the air which contains such a di-isocyanate monomer.

(b) Cutting polyurethane foams or polyurethane elastomers with heated wires if not related to any other Part A activity.

(c) Any activity, if not related to any other Part A activity, for the polymerisation or co-polymerisation of any pre-formulated resin or pre-formulated gel coat which contains any styrene, which is likely to involve, in any 12 month period, the polymerisation or co-polymerisation of 100 tonnes or more of styrene.

Interpretation of Section 4.1

In this Section, "pre-formulated resin or pre-formulated gel coat" means any resin or gel coat which has been formulated before being introduced into polymerisation or co-polymerisation activity, whether or not the resin or gel coat contains a colour pigment, activator or catalyst.

Section 4.2

Inorganic Chemicals

PART A

(a) Producing or manufacturing by chemical means inorganic chemicals including–

(i) inorganic substances, including those in gaseous form, such as ammonia, hydrogen chloride, hydrogen fluoride, hydrogen cyanide and hydrogen sulphide, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, phosgene;

(ii) acids, such as chromic acid, hydrofluoric acid, hydrochloric acid, hydrobromic acid, hydroiodic acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum and chlorosulphonic acid;

(iii) bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide and calcium hydroxide;

(iv) salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate, cupric acetate, ammonium phosphomolybdate;

(v) non-metals, metal oxides, metal carbonyls or other inorganic compounds such as calcium carbide, silicon, silicon carbide;

(vi) halogens or any compound comprising only–

(A) two or more of halogens; or

(B) any one or more of those halogens and oxygen.

(b) Any manufacturing activity which uses, or which is likely to result in the release into the air or into water of, any halogens, hydrogen halides or any of the compounds mentioned in paragraph (a)(vi), other than the treatment of water by chlorine.

(c) Any manufacturing activity which uses or is likely to result in the release of hydrogen cyanide or hydrogen sulphide.

(d) Producing any compounds, using or recovering any mixture, other than the application of a glaze or vitreous enamel, containing any of the following or their compounds:–

(i) antimony;

(ii) arsenic;

(iii) beryllium;

(iv) gallium;

(v) indium;

(vi) lead;

(vii) palladium;

(viii) platinum;

(ix) selenium;

(x) tellurium;

(xi) thallium;

(xii) hromium;

(xiii) manganese;

(xiv) nickel;

(xv) zinc;

(xvi) admium; or

(xvii) mercury,

where the activity may result in the release into the air of any of those elements or compounds or the release into water of any substance listed in Schedule 5.

(e) Recovering any compound of or engaging in any process of manufacture which involves the use of cadmium or mercury or of any compound of either of those elements or which may result in the release of either of those elements to air of their compounds.

(f) Any of the following activities, operated at installations not otherwise described under this Part of this Schedule:–

(i) recovering, concentrating or distilling sulphuric acid or oleum;

(ii) recovering nitric acid;

(iii) purifying phosphoric acid;

(iv) any activity of manufacture (other than the manufacture of chemicals) involving the use of any hydrogen fluoride, hydrogen chloride, hydrogen bromide or hydrogen iodide or any of their acids which may result in the release of any of those compounds into the air, other than the coating, plating or surface treatment of metal;

(v) recovering ammonia;

(vi) extracting any magnesium compound from sea water.

PART B

NIL

Section 4.3

Chemical Fertiliser Production

PART A

(a) Producing phosphorous, nitrogen or potassium based fertilisers made by chemical means.

(b) Converting chemical fertilisers into granules.

PART B

NIL

Section 4.4

Biocide Production

PART A

(a) producing, and formulating plant health products and biocides.

(b) Formulating such products if doing so may result in the release into water of any substance listed in the Table in paragraph 13 of Part 2 to this Schedule in a quantity which, in any 12 month period, exceeds the background quantity by more than the amount specified in relation

to the description of the substance set out in column 1 of that Table in the corresponding entry in column 2 of that Table.

PART B

NIL

Section 4.5

Pharmaceutical Production

PART A

(a) Producing pharmaceutical products using a chemical or biological process.

(b) Formulating such products if doing so may result in the release into water of any substance listed in the Table in paragraph 13 of Part 2 to the Schedule in a quantity which, in any period of 12 month, exceeds the background quantity by more than the amount specified in relation to the description of the substance set out in column 1 of that Table in the corresponding entry in column 2 of that Table.

PART B

NIL

Section 4.6

Explosives Production

PART A

Producing explosives, unless described elsewhere in any Section of this Chapter.

PART B

NIL

Section 4.7

Manufacturing activities involving carbon disulphide or ammonia.

PART A

(a) Any manufacturing activity which may result in the release of carbon disulphide into the air.

(b) Any activity for the manufacture of a chemical which involves the use of ammonia or may result in the release of ammonia into the air other than an activity in which ammonia is only used as a refrigerant.

PART B

NIL

Section 4.8

The storage of chemicals in bulk

PART A

NIL

PART B

The storage, other than as part of any Part A activity or 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 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, "acrylate" has the same meaning as "designated acrylate" in Part A of Section 4.1.

CHAPTER 5

WASTE MANAGEMENT

Section 5.1

Incineration

PART A

(a) The incineration of hazardous waste in an incineration plant, other than in an exempt hazardous waste incineration plant.

(b) The incineration of waste, including animal remains, in an incineration plant not covered by paragraph (a) above, on premises where there is plant used or designed to incinerate waste at a rate of 1 tonne or more per hour.

(c) Cleaning for reuse metal containers used for the transport or storage of a chemical by burning out their residual content.

PART B

The following activities if operated at installations not falling under Part A of this Section:–

(a) The incineration of waste, including animal remains, in an incineration plant, other than in an exempt waste incineration plant.

(b) The cremation of human remains.

Interpretation of Section 5.1

In this Section –

"incineration of waste" means the incineration by oxidation of waste, with or without recovery of the combustion heat generated, including pre-treatment 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 regular or additional fuel for any industrial process;

"incineration plant" means any technical equipment used for the incineration of waste;

"hazardous waste" means any solid or liquid as defined in Article 1.4 of Council Directive 91/689/EEC on hazardous waste(**3**) but shall not include the following waste:–

(i) combustible liquid wastes, including waste oils as defined in Article 1 of Council Directive 75/439/EEC on the disposal of waste oils(**4**), provided that they meet the following three criteria:–

(**3**) O.J. No. L 377, 31.12.91, p.20.
(**4**) O.J. No. L 194, 25.7.75, p.23.

(a) the mass content of polychlorinated aromatic hydrocarbons, e.g. polychlorinated biphenyls or pentachlorinated phenol, amounts to concentrations not higher than those set out in the relevant Community legislation;

(b) these wastes are not rendered hazardous by virtue of containing other constituents listed in Annex II to Council 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 the exploration of oil and gas resources from off-shore installations and incinerated on board;

(iv) municipal waste covered by Council 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 Council Directive 91/689/EEC in quantities or in concentrations which are inconsistent with the achievement of the Council objectives set out in the Article 4 of Directive 75/442/EEC on waste;

"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 Council Directive 91/689/EEC on hazardous waste 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 Council Directive 91/689/EEC other than property H9 in that list (infectious);

"exempt waste incineration plant" means any incineration plant on premises where there is plant designed to incinerate waste, including animal remains at a rate of not more than 50 kilogrammes per hour, not being an incineration plant employed to incinerate clinical waste, sewage sludge, sewage screenings or municipal waste (as defined in Article 1 of Council Directive 89/369/EEC); and for the purposes of this Section, the weight of waste shall be determined by reference to its weight as fed into the incineration plant;

"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).

(**5**) O.J. No. L 194, 25.7.75 p.39; amended by Council Directives 91/156/EEC (O.J. No. L 78, 26.3.91 p.32) and 91/692/EEC (O.J. No. L 377, 31.12.91, p.48) and Commission Decision 96/350/EC (O.J. No. L 135, 6.6.96 p.32).
(**6**) O.J. No. L 307, 27.11.75, p.22.
(**7**) O.J. No. L 163, 14.6.89, p.32.
(**8**) O.J. No. L 203, 15.7.89, p.50.
(**9**) S.I. 1992/588.

Section 5.2

Landfill and disposal to land

PART A

Landfill activities receiving more than 10 tonnes in any day or with a total capacity exceeding 25,000 tonnes, excluding landfills of inert waste.

PART B

NIL

Interpretation of Section 5.2

In this Section–

"landfill" means a waste disposal site for the deposit of waste onto or into land, including–

(a) internal waste disposal sites, including a landfill where a producer of waste is carrying out its own waste disposal at the place of production; and

(b) a permanent site, operating for more than one year, which is used for temporary storage of waste,

and includes the following operations:–

(i) tipping above or underground, for example by landfill;

(ii) land treatment, for example by biodegradation of liquid or sludge discards in soils;

(iii) deep injection of waste, for example, injection of pumpable discarded materials into wells, salt domes or naturally occurring repositories;

(iv) surface impoundment, for example placing liquid or sludge wastes into pits, ponds or lagoons;

(v) specially engineered landfill, for example, placing waste into lined discrete cells which are capped and isolated from one another and the environment;

(vi) permanent storage, for example, by placing containers in a mine;

"inert waste" means waste that does not undergo any significant physical, chemical of biological transformation, which will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm to human health: Provided the ability of any potentially polluting material contained in waste and the ecotoxicology of the leachate is insignificant, and in particular does not endanger thequality either or surface water or groundwater.

Section 5.3

Disposal of waste other than by incineration or landfill

PART A

(a) The disposal of hazardous waste (other than by incineration or landfill) in plant with a capacity exceeding 10 tonnes per day for hazardous waste.

(b) The disposal of waste oils (other than by incineration or landfill) in plant with a capacity exceeding 10 tonnes per day.

(c) Disposal of non-hazardous waste in plant with a capacity exceeding 50 tonnes per day by–

(i) biological treatment specified in paragraph D8 of Annex IIA to Council Directive 75/441; or

(ii) physico-chemical treatment specified in paragraph D9 of Annex IIA to Council Directive 75/441.

Interpretation of Part A

1. In Part A, "disposal", in paragraph (a), means any of the operations described in Annex IIA to Council Directive 75/442/EEC on waste.

2. Paragraph (b) shall be interpreted in accordance with Article 1 of Council Directive 75/439/EEC.

PART B

NIL

Section 5.4

Recovery activities

PART A

(a) Recovering by distillation any oil or organic solvent.

(b) Cleaning or regenerating carbon, charcoal or ion exchange resins by removing matter which is, or includes, any substance listed in paragraphs 12 to 14 of Part 2 of this Schedule.

(c) Unless part of a Part A activity described in another Chapter of this Schedule, recovery activities (within the meaning of Council Directive 91/689/EEC) involving hazardous waste in excess of 10 tonnes per day and falling within the following descriptions:–

(i) using waste principally as a fuel or other means to generate energy;

(ii) recycling/reclamation of inorganic materials other than metals and metal compounds;

(iii) regeneration of acids or bases;

(iv) recovery of components from catalysts;

(v) oil refining or other reuses of oil;

(vi) solvent reclamation/regeneration;

(vii) recovering components used for pollution abatement.

Interpretation of Part A

Except where the activity involves distilling more than 10 tonnes per day, nothing in paragraphs (a) and (b) of this Part applies to–

(i) distilling oil for the production or cleaning of vacuum pump oil; or

(ii) an activity which is ancillary and related to another activity, whether described in this Schedule or not, which involves the production or use of the substance which is recovered, cleaned or regenerated.

PART B

NIL

Section 5.5

The production of fuel from waste

PART A

Making solid fuel from waste by any process involving the use of heat other than making charcoal.

PART B

NIL

CHAPTER 6

OTHER ACTIVITIES

Section 6.1

Paper and pulp manufacturing activities

PART A

(a) Producing–

(i) pulp from timber or other fibrous materials;

(ii) paper and board with a production capacity exceeding 20 tonnes per day.

(b) Any activity associated with making paper pulp or paper, including activities connected with the recycling of paper such as de-inking, if the activity may result in the release into water of any substance listed in paragraph 12 of Part 2 to this Schedule in a quantity which, in any 12 month period, exceeds the background quantity by more than the amount specified in relation to the description of substance in column 2 of that Schedule.

Interpretation of Part A

In Part A, "paper pulp" includes pulp made from wood, grass, straw and similar materials and references to the making of paper are to the making of any product using paper pulp.

PART B

NIL

Section 6.2

Carbon Activities

PART A

Producing carbon or hard-burnt coal or electro graphite by means of incineration or graphitization.

PART B

NIL

Section 6.3

Tar and Bitumen Processes

PART A

The following activities if operated at installations not falling within any other description contained in any other Part A activity in this Schedule involving:–

(i) distilling tar or bitumen in connection with any process of manufacture; or

(ii) heating tar or bitumen for the manufacture of electrodes or carbon-based refractory materials,

where the carrying on of the activity 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, both.

PART B

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

(i) heating, but not distilling, tar or bitumen in connection with any process of manufacture; or

(ii) oxidising bitumen by blowing air through it, at installations where there are no other activities prescribed in this Schedule,

where the carrying on of the activities 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.

Interpretation of Part B

In Part B, the expressions "tar" and "bitumen" include pitch.

Section 6.4

Coating activities, printing and textile treatments

PART A

(a) Pre-treating by operations such as washing, bleaching or mercerisation or dyeing fibres or textiles where the treatment capacity exceeds 10 tonnes per day.

(b) Surface treating substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a consumption capacity of more than 150 kilogrammes per hour or more than 200 tonnes per year.

(c) Applying or removing a coating material containing one or more tributyltin compounds or triphenyltin compounds, if carried out at a shipyard or boatyard where vessels of a length of 25 metres or more can be built or maintained or repaired.

(d) Treating textiles if the activity may result in the release into water of any substance listed in the Table in paragraph 13 of Part 2 of this Schedule in a quantity which, in any 12 month period, exceeds the background quantity by more than the amount specified in relation to the description of the substance set out in column 1 of that Table in the corresponding entry in column 2 of that Table.

PART B

(a) Any activity, not falling within Part A (other than for the repainting or respraying of, or of parts, of aircraft or road or railway vehicles) for applying to a substrate, or drying or curing after such application, printing ink or paint or any other coating material as, or in the course of, a manufacturing activity where–

  (i) the activity may result in the release into the air of particulate matter or of any volatile organic compound; and

  (ii) the carrying on of the activity by the person concerned at the location in question is likely to involve the use in any period 12 months of–

    (A) 20 tonnes or more applied in solid form of any printing ink, paint or other coating material, unless covered by Section 2.1(g);

    (B) 20 tonnes or more of any metal coatings which are sprayed on in molten form; or

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

(b) Repainting or respraying road vehicles or parts of them if the activity does not fall within Part A and may result in the release into the air of particulate matter or of any volatile organic compound and the carrying on of the activity by the person concerned at the location in question is likely to involve the use of 1 tonne or more or organic solvents in any period of 12 months.

(c) Repainting or respraying aircraft or railway vehicles or parts of them if the activity may result in the release into the air of particulate matter or of any volatile organic compound and the

carrying on of the activity by the person concerned at the location in question is likely to involve the use in any period of 12 months of –

(i) 20 tonnes or more applied in solid form of any paint or other coating material;

(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.

Interpretation of Part B

In Part B–

"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; and the amount of organic solvents used in an activity shall be calculated as–

(i) 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

(ii) any organic solvents that are removed from the process for re-use or for recovery for re-use.

Section 6.5

The manufacture of dyestuffs, printing ink and coating materials.

PART A

Any manufacture of dyestuffs if the activity involves the use of hexachlorobenzene and is operated at an installation not falling within any other description in any Part A of this Schedule.

PART B

Any of the following activities not falling within any description in Part A of this Schedule involving:–

(a) Manufacturing or formulating printing ink or any other coating material containing, or involving the use of, an organic solvent, where the carrying on of the activity by the person concerned at the location in question is likely to involve the use of 100 tonnes or more of organic solvents in any 12 months period;

(b) Manufacture any powder for use as a coating material where there is the capacity to produce 200 tonnes or more of such powder in any 12 month period.

Interpretation of Part B

In Part B, "coating material" has the same meaning as in Section 6.4; except that the amount of organic solvents used in an activity 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.

Section 6.6

Timber activities

PART A

Curing or chemically treating as part of a manufacturing process timber or products made wholly or mainly of wood if any substance listed in column 1 of the Table in paragraph 13 of Part 2 of this Schedule is used.

PART B

Manufacturing products wholly or mainly of wood at any works if the activity involves the sawing, drilling, shaping, turning, planing, shredding, curing or chemical treatment of wood and the throughput of the works in any 12 month period is likely to exceed–

(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 activities or is subjected only to relevant activities which are exempt activities ; or

(ii) 1,000 cubic metres in any other case.

Interpretation of Part B

In this Part–

"relevant activities", other than sawing, are "exempt activities" where, if no sawing were carried on at the works,the activities carried on there would be unlikely to result in the release into the air of any substances listed in paragraph 12 of Part 2 of this Schedule in a quantity which is capable of causing significant harm;

"throughput" shall be calculated by reference to the amount of wood which is subjected to any of the relevant activities: but where, at the same works, wood is subject to two or more relevant activities, no account shall be taken of the taken of the second or any subsequent activity;

"wood" includes any product consisting wholly or mainly of wood;

"works" includes a sawmill or any other premises on which relevant activities are carried out on wood.

Section 6.7

Activities involving rubber

PART A

NIL

PART B

(a) The following activities if operated at installations not falling within any other description in any Part A of this Schedule involving the mixing, milling or blending of–

(i) natural rubber; or

(ii) synthetic organic elastomers,

if carbon black is used.

(b) Any activity which converts the product of an activity falling within paragraph (a) into a finished product, if related to a activity falling within that paragraph.

Section 6.8

The treatment of animal and vegetable matter and food industries

PART A

(a) Tanning hides and skins where the treatment capacity exceeds 12 tonnes of finished products per day.

(b) Disposing of or recycling animal carcasses and animal waste except by incineration at installations with a capacity exceeding 10 tonnes per day.

(c) Slaughtering animals with a carcass production capacity greater than 50 tonnes per day.

(d) Treating and processing materials intended for the production of food products from–

(i) animal raw materials (other than milk) with a finished product production capacity greater than 75 tonnes per day;

(ii) vegetable raw materials with a finished product production capacity greater than 300 tonnes per day (average value on a quarterly basis).

(e) Treating and processing milk, the quantity of milk received being greater than 200 tonnes per day (average value on an annual basis).

(f) The following activities if operated at installations not falling within a description in another Section or an exempt activity, namely processing in anyway whatsoever, storing or drying by the application of heat of any dead animal (or part thereof) or any vegetable matter if the process may result in the release into water of any substance listed in the Table in paragraph 13 of Part 2 of this Schedule in a quantity which, in any 12 month period, exceeds the background quantity by more than the amount specified in relation to the description of the substance set out in column 1 of that Table in the corresponding entry in column 2 of that Table: but excluding any activity that treats effluent so as to permit its discharge into controlled waters or into a sewer unless the treatment process involves the drying of any material with a view to its use as an animal feedstuffs.

PART B

(a) Any activity mentioned in Section 6.8 (f), unless an exempt activity–

(i) where the activity has the characteristics described in paragraph 2 of Part 2 of this Schedule; but

(ii) may release into the air a substance referred to in paragraph 12 of Part 2 of this Schedule or any offensive smell noticeable outside the premises in which the activity is carried on.

(b) Breeding maggots in any case where 5 kilogrammes or more of animal or of vegetable matter or, in aggregate, of both are introduced into the process in any week.

(c) The ensiling or storage of dead fish or fish offal in plant capable of retaining volumes–

(i) of less than $10m^3$ of ensiled liquor;

(ii) in excess of $10m^3$ and less than $50m^3$ of ensiled liquor; or

(iii) in excess of $50m^3$ of ensiled liquor.

Interpretation of Section 6.8

In this Section–

"animal" includes a bird or a fish;

"ensiling" means the treatment of dead fish or fish offal by the application of formic acid for the purpose of rendering the material free from infectious disease;

"exempt activity" means–

(i) any activity carried on a farm or agricultural holding, other than the manufacture of goods for sale;

(ii) the manufacture or preparation of food or drink for human consumption but excluding–

(A) the extraction, distillation or purification of animal or vegetable oil or fat, otherwise than as an activity incidental to the cooking of food for human consumption;

(B) any activity involving the use of green offal or the boiling of blood, except the cooking of food (other than tripe) for human consumption;

(C) the cooking of tripe for human consumption elsewhere than on premises on which it is to be consumed;

(iii) the fleshing, cleaning and drying of pelts of fur-bearing mammals;

(iv) any activity carried on in connection with the operation of a knacker's yard, as defined in article 3(1) of the Animal By-Products Order 1999(**10**);

(v) any activity for the manufacture of soap not falling within a description in Part A of Section 4.1;

(vi) the storage of vegetable matter otherwise than as part of any prescribed activity;

(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 13 of the Animal By-Products Order 1999;

(x) the salting of hides or skins, unless related to any other prescribed activity;

(xi) any activity for composting animal or vegetable matter or a combination of both, except where that activity is carried on for the purposes of cultivating mushrooms;

(xii) any activity for cleaning, and any related activity for drying or dressing, seeds, bulbs, corms or tubers;

(xiii) the drying of grain or pulses;

(xiv) any activity for the production of cotton yarn from raw cotton or for the conversation of cotton yarn into cloth;

"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;

"green offal" means the stomach and intestines of any animal, other than poultry or fish, and their contents.

Section 6.9

Intensive farming

PART A

(a) Rearing poultry or pigs intensively in an installation with more than–

(i) 40,000 places for poultry, including ducks and turkeys;

(ii) 2,000 places for production pigs (over 30 kilogrammes); or

(iii) 750 places for sows.

PART B

NIL

PART 2

INTERPRETATION OF PART 1

1. The following applies for the interpretation of Part 1 of this Schedule.

2.—(1) Subject to sub-paragraph (2), an activity shall not be taken to be a Part B activity if it cannot result in the release into the air of a substance listed in paragraph 12 or there is no likelihood

(**10**) S.I. 1999/646.

that it will result in the release into the air of any such substance except in a quantity which is so trivial that it is incapable of causing harm or its capacity to cause harm is insignificant.

(2) Sub-paragraph (1) does not apply to an activity which may give rise to an offensive smell noticeable outside the site where the activity is carried out.

3. An activity shall not be taken to be an activity falling within Part 1 if it is carried out in a working museum to demonstrate an industrial activity of historic interest or if it is carried out for educational purposes in a school within the meaning of section 135(1) of the Education (Scotland) Act 1980(**11**).

4. The running on or within an aircraft, hovercraft, mechanically propelled road vehicle, railway locomotive or ship or other vessel of an engine which propels or provides electricity for it shall not be taken to be an activity falling within Part 1.

5. The running of an engine in order to test it before it is installed or in the course of its development shall not be taken to be an activity falling within Part 1.

6.—(1) The use of a fume cupboard shall not be taken to be an activity falling within Part 1 if it is used as a fume cupboard in a laboratory for research or testing and it is not–

(i) a fume cupboard which is an industrial and continuous production activity enclosure; or

(ii) a fume cupboard in which substances or materials are manufactured.

(2) In sub-paragraph (1) "fume cupboard" has the meaning given by the British Standard 'Laboratory fume cupboards' published by the British Standards Institution numbered BS7258 : Part I : 1990.

7. An activity shall not be taken to fall within Part 1 if it is carried out as a domestic activity in connection with a private dwelling.

8. References in Part 1 to related activities are references to separate activities being carried out by the same person on the same site.

9.—(1) This paragraph applies for the purpose of determining whether an activity carried out in a stationary technical unit falls within a description in Part A which refers to capacity, other than design holding capacity.

(2) Where a person carries out several activities falling within the same description in Part A in different parts of the same stationary technical unit or in different stationary technical units on the same site, the capacities of each part or unit, as the case may be, shall be added together and the total capacity shall be attributed to each part or unit for the purpose of determining whether the activity carried out in each part or unit falls within a description in Part A.

(3) For the purpose of sub-paragraph (2), no account shall be taken of capacity when determining whether activities fall within the same description.

(4) Where an activity falls within a description in Part A by virtue of this paragraph it shall not be taken to be an activity falling within a description in Part B.

10. Where an activity falls within a description in Part A and a description in Part B that activity shall be regarded as falling only within the description in Part A.

11.—(1) In Part 1 of this Schedule–

"background quantity" means, in relation to the release of a substance resulting from an activity, such quantity of that substance as is present in–

(i) water supplied to the site where the activity is carried out;

(**11**) 1980 c. 44.

(ii) water abstracted for use in the activity; and

(iii) precipitation onto the site on which the activity is carried out;

"Part A activity" means an activity falling within Part A of any Section in Part 1 of this Schedule;

"Part B activity" means an activity falling within Part B of any Section in Part 1 of this Schedule.

(2) For the purposes of the interpretation of Part 1 of this Schedule, and unless the context otherwise requires, a reference to a Section is a reference to the Section so numbered in Part 1 of this Schedule.

12. References to, or to the release into the air of, a substance listed in this paragraph are to any of the following substances:–

oxides of sulphur and other sulphur compounds;

oxides of nitrogen and other nitrogen compounds;

oxides of carbon;

organic compounds and partial oxidation products;

metals, metalloids and their compounds;

asbestos (suspended particulate matter and fibres), glass fibres and mineral fibres;

halogens and their compounds;

phosphorus and its compounds;

particulate matter.

13.—(1) References to, or to the release into water of, a substance listed in this paragraph or to its release in a quantity which exceeds, in any 12 month period, the background quantity by an amount specified in this paragraph are, in respect of the substances set out in column 1 of the following Table, the amounts specified in the corresponding entry in column 2 of that Table.

TABLE

Substance	*Amount in excess of background quantity (in grammes) in any 12 month period*
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 (PCP) and its compounds	350 (expressed as PCP)
Hexachlorobenzene	5
Hexachlorobutadiene	20
Aldrin	2
Dieldrin	2
Endrin	1
Polychlorinated Biphenyls	1

Substance	*Amount in excess of background quantity (in grammes) in any 12 month period*
Dichlorvos	0.2
1,2 – Dichloroethane	2000
All isomers of trichlorobenzene	75
Atrazine	350
Simazine	350
Tributyltin (TBT) compounds	4 (expressed as TBT)
Triphenyltin (TPT) compounds	4 (expressed as TPT)
Trifluralin	20
Fenitrothion	2
Azinphos-methyl	2
Malathion	2
Endosulfan	0.5

(2) In the Table in sub-paragraph (1), where both Altrazine and Simazine are released, the figure for both substances in aggregate shall be 350 grammes.

14.—(1) References to a substance listed in this paragraph are to any of the following substances:–

(a) alkali metals and their oxides and alkaline earth metals and their oxides;

(b) organic solvents;

(c) azides;

(d) halogens and their covalent compounds;

(e) metal carbonyls;

(f) organo-metallic compounds;

(g) oxidising agents;

(h) polychlorinated dibenzofuran and any congener thereof;

(i) polychlorinated dibenzo-p-dioxin and any congener thereof;

(j) polyhalogenated biphenyls, terphenyls and naphthalenes;

(k) phosphorus;

(l) pesticides.

(2) In this sub-paragraph, "pesticide" means any chemical substance or preparation prepared or used for destroying any pest, including those used for protecting plants or wood or other plant products from harmful organisms, regulating the growth of plants, giving protection against harmful creatures, rendering such creatures harmless, controlling organisms with harmful or unwanted effects on water systems, buildings or other structures, or on manufactured products, or protecting animals against ectoparasites.

PART 3

INTERPRETATION OF "PART A INSTALLATION" ETC

15. For the purpose of these Regulations, subject to paragraph 2–

"Part A installation" means an installation where one or more activities listed under the heading "Part A" are carried out (including such an installation where one or more activities listed under the heading "Part B" are also carried out);

"Part B installation" means an installation where one or more of the activities listed under the heading "Part B" are carried out, not being a Part A installation.

16. A Part B installation shall not be taken to include any activity which requires a waste management licence under Part II of the Environmental Protection Act 1990(**12**).

17. For the purpose of these Regulations–

"Part A mobile plant" means mobile plant used to carry out a Part A activity (including such plant which is also used to carry out a Part B activity);

"Part B mobile plant" means mobile plant used to carry out a Part B activity, not being Part A mobile plant.

18. In the case of Part B installations–

(a) an installation where an activity falling within Part B of Section 1.1 is carried out does not include any associated storage, handling or shredding of tyres which are to be burned as part of that activity;

(b) an installation where an activity falling within paragraph (e) of Part B of Section 2.2 is carried out does not include any associated storage or handling of scrap which is to be heated as part of that activity other than its loading into a furnace;

(c) an installation where an activity falling with paragraph (a) of Part B of Section 5.1 is carried out does not include any associated storage or handling of wastes and residues which are to be incinerated as part of that process other than the associated storage or handling of animal remains intended for burning in an incinerator used wholly or mainly for the incineration of such remains or residues from the burning of such remains in such an incinerator;

(d) an installation where an activity falling within Part B of Section 6.4 is carried out does not include any associated cleaning of used storage drums prior to painting or their incidental handling in connection with such cleaning.

19. Where an installation is a Part A installation or a Part B installation by virtue of the carrying out of an activity which is only carried out during part of a year that installation shall not cease to be such an installation during the parts of the year when that activity is not being carried out.

20. Where an installation is authorised by a permit granted under these Regulations to carry out Part A activities or Part B activities which are described in Part 1 by reference to a threshold (whether in terms of capacity or otherwise), the installation shall not cease to be a Part A installation or a Part B installation, as the case may be, by virtue of the installation being operated below the relevant threshold unless the permit ceases to have effect in accordance with these Regulations.

21. In this Part, "Part A activity" and "Part B activity" have the meaning given by paragraph 11(1) of Part 2 of this Schedule.

(**12**) 1990 c. 43.