
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 26

INDUSTRIAL POLLUTION CONTROL

The Industrial Pollution Control (Prescribed Processes and Substances) (Amendment) Regulations (Northern Ireland) 1999

Made - - - - *22nd January 1999*
Coming into operation *22nd February 1999*

The Department of the Environment, in exercise of the powers conferred on it by Article 3 of the Industrial Pollution Control (Northern Ireland) Order 1997(1) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Industrial Pollution Control (Prescribed Processes and Substances) (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 22nd February 1999.

(2) In these regulations, “the principal Regulations” means the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998(2).

Amendment of the principal Regulations

2. Section 5.1 of Schedule 1 to the principal Regulations (descriptions of processes) shall be amended as follows—

- (a) after paragraph (b) of Part A there shall be inserted the following paragraph—
 - “(bb) The incineration of hazardous waste in an incineration plant other than in an exempt hazardous waste incineration plant.”;
- (b) in the definition of “clinical waste”, the words “in paragraph (b) of Part B and in the definition of “exempt incinerator” in Part C” shall be inserted before “means”;
- (c) the following shall be inserted after paragraph (e) of Part A—
 - “In this Part—
 - “exempt hazardous waste incineration plant” means—
 - (i) an incineration plant for animal carcasses or remains;

(1) S.I.1997/2777 (N.I. 18)
(2) S.R. 1998 No. 28

- (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 Directive 91/689/EEC on hazardous waste⁽³⁾ 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 II to Directive 91/689/EEC other than property H9 in that list (infectious);

“hazardous waste” means any solid or liquid waste as defined in Article 1, 4 of Directive 91/689/EEC, but shall not include the following waste—

- (i) combustible liquid wastes, including waste oils as defined in Article 1 of Directive 75/439/EEC on the disposal of waste oils⁽⁴⁾, provided that they meet the following three criteria—
 - (a) the mass content of polychlorinated aromatic hydrocarbons, for example polychlorinated biphenyls or pentachlorinated phenol, amounts to concentrations not higher than those set out in Council Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls⁽⁵⁾;
 - (b) these wastes are not rendered hazardous by virtue of containing other constituents listed in Annex II to Directive 91/689/EEC in quantities or concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of Directive 75/442/EEC on waste⁽⁶⁾; and
 - (c) the net calorific value amounts to at least 30 MJ per kilogram;
- (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⁽⁷⁾ or a higher concentration of emissions than those resulting from the combustion of gas oil so defined;
- (iii) hazardous waste resulting from the exploration for and the exploitation of oil and gas resources from off-shore installations which is incinerated on board such installations;
- (iv) municipal waste within the meaning of Directives 89/369/EEC on the prevention of air pollution from new municipal waste incineration plants⁽⁸⁾ and 89/429/EEC on the reduction of air pollution from existing municipal waste incineration plants⁽⁹⁾; or
- (v) sewage sludge from the treatment of municipal waste waters which are not rendered hazardous by virtue of containing constituents listed in Annex II to 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; and

(3) O.J. No. L377, 31.12.91, p. 20

(4) O.J. No. L194, 25.7.75, p. 23

(5) O.J. No. L243, 24.9.96, p. 31

(6) O.J. No. L194, 25.7.75, p. 39, as amended by Council Directive 91/156/EEC (O.J. No. L78, 26.3.91, p. 32)

(7) O.J. No. L307, 27.11.75, p. 22

(8) O.J. No. L163, 14.6.89, p. 32

(9) O.J. No. L203, 15.7.89, p. 50

“the incineration of hazardous waste in an incineration plant” means the incineration by oxidation of hazardous waste, with or without the recovery of the combustion heat generated, including pre-treatment as well as pyrolysis or other thermal treatment processes, for example plasma processes, in so far as their products are subsequently incinerated, and includes the incineration of such waste as a regular or additional fuel for any industrial process.”.

3. Schedule 2 to the principal Regulations (rules for the interpretation of Schedule 1) shall be amended as follows—

- (a) at the beginning of paragraph 10 there shall be inserted, “Subject to paragraph 10A,”;
- (b) the following paragraph shall be inserted after that paragraph—

“**10A.** Notwithstanding the rule set out in paragraph 10, any process described in paragraph (bb) of Part A of Section 5.1 of Schedule 1 shall be regarded as falling only within that description.”;

- (c) at the beginning of paragraph 15 there shall be inserted, “Subject to paragraph 15A,”; and
- (d) the following paragraph shall be inserted after that paragraph—

“**15A.** Paragraph 15 shall not apply to any process described in paragraph (bb) of Part A of Section 5.1 of Schedule 1.”.

4. Schedule 3 to the principal Regulations (date from which authorisation is required under Article 6 of the Order) shall be amended as follows—

- (a) at the beginning of paragraph 2 there shall be inserted, “Subject to paragraphs 2A and 2B,”;
- (b) the following paragraphs shall be inserted after that paragraph—

“**2A.** The prescribed date, in respect of an existing hazardous waste incineration plant, is—

- (a) where an application for authorisation as a Part A process is made on or before 31st December 1999, the determination date for that process; or
- (b) where no such application is made, 31st December 1999.

2B. The prescribed date, in respect of a new hazardous waste incineration plant, is 22nd February 1999.”; and

- (c) the following definitions shall be inserted immediately after the definition of “the determination date” in paragraph 7—

“existing hazardous waste incineration plant” means a process described in paragraph (bb) of Part A of Section 5.1 of Schedule 1 which, immediately before 22nd February 1999—

- (i) was a work registered under section 2 or 7, as applicable, of the Alkali &c. Works Regulation Act 1906(10); or
- (ii) was not a prescribed process, but was operated in accordance with planning permission;

and which, in either case, was first so registered or operated, as the case may be, before 31st December 1996;

“new hazardous waste incineration plant” means a process described in paragraph (bb) of Part A of Section 5.1 of Schedule 1 which, immediately before 22nd February 1999—

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- (i) was a work registered under section 2 or 7, as applicable, of the Alkali &c. Works Regulation Act 1906; or
 - (ii) was not a prescribed process, but was operated in accordance with planning permission;
- and which, in either case, was first so registered or operated, as the case may be, on or after 31st December 1996; and
- “planning permission” means planning permission granted under the Planning (Northern Ireland) Order 1991(11).

Sealed with the Official Seal of the Department of the Environment on

L.S.

22nd January 1999.

R. W. Rogers
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for the implementation of the European Parliament and Council Directive [94/67/EC](#) on the incineration of hazardous waste, by amending the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998 (“the principal Regulations”).

Regulation 2 designates all hazardous waste incineration plants (to which the Directive applies) as Part A processes under the principal Regulations, which are thereby made subject to integrated central control by the Department’s Chief Industrial Pollution and Radiochemical Inspector under the Industrial Pollution Control (Northern Ireland) Order 1997.

Regulation 3 amends Schedule 2 to the principal Regulations (rules for the interpretation of Schedule 1).

Regulation 4 provides that hazardous waste incineration plants (within the meaning of the Directive) which are not already Part A processes and which were first operated before 31st December 1996 will be made subject to the new controls by 31st December 1999, or, if they apply for a new authorisation by that date, by the date when the application is determined. Such hazardous waste incineration plants which were first operated on or after 31st December 1996 will become subject to the new controls immediately.

Copies of the Directives specified in the Regulations may be obtained from the Stationery Office, 16 Arthur Street, Belfast BT1 4GD.