

SCHEDULE 1

ACTIVITIES, INSTALLATIONS AND MOBILE PLANT

PART 1

ACTIVITIES

CHAPTER 5

WASTE MANAGEMENT

SECTION 5.1

DISPOSAL OF WASTE BY INCINERATION

Part A

- (a) The incineration of any waste chemical or waste plastic arising from the manufacture of a chemical or the manufacture of a plastic.
- (b) The incineration, other than incidentally in the course of burning other waste, of any waste chemical being, or comprising in elemental or compound form, any of the following—
 - bromine;
 - cadmium;
 - chlorine;
 - fluorine;
 - iodine;
 - lead;
 - mercury;
 - nitrogen;
 - phosphorus;
 - sulphur;
 - zinc.
- (c) Unless falling within Part B or C of this Section, the incineration of (any other) hazardous waste in an incineration plant other than of specified hazardous waste in an exempt incineration plant.
- (d) The incineration of municipal waste in an incineration plant with a capacity of more than 3 tonnes per hour.
- (e) The incineration of animal remains, or waste products from rendering animal remains in an incineration plant with a capacity of 1 tonne or more per hour.
- (f) The incineration of any waste, otherwise than as part of a Part B or Part C activity, in an incineration plant with a capacity of 1 tonne or more per hour.
- (g) The cleaning for reuse of metal containers used for the transport or storage of a chemical by burning out their residual content.

Part B

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) The incineration of waste, in an incineration plant which is authorised for incineration of radioactive waste under section 13 of the Radioactive Substances Act 1993(1).
- (b) Unless falling within Part A of this Section, the incineration of clinical waste, municipal waste sewage sludge, sewage screenings, or any mixture thereof, in an incineration plant.

Part C

- (a) The incineration of specified hazardous waste in an incineration plant with a capacity of 10 tonnes or less per day and less than 1 tonne per hour, unless described in Part A or Part B of this Section or the plant is an exempt incineration plant.
- (b) Unless falling within Part B of this Section, the incineration of any non hazardous waste in an incineration plant, other than an exempt incineration plant, with a capacity of less than 1 tonne per hour.
- (c) The cremation of human remains.

Interpretation of Section 5.1

In this Section—

“clinical waste”, means waste (other than waste consisting wholly of animal remains) which falls within the definition of such waste in regulation 2(1) of the Waste Collection and Disposal Regulations (Northern Ireland) 1992(2) or would fall within that paragraph but for regulation 2(3) of those regulations;

“exempt incineration plant” means any incineration plant on premises where there is plant designed to incinerate waste, including animal remains, at a rate of 50 kilogrammes or less per hour, not being an incineration plant employed to incinerate clinical waste, sewage sludge, sewage screenings or municipal waste; and for the purposes of this definition, the weight of waste shall be determined by reference to its weight as fed into the incineration plant;

“hazardous waste” means waste as defined in Article 1(4) of Council Directive 91/689/EEC on hazardous waste(3);

“incineration” includes pyrolysis;

“incineration of hazardous waste in an incineration plant” means the incineration by oxidation of hazardous wastes, with or without recovery of the combustion heat generated, including pre-treatment and 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;

“municipal waste” means municipal waste as defined in Council Directives 89/369/EEC(4) and 89/429/EEC(5);

“specified hazardous waste” means—

- (a) combustible liquid wastes, including waste oils as defined in Article 1 of Council Directive 75/439/EEC(6) on the disposal of waste oil, provided that they meet the following three criteria—

(1) 1993 c. 12
(2) SR 1992 No. 254
(3) OJNo. L 377, 31.12.91, p.20
(4) OJ No. L 163, 14.6.89, p.32
(5) OJ No. L 203, 15.7.89, p.50
(6) OJ No. L 194, 25.7.75, p.23

- (i) the mass content of polychlorinated aromatic hydrocarbons, for example, polychlorinated biphenyls or pentachlorinated phenol, amounts to concentrations not higher than those set out in the relevant Community legislation⁽⁷⁾;
 - (ii) these wastes are not rendered hazardous by virtue of containing other constituents listed in Annex II to Council Directive [91/689/EEC](#) on hazardous waste in quantities or in concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of Council Directive [75/442/EEC](#) on waste⁽⁸⁾; and
 - (iii) the net calorific value amounts to 30 MJ or more per kilogramme;
- (b) 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 Council Directive [75/716/EEC](#)⁽⁹⁾ on the approximation of the laws of Member States relating to the sulphur content of certain liquid fuels or a higher concentration of emissions than those resulting from the combustion of gas oil as so defined;
 - (c) 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](#) on hazardous waste in quantities or in concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of Council Directive [75/442/EEC](#) on waste; and
 - (d) 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).

SECTION 5.2

DISPOSAL OF WASTE BY LANDFILL

Part A

- (a) The disposal of waste in a landfill receiving more than 10 tonnes of waste in any day or with a total capacity of more than 25,000 tonnes, excluding disposals in landfills taking only inert waste.

Part B

Nil

Part C

Nil

SECTION 5.3

DISPOSAL OF WASTE OTHER THAN BY INCINERATION OR LANDFILL

Part A

(7) See, in particular Council Directive [96/59/EC](#) (OJ No. L 243, 24.9.96, p.31)
(8) OJ No. L 194, 25.7.75, p.39; amended by Council Directives [91/56/EEC](#) (OJ No. L 78, 26.3.91, p.32) and [91/692/EEC](#) (OJ No. L 377, 31.12.91, p.48) and Commission Decision [96/350/EC](#) (OJ No. L 135, 6.6.96, p.32)
(9) OJ No. L 307, 27.11.75, p.22

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- (a) The disposal of hazardous waste (other than by incineration or landfill) in a facility with a capacity of more than 10 tonnes per day.
- (b) The disposal of waste oils (other than by incineration or landfill) in a facility with a capacity of more than 10 tonnes per day.
- (c) Disposal of non-hazardous waste in a facility with a capacity of more than 50 tonnes per day by—
 - (i) biological treatment, not being treatment specified in any paragraph other than paragraph D8 of Annex IIA to Council Directive [75/442/EEC](#), which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 in that Annex (D8); or
 - (ii) physico-chemical treatment, not being treatment specified in any paragraph other than paragraph D9 in Annex IIA to Council Directive [75/442/EEC](#), which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 in that Annex (for example, evaporation, drying, calcination, etc.) (D9).

Interpretation of Part A

1. In this Part—
 - “disposal” in paragraph (a) means any of the operations described in Annex IIA to Council Directive [75/442/EEC](#) on waste;
 - “hazardous waste” means waste as defined in Article 1(4) of Council Directive [91/689/EEC](#).
2. Paragraph (b) shall be interpreted in accordance with Article 1 of Council Directive [75/439/EEC](#).
3. Nothing in this Part applies to the treatment of waste soil by means of mobile plant.
4. The reference to a D paragraph number in brackets at the end of paragraphs (c)(i) and (ii) is to the number of the corresponding paragraph in Annex IIA to Council Directive [75/442/EEC](#) on waste (disposal operations).

Part B

Nil.

Part C

Nil.

SECTION 5.4 RECOVERY OF WASTE

Part A

- (a) Recovering by distillation of 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 carried out as part of any other Part A activity, recovering hazardous waste in plant with a capacity of more than 10 tonnes per day by means of the following operations—
 - (i) the use principally as a fuel or other means to generate energy (R1);

- (ii) solvent reclamation/regeneration (R2);
- (iii) recycling/reclamation of inorganic materials other than metals and metal compounds (R5);
- (iv) regeneration of acids or bases (R6);
- (v) recovering components used for pollution abatement (R7);
- (vi) recovery of components from catalysts (R8);
- (vii) oil re-refining or other reuses of oil (R9).

Interpretation of Part A

1. Nothing in paragraphs (a) and (b) of this Part applies to—
 - (a) distilling oil for the production or cleaning of vacuum pump oil; or
 - (b) an activity which is ancillary to 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,

except where the activity involves distilling more than 100 tonnes per day.

2. Nothing in this Part applies to the treatment of waste soil by means of mobile plant.

3. The reference to a R paragraph number in brackets at the end of paragraphs (c)(i) to (vii) is to the number of the corresponding paragraph in Annex IIB of Council Directive [75/442/EEC](#) on waste (recovery operations).

Part B

Nil.

Part C

Nil.

SECTION 5.5

THE PRODUCTION OF FUEL FROM WASTE

Part A

- (a) Making solid fuel (other than charcoal) from waste by any process involving the use of heat.

Part B

Nil.

Part C

Nil.