

**2004 No. 36**

**ENVIRONMENT**

**The Solvent Emissions Regulations (Northern Ireland) 2004**

*Made* - - - - - *6th February 2004*

*Coming into operation* *27th February 2004*

The Department of the Environment, in exercise of the powers conferred upon it by Article 4 of the Environment (Northern Ireland) Order 2002(a) (“the 2002 Order”), and of all other powers enabling it in that behalf and having, in accordance with Article 4(4) of the 2002 Order, consulted district councils and such bodies or persons appearing to it to be representative of the interests of district councils as it considers appropriate, such bodies and persons appearing to it to be representative of the interests of industry, agriculture and business as it considers appropriate and such bodies or persons as it considers appropriate, hereby makes the following Regulations:

**Citation and commencement**

**1.** These Regulations may be cited as the Solvent Emissions Regulations (Northern Ireland) 2004 and shall come into operation on 27th February 2004.

**Interpretation**

**2.—(1)** In these regulations –

“the 1997 Order” means the Industrial Pollution Control (Northern Ireland) Order 1997(b);

“the 1998 Regulations” means the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998(c);

“the 2003 Regulations” means the Pollution Prevention and Control Regulations (Northern Ireland) 2003(d);

“authorisation” means an authorisation granted under Article 6 of the 1997 Order;

“risk phrase substance or preparation” means a substance or preparation which, because of their content of volatile organic compounds classified as carcinogens, mutagens, or toxic to reproduction under Directive 67/548/EEC(e) are assigned or need to carry the risk phrases R45, R46, R49, R60 and R61 and a substance or preparation “becomes a risk phrase substance or preparation” when, because of its content of volatile organic compounds, it is assigned or needs to carry one of those risk phrases;

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(a) S.I. 2002/3153 (N.I. 7); Directive 1999/13/EC was designated for the purposes of paragraph 20(2)(d) of Schedule 1 to the 2002 Order by the Environment (Designation of Relevant Directives) Order (Northern Ireland) 2003 (S.R. 2003 No. 209)

(b) S.I. 1997 No. 2777 (N.I. 18)

(c) S.R. 1998 No. 28

(d) S.R. 2003 No. 46, relevant amending Regulations are S.R. 2003 No. 390 as amended by S.R. 2004 No. 35

(e) O.J. No. L196, 16.8.1967, p. 1 as last amended by Commission Directive 98/98/EC (O.J. No. L355, 30.12.1998, p. 1)

(2) Subject to regulation 3(17) in these Regulations, words and expressions which are defined in Regulation 2 of, and Schedule 3 to, the 2003 Regulations shall have the same meaning as in those Regulations.

**Application for variation of the conditions of an existing authorisation or permit in relation to installations covered by the Solvent Emissions Directive**

3.—(1) Where –

- (a) an installation contains –
  - (i) a new SED installation; or
  - (ii) an existing SED installation which underwent a substantial change in operation, installed abatement equipment or on or after 1st April 2001 and before the coming into operation of these Regulations; or
  - (iii) an existing SED installation which began using a risk phrase substance before the coming into operation of these Regulations; and
- (b) the affected part of the SED installation is on the date of coming into operation of these Regulations subject to a permit,

the operator of the installation shall within the period of 4 months beginning on the date of coming into operation of these Regulations make an application under regulation 17 of the 2003 Regulations for a variation of the conditions of that permit.

(2) Where –

- (a) abatement equipment was installed in an existing SED installation on or after 1st April 2001 and before the coming into operation of these Regulations;
- (b) the activities carried out in the affected part of the SED installation fall wholly within the description of processes set out in Schedule 1 of the 1998 Regulations under the heading “Part A, Part B or Part C”; and
- (c) that part of the SED installation is at the date of coming into operation of these Regulations wholly covered by an authorisation,

the operator shall within the period of 4 months beginning on the date of coming into operation of these Regulations either make an application under Article 11 of the 1997 Order for a variation of the conditions of the authorisation, or, in the case of an SED installation falling wholly within any description of processes set out in Schedule 1 to the 1998 Regulations under the heading “Part A”, make an application for a permit to operate the whole installation under regulation 10 of the 2003 Regulations.

(3) Where –

- (a) an installation contains an existing SED installation at which a risk phrase substance or preparation began to be used before the coming into operation of these Regulations;
- (b) the activities carried out in the affected part of the SED installation fall wholly within the description of processes set out in Schedule 1 of the 1998 Regulations under the heading “Part A, Part B or Part C”; and
- (c) the SED installation or part of the SED installation in which the substance or preparation is used is subject to an authorisation,

the operator shall within a period of 4 months beginning on the date of coming into operation of these Regulations make an application under Article 11 of the 1997 Order for a variation of the conditions of the authorisation or, in the case of an SED installation falling wholly within any description of processes set out in Schedule 1 to the 1998 Regulations under the heading “Part A”, make an application for a permit to operate the whole installation under regulation 10 of the 2003 Regulations.

(4) Where –

- (a) an existing SED installation underwent a substantial change on or after 1 April 2001 and before the coming into operation of these Regulations;
- (b) the activities carried out in the affected part of the SED installation fall wholly within the description of processes set out in Schedule 1 of the 1998 Regulations under the heading “Part A, Part B or Part C”; and

(c) that part of the installations is wholly covered by an authorisation,

the operator shall within the period of 4 months beginning on the date of coming into operation of these Regulations make an application under Article 11 of the 1997 Order for a variation of the conditions of the authorisation or, in the case of an SED installation falling wholly within any description of processes set out in Schedule 1 to the 1998 Regulations under the heading “Part A”, make an application for a permit to operate the whole installation under regulation 10 of the 2003 Regulations.

(5) Subject to paragraph (1), where an installation which contains an existing SED installation is subject to a permit, the operator of the installation shall by the SED date make an application under regulation 17 of the 2003 Regulations for a variation of the conditions of that permit.

(6) Subject to paragraphs (2), (3) and (4) where the activities carried out by an existing SED installation –

(a) fall wholly within any description set out in Schedule 1 to the 1998 Regulations under the heading “Part A, Part B or Part C”; and

(b) and are wholly covered by an authorisation,

the operator shall by the SED date make an application under Article 11 of the 1997 Order for a variation of the conditions of the authorisation or make an application for a permit to operate the whole installation under regulation 10 of the 2003 Regulations or, in the case of an SED installation falling wholly within any description of processes set out in Schedule 1 to the 1998 Regulations under the heading “Part A”, make an application for a permit to operate the whole installation under regulation 10 of the 2003 Regulations.

(7) Paragraphs (1) to (6) do not apply if the permit or authorisation already includes all conditions necessary to meet the requirements of the Solvent Emissions Directive.

(8) Where –

(a) an operator of an installation containing an existing SED installation proposes to make a substantial change in the operation of that SED installation or to install abatement equipment; and

(b) the affected part of the SED installation is subject to a permit,

the operator shall make an application under regulation 17 of the 2003 Regulations for a variation of the conditions of the permit and may not make the substantial change in operation or install the abatement equipment before the positive determination date.

(9) Where –

(a) an operator of an installation containing an existing SED installation proposes to make a substantial change in the operation of that SED installation or to install abatement equipment;

(b) the activities carried out in the affected part of the SED installation fall wholly within any description of processes set out in Schedule 1 to the 1998 Regulations under the heading “Part A, Part B or part C”; and

(c) the affected part of the SED installation is wholly covered by an authorisation,

the operator shall either make an application under Article 11 of the 1997 Order for a variation of the conditions of the authorisation, or in the case of an SED installation falling wholly within any description of processes set out in Schedule 1 to the 1998 Regulations under the heading “Part A”, make an application for a permit to operate the whole installation under regulation 10 of the 2003 Regulations and may not make the substantial change or install the abatement equipment before the positive determination date.

(10) Where –

(a) an operator of an installation containing an existing SED installation proposes to start using a risk phrase substance or preparation, and

(b) the SED installation or part of the SED installation in which it is proposed to use the risk phrase substance or preparation is subject to a permit or an authorisation;

the operator shall make an application under regulation 17 of the 2003 Regulations for a variation of the conditions of the permit or an application under Article 11 of the 1997 Order for a variation of the conditions of the authorisation and the operator may not begin using the substance or preparation before the positive determination date.

(11) Where after the coming into operation of these Regulations –

- (a) a substance or preparation used in an SED installation becomes a risk phrase substance or preparation, and
- (b) the SED installation or part of the SED installation in which the substance or preparation is used is subject to an authorisation or permit;

the operator shall within 4 months of the date on which the risk phrase is assigned to that substance or preparation make an application under Article 11 of the 1997 Order for a variation of the conditions of the authorisation or an application under regulation 17 of the 2003 Regulations for a variation of the conditions of the permit.

(12) Paragraphs (1) and (8) shall not apply to an installation containing an SED installation which undergoes a substantial change in operation where the total emissions of the SED installation do not exceed those that would have been permitted had the substantially changed part of the SED installation been subject to a permit containing conditions necessary to ensure that the SED installation complied with the requirements of Articles 5, 8 and 9 of the Solvent Emissions Directive.

(13) An application under this regulation shall contain the information specified in paragraph 1B of Part 1 of Schedule 4 to the 2003 Regulations.

(14) Where an operator fails to comply with any of the requirements of this regulation, the enforcing authority shall serve a notice on the operator specifying the relevant requirement, requiring him to comply with the requirement and specifying the period within which it shall be complied with.

(15) A notice served under paragraph (14) shall be treated for the purposes of the 2003 Regulations as an enforcement notice served under regulation 24(1) of the 2003 Regulations and the provisions of those Regulations shall be deemed to apply to such a notice.

(16) For the purposes of this regulation –

“affected part” means that part of an SED installation which undergoes a substantial change in operation or in which abatement equipment is installed or in which a risk phrase substance or preparation is used;

“positive determination date” means –

- (a) in relation to an application for a variation of a permit, the date on which the permit is varied, whether in pursuance of an application for a variation or, on appeal, of a direction to vary it;
- (b) in relation to an application for a variation of an authorisation, the date on which the authorisation is varied, whether in pursuance of an application for a variation or, on appeal, of a direction to vary it, or
- (c) in relation to an application for a permit, the date on which the permit is granted, whether in pursuance of an application or, on appeal, of a direction to grant it;

“the SED date” means –

- (a) in relation to an existing SED installation for which the operator wishes to use a reduction scheme, 31st October 2005;
- (b) in relation to all other existing SED installations, 31st October 2006.

#### **Application for an extension of an existing permit in relation to installations covered by the Solvent Emissions Directive**

4.—(1) Where the prescribed dates for an installation, which is already in part subject to a permit, are determined in accordance with paragraph 19(5) of Part 4 of Schedule 3 to the 2003 Regulations (determination of the prescribed date for an SED installation carrying out activities which are only partly also activities falling within sections 1.1 to 6.9 of Part 1 of Schedule 1

and associated activities) and the prescribed date for part of the SED installation has not yet passed, the operator may make an application to extend the scope of the permit to incorporate the whole of the SED installation.

(2) Subject to paragraph (3), the provisions of paragraph 17 of, and Schedule 7 to, the 2003 Regulations shall apply to an application under paragraph (1) as if it were an application for a variation of a permit under regulation 17(2) of the 2003 Regulations.

(3) In relation to an application under paragraph (1) –

(a) regulation 17 shall apply as if –

(i) for paragraph (4) there were substituted the following paragraph –

“(4) Where an application is duly made to the enforcing authority under regulation 4(1) of the Solvent Emissions Regulations (Northern Ireland) 2004, the enforcing authority shall either extend the scope of the permit subject to the conditions required or authorised to be imposed by regulations 11, 12 and 12A or refuse to extend the permit.”.

(ii) for paragraph (5) there were substituted the following paragraph –

“(5) Where the enforcing authority decides to extend the scope of the permit, it shall serve a notice on the operator (a “variation notice”) specifying how the permit will be extended, the conditions which will be imposed on the part of the installation covered by the extension and the date on which, unless the notice is withdrawn, the extension shall take effect.”.

(iii) for paragraph (7) there were substituted the following paragraph –

(7) Where the enforcing authority decides on an application under regulation 4(1) of the Solvent Emissions Regulations (Northern Ireland) 2004 not to extend the permit, it shall give notice of its decision to the operator in writing.”;

(b) Schedule 7 shall apply as if –

(i) in paragraph 1(e) of Part 1 after “conditions of the permit” there were inserted “and the extension of the scope of the permit”;

(ii) at the end of paragraph 1 there were inserted a new sub-paragraph (h) as follows –  
“(h) in the case of an application for a variation to extend the scope of the permit in respect of an SED installation the information specified in paragraph 1B of Part 1 of Schedule 4.”.

(iii) in paragraph 4(1) “or” were deleted from the end of sub-paragraph (a), “or” were inserted at the end of sub-paragraph (b) and there were inserted a new sub-paragraph (c) as follows –

“(c) an application is made under regulation 4(1) of the Solvent Emissions Regulations (Northern Ireland) 2004 to extend the scope of the permit.;

(iv) at the end of paragraph 4(9)(c) there were inserted “or, in the case of an application under regulation 4(1) of the Solvent Emissions Regulations (Northern Ireland) 2004, by the extension of the scope of the permit.”.

(4) Where an application for a variation is made under paragraph (1), the provisions of Part 3 of Schedule 3 to the 2003 Regulations shall be read as if references to an “application for a permit to operate the installation” were references to an “application for variation of a permit.”;

(5) An application for a variation of the conditions of a permit under regulation 3(1), (5), (8), (11) and (12) and an application for variation to extend the scope of the permit under paragraph (1) may be made combined in one application.

#### **Supplementary applications in relation to installations covered by the Solvent Emissions Directive**

5.—(1) Where an operator has made or is deemed to have made an application under regulation 10 of the 2003 Regulations to operate an installation containing an SED installation (the “original application”) and –

- (a) the operator wishes to make a substantial change in the operation of the SED installation, to install abatement equipment, or to begin using a risk phrase substance or preparation before the original application has been determined; or
- (b) the operator wishes to use a reduction scheme and the original application has not been determined by the enforcing authority by 31st August 2005; or
- (c) in relation to an installation for which the prescribed date is determined in accordance with paragraph 19(5) of Part 4 of Schedule 3 to the 2003 Regulations (determination of the prescribed date for an SED installation carrying out activities which are only partly also activities falling within sections 1.1 to 6.9 of Part 1 of Schedule 1 and associated activities), the original application is not determined by the enforcing authority before the date for which he is required to apply for a permit for the remaining part of the installation,

the operator may make a supplementary application to the enforcing authority.

- (2) A supplementary application under paragraph (1) shall contain –
  - (a) in the case of an application under paragraph (1)(a), a description of the substantial change in the operation or abatement equipment to be installed or a description of the risk phrase substance or preparation to be used;
  - (b) in the case of an application under paragraph 1(b), details of the reduction scheme; and
  - (c) any information which would be required under Schedule 4 to be included in an application to operate the installation which is not in the original application.
- (3) Where an operator makes a supplementary application under paragraph (1) –
  - (a) the original application shall be amended to include the provisions of the supplementary application; and
  - (b) the resulting application shall be deemed to have been made on the date the supplementary application is made.

#### **Duty for operators applying to use a reduction scheme**

- 6.—(1) Where, in respect of an existing SED installation, an operator makes –
  - (a) an application for a permit; or
  - (b) an application for a variation of the conditions of an existing permit or authorisation under regulation 3 or for an extension of an existing permit under regulation 4; or
  - (c) a supplementary application under regulation 5,

and indicates that he wishes to use a reduction scheme in respect of that SED installation, the operator shall, from 31st October 2005 until the determination date for the SED installation, operate the SED installation in accordance with the requirements of the proposed reduction scheme.

(2) In paragraph (1), the “determination date” shall be interpreted in accordance with Part 3 of Schedule 3 to the 2003 Regulations.

(3) Where an enforcing authority considers that an operator has failed, is failing or is likely to fail to comply with the requirement under paragraph (1), the enforcing authority may serve a notice on the operator requiring him to comply with that requirement and specifying the period within which it shall be complied with.

(4) A notice served under paragraph (3) shall be treated as an enforcement notice served under regulation 24(1) of the 2003 Regulations and the provisions of those Regulations shall be deemed to apply to such a notice.

(5) For the purposes of the discharge of its functions under this regulation the enforcing authority may serve a notice on any person requiring that person to furnish such information as is specified in the notice, in such form and within such period following service of the notice or at such time as is so specified.

(6) A notice served under paragraph (5) shall be treated as a notice served under regulation 28(2) of the 2003 Regulations and the provisions of those Regulations shall be deemed to apply to such a notice.

### **Duration of regulations 3 to 6**

7.—(1) Subject to paragraph (2), regulations 3 to 6 shall cease to have effect on 1st November 2007 (“the sunset date”).

(2) Where –

(a) an operator has made or is deemed to have made an application for a permit to operate an installation containing an SED installation under regulation 10 of the 2003 Regulations; and

(b) the application has not been determined prior to the sunset date,

regulation 6 shall continue to apply until the determination date for that installation.

(3) In paragraph (2) determination date means –

(a) for an SED installation or part of an SED installation, in relation to which a permit is granted, the date on which it is granted, whether in pursuance of the application, or, on an appeal, of a direction to grant it;

(b) for an SED installation or part of an SED installation, in relation to which a permit is refused and the applicant for the permit appeals against the refusal, the date of the affirmation of the refusal;

(c) for an SED installation or part of an SED installation, in relation to which a permit is refused and no appeal is made against the refusal, the date immediately following the last day, determined in accordance with paragraph 2 of Schedule 9 to the 2003 Regulations, on which notice of appeal might have been given;

(d) for an SED installation or part of an SED installation, in relation to which an application is withdrawn in accordance with regulation 6(6) of the 2003 Regulations or deemed to have been withdrawn in accordance with paragraph 4 of Schedule 4 to the 2003 Regulations, the date the application is withdrawn or deemed to have been withdrawn.

### **Amendment to the Pollution Prevention and Control Regulations (Northern Ireland) 2003**

8.—(1) The 2003 Regulations shall be amended in accordance with paragraphs (2) to (12).

(2) In regulation 2(2) (interpretation: general) –

(a) in the definition of “change in operation” for the words “and “substantial change in operation”” to the end there shall be substituted the following –

“and “substantial change in operation” means, in relation to an installation or mobile plant, a change in operation which, in the opinion of the enforcing authority, may have significant negative effects on human beings or the environment and shall include (except in relation to Part 1 of Schedule 3) –

(i) in relation to a small SED installation which does not fall wholly within the scope of the IPPC Directive, a change of the nominal capacity leading to an increase of emissions of volatile organic compounds of more than 25 percent;

(ii) in relation to all other SED installations which do not fall within the scope of the IPPC Directive, a change of the nominal capacity leading to an increase of emissions of volatile organic compounds of more than 10 percent;”;

(b) after the definition of “change in operation” there shall be inserted the following –

“ “directly associated activity” means –

(i) in relation to an activity carried out in a stationery technical unit and falling within any description in sections 1.1 to 6.9 of Part 1 of Schedule 1, any directly associated activity which has a technical connection with the activity carried out in the stationery technical unit and which could have an effect on pollution, and

(ii) in relation to an SED activity, any directly associated activity which has a technical connection with the SED activity carried out on the same site and which could have an effect on any discharge of volatile organic compounds into the environment;”;

(c) the definition of “the Directive” shall be deleted;

- (d) for the definition of “installation” there shall be substituted the following –
- “installation” means (except where used in the term SED installation) –
- (i) a stationary technical unit where one or more activities listed in Part 1 of Schedule 1 are carried out;
  - (ii) any other location on the same site where any other directly associated activities are carried out,
- and, other than in Schedule 3, references to an installation include references to part of an installation;”;
- (e) after the definition of “installation” there shall be inserted the following –
- “the IPPC Directive” means Council Directive 96/61/EC(a) concerning integrated pollution prevention and control;”;
- (f) in the definition of “mobile plant” before “Part 1” there shall be inserted “sections 1.1 to 6.9 of”;
- (g) after the definition of “mobile plant” there shall be inserted the following –
- “new SED installation” and “existing SED installation” shall be interpreted in accordance with Schedule 3;”;
- (h) after the definition of “off-site condition” there shall be inserted the following –
- “organic compound” means any compound containing at least the element carbon and one or more of hydrogen, halogens, oxygen, sulphur, phosphorous, silicon or nitrogen, with the exception of carbon oxides and inorganic carbonates and bicarbonates;”;
- (i) after the definition of “prescribed” there shall be inserted the following –
- “reduction scheme” means a reduction scheme which complies with Annex IIB of the Solvent Emissions Directive;”;
- (j) after the definition of “revocation notice” there shall be inserted the following –
- “SED activity” means any activity falling within section 7 of Part 1 of Schedule 1”;
- “SED installation” means –
- (i) a stationary technical unit where one or more SED activities are carried out; and
  - (ii) any other location on the same site where any other directly associated activities are carried out;
- “small SED installation” means an SED installation which falls within the lower threshold band of items 1, 3, 4, 5, 8, 10, 13, 16 or 17 of Annex IIA of the Solvent Emissions Directive or, for the other activities of Annex IIA, which have a solvent consumption of less than 10 tonnes/year.
- “the Solvent Emissions Directive” means Council Directive 1999/13/EC(b) on the limitation of emissions of volatile organic compounds due to the use of solvents in certain activities and installations;”;
- (k) after the definition of “variation notice” there shall be inserted the following –
- “volatile organic compound” or “VOC” means –
- (i) any organic compound having a vapour pressure of 0.01 kPa or more at 293.15K or having a corresponding volatility under the particular conditions of use, or
  - (ii) the fraction of creosote which exceeds a vapour pressure of 0.01 kPa at 293.15K.”.

(3) For all occurrences of the words “the Directive” there shall be substituted “the IPPC Directive”.

- (4) In regulation 7 (discharge and scope of functions) –
- (a) in paragraph (3) after “and” there shall be inserted “, subject to paragraph (3A),”;
  - (b) after paragraph (3) there shall be inserted the following –
- (3A) The functions conferred or imposed by these Regulations in relation to an SED installation shall be exercisable for the purpose of preventing or reducing emissions of

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(a) O.J. No. L257, 10.10.96, p. 26

(b) O.J. No. L85, 29.3.1999, p. 1



volatile organic compounds into air, soil and water as well as preventing the inclusion or reducing the amount of solvents contained in any products.;

(c) in paragraph (4) after “and” there shall be inserted “, subject to paragraph (4A),”;

(d) after paragraph (4) there shall be inserted the following –

“(4A) The functions conferred or imposed by these Regulations in relation to an SED installation shall be exercisable for the purpose of preventing or reducing emissions of volatile organic compounds into air, soil and water as well as preventing the inclusion or reducing the amount of solvents contained in any products.”;

(e) in paragraph (7) after “paragraphs (4)” there shall be inserted “, (4A)”.

(5) In regulation 10(2) (permits: general provisions) for the words “regulation 12” there shall be inserted “regulations 12 or 12A”.

(6) After Regulation 12 (conditions of permits: specific requirements) there shall be inserted the following regulation –

**“Conditions of permits: solvents**

12A. A permit authorising the operation of an SED installation shall contain such conditions as the enforcing authority considers necessary to give effect to the provisions of the Solvent Emissions Directive.”.

(7) In regulation 14 (general binding rules) –

(a) in paragraph (2) for “regulation 12” there shall be substituted “regulations 12 and 12A”;

(b) in paragraph (3) for “regulation 12” there shall be substituted “regulations 12 and 12A”.

(8) In regulation 17 (variation of condition of permits) –

(a) in paragraph (1) for “regulations 11 and 12” there shall be substituted “regulations 11, 12 or 12A”;

(b) in paragraph (4), for “regulations 11 and 12” there shall be substituted “regulations 11, 12 or 12A”.

(9) In Schedule 1 (activities, installations and mobile plant) –

(a) at the end of Part 1 there shall be inserted a new Section 7 as set out in Schedule 1 to these Regulations;

(b) in paragraph 2 of Part 2, for sub-paragraph (2) there shall be substituted the following –

“(2) Sub-paragraph (1) shall not apply to –

(i) an SED activity, or

(ii) an activity which may give rise to an offensive smell noticeable outside the site where the activity is carried out.”;

(c) in paragraphs 3, 4, 5, 6 and 7 of Part 2, before “Part 1” there shall be inserted “sections 1.1 to 6.9 of”;

(d) after paragraph 7 of Part 2 there shall be inserted the following –

“7A. An activity listed in Section 7 of Part 1 shall include the cleaning of equipment but, except for a surface cleaning activity, not the cleaning of products.”;

(e) in paragraphs 9(4), 10(2) and (3) of Part 2 after “Part C” there shall be inserted “(other than a description in Section 7)”;

(f) for paragraph 20 of Part 3 there shall be substituted the following –

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

(2) Sub-paragraph (1) shall not apply where the location referred to in that sub-paragraph forms part of an SED installation.”;

(10) In Schedule 3 (prescribed date and transitional arrangements) –

(a) in part 5 of Part 1 –

- (i) in paragraph (1), for “sub-paragraph (2)” there shall be substituted “sub-paragraphs (2) and (3)”; and
- (ii) after sub-paragraph (2), there shall be inserted the following –
  - “(3) An operator may make an application before the beginning of the relevant period in accordance with regulation 3 of the Solvent Emissions Regulations (Northern Ireland) 2003”;
- (b) after Part 2 there shall be inserted new Parts 3 and 4 as set out in Schedule 2 to these Regulations.
- (11) In Schedule 4 (grant of permits) –
  - (a) in paragraph 1(1)(d)(a), at the beginning there shall be inserted “subject to sub-paragraph (3)” and there shall be deleted from “(but excluding” to “Schedule 1”;
  - (b) in paragraph 1(1)(e), there shall be deleted from “which will have a technical connection” to “pollution”;
  - (c) in paragraph 1(1)(m), for “regulation 12” there shall be inserted “or 12A”;
  - (d) after paragraph 1(2) there shall be inserted the following paragraph –
    - “(3) The requirement in paragraph 1(1)(d) does not apply to any part of an application which relates to –
      - (a) an activity falling within Part B of Section 5.1 of Part 1 of Schedule 1;
      - (b) an SED activity or part of an SED activity (and any directly associated activities) which does not also fall within any description in sections 1.1 to 6.9 of Part 1 of Schedule 1 (and any directly associated activities).”
  - (e) After paragraph 1A(9) there shall be inserted the following paragraph –
    - “1B.—(1) An application for a permit to operate an installation which contains an SED installation shall include in addition a description of the measures which are envisaged to guarantee in respect of that installation that the installation is designed, equipped and will be operated in such a manner that the requirements of the Solvent Emissions Directive are met.
      - (2) That description shall include –
        - (i) where the operator wishes to use a reduction scheme, details of the proposed reduction scheme;
        - (ii) where there is used in the SED installation a substance or preparation which because of its content of VOC’s classified as carcinogens, mutagens, or toxic to reproduction under Directive 67/548/EEC(c) as last amended by Commission Directive 98/98/EC(d) is assigned or needs to carry the risk phrases R45, R46, R49, R60 and R61, a timetable for replacing as far as possible such substance or preparation by a less harmful substance or preparation within the shortest possible time taking into account any guidance published under Article 7 of the Solvent Emission Directive.
      - (3) Where the prescribed date for the installation is determined in accordance with paragraph 19(5) of Part 4 of Schedule 3 (determination of the prescribed date for an SED installation carrying out activities which are only partly also activities falling within sections 1.1 to 6.9 of Part 1 of Schedule 1 and associated activities), sub-paragraph (1) shall not apply to an application to operate that part of the installation which carries on an activity falling within sections 1.1 to 6.9 of Part 1 of Schedule 1.”;
  - (f) after paragraph 3 there shall be inserted the following paragraph –
    - “3A. Paragraph 1(1) shall apply in relation to an application for a permit to operate an installation involving dry cleaning as defined in paragraph (2) of Part C of Section 7 of Part 1 of Schedule 1 (SED activities), as if, in so far as the installation is concerned with the carrying out of that activity, the following sub-paragraphs were substituted for sub-paragraphs (e) to (h) –

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(a) Paragraph 1(1)(d) was amended by S.R. 2003 No 390, Regulation 5(8)(a) as amended by S.R. 2004 No. 35  
 (b) Paragraph 1A was inserted by S.R. 2003 No. 390, Regulation 5(8)(b) as amended by S.R. 2004 No. 35  
 (c) O.J. No. L196, 16.8.1967, p. 1  
 (d) O.J. No. L355, 30.12.1998, p. 1

- (e) the name and model number, description, number, is any and date when the dry cleaning machine was installed, name of its manufacture and its rated capacity;
  - (f) details of any spot cleaning to be undertaken and details of checking and maintenance procedures to be followed and supervision, training and qualifications of operating staff;
  - (g) details of the solvents to be used, including a description of any risk phrase solvents;
  - (h) details of the arrangements for storing solvents prior to use, and used solvents and solvent-contaminated materials, including a description of the location where the materials are stored.”;
- (g) for paragraph 8, there shall be substituted the following paragraph –
- “8. Paragraph 5 shall not apply in relation to an application for a permit to operate an installation involving only –
- (a) the burning of waste oil in an appliance with a rated thermal input of less than 0.4 megawatts; or
  - (b) the carrying out of an activity falling within paragraph (d) of Part B of section 1.2 of Part 1 of Schedule 1 (unloading of petrol at service stations); or
  - (c) dry cleaning as defined in paragraph (2) of Part C of section 7 of Part 1 of Schedule 1 (SED activities).”;
- (h) for paragraph 10 there shall be substituted the following –
- “10. Paragraph 9 shall not apply in relation to an application for a permit to operate an installation involving only –
- (a) the burning of waste oil in an appliance with a rated thermal input of less than 0.4 megawatts; or
  - (b) dry cleaning as defined in paragraph (2) of Part C of section 7 of Part 1 of Schedule 1 (SED activities).”.

(12) In Schedule 7 (variation of conditions) –

(a) after paragraph 2 there shall be inserted the following paragraph –

“2A. Paragraph 2 shall not apply in relation to a change in the operation of part of an installation which carries out an SED activity (and any directly associated activities) which does not fall within any description in sections 1.1 to 6.9 of Part 1 of Schedule 1 (directly associated activities).”;

(b) for paragraph 4(4) there shall be substituted the following –

(4) This paragraph shall not apply in relation to an application for the variation of conditions of a permit or a proposed variation notice in relation to an installation involving only –

    - (a) the burning of waste oil (as defined in section 1.1 of Part 1 of Schedule 1) in an appliance with a rated thermal input of less than 0.4 megawatts; or
    - (b) dry cleaning as defined in paragraph (2) of Part C of section 7 of Part 1 of Schedule 1.”.

Sealed with the Official Seal of the Department of the Environment on 6th February 2004.

(L.S.)

*Judena Goldring*  
A Senior Officer of the Department of the Environment

SCHEDULE 1

Regulation 8(9)

SECTION 7

SED ACTIVITIES

**Part A**

Nil

**Part B**

Nil

**Part C**

The activities listed in the table below if they are operated above the solvent consumption thresholds for that activity.

<i>Activity</i>	<i>Solvent consumption threshold in tonnes/year</i>
Heatset web offset printing	15
Publication rotogravure	25
Other rotogravure, flexography, rotary screen printing, laminating or varnishing units	15
Rotary screen printing on textile/cardboard	30
Surface cleaning using substances or preparations which because of their content of volatile organic compounds classified as carcinogens, mutagens or toxic to reproduction under Directive 67/548/EEC(a) are assigned or need to carry one or more of the risk phrases R45, R46, R49, R60 or R61, or halogenated VOC's which are assigned or need to carry the risk phase R40	1
Other surface cleaning	2
Vehicle coating and vehicle refinishing	0.5
Coil coating	25
Other coating activities, including metal, plastic, textile (except rotary screen printing on textile), fabric, film and paper coating	5
Winding wire coating	5
Coating activity applied to wooden surfaces	15
Dry cleaning	0
Wood impregnation	25
Coating activity applied to leather	10
Footwear manufacture	5
Wood and plastic lamination	5
Adhesive coating	5
Manufacture of coating preparations, varnishes, inks and adhesives	100
Rubber conversion	15
Vegetable oil and animal fat extraction and vegetable oil refining activities	10
Manufacturing of pharmaceutical products	50

(a) O.J. No. L196, 16.8.1967, p. 1 as last amended by Commission Directive 98/98/EC (O.J. No. L355, 30.12.1998, p. 1)

(1) Expressions used both in this Part and in the Solvent Emissions Directive have the same meaning for the purposes of this Part as they have for the purposes of that Directive.

(2) For the purposes of this Part –

“adhesive” means any preparation, including all the organic solvents or preparations containing organic solvents necessary for its proper application, which is used to adhere separate parts of a product;

“adhesive coating” means any activity in which an adhesive is applied to a surface excluding the application of adhesive and laminating associated with printing activities;

“coating” means any preparation, including all the organic solvents or preparations containing organic solvents necessary for its proper application, which is used to provide a decorative, protective or other functional effect on a surface;

“coating activity” means any activity in which a single or a multiple application of a continuous film of a coating is applied (including a step in which the same article is printed using any technique) but does not include the coating of substrate with metals by electrophoretic and chemical spraying techniques;

“coil coating” means any activity where coiled steel, stainless steel, coated steel copper alloys or aluminium strip is coated with either a film forming or laminate coating in a continuous process;

“consumption” means the total input of organic solvents into an installation per calendar year, or any other twelve month period, less any volatile organic compounds that are recovered for reuse;

“dry cleaning” means any industrial or commercial activity using volatile organic compounds to clean garments, furnishing and similar consumer goods excluding the manual removal of stains and spots in the textile and clothing industry;

“flexography” means a printing activity using an image carrier of rubber or elastic photopolymers on which the printing areas are above the non-printing areas and liquid inks which dry through evaporation;

“footwear manufacture” means any activity of producing complete footwear or parts of footwear;

“halogenated organic solvent” means an organic solvent which contains at least one atom of bromine, chlorine, fluorine or iodine per molecule;

“heat web offset printing” means a web-fed printing activity using an image carrier in which the printing and non-printing area are in the same plane, where –

- (i) the non-printing area is treated to attract water and reject ink;
- (ii) the printing area is treated to receive and transmit ink to the surface to be printed; and
- (iii) evaporation takes place in the oven where hot air is used to heat the printed material.

“ink” means a preparation, including all the organic solvents or preparations containing organic solvents necessary for its proper application which is used in a printing activity to impress text or images on to a surface;

“laminating associated to a printing activity” means the adhering together of two or more flexible materials to produce laminates;

“manufacturing of coating preparations, varnishes, inks and adhesives” means the manufacture of coating preparations, varnishes, inks and adhesives as final products and where carried out at the same site the manufacture of intermediates by the mixing of pigments, resins and adhesive materials with organic solvent or other carrier, including –

- (i) dispersion and predispersion activities,
- (ii) viscosity and tint adjustments, and
- (iii) operations for filling the final product into its container;

“manufacturing of pharmaceutical products” means one or more of the following activities –

- (i) the chemical synthesis;
- (ii) fermentation,
- (iii) extraction;
- (iv) formulation; or
- (v) finishing of pharmaceutical products and where carried out at the same site, the manufacture of intermediate products;

“organic solvents” means any volatile organic compound which is used –

- (i) alone or in combination with other agents, and without undergoing a chemical change to dissolve raw materials, products or waste materials, or;
- (ii) as a cleaning agent to dissolve contaminants, or;
- (iii) as a dissolver, or;
- (iv) as a dispersion medium, or;
- (v) as a viscosity adjuster, or;
- (vi) as a surface tension adjuster, or;
- (vii) as a plasticiser, or;
- (viii) as a preservative;

“other coating activities” means a coating activity applied to –

- (i) trailers, defined in categories O1, O2, O3 and O4 in Directive 70/156/EEC;
- (ii) metallic and plastic surfaces including surfaces of airplanes, ships, trains;
- (iii) textile, fabric, film and paper surfaces;

“printing activity” means any activity (not being a step in a coating activity) for reproducing text and/or images in which, with the use of an image carrier, ink is transferred onto any type of surface, including the use of associated varnishing, coating and laminating techniques;

“publication rotogravure” means a rotogravure printing activity used for printing paper for magazines, brochures, catalogues or similar products, using toluene-based inks;

“reuse” means the use of organic solvents recovered from an installation for any technical or commercial purpose and including use as a fuel but excluding the final disposal of such recovered organic solvent as waste;

“rotary screen printing” means a web-fed printing activity in which liquid ink which dries only through evaporation is passed onto the surface to be printed by forcing it through a porous image carrier, in which the printing area is open and the non-printing area is sealed off;

“rotogravure” means a printing activity using a cylindrical image carrier in which the printing area is below the non-printing area and liquid inks which dry through evaporation in which the recesses are filled with ink and the surplus is cleaned off the non-printing area before the surface to be printed contacts the cylinder and lifts the ink from the recesses;

“rubber conversion” means –

- (i) any activity of mixing, milling, blending, calendaring, extrusion and vulcanisation of natural or synthetic rubber, and
- (ii) any ancillary operations for converting natural or synthetic rubber into a finished product;

“surface cleaning” means any activity, except dry cleaning, using organic solvents to remove contamination from the surface of material including degreasing but excluding the cleaning of equipment; and a cleaning activity consisting of more than one step before or after any other activity shall be considered as one surface cleaning activity;

“vehicle coating” means a coating activity applied to the following vehicles –

- (i) new cars, defined as vehicles of category M1 in Directive 70/156/EEC(a), and of category N1 in so far as they are coated at the same installation as M1 vehicles,
- (ii) truck cabins, defined as the housing for the driver, and all integrated housing for the technical equipment, of vehicles of categories N2 and N3 in Directive 70/156/EEC,
- (iii) vans and trucks, defined as vehicles of categories M2 and M3 in Directive 70/156/EEC, but not including truck cabins,
- (iv) buses, defined as vehicles in categories M2 and M3 in Directive 70/156/EEC;

“varnish” means a transparent coating;

“varnishing” means an activity by which varnish or an adhesive coating for the purpose of sealing the packaging material is applied to a flexible material;

“vegetable oil and animal fat extraction and vegetable oil refining activities” means any activity to extract vegetable oil from seeds and other vegetable matter, the processing of dry residues to produce animal feed, the purification of fats and vegetable oils derived from seeds, vegetable matter or animal matter;

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(a) O.J. No. L42, 23.2.1970, p. 1 as amended by Directive 97/27/EC (O.J. No. L233, 25.8.1997, p. 1)

“vehicle refinishing” means any industrial or commercial coating activity and associated degreasing activities performing –

- (i) the coating of road vehicles as defined in Directive 70/156/EEC, or part of them, carried out as part of vehicle repair, conservation or decoration outside of manufacturing installations, or
- (ii) the original coating of road vehicles as defined in Directive 70/156/EEC or part of them with refinishing-type materials, where this is carried out away from the original manufacturing line, or
- (iii) the coating of trailers (including semi-trailers) (category O);

“web-fed” means that the material to be printed is fed to the machine from a reel as distinct from separate sheets;

“winding wire coating” means any coating activity of metallic conductors used for winding the coils in transformers and motors etc.

“wood and plastic lamination” means any activity to adhere together wood or plastic to produce laminated products;

“wood impregnation” means any activity giving a loading of preservative in timber;

## SCHEDULE 2

Regulation 8(10)

### NEW PARTS 3 AND 4 OF SCHEDULE 3 TO THE 2003 REGULATIONS (PRESCRIBED DATE AND TRANSITIONAL ARRANGEMENTS)

#### PART 3

##### SED INSTALLATIONS

13. The prescribed date for a new SED installation is –

- (a) in relation to new SED installations brought into operation before the coming into operation of the SED Regulations –
  - (i) where an application for a permit to operate the SED installation is made before the expiry of a period 4 months from the date of coming into operation of these regulations, the determination date for the SED installation;
  - (ii) where no such application is made, the day after the expiry of the period of 4 months beginning on the date of coming into operation of the SED Regulations;
- (b) in relation to all other new SED installations, the date of coming into operation of the SED Regulations.

14.—(1) Subject to paragraphs 15 and 16, the prescribed date for an existing SED installation is –

- (a) where an application for a permit to operate the SED installation is duly made by the relevant date, the determination date for the SED installation;
  - (b) where no such application is made, 1st November 2006.
- (2) For the purposes of sub-paragraph (1) the relevant date for an existing SED installation is –
- (a) for installations wishing to use the reduction scheme, 31st October 2005
  - (b) for all other installations, 31st October 2006.

15.—(1) Where there was a substantial change in the operation of an existing SED installation on or after 1st April 2001 and before the date of coming into operation of the SED Regulations, the prescribed date for that part of the SED installation affected by the change shall be –

- (a) where an application for a permit authorising the operation of that part of the installation is duly made before the expiry of a period 4 months from the date of coming into operation of the SED Regulations, the determination date for the SED installation;
- (b) where no such application is made, the day after the expiry of the period of 4 months from date of coming into operation of the SED Regulations.

(2) Where an existing SED installation undergoes a substantial change, the prescribed date for the part of the installation affected by the change shall be the date on which the change is made, if earlier than the date which would be the prescribed date for the SED installation under this part.

(3) Sub-paragraphs (1) and (2) do not apply to that part of the SED installation which undergoes a substantial change where the total emissions of the SED installation do not exceed those that would have been permitted had the substantially changed part been subject to a permit containing conditions necessary

to ensure that the SED installation complied with the requirements of Article 5 of the Solvent Emissions Directive.

16.—(1) Where an existing SED installation installed abatement equipment on or after 1st April 2001 and before the coming into operation of the SED Regulations, the prescribed date for the affected part shall be –

- (a) where an application for a permit authorising the operation of that part of the installation is duly made before the expiry of a period 4 months from the date of coming into operation of the SED Regulations, the determination date for the SED installation;
- (b) where no such application is made, the expiry of the period of 4 months from the date of coming into operation of the SED Regulations.

(2) Subject to sub-paragraph (3), where after the date of coming into operation of the SED Regulations abatement equipment is installed in an installation, the prescribed date for the affected part shall be the date on which the abatement equipment is installed if earlier than the date which would be the prescribed date for the SED installation under this Part.

(3) Where the abatement equipment is to be installed in an installation in respect of which the operator has made an application to use a reduction scheme, the prescribed date for the affected part shall be the determination date for that affected part.

17.—(1) Where –

- (a) in accordance with the provisions of Part 4 of this Schedule the prescribed date for a Part B or Part C installation which carries out in whole or in part an SED activity is to be determined under this Part; and
- (b) but for the provisions of Part 4 the operator would have been deemed to have made an application for a permit to operate that plant under paragraph 9(3) of Part 2 of this Schedule

the application to be made shall relate only to the SED installation and the operator shall be deemed to have made an application to operate the rest of the installation at the same date.

(2) Schedule 4 shall not apply to a deemed application under sub-paragraph (1).

(3) Where sub-paragraph (1) applies, the enforcing authority shall, within 1 month of the date on which the application is deemed to have been made, notify the operator of the installation of the deemed application and of the requirements of sub-paragraph (4).

(4) The enforcing authority shall give notice of its determination of a deemed application under sub-paragraph (1) to the applicant at the same time as it gives notice of its determination of the application relating to the SED installation.

18.—(1) Expressions used both in this Part and in the Solvent Emissions Directive have the same meaning for the purposes of this Part as they have for the Solvent Emissions Directive.

(2) In this Part –

“determination date” means –

- (a) for an SED installation or part of an SED installation, in relation to which a permit is granted, the date on which it is granted, whether in pursuance of the application, or, on an appeal, of a direction to grant it;
- (b) for an SED installation or part of an SED installation, in relation to which a permit is refused and the applicant for the permit appeals against the refusal, the date of the affirmation of the refusal;
- (c) for an SED installation or part of an SED installation, in relation to which a permit is refused and no appeal is made against the refusal, the date immediately following the last day, determined in accordance with paragraph 2 of Schedule 9, on which notice of appeal might have been given;

“existing SED installation” means –

- (a) an SED installation which was put into operation before 1st April 2001; or
- (a) an SED installation which was subject to a relevant approval on 1st April 2001 or to a full application for a relevant approval and was put into operation on or before 1st April 2002.

“new SED installation” means an SED installation which is put into operation on or after 1st April 2001, other than an existing SED installation.



## PART 4

### APPLICATION TO PARTS 1 TO 3

19.—(1) Parts 1 to 3 of this Schedule shall apply subject to the provisions of this Part.

(2) Where an installation is wholly an SED installation and only carries out activities which do not fall within sections 1.1 to 6.9 of Part 1 of Schedule 1 the prescribed date for that installation shall be determined in accordance with Part 3.

(3) Subject to the provisions of sub-paragraphs (4) to (6) below, the prescribed date for installations which carry out an activity falling within a description in sections 1.1 to 6.9 of Part 1 of Schedule 1 (and directly associated activities) shall be determined in accordance with Part 1 or 2.

(4) Subject to sub-paragraphs (5) and (6), where an SED installation carries out activities which are also wholly or partly activities falling within any description in sections 1.1 to 6.9 of Part 1 of Schedule 1 (and any directly associated activities), the prescribed date for that installation shall be determined in accordance with paragraphs 13 and 14 of Part 3 unless –

- (a) the activities carried out by the SED installation fall wholly within any description set out in Schedule 1 to the 1998 Regulations under the heading “Part A, Part B or Part C” and are wholly covered by an authorisation granted under Article 6 of the 1997 Order;
- (b) the anticipated prescribed date for the installation under Part 1 or 2 is earlier than the anticipated prescribed date for the SED installation under paragraph 13 or 14 of Part 3;
- (c) an application to operate the installation has already been made or is already deemed to have been made at the date of coming into operation of the SED Regulations.

(5) Subject to sub-paragraph (6), where an installation –

- (a) carries out an SED activity and directly associated activities which are only partly also activities falling within a description in sections 1.1 to 6.9 of Part 1 of Schedule 1 and directly associated activities; and
- (b) falls within the exception in sub-paragraph (4)(b);

the installation shall be regarded, for the purposes of this Schedule, as if it were two separate installations one consisting of the part of the installation carrying out activities under sections 1.1 to 6.9 in Part 1 of Schedule 1 (and directly associated activities) for which the prescribed date shall be determined in accordance with Parts 1 or 2 and the other consisting of the remainder of the installation for which the prescribed date shall be determined in accordance with Part 3.

(6) Where sub-paragraph (5) applies the operator may apply in writing to the enforcing authority for consent to make an application at the earliest anticipated prescribed date covering the whole installation.

(7) Where an existing SED installation installs abatement equipment or undergoes a substantial change in operation, the prescribed date for the affected part shall be determined in accordance with paragraphs 15 or 16 of Part 3 unless –

- (a) the prescribed date for the installation under Parts 1 or 2 or paragraphs 13 or 14 of Part 3 is earlier than the prescribed date for the affected part of the SED installation under paragraphs 15 or 16 of Part 3, or
- (b) in relation to an SED installation which installs abatement equipment, the activities carried out by the affected part of the SED installation fall wholly within any description set out in Schedule 1 to the 1998 Regulations under the heading “Part A” and are wholly covered by an authorisation granted under Article 6 of the 1997 Order.

20. In this Schedule –

“affected part” means that part of an SED installation which undergoes a substantial change in operation or in which abatement equipment is installed;

“anticipated prescribed date” means –

- (a) in relation to a prescribed date under Part 1 of this Schedule,
  - (i) for new installations and mobile plant and for existing Part A installations and existing Part A mobile plant where there is a substantial change to the operation of the installation or mobile plant the last day of a period of 6 months from the last day for making an application for a permit under that Part;
  - (ii) for existing Part A installations and Part A mobile plant other than those referred to in sub-paragraph (i), the last day of a period of 9 months from the last day for making an application for a permit under that Part;

- (b) in relation to a prescribed date for a deemed application under paragraph 3 of Part 2 of this Schedule, the last day of a period of 12 months from the relevant date specified in paragraph 10 of that Part;
- (c) in relation to a prescribed date under paragraphs 13 and 14 of Part 3,
  - (i) for new installations and mobile plant and for existing Part A installations and existing Part A mobile plant where there is a substantial change to the operation of the installation or mobile plant the last day of a period of 6 months from the last day for making an application for a permit under that Part;
  - (ii) for existing Part A installations and Part A mobile plant other than those referred to in sub-paragraph (i), the last day of a period of 9 months from the last day for making an application for a permit under that Part;

“existing SED installation” means –

- (a) an SED installation which was put into operation before 1st April 2001; or
- (b) an SED installation which was subject to a permit on 1st April 2001 or to a full application for a permit and was put into operation on or before 1st April 2002.

“the 1998 Regulations” means the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998(a);

“the SED Regulations” means the Solvent Emissions Regulations (Northern Ireland) 2004.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations.)*

These Regulations implement, in Northern Ireland, the provisions of European Council Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations (the Directive).

The Directive requires all installations carrying out activities listed in Annex I of the Directive above the thresholds in Annex IIA of the Directive to comply with certain emission limit values (SED installations).

The majority of SED installations are already regulated under either the Pollution Prevention and Control Regulations (Northern Ireland) 2003 (S.R. 2003 No. 46) (“the 2003 Regulations”) or the Industrial Pollution Control (Northern Ireland) Order 1997 (“the 1997 Order”). These Regulations use the existing pollution control regime set out under the 1997 Order and the 2003 Regulations to deliver the requirements of the Directive. As a result, these Regulations adjust the transitional provisions of the 1997 Order and the 2003 Regulations to align them with the requirements of the Directive.

Regulations 3 to 7 deal with transitional amendments to incorporate the requirements of the Directive into the existing pollution control regime under the 2003 Regulations.

Regulation 3 deals with applications for variations of conditions of existing permits or authorisations granted under the 2003 Regulations or the 1997 Order for installations which contain new or existing SED installations with the purpose of incorporating the Directive requirements into the permit or authorisation.

Regulation 4 sets out the transitional provisions dealing with extensions of existing permits under the 2003 Regulations covering part of SED installation with the purpose of extending the scope of the permit to incorporate the whole of the SED installation.

Regulation 5 enables the operator to be able to make supplementary applications modifying applications made under regulation 10 of the 2003 Regulations in the situations specified in paragraphs 1(a) to (c) of regulation 5.

Regulation 6 sets out the duties of operators wishing to operate an SED installation in accordance with the requirements of a reduction scheme as defined in regulation 2 of the 2003 Regulations as amended by these Regulations.

Regulation 7 specifies the duration of the transitional arrangements set out in regulations 3 to 6.

Regulation 8 makes amendments to the 2003 Regulations to incorporate the requirements of the Directive. Regulation 8(6) inserts a new regulation 12A into the 2003 Regulations requiring permits authorising the operation of a SED installation to include such conditions as the enforcing authority considers necessary to give effect to the provisions of the Solvent Emissions Directive. Regulation 8(7) and Schedule 1 to these Regulations add a new Section 7 to Schedule 1 to the 2003 Regulations. The new Section 7 provides for activities listed in the table when operated above solvent consumption thresholds for that activity to be Part C activities. Regulation 8(10) amends the transitional amendments in Schedule 3 to the 2003 Regulations and insert new Parts 3 and 4 to that Schedule as set out in Schedule 2 to these Regulations.

Copies of the Directive may be obtained at <http://europa.eu.int/eur-lex/en/index.html> and from the Stationery Office Ltd., 16 Arthur Street, Belfast BT1 4GD.

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