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STATUTORY INSTRUMENTS

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**1991 No. 472**

**ENVIRONMENTAL PROTECTION**

**The Environmental Protection (Prescribed Processes and Substances) Regulations 1991**

<i>Made</i>	- - - - -	<i>6th March 1991</i>
<i>Laid before Parliament</i>		<i>8th March 1991</i>
<i>Coming into force</i>		
<i>in England and Wales</i>		<i>1st April 1991</i>
<i>in Scotland</i>		<i>1st April 1992</i>

The Secretary of State for the Environment as respects England, the Secretary of State for Wales as respects Wales and the Secretary of State for Scotland as respects Scotland in exercise of the powers under section 2 of the Environmental Protection Act 1990(1) and all other powers enabling them in that behalf make the following Regulations:—

**Citation, application and commencement**

1.—(1) These Regulations may be cited as the Environmental Protection (Prescribed Processes and Substances) Regulations 1991.

(2) These Regulations shall come into force in England and Wales on 1st April 1991 and in Scotland on 1st April 1992.

**Interpretation**

2. In these Regulations—

“the Act” means the Environmental Protection Act 1990;

“background concentration” has the meaning given to that term in regulation 4(7);

“Part A process” means a process falling within a description set out in Schedule 1 hereto under the heading ‘Part A’ and “Part B process” means a process falling within a description so set out under the heading ‘Part B’; and

“particular matter” means grit, dust or fumes.

### Prescribed Provisions

3.—(1) Subject to the following provisions of these Regulations, the descriptions of processes set out in Schedule 1 hereto are hereby prescribed pursuant to section 2(1) of the Act as processes for the carrying on of which after the prescribed date an authorisation is required under section 6.

(2) Schedule 2 has effect for the interpretation of Schedule 1.

(3) In paragraph (1), the prescribed date means the appropriate date set out or determined in accordance with Schedule 3.

### Exceptions

4.—(1) Subject to paragraph (6), a process shall not be taken to be a Part A process if it has the following characteristics, namely—

- (i) that it cannot result in the release into the air of any substance prescribed by regulation 6(1) or there is no likelihood 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; and
- (ii) that it cannot result in the release into water of any substance prescribed by regulation 6(2) except in a concentration which is no greater than the background concentration; and
- (iii) that it cannot result in the release into land of any substance prescribed by regulation 6(3) or there is no likelihood that it will result in the release into land 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) Subject to paragraph (6), a process shall not be taken to be a Part B process unless it will, or there is a likelihood that it will, result in the release into the air of one or more substances prescribed by regulation 6(1) in a quantity greater than that mentioned in paragraph (1)(i) above.

(3) A process shall not be taken to fall within a description in Schedule 1 if it is carried on in a working museum to demonstrate an industrial process of historic interest or if it is carried on for educational purposes in a school as defined in section 114 of the Education Act 1944<sup>(2)</sup> or, in Scotland, section 135(1) of the Education (Scotland) Act 1980<sup>(3)</sup>.

(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 it shall not be taken to fall within a description in Schedule 1.

(5) A process shall not be taken to fall within a description in Schedule 1 if it is carried on as a domestic activity in connection with a private dwelling.

(6) Paragraphs (1) and (2) do not exempt any process described in Schedule 1 from the requirement for authorisation if the process may give rise to an offensive smell noticeable outside the premises where the process is carried on.

(7) In these regulations, “background concentration” means any concentration of the relevant substance which would be present in the release irrespective of any effect the process may have had on the composition of the release and, without prejudice to the generality of the foregoing, includes such concentration of the substance as is present in:—

- (a) water supplied to the premises where the process is carried on;
- (b) water abstracted for use in the process; and
- (c) precipitation onto the premises on which the process is carried on.

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(2) 1944 c. 31

(3) 1980 c. 44.

## **Enforcement**

5.—(1) The descriptions of processes set out in Schedule 1 under the heading ‘Part A’ are designated pursuant to section 2(4) of the Act for central control.

(2) The descriptions of processes set out in Schedule 1 under the heading ‘Part B’ are so designated for local control.

## **Prescribed substances: release into the air, water or land**

6.—(1) The description of substances set out in Schedule 4 are prescribed pursuant to section 2(5) of the Act as substances the release of which into the air is subject to control under sections 6 and 7 of the Act.

(2) The descriptions of substances set out in Schedule 5 are so prescribed as substances the release of which into water is subject to control under those sections.

(3) The descriptions of substances set out in Schedule 6 are so prescribed as substances the release of which into land is subject to control under those sections.

4th March 1991

*Michael Heseltine*  
Secretary of State for the Environment

5th March 1991

*David Hunt*  
Secretary of State for Wales

6th March 1991

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State, Scottish  
Office

SCHEDULE 1

Regulation 3(1)

DESCRIPTIONS OF PROCESSES

CHAPTER 1: THE PRODUCTION OF FUEL  
AND POWER AND ASSOCIATED PROCESSES

*Section 1.1 Gasification and associated processes*

PART A

- (a) Reforming or refining natural gas.
- (b) Odourising natural gas or liquified petroleum gas.
- (c) Producing gas from coal, lignite, oil or other carbonaceous material or from mixtures thereof other than from sewage or the biological degradation of waste.
- (d) Purifying or refining any product of any of the processes described in paragraphs (a), (b) or (c) or converting it into a different product.

In this Section, “carbonaceous material” includes such materials as charcoal, coke, peat and rubber.  
PART B Nil

*Section 1.2 Carbonisation and associated processes*

PART A

- (a) The pyrolysis, carbonisation, distillation, liquefaction, partial oxidation or other heat treatment of coal, lignite, oil, other carbonaceous material (as defined in Section 1.1.) or mixtures thereof otherwise than with a view to gasification or making of charcoal.
- (b) The purification or refining of any of the products of a process mentioned in paragraph (a) or its conversion into a different product.

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

PART B Nil

*Section 1.3 Combustion processes*

PART A

The following processes, if carried on primarily for the purpose of producing energy, namely—

- (a) burning any fuel in a boiler or furnace with a net rated thermal input of 50 megawatts or more or in any of two or more boilers or furnaces with an aggregate net rated thermal input of 50 megawatts or more if they are so installed that waste gases may be emitted through a common stack;
- (b) burning any fuel in a gas turbine or compression ignition engine with a net rated thermal input of 50 megawatts or more or any of two or more such turbines or engines with an aggregate net rated thermal input of 50 megawatts or more if they are so installed that waste gases may be emitted through a common or multi-flue stack;
- (c) burning any of the following in an appliance with a net rated thermal input of 3 megawatts or more otherwise than as a process which is related to a Part B process—
  - (i) waste oil;
  - (ii) recovered oil;

- (iii) any fuel manufactured from, or comprising, any other waste.

#### PART B

The following processes if carried on primarily for the purpose of producing energy and not carried on in relation to any Part A process—

- (a) burning any fuel in a boiler or furnace with a net rated thermal input of not less than 20 megawatts (but less than 50 megawatts);
- (b) burning any fuel in a gas turbine or compression ignition engine with a net rated thermal input of not less than 20 megawatts (but less than 50 megawatts);
- (c) burning as fuel, in an appliance with a net rated thermal input of less than 3 megawatts, waste oil or recovered oil;
- (d) burning in an appliance with a net rated thermal input of less than 3 megawatts solid fuel which has been manufactured from waste by a process involving the application of heat;
- (e) burning, in any appliance, fuel manufactured from, or including, waste (other than waste oil or recovered oil or such fuel as is mentioned in paragraph (d)) if the appliance has a net rated thermal input of less than 3 megawatts but at least 0.4 megawatts or is located with other appliances and all the appliances have an aggregate net rated thermal input of less than 3 megawatts but at least 0.4 megawatts.

In paragraph (c) of Part A and paragraph (e) of Part B, “fuel” does not include gas produced by biological degradation of waste; and for the purposes of this Section—

“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; and

“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 oil; and

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

#### *Section 1.4 Petroleum processes*

#### PART A

- (a) The loading, unloading or other handling of, the storage of, or the physical, chemical or thermal treatment of—
  - (i) crude oil;
  - (ii) stabilised crude petroleum;
  - (iii) crude shale oil;
  - (iv) any associated gas.
- (b) The loading, unloading or other handling of, the storage of, or the physical chemical or thermal treatment of, condensate in conjunction with the carrying on of any process described in paragraph (a) above.
- (c) Any process not falling within any other description in this Schedule by which the product of any process described in paragraph (a) or (b) above is subject to further refining or conversion or is used (otherwise than as a fuel or solvent) in the manufacture of a chemical.

#### PART B Nil

## CHAPTER 2: METAL PRODUCTION AND PROCESSING

### *Section 2.1 Iron and steel*

#### PART A

- (a) Loading, unloading or otherwise handling or storing iron ore except in the course of mining operations.
- (b) Loading, unloading or otherwise handling or storing burnt pyrites.
- (c) Crushing, grading, grinding, screening, washing or drying iron ore or any mixture of iron ore and other materials.
- (d) Blending or mechanically mixing grades of iron ore or iron ore with other materials.
- (e) Pelletising, calcining or sintering iron ore (except as part of a smelting process).
- (f) Making, melting or refining iron, steel or any ferro-alloy in any furnace other than a furnace described in Part B of this Section.
- (g) Any process for the refining or making of iron, steel or any ferro-alloy in which air or oxygen or both are used unless related to a process described in Part B of this Section.
- (h) The desulphurisation of iron, steel or any ferro-alloy made by a process described in this Part of this Section.
- (i) Heating iron, steel or any ferro-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 from scrap cable), if related to another process described in this Part of this Section.
- (j) Any foundry process (including ancillary foundry operations such as the manufacture and recovery of moulds, the reclamation of sand, fettling, grinding and shot-blasting) if related to another process described in this Part of this Section.
- (k) Any process otherwise falling within a description in Part B of this Section, if the process involves the use of a furnace with a designed melting capacity of 25 tonnes or more per hour and the carrying on of the process by the person concerned at the location in question is likely to produce 4000 tonnes or more of special waste in any 12 month period.
- (l) Handling slag in conjunction with a process described in paragraph (f) or (g).

Nothing in paragraph (a) or (b) of this Part of this Section applies to the handling or storing of other minerals in association with the handling or storing of iron ore or burnt pyrites.

#### PART B

- (a) Making, melting or refining iron, steel or any ferro-alloy in—
  - (i) an electric arc furnace with a designed holding capacity of less than 7 tonnes; or
  - (ii) a cupola, rotary furnace, induction furnace or resistance furnace.
- (b) Refining iron or making iron, steel or any ferro-alloy where air or oxygen or both are used, if related to another process described in paragraph (a) above.
- (c) The desulphurisation of iron, steel or any ferro-alloy, if the process does not fall within paragraph (h) of Part A of this Section.
- (d) Any such process as is described in paragraph (i) of Part A above, if not falling within that paragraph.
- (e) Any foundry process (including ancillary foundry operations such as the manufacture and recovery of moulds, the reclamation of sand, fettling, grinding and shot-blasting) if related to another process described in this Part of this Section.

Any description of a process in this Section includes, where the process produces slag, the crushing, screening or grading or other treatment of the slag if that process is related to the process in question.

*Section 2.2 Non-ferrous metals*

PART A

- (a) The extraction or recovery from any material—
  - (i) by chemical means or the use of heat of any non-ferrous metal or alloy of non-ferrous metal or any compound of a non-ferrous metal; or
  - (ii) by electrolytic means, of aluminium,
 if the process may result in the release into the air of particulate matter or any metal, metalloid or any metal or metalloid compound or in the release into water of a substance described in Schedule 5 or does not fall within paragraph (b) of Part B of this Section.  
 In this paragraph “material” includes ores, scrap and other waste.
- (b) The mining of zinc or tin where the process may result in the release into water of cadmium or any compound of cadmium.
- (c) The refining of any non-ferrous metal or non-ferrous metal alloy except where the process is related to a process falling within a description in paragraphs (a), (c) or (d) of Part B of this Section.
- (d) Any process other than a process described in paragraphs (b), (c) or (d) of Part B of this Section for making or melting any non-ferrous metal or non-ferrous metal alloy in a furnace, bath or other holding vessel if the furnace, bath or vessel employed has a designed holding capacity of 5 tonnes or more.
- (e) Any process for producing, melting or recovering by chemical means or by the use of heat any of the elements listed below or any alloy whatsoever, if the percentage by weight of any of those elements which the alloy, in molten form, contains exceeds the relevant percentage specified below, and the process may result in the release into the air of particulate matter or smoke which contains any of those elements—

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antimony	1 %
arsenic	1%
beryllium	0.1 %
chromium	2%
lead when alloyed with copper	23%
lead when alloyed with any metal other than copper	2%
magnesium	10%
manganese, when alloyed with copper	15%
manganese when alloyed with any metal other than copper	4%
phosphorus	1%
platinum	1%
selenium	0.5%

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- (f) Any process for 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 those metals in aggregate.
- (g) Any manufacturing or repairing process involving the use of beryllium or selenium or an alloy of one or both of those metals if the process may occasion the release into the air of any substance described in Schedule 4.
- (h) The heating in a furnace or other appliance 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 cable), if related to another process described in this Part of this Section.
- (i) Any foundry process (including ancillary foundry operations such as the manufacture and recovery of moulds, the reclamation of sand, fettling, grinding and shot-blasting) if related to another process described in this Part of this Section.
- (j) Any process otherwise falling within a description in paragraph (a), (b), (d), (e) or (f) of Part B of this Section if the carrying on the process by the person concerned at the location in question is likely to produce 1000 tonnes or more of special waste in any 12 month period.

**PART B**

- (a) The making or melting of any non-ferrous metal or non-ferrous metal alloy in any furnace, bath or other holding vessel with a designed holding capacity of less than 5 tonnes (together with any incidental refining).
- (b) The extraction or recovery of copper, aluminium or zinc from mixed scrap by the use of heat.
- (c) Melting zinc or a zinc alloy in conjunction with a galvanising process.
- (d) Melting zinc or aluminium or an alloy of one or both of these metals in conjunction with a die-casting process.
- (e) Any such process as is described in paragraph (h) of Part A above, if not related to another process described in that Part.
- (f) Any foundry process (including ancillary foundry operations such as the manufacture and recovery of moulds, the reclamation of sand, fettling, grinding and shot-blasting) if related to another process described in this Part of this Section.

*Section 2.3 Smelting processes*

**PART A**

Smelting or calcining sulphides or sulphide ores, including regulus or mattes.

**PART B** Nil

## CHAPTER 3: MINERAL INDUSTRIES

*Section 3.1 Cement and lime manufacture and associated processes*

**PART A**

- (a) Making cement clinker.
- (b) Grinding cement clinker.
- (c) Any of the following processes, where the process is related to a process described in paragraph (a) or (b), namely, blending cement; putting cement into silos for bulk storage; removing cement from silos in which it has been stored in bulk; and any process involving the



use of cement in bulk, including the bagging of cement and cement mixtures, the batching of ready-mixed concrete and the manufacture of concrete blocks and other cement products.

- (d) The heating of calcium carbonate or calcium magnesium carbonate for the purpose of making lime.
- (e) The slaking of lime for the purpose of making calcium hydroxide or calcium magnesium hydroxide where the process is related to a process described in paragraph (d) above.

#### PART B

- (a) Any of the following processes, if not related to a process falling within a description in Part A of this Section—
  - (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 mixtures, the batching of ready-mixed concrete and the manufacture of concrete blocks and other cement products.
- (b) The slaking of lime for the purpose of making calcium hydroxide or calcium magnesium hydroxide unless related to a process falling within another description in this Schedule.

### *Section 3.2 Processes involving asbestos*

#### PART A

- (a) Producing raw asbestos by extraction from the ore except where the process is directly associated with the mining of the ore.
- (b) The manufacture and, where related to the manufacture, the industrial finishing of the following products where the use of asbestos is involved—
  - asbestos cement
  - asbestos cement products
  - asbestos fillers
  - asbestos filters
  - asbestos floor coverings
  - asbestos friction products
  - asbestos insulating board
  - asbestos jointing, packaging and reinforcement material
  - asbestos packing
  - asbestos paper or card
  - asbestos textiles.
- (c) The stripping of 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 plastic, rubber or a resin.
- (d) The destruction by burning of a railway vehicle if asbestos has been incorporated in, or sprayed on to, its structure.

#### PART B

The industrial finishing of any product mentioned in paragraph (b) of Part A of this Section if the process does not fall within that paragraph.

In this Section, “asbestos” means any of the following fibrous silicates—

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actinolite, amosite, anthophyllite, chrysolite, crocidolite and tremolite.

*Section 3.3 Other mineral fibres*

PART A

Manufacturing—

- (i) glass fibre;
- (ii) any fibre from any mineral other than asbestos.

PART B Nil

*Section 3.4 Other mineral processes*

PART A Nil

PART B

- (a) The crushing, grinding or other size reduction or the grading, screening or heating of any designated mineral or mineral product except where—
  - (i) the process falls within a description in another Section of this Schedule;
  - (ii) the process is related to another process falling within such a description; or
  - (iii) the operation of the process is unlikely to result in the release into the air of particulate matter.
- (b) Any of the following processes unless carried on at an exempt location or as part of a process falling within another description in this Schedule—
  - (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 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 process as is described in paragraph (c).
- (e) Coating roadstone with tar or bitumen.

In this section—

“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 process; and

“exempt location” means—

- (i) any premises used for the sale of coal, coke or any coal product by retail where at least 90% on aggregate of the coal, coke and coal products which are removed from those premises are supplied to persons purchasing in quantities of 10 tonnes or less; or
- (ii) any premises to which coal, coke or any coal product is supplied only for use there.

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

### *Section 3.5 Glass manufacture and production*

#### PART A

The manufacture of glass frit or enamel frit and its use in any process where that process is related to its manufacture.

#### PART B

- (a) The manufacture of glass at any location where the person concerned has the capacity to make 5,000 tonnes or more of glass in any 12 month period, and any process involving the use of glass which is carried on at any such location in conjunction with its manufacture.
- (b) The manufacture of glass where the use of lead or any lead compound is involved.
- (c) The making of any glass product where lead or any lead compound has been used in the manufacture of the glass except—
  - (i) the making of products from lead glass blanks;
  - (ii) the melting, or mixing with another substance, of 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 process if—
  - (i) hydrofluoric acid is used; or
  - (ii) hydrogen fluoride may be released into the air.

### *Section 3.6 Ceramic production*

#### PART A

- (a) Firing heavy clay goods or refractory goods in a kiln where a reducing atmosphere is used for a purpose other than coloration.
- (b) Vapour glazing earthenware or clay with salts.

#### PART B

Firing heavy clay goods or refractory goods in a kiln where the process does not fall within a description in Part A of this Section.

In this Section, “clay” includes a blend of clay with ash, sand or other materials.

## CHAPTER 4: THE CHEMICAL INDUSTRY

(See paragraph 4 of Schedule 2 as to cases where processes described in this chapter of the Schedule fall within two or more descriptions).

### *Section 4.1 Petrochemical processes*

#### PART A

- (a) Any process for the manufacture of olefins.
- (b) Any process for the manufacture of any chemical which involves the use of a product of a process described in paragraph (a).
- (c) Any process for the manufacture of any chemical which involves the use of a product of a process described in paragraph (b) otherwise than as a fuel or solvent.
- (d) Any process for the polymerisation of an olefin or of a product of a process mentioned in paragraph (b) or (c).

#### PART B Nil

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*Section 4.2 The manufacture and use of organic chemicals*

PART A

Any of the following processes unless falling within a description set out in Section 6.8—

- (a) the manufacture or recovery or polymerisation of styrene or vinyl chloride;
- (b) any process of manufacture involving the use of vinyl chloride;
- (c) the manufacture of acetylene, any aldehyde, amine, isocyanate, nitrile, organic acid or its anhydride, any organic sulphur compound or any phenol, if the process may result in the release of any of those substances into the air;
- (d) any process for the manufacture of a chemical involving the use of, or which may result in the release into the air of, any substance mentioned in paragraph (c);
- (e) the manufacture or recovery of carbon disulphide;
- (f) any manufacturing process which may result in the release of carbon disulphide into the air;
- (g) the manufacture or recovery of any pyridine, methyl pyridine or dimethyl pyridine;
- (h) the manufacture of any organometallic compound;
- (i) the manufacture, purification or recovery of any acrylate;
- (j) any process for the manufacture of a chemical involving the use of any acrylate.

PART B Nil

*Section 4.3 Acid processes*

PART A

- (a) Any process for the manufacture, recovery, concentration or distillation of sulphuric acid or oleum.
- (b) Any process for the manufacture of any oxide of sulphur but excluding any combustion or incineration process other than the burning of sulphur.
- (c) Any process for the manufacture of a chemical which uses, or may result in the release into the air of, any oxide of sulphur but excluding any combustion or incineration process other than the burning of sulphur.
- (d) Any process for the manufacture or recovery of nitric acid.
- (e) Any process for the manufacture of any acid-forming oxide of nitrogen.
- (f) Any other process (except the combustion or incineration of carbonaceous material as defined in Section 1.1. of this Schedule) which is likely to result in the release into the air of any acid-forming oxide of nitrogen.
- (g) Any process for the manufacture of phosphoric acid.

PART B Nil

*Section 4.4 Processes involving halogens*

PART A

The following processes if not falling within a description in any other Section of this Schedule—

- (a) any process for the manufacture of fluorine, chlorine, bromine or iodine or of any compound comprising only—
  - (i) two or more of those halogens; or
  - (ii) any one or more of those halogens and oxygen;

- (b) any process of manufacture which involves the use of, or which is likely to result in the release into the air or into water of, any of those four halogens or any of the compounds mentioned in paragraph (a) other than the use of any of them as a pesticide (as defined in Schedule 6) in water;
- (c) any process for the manufacture of hydrogen fluoride, hydrogen chloride, hydrogen bromide or hydrogen iodide or any of their acids;
- (d) any process for the manufacture of chemicals which may result in the release into the air of any of the four compounds mentioned in paragraph (c);
- (e) any process of manufacture (other than the manufacture of chemicals) involving the use of any of the four compounds mentioned in paragraph (c) which may result in the release of any of those compounds into the air, other than the coating, plating or pickling of metal.

PART B Nil

*Section 4.5 Inorganic chemical processes*

PART A

- (a) The manufacture of hydrogen cyanide or hydrogen sulphide other than in the course of fumigation.
- (b) Any manufacturing process involving the use of hydrogen cyanide or hydrogen sulphide.
- (c) Any process for the manufacture of a chemical which may result in the release into the air of hydrogen cyanide or hydrogen sulphide.
- (d) The production of any of the following or of any compound containing any of them—
  - antimony
  - arsenic
  - beryllium
  - gallium
  - indium
  - lead
  - palladium
  - platinum
  - selenium
  - tellurium
  - thallium,

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

- (e) The recovery of any element or compound referred to in paragraph (d) where the process may result in any such release as is mentioned in that paragraph.
- (f) The use in any process of manufacture, other than the application of a glaze or vitreous enamel, of any element or compound referred to in paragraph (d) where the process may result in such a release as is mentioned in that paragraph.
- (g) The production or recovery of cadmium or mercury or of any of their compounds.
- (h) 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 into the air of either of those elements or any of their compounds.
- (i) The production of any compound of—

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chromium  
magnesium  
manganese  
nickel  
zinc.

- (j) The manufacture of any metal carbonyl.
- (k) Any process for the manufacture of—
  - (i) a metal;
  - (ii) a chemical,involving the use of a metal carbonyl.
- (l) The manufacture or recovery of ammonia.
- (m) Any process 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 a process in which ammonia is used only as a refrigerant.
- (n) The production of phosphorus or of any oxide, hydride or halide of phosphorus.
- (o) Any process for the manufacture of a chemical which involves the use of phosphorus or any oxide, hydride or halide of phosphorus or which may result in the release into the air of phosphorus or of any such oxide, hydride or halide.

PART BNil

#### *Section 4.6 Chemical Fertiliser Production*

PART A

- (a) The manufacture of chemical fertilisers.
- (b) The conversion of chemical fertilisers into granules.

In this Section, “chemical fertilisers” means any inorganic chemical to be applied to the soil to promote plant growth; and “inorganic chemical” includes urea.

PART BNil

#### *Section 4.7 Pesticide production*

PART A

The manufacture or the formulation of chemical pesticides if the process—

- (i) may result in the release into water of any substance described in Schedule 5; or
- (ii) if the carrying on of the process by the person concerned at the location in question is likely to produce 500 tonnes or more of special waste in any 12 month period.

PART BNil

In this Section “pesticide” has the same meaning as in Schedule 6.

#### *Section 4.8 Pharmaceutical production*

PART A

The manufacture or the formulation of a medicinal product if the process—

- (i) may result in the release into water of any substance described in Schedule 5; or
- (ii) if the carrying on of the process by the person concerned at the location in question is likely to produce 1000 tonnes or more of special waste in any 12 month period.

PART BNil

In this Section, “medicinal product” means any substance or article (not being an instrument, apparatus or appliance) manufactured for use in one of the ways specified in section 130(1) of the Medicines Act 1968(4).

*Section 4.9 The storage of chemicals in bulk*

PART A

The storage, other than as part of another Part A process and other than 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;

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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

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PART BNil

## CHAPTER 5: WASTE DISPOSAL AND RECYCLING

*Section 5.1 Incineration*

PART A

- (a) The destruction by burning in an incinerator of any waste chemicals or waste plastic arising from the manufacture of a chemical or the manufacture of a plastic.
- (b) The destruction by burning in an incinerator, other than incidentally in the course of burning other waste, of any waste chemicals being, or comprising in elemental or compound form, any of the following-
- bromine
  - cadmium
  - chlorine
  - fluorine
  - iodine
  - lead
  - mercury
  - nitrogen
  - phosphorus
  - sulphur

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(4) 1968 c. 67.

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zinc.

- (c) The destruction by burning of any other waste, including animal remains, otherwise than by a process related to a Part B process, on premises where there is plant designed to incinerate such waste at a rate of 1 tonne or more per hour.
- (d) The cleaning for reuse of metal containers used for the transport or storage of a chemical by burning out their residual content.

#### PART B

- (a) The destruction by burning in an incinerator other than an exempt incinerator of any waste, including animal remains, except where related to a Part A process.
- (b) The cremation of human remains.

In this section—

“exempt incinerator” means any incinerator on premises where there is plant designed to incinerate waste at a rate of not more than 50 kgs per hour, not being an incinerator employed to incinerate clinical waste, sewage sludge, sewage screenings or municipal waste (as defined in Article I of EC Directive [89/369/EEC\(5\)](#)); and for the purposes of this section, the weight of waste shall be determined by reference to its weight as fed into the incinerator;

“waste” means solid, liquid or gaseous wastes and

“clinical waste” means waste (other than animal carcasses) which falls within the descriptions in paragraph (a) or (b) of the definition of such waste in the Collection and Disposal of Waste Regulations 1988(6) (or would fall in one of those paragraphs but for Regulation 2(3) of those regulations).

### *Section 5.2 Recovery processes*

#### PART A

The recovery by distillation of any oil or any organic solvent or the cleaning or regeneration of carbon, charcoal or ion exchange resins by removing matter which is, or includes, any substance described in Schedule 4, 5 or 6 except where the process is carried on in relation to any other process which involves the production or use of the same substance as the substance which is recovered, cleaned or regenerated.

PART B Nil

### *Section 5.3 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 INDUSTRIES

### *Section 6.1 Paper and pulp manufacturing processes*

#### PART A

- (a) The making of paper pulp by a chemical method if the person concerned has the capacity at the location in question to produce more than 25,000 tonnes of paper pulp in any 12 month period.

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(5) O.J. L 163, 14.6.89 p. 32.

(6) S.I. 1988/819.



- (b) Any process related to making paper pulp or paper (including processes connected with the recycling of paper such as de-inking) if the process may result in the release into water of any substance described in Schedule 5.

In this paragraph, “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 Di-isocyanale processes*

PART A

- (a) Any process for the manufacture of any di-isocyanate or a partly polymerised di-isocyanate.
- (b) Any manufacturing process involving the use of toluene di-isocyanate or partly polymerised toluene di-isocyanate which may result in a release into the air which contains toluene di-isocyanate.
- (c) Any process for the manufacture of foams or elastomers involving the use of toluene di-isocyanale or partly polymerised toluene di-isocyanate.
- (d) The hot-wire cutting, thermal debonding or flame bonding of polyurethane foams or polyurethane elastomers.

PART B

Any process not falling within any other description in this Schedule where the carrying on of the process by the person concerned at the location in question is likely to involve the use of 5 tonnes or more of di-isocyanates or partly polymerised di-isocyanates (or in aggregate of both) in any 12 month period.

#### *Section 6.3 Tar and bitumen processes*

PART A

Any process not falling within any other description in this Schedule involving the distillation or heating of tar or bitumen in connection with any process of manufacture where the carrying on of the process by the person concerned at the location in question is likely to involve the use of 5 tonnes or more of bitumen or of tar or, in aggregate, of both in any 12 month period.

PART B Nil

#### *Section 6.4 Processes involving uranium*

PART A

The following processes unless carried on at an installation in respect of which a nuclear site licence under section 1 of the Nuclear Installations Act 1965(7) is for the time being in force—

- (a) the treatment of any ore, concentrate or material containing uranium, its compounds or alloys in order to produce uranium, its compounds or alloys; or
- (b) the manufacture of, and any process involving the use of uranium hexafluoride or of any other volatile compound of uranium; or
- (c) the mechanical processing or casting of uranium, its compounds or alloys.

PART B Nil

#### *Section 6.5 Coating Processes and Printing*

PART A

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(7) 1965 c. 57.

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- (a) The application or removal of 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.
- (b) The treatment of textiles if the process may result in the release into water of any substance described in Schedule 5.
- (c) The application to a substrate of, or the drying or curing after such application of, printing ink or paint or any other coating as, or in the course of, a manufacturing process where the carrying on of the process by the person concerned at the location in question is likely to produce 1000 tonnes or more of special waste in any 12 month period.

**PART B**

- (a) Any process described in paragraph (c) of Part A (other than the respraying of vehicles) where—
  - (i) the process does not fall within that paragraph by reason of the qualification relating to special waste;
  - (ii) the process may result in the release into the air of particulate matter or of any volatile organic compound; and
  - (iii) the carrying on of the process by the person concerned at the location in question is likely to involve the use in any 12 month period of—
    - (aa) 20 tonnes or more of any printing ink, paint or other coating material which is applied in solid form; or
    - (bb) 20 tonnes or more of any metal coatings which are sprayed on in molten form; or
    - (cc) 5 tonnes or more of organic solvents.
- (b) Any process for the respraying of road vehicles not falling within paragraph (c) of Part A above if the process may result in the release into the air of particulate matter or of any volatile organic compound and the carrying on of the process by the person concerned at the location in question is likely to involve the use of 2 tonnes or more of organic solvents in any 12 month period.

In this Section—

“coating material” includes paint, varnish, lacquer, dye, any metal oxide coating, any adhesive coating, any elastomer coating and any metal or plastic coating; and

in calculating for the purposes of Part B the amount of organic solvents used in a process, account shall be taken both of solvents contained in coatings and solvents used for cleaning or other purposes.

*Section 6.6 The manufacture of dyestuffs, printing ink and coating materials*

**PART A**

Any process not falling within a description in any other Section of this Schedule—

- (a) for the manufacture of dyestuffs if the process involves the use of hexachlorobenzene;
- (b) for the manufacture or formulation of a printing ink or coating material where the carrying on of the process by the person concerned at the location in question is likely to produce 1000 tonnes or more of special waste in any 12 month period.

**PART B**

Any process not falling within a description in any other Section of this Schedule—

- (a) for the manufacture or formulation of printing ink or any other coating material containing, or involving the use of, an organic solvent, where the carrying on of the process 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 month period;

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

In this Section, “coating material” has the same meaning as in Section 6.5.

#### *Section 6.7 Timber processes*

##### PART A

- (a) The curing or chemical treatment as part of a manufacturing process of timber or of products wholly or mainly made of wood if any substance described in Schedule 5 is used.
- (b) The use of wood preservatives where the carrying on of the process by the person concerned at the location in question is likely to produce 500 tonnes or more of special waste in any 12 month period.

##### PART B

The manufacture of products wholly or mainly of wood at any works if the process involves the sawing, drilling, sanding, shaping, turning, planing, curing or chemical treatment of wood and the throughput of the works in any 12 month period—

- (i) where wood is sawed but not otherwise processed at the works, is likely to exceed 10,000 cubic metres; or
- (ii) in any other case, is likely to exceed 500 cubic metres.

For the purposes of this paragraph—

“throughput” shall be calculated by reference to the amount of wood which is subjected to any of the processes described in the paragraph: but where, at the same works, wood is subject to two or more of the processes mentioned, no account shall be taken of the second or any subsequent process; and

“works” includes a sawmill or any other premises on which relevant processes are carried out on wood.

#### *Section 6.8 Processes involving rubber*

##### PART ANil

##### PART B

- (a) The mixing, milling or blending of—
  - (i) natural rubber; or
  - (ii) synthetic elastomers,if carbon black is used.
- (b) Any process which converts the product of a process falling within paragraph (a) into a finished product if related to a process falling within that paragraph.

#### *Section 6.9 The treatment and processing of animal or vegetable matter*

##### PART A

Any of the following processes, unless falling within a description in another Section of the Schedule or an exempt process, namely, the processing in any way whatsoever, storing or drying by the application of heat of any dead animal (or part thereof) or any plant or plant product (or part thereof) where the process may result in the release into water of a substance described in Schedule 5: but excluding any process for the treatment of 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 feedstuff.

##### PART B

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- (a) Any process mentioned in Part A, of this Section unless an exempt process—
  - (i) where the process may not result in the release into water of any substance described in Schedule 5; but
  - (ii) may release into the air a substance described in Schedule 4 or any offensive smell noticeable outside the premises on which the process is carried on.
- (b) Breeding maggots in any case where 5 kg or more of animal or of vegetable matter or, in aggregate, of both are introduced into the process in any week.

In this Section—

“animal” includes a bird or a fish; and

“exempt process” means—

- (i) any process carried on 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 a process incidental to the cooking of food for human consumption;
  - (b) any process 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; and

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

## SCHEDULE 2

Regulation 3(2)

### RULES FOR THE INTERPRETATION OF SCHEDULE 1

1. These rules apply for the interpretation of Schedule 1 subject to any specific provision to the contrary in that Schedule.
2. Any description of a process includes any other process carried on at the same location by the same person as part of that process: but this rule does not apply in relation to any two or more processes described in different Sections of Schedule 1 which, accordingly, require distinct authorisation.
3. Where a person carries on a process which includes two or more processes mentioned in the same Section of Schedule 1 those processes shall be treated as requiring authorisation as a single process; and if the processes involved are described in both Part A and Part B of the same Section, they shall all be regarded as part of a Part A process and so subject to central control.
4. Where a process falls within two or more descriptions in Schedule 1, that process shall be regarded as falling only within that description which fits it most aptly: but where a process falls within descriptions in different Sections of Chapter 4, it shall be taken to fall within the description in whichever relevant Section is first mentioned in the sequence, 4.5; 4.2; 4. 1; 4.4; 4.3; 4.6; 4.7; 4.8; 4.9.
5. Notwithstanding the rules set out in paragraphs 2 and 3—
  - (a) the processes described in Part B of section 1.3 do not include the incidental storage, handling or shredding of tyres which are to be burned;

- (b) the process described in paragraph (b) of Part B of Section 2.2 does not include the incidental storage or handling of scrap which is to be heated other than its loading into a furnace;
  - (c) the process described in paragraph (a) of Part B of Section 5.1 does not involve the incidental storage or handling of wastes and residues other than 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) the process described in Part B of Section 6.5 does not include the cleaning of used storage drums prior to painting and their incidental handling in connection with such cleaning.
- 6.** The unloading of coal, lignite, coke or any other coal product for use in a prescribed process by a person other than the person carrying on the process at the place where the process is carried on shall be treated as part of the process.
- 7.—(1)** Where by reason of the use at different times of different fuels or different materials or the disposal at different times of different wastes, processes of different descriptions are carried out with the same plant or machinery and those processes include one or more Part A processes and one or more other processes, the other processes shall be regarded as within the descriptions of the Part A processes.
- (2)** Where by reason of such use or disposal as is mentioned in paragraph (1), processes of different descriptions are carried out with the same plant or machinery and those processes include one or more Part B processes and one or more other processes (but no Part A processes), all those processes shall be regarded as within the descriptions of the Part B processes.
- 8.** Where in the course of any prescribed process not falling within a description in Chapter 5 in Schedule 1, waste is used, whether as fuel or otherwise, the description of that process includes the disposal or treatment of that waste in the course of that process, whether the waste was produced by the person carrying on the process or acquired by him for such disposal or treatment.
- 9.** References in Schedule 1 and this Schedule to related processes are references to separate processes carried on by the same person at the same location.
- 10.** “Special waste” means waste which is for the time being the subject of regulations under section 17 of the Control of Pollution Act 1974<sup>(8)</sup> or Section 62 of the Act.
- 11.** References to a process involving the release of a substance falling within a description in Schedule 4 or 5 hereto do not affect the application of paragraphs (1) and (2) of regulation 4.

## SCHEDULE 3

Regulation 3(1) and (3)

### DATE FROM WHICH AUTHORISATION IS REQUIRED UNDER SECTION 6 OF THE ACT

## PART I

- 1.** This Part of this Schedule applies in the case of a Part A process carried on in England or Wales.
- 2.** The prescribed date in the case of a Part A process is, except in the case of an existing process, 1st April 1991.
- 3.—(1)** In the case of an existing process, the prescribed date is—

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<sup>(8)</sup> 1974 c. 40.

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- (i) in a case falling within paragraph (2), the date at which the change mentioned in that paragraph is made unless later than the date applicable in accordance with sub-paragraph (ii);
- (ii) where sub-paragraph (i) does not apply and subject to paragraph 5, the day after that on which the period for applying for authorisation in accordance with the Table in paragraph 4 expires.
- (2) A case falls within this paragraph if the person carrying on the process makes a substantial change in the process on or after 1 April 1991 and that change—
- (i) has not occasioned construction work which is in progress on that date; or
- (ii) is not the subject of a contract for construction work entered into before that date.
4. Application for authorisation to carry on an existing process shall be made in the relevant period specified in the following Table—

TABLE

Any process falling within a description set out in—	Application to be made	
	Not earlier than	Not later than
Paragraph (a) of Section 1.3	1st April 1991	30th April 1991
Any other paragraph of Chapter 1	1st April 1992	30th June 1992
Section 2.1 or 2.3	1st January 1995	31st March 1995
Section 2.2	1st May 1995	31st July 1995
Chapter 3	1st December 1992	28th February 1993
Section 4. 1, 4.2, 4.7 or 4.8	1st May 1993	31st July 1993
Section 4.3, 4.4, 4.6 or 4.9	1st November 1993	31st January 1994
Section 4.5	1st May 1994	31st July 1994
Chapter 5	1st August 1992	31st October 1992
Chapter 6	1st November 1995	31st January 1996

5. Where paragraph 3(1)(ii) would otherwise apply and application is duly made in accordance with section 6 of the Act within the appropriate period specified in paragraph 4 for authorisation to carry on a process, the prescribed date as respects the carrying on by the applicant (or other person in his place) of the process to which the application relates is the date on which the application is first granted or refused.

6. Subject to paragraph 7 below, references in this Part to an existing process are to a process—
- (i) which was being carried on at some time in the 12 months immediately preceding 1st April 1991; or
- (ii) which is to be carried on at a works, plant or factory or by means of mobile plant which was under construction or in course of manufacture or in the course of commission at that date, or the construction or supply of which was the subject of a contract entered into before that date.

7. A process shall cease to be an existing process for the purposes of this Part if at any time between 1st April 1990 and the last day by which an application is otherwise required to be made for authorisation for the carrying on of that process, the process ceases to be carried on and is not carried on again at the same location (or with the same mobile plant) within the following 12 months.

8. In this Part and subsequent provisions of the Schedule, “substantial change” has the same meaning as in section 10 of the Act.

## PART II

9. This Part of this Schedule applies in the case of a Part B process carried on in England or Wales.

10. The prescribed date in the case of a Part B process is, except in the case of an existing process, the date specified in paragraph 12 below as the date from which application may be made for authorisation to carry on an existing process of the same description.

11.—(1) In the case of an existing process, the prescribed date is, subject to paragraph 13,—

- (i) in a case falling within paragraph (2), the date at which the change mentioned in that paragraph is made;
- (ii) where sub-paragraph (i) does not apply, the day after that on which the period for applying for authorisation in accordance with the Table in paragraph 12 expires.

(2) A case falls within this paragraph if the person carrying on the process makes a substantial change in the process in the period specified in paragraph 12 in relation to the description of processes which comprise that process (when changed) and that change—

- (i) has not occasioned construction work which is in progress at the beginning of that period; or
- (ii) is not the subject of a contract for construction work entered into before the beginning of that period.

12. Application for authorisation for an existing process shall be made in the relevant period determined in accordance with the following Table—

TABLE

Any process falling within a description set out in—	Application to be made	
	Not earlier than	Not later than
Paragraph (a), (b), (c) or (e) of Section 1.3, Section 3.5, 3.6, 5.1 or 6.7 or paragraph (b) of Section 6.9	1st April 1991	30th September 1991
Section 2.1, 2.2, 3.1, 3.2 or 3.4	1st October 1991	31st March 1992
Paragraph (d) of Section 1.3, Section 6.2, 6.5, 6.6 or 6.8 or paragraph (a) of Section 6.9	1st April 1992	30th September 1992

13. Where application is duly made in accordance with section 6 of the Act for authorisation for the carrying on of an existing Part B process, the prescribed date as respects the carrying on by the applicant (or another person in his place) of the process to which the application relates is the date on which the application is first granted or refused.

14. References in this Part to an existing process are to a process—

- (i) which was being carried on at some time in the 12 months immediately preceding the earlier date mentioned in paragraph 12 in relation to the description of processes within which the process falls; or

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- (ii) which is to be carried on at a works, plant or factory or by means of mobile plant which was under construction or in course of manufacture or in the course of commission at that earlier date, or the construction or supply of which was the subject of a contract entered into before that date.

### PART III

- 15.** This Part of this Schedule applies in the case of a Part A process carried on in Scotland.
- 16.** The prescribed date in the case of a Part A process is, except in the case of an existing process, 1st April 1992.
- 17.**—(1) In the case of an existing process, the prescribed date is—
- (i) in a case falling within paragraph (2), the date at which the change mentioned in that paragraph is made unless later than the date applicable in accordance with sub-paragraph (ii);
- (ii) where sub-paragraph (i) does not apply and subject to paragraph 19, the day after that on which the period for applying for authorisation in accordance with the Table in paragraph 18 expires.
- (2) A case falls within this paragraph if the person carrying on the process makes a substantial change in the process on or after 1 April 1992 and that change —
- (i) has not occasioned construction work which is in progress on that date; or
- (ii) is not the subject of a contract for construction work entered into before that date.
- 18.** Application for authorisation to carry on an existing process shall be made in the relevant period specified in the following Table—

TABLE

Any process falling within a description set out in—	Application to be made	
	Not earlier than	Not later than
Chapter 1	1st April 1992	30th June 1992
Section 2.1 or 2.3	1st January 1995	31st March 1995
Section 2.2	1st May 1995	31st July 1995
Chapter 3	1st December 1992	28th February 1993
Section 4.1, 4.2, 4.7 or 4.8	1st May 1993	31st July 1993
Section 4.3, 4.4, 4.6 or 4.9	1st November 1993	31st January 1994
Section 4.5	1st May 1994	31st July 1994
Chapter 5	1st August 1992	31st October 1992
Chapter 6	1st November 1995	31st January 1996

**19.** Where paragraph 17(1)(ii) would otherwise apply and application is duly made in accordance with Section 6 of the Act within the period specified in paragraph 18 for authorisation to carry on a process, the prescribed date as respects the carrying on by the applicant (or another person in his place) of the process to which the application relates is the date on which the application is first granted or refused.

**20.** Subject to paragraph 21 below, references in this Part to an existing process are to a process—



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- (i) which was being carried on at some time in the 12 months immediately preceding 1st April 1992; or
- (ii) which is to be carried on at a works, plant or factory or by means of mobile plant which was under construction or in course of manufacture or in the course of commission at that date, or, where construction or manufacture had not been begun before that date, the construction or supply of which was the subject of a contract entered into before that date.

**21.** A process shall cease to be an existing process for the purposes of this Part if at any time between 1st April 1992 and the last date by which an application is otherwise required to be made for authorisation for the carrying on of that process, the process ceases to be carried on and is not carried on again at the same location (or with the same mobile plant) within the following 12 months.

## PART IV

**22.** This Part of this Schedule applies in the case of a Part B process carried on in Scotland.

**23.** The prescribed date in the case of a Part B process is, except in the case of an existing process, the date specified in paragraph 25 below as the date from which application may be made for authorisation to carry on an existing process of the same description.

**24.—(1)** In the case of an existing process the prescribed date is, subject to paragraph 26,—

- (i) in a case falling within paragraph (2), the date at which the change mentioned in that paragraph is made;
- (ii) where sub-paragraph (i) does not apply, the day after that on which the period for applying for authorisation in accordance with the Table in paragraph 25 expires.

(2) A case falls within this paragraph if the person carrying on the process makes a substantial change in the process in the period specified in paragraph 25 in relation to the description of processes which comprise that process (when changed) and that change—

- (i) has not occasioned construction work which is in progress at the beginning of that period; or
- (ii) is not the subject of a contract for construction work entered into before the beginning of that period.

**25.** Application for authorisation for an existing process shall be made in the relevant period specified in the following Table—

TABLE

Any process falling within a description set out in—	Application to be made	
	Not earlier than	Not later than
Paragraph (a), (b), (d) or (e) of Section 1.3, Section 3.2, 3.5, 3.6, 5.1 or 6.7 or paragraph (b) of Section 6.9	1st April 1992	31st July 1992
Paragraph (c) of Section 1.3	1st April 1992	30th September 1992
Section 2.1, 2.2, 3.1 or 3.4	1st August 1992	30th November 1992
Section 6.2, 6.5, 6.6 or 6.8 or paragraph (a) of Section 6.9	1st December 1992	31st March 1993

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26. Where application is duly made in accordance with section 6 of the Act for authorisation for the carrying on of an existing Part B process, the prescribed date as respects the carrying on by the applicant (or another person in his place) of the process to which the application relates is the date on which the application is first granted or refused.

27. References in this Part to an existing process are to a process—

- (i) which was being carried on at some time in the 12 months immediately preceding the earlier date mentioned in paragraph 25 in relation to the description of processes within which the process falls; or
- (ii) which is to be carried on at a works, plant or factory or by means of mobile plant which was under construction or in course of manufacture or in the course of commission at that earlier date, or the construction or supply of which was the subject of a contract entered into before that date.

#### SCHEDULE 4

Regulation 6(1)

##### RELEASE INTO THE AIR: PRESCRIBED 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.

#### SCHEDULE 5

Regulation 6(2)

##### RELEASE INTO WATER: PRESCRIBED SUBSTANCES

Mercury and its compounds  
Cadmium and its compounds  
All isomers of hexachlorocyclohexane  
All isomers of DDT  
Pentachlorophenol and its compounds  
Hexachlorobenzene  
Hexachlorobutadiene  
Aldrin  
Dieldrin  
Endrin  
Polychlorinated Biphenyls  
Dichlorvos

1,2-Dichloroethane  
All isomers of trichlorobenzene  
Atrazine  
Simazine  
Tributyltin compounds  
Triphenyltin compounds  
Trifluralin  
Fenitrothion  
Azinphos-methyl  
Malathion  
Endosulfan.

#### SCHEDULE 6

Regulation 6(3)

#### RELEASE INTO LAND: PRESCRIBED SUBSTANCES

Organic solvents  
Azides  
Halogens and their covalent compounds  
Metal carbonyls  
Organometallic compounds  
Oxidising agents  
Polychlorinated dibenzofuran and any congener thereof  
Polychlorinated dibenzo-p-dioxin and any congener thereof  
Polyhalogenated biphenyls, terphenyls and naphthalenes  
Phosphorus  
Pesticides, that is to say, 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.  
Alkali metals and their oxides and alkaline earth metals and their oxides.

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## EXPLANATORY NOTE

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

Part I of the Environmental Protection Act 1990 makes provision for integrated pollution control. It also makes provision for the control of air pollution by local authorities.

Under Part I prescribed processes require authorisation. In granting authorisation the enforcing authority must seek to ensure that the best available techniques not entailing excessive cost are employed to prevent or minimise the release of any substance prescribed for any environmental medium.

These regulations—

- (i) specify the processes which are prescribed for the purposes of Part I of the 1990 Act;
- (ii) prescribe the substances the release of which into a particular medium is controlled;
- (iii) designate the prescribed processes either for central integrated pollution control by Her Majesty's Inspectorate of Pollution in England and Wales or by Her Majesty's Industrial Pollution Inspectorate or river purification authorities in Scotland or for local authority air pollution control.

The regulations provide a framework for the implementation of a substantial number of EC Directives relating to the control of pollution such as [84/360/EEC](#) on the combating of air pollution from industrial plants (OJ L 188/20: 16.7.1984).

### **The listed processes and control**

The processes for which authorisation is required are listed in Schedule 1 to the regulations. Schedule 1 is to be read in conjunction with Schedule 2 which sets out rules for the interpretation of Schedule 1 and regulation 4 which sets out general exceptions.

Processes described in Schedule 1 under the heading "Part A" are subject to integrated pollution control; those listed under the heading "Part B" to local air pollution control (regulation 5).

The main exceptions (set out in regulation 4) are for Part A processes which have no (or a minimal) capacity to result in the release into the air, or on or into land or into water of substances prescribed for those media; and for Part B processes which have no (or minimal) capacity to result in the release into the air of substances prescribed for air. There are also exceptions for domestic activities; vehicle engines; and processes carried on for educational purposes. Schedule 2 deals with such matters as the position of processes falling within 2 or more descriptions; and processes forming part of larger processes.

### **The prescribed substances**

The prescribed substances the release of which must be prevented or restricted are listed in Schedules 4 to 6. Schedule 4 relates to release into the air; Schedule 5 to release into water; Schedule 6 to release into land.

### **Commencement and transitional provision**

Part I of the 1990 Act also provides that the Secretary of State shall specify the date from which authorisation is to be required to carry on particular processes. Regulation 3(1) and (3) and Schedule 3 are concerned with this matter. Processes are brought within control over extended

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periods and special provision is made as respects existing processes which are defined very widely to include processes to be carried on at plants under construction (or the subject of construction contracts) when the regulations come into force. Different dates are prescribed for Part A and Part B processes and for England and Wales and for Scotland.