
STATUTORY INSTRUMENTS

2004 No. 107

The Solvent Emissions (England and Wales) Regulations 2004

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Solvent Emissions (England and Wales) Regulations 2004 and shall come into force on the day after the day on which they are made.

(2) These Regulations extend to England and Wales.

Interpretation

2.—(1) In these Regulations—

“the 2000 Regulations” means the Pollution Prevention and Control (England and Wales) Regulations 2000(1);

“authorisation” means an authorisation granted under section 6 of the Environmental Protection Act 1990(2);

“risk phrase substance or preparation” means a substance or preparation which, because of its content of volatile organic compounds classified as carcinogens, mutagens, or toxic to reproduction under Directive 67/548/EEC(3) as last amended by Commission Directive 98/98/EC(4), is assigned or needs to carry the risk phrases R45, R46, R49, R60 or 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 or more of those risk phrases.

(2) Subject to regulation 3(15), in these Regulations, words and expressions which are defined in Regulation 2 of, or Schedule 3 to, the 2000 Regulations shall have the same meaning as in those Regulations.

Application for variation of the conditions of an existing permit or authorisation 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, or at which abatement equipment was installed on or after 1st April 2001 and before the coming into force of these Regulations; or

(iii) an existing SED installation at which a risk phrase substance or preparation began to be used before the coming into force of these Regulations; and

(1) S.I.2000/1973, amended by S.I. 2001/503, 2002/275, 2002/1559, 2002/1702, 2002/2469, 2002/2688, 2002/2980 and 2003/1699.

(2) 1990 c. 43.

(3) OJ 196, 16.8.1967, p. 1.

(4) OJ L 355, 30.12.1998, p. 1.

- (b) the affected part of the SED installation is on the date of coming into force of these Regulations subject to a permit,

the operator shall within the period of 4 months beginning on the date of coming into force of these Regulations make an application under regulation 17 of the 2000 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 force of these Regulations;
- (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 1991 Regulations under the heading “Part A”; and
- (c) that part of the SED installation is on the coming into force of these Regulations wholly covered by an authorisation,

the operator shall within the period of 4 months beginning on the date of coming into force of these Regulations either make an application under section 11 of the Environmental Protection Act 1990 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 2000 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 force of these Regulations; and
- (b) 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 the period of 4 months beginning on the date of coming into force of these Regulations make an application under section 11 of the Environmental Protection Act 1990 for a variation of the conditions of the authorisation.

(4) 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 2000 Regulations for a variation of the conditions of that permit.

(5) Subject to paragraph (2), where the activities carried out in an existing SED installation—

- (a) fall wholly within any description set out in Schedule 1 to the 1991 Regulations under the heading “Part A”; and
- (b) are wholly covered by an authorisation,

the operator shall by the SED date make an application under section 11 of the Environmental Protection Act 1990 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 2000 Regulations.

(6) Paragraphs (1) to (5) do not apply if the permit or authorisation already includes all conditions necessary to meet the requirements of the Solvent Emissions Directive.

(7) 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 2000 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.

(8) Where—

- (a) an operator of an installation containing an existing SED installation proposes to install abatement equipment;
- (b) the activities carried out in the affected part of the SED installation fall wholly within any description set out in Schedule 1 to the 1991 Regulations under the heading “Part A”; and
- (c) that part of the SED installation is wholly covered by an authorisation,

the operator shall either make an application under section 11 of the Environmental Protection Act 1990 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 2000 Regulations, and may not install the abatement equipment before the positive determination date.

(9) 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 2000 Regulations for a variation of the conditions of the permit or an application under section 11 of the Environmental Protection Act 1990 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.

(10) Where after the coming into force 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 a permit or an authorisation,

the operator shall within 4 months beginning on the date on which the risk phrase is assigned to that substance or preparation make an application under regulation 17 of the 2000 Regulations for a variation of the conditions of the permit or an application under section 11 of the Environmental Protection Act 1990 for a variation of the conditions of the authorisation.

(11) Paragraphs (1) and (7) 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.

(12) An application under this regulation shall contain the information specified in paragraph 1C of Part 1 of Schedule 4 to the 2000 Regulations.

(13) Where an operator fails to comply with any of the requirements of this regulation, the regulator 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.

(14) A notice served under paragraph (13) shall be treated for the purposes of the 2000 Regulations as an enforcement notice served under regulation 24(1) of the 2000 Regulations.

(15) 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 18(5) of Part 4 of Schedule 3 to the 2000 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 regulation 17 of, and Schedule 7 to, the 2000 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 2000 Regulations.

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

(a) regulation 17 of the 2000 Regulations shall apply as if—

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

“(4) Where an application is duly made to the regulator under regulation 4(1) of the Solvent Emissions (England and Wales) Regulations 2004, the regulator 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 regulator 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 regulator decides on an application under regulation 4(1) of the Solvent Emissions (England and Wales) Regulations 2004 not to extend the permit, it shall give notice of its decision to the operator”;

(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 1C 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 (England and Wales) Regulations 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 (England and Wales) Regulations 2004 to extend the scope of the permit, 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 2000 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), (4), (7), (9) or (10) and an application for a 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 2000 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;
 - (b) the operator wishes to use a reduction scheme and the original application has not been determined by the regulator by 31st August 2005; or
 - (c) in relation to an installation for which the prescribed date is determined in accordance with paragraph 18(5) of Part 4 of Schedule 3 to the 2000 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 regulator before the date for which the operator is required to apply for a permit for the remaining part of the installation,
- the operator may make a supplementary application to the regulator.

- (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; and
 - (b) 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;
 - (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 2000 Regulations.

(3) Where a regulator considers that an operator has failed, is failing or is likely to fail to comply with the requirement under paragraph (1), the regulator 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 for the purposes of the 2000 Regulations as an enforcement notice served under regulation 24(1) of the 2000 Regulations.

(5) For the purposes of the discharge of its functions under this regulation the regulator 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 for the purposes of the 2000 Regulations as a notice served under regulation 28(2) of the 2000 Regulations.

Duration of regulations 3 to 6

7.—(1) Subject to paragraph (2), regulations 3 to 6 shall cease to have effect on 1 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 2000 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 8 to the 2000 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 7(6) of the 2000 Regulations or deemed to have

been withdrawn in accordance with paragraph 4 of Schedule 4 to the 2000 Regulations, the date the application is withdrawn or deemed to have been withdrawn.

Amendment to the Pollution Prevention and Control (England and Wales) Regulations 2000

8.—(1) The 2000 Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (Interpretation: general)—

(a) in the definition of “change in operation” delete from “and “substantial change in operation”” to the end of the entry and substitute 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 regulator, 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 per cent;
- (ii) in relation to all other SED installations which do 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 10 per cent;”

(b) after the definition of “change in operation” insert the following—

““directly associated activity” means—

- (i) in relation to an activity carried out in a stationary 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 stationary 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) delete the definition of “the Directive” and after the definition of “installation” insert the following—

““the IPPC Directive” means Council Directive [96/61/EC](#) concerning integrated pollution prevention and control(5)

(d) for the definition of “installation” substitute 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) in the definition of “mobile plant” before “Part 1” insert “sections 1.1 to 6.9 of”;

(f) after the definition of “mobile plant” insert—

(5) OJ No. L257 10.10.96, p. 26, to which there are amendments not relevant to these Regulations.

- “new SED installation” and “existing SED installation” shall be interpreted in accordance with Schedule 3;”;
- (g) after the definition of “off-site condition” insert—
- ““organic compound” means any compound containing at least the element carbon and one or more of hydrogen, halogens, oxygen, sulphur, phosphorus, silicon or nitrogen, with the exception of carbon oxides and inorganic carbonates and bicarbonates;”;
- (h) after the definition of “pollution” insert—
- ““reduction scheme” means a reduction scheme which complies with Annex IIB of the Solvent Emissions Directive;”;
- (i) after the definition of “revocation notice” insert—
- ““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 to 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](#)(6) on the limitation of emissions of volatile organic compounds due to the use of solvents in certain activities and installations;”;
- (j) after the definition of “variation notice” insert—
- ““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” substitute “the IPPC Directive”.
- (4) In regulation 8 (discharge and scope of functions)—
- (a) in paragraph (4) after “and” insert “, subject to paragraph (4A),”;
- (b) after paragraph (4) insert—
- “(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 of solvents, or reducing the amount of solvents contained, in any products.”;
- (c) in paragraph (7), after “paragraphs (4)” insert “, (4A)”.
- (5) In regulation 10(2) for the words “regulation 12” insert “regulation 12 or 12A”.
- (6) After Regulation 12, insert a new regulation (12A) as follows—

(6) OJ No. L85, 29.3.1999, p. 1.

“Conditions of permits: solvents

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

- (7) In regulation 14—
- (a) in paragraph (2) for “regulation 12” substitute “regulations 12 and 12A”;
 - (b) in paragraph (3), for “regulation 12” substitute “regulations 12 and 12A”.
- (8) In regulation 17—
- (a) in paragraph (1) for “regulations 11 and 12” substitute “regulations 11, 12 or 12A”;
 - (b) in paragraph (4), for “regulations 11 and 12” substitute “regulations 11, 12 or 12A”.
- (9) Schedule 1 (Activities, Installations and Mobile Plant) shall be amended as follows—
- (a) at the end of Part 1 insert a new Section 7 as set out in Schedule 1 to these Regulations;
 - (b) in paragraph 2 of Part 2, for sub-paragraph (2) substitute 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” insert “sections 1.1 to 6.9 of”;
 - (d) after paragraph 7 insert a new paragraph 7A—
 - “**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 B” insert “(other than a description in Section 7)”;
 - (f) for paragraph 21 of Part 3 substitute the following—
 - “**21.**—(1) A Part B installation where an activity falling within Part B 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) Schedule 3 (Prescribed Date and Transitional Arrangements) shall be amended as follows—
- (a) in paragraph 5 of Part 1,
 - (i) in paragraph (1), for “sub-paragraph (2)” substitute “sub-paragraphs (2) and (3)”;
 - and
 - (ii) after sub-paragraph (2), insert a new sub-paragraph (3) as follows—
 - “(3) An operator may make an application before the beginning of the relevant period in accordance with regulation 3 of the Solvent Emissions (England and Wales) Regulations 2004”;
 - (b) after Part 2 insert new Parts 3 and 4 as set out in Schedule 2 to these Regulations.
- (11) Schedule 4 shall be amended as follows—
- (a) in paragraph 1(1)(d), at the beginning insert “subject to sub-paragraph (3)” and delete from “(but excluding” to “Schedule 1)”;

- (b) in paragraph 1(1)(e), delete from “which will have a technical connection” to “pollution”;
- (c) in paragraph 1(1)(m), after “regulation 12” insert “or 12A”;
- (d) after paragraph 1(2) insert a new sub-paragraph (3) as follows—

“(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 A(2) of Section 5.1 of Part 1 of Schedule 1; or
 - (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 1B insert a new paragraph as follows—

“**1C.**—(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\(7\)](#) as last amended by Commission Directive [98/98/EC\(8\)](#) is assigned or needs to carry the risk phrases R45, R46, R49, R60 or 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 Emissions Directive.

(3) Where the prescribed date for the installation is determined in accordance with paragraph 18(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 in which an activity falling within sections 1.1 to 6.9 of Part 1 of Schedule 1 is carried out.”;

- (f) after paragraph 3 insert a new paragraph as follows—

“**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 B 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)—

- (e) the name and model number, description and number, if any, of the dry cleaning machine, the date when it was installed, the name of its manufacturer and its rated capacity;

(7) OJ 196, 16.8.1967, p. 1.

(8) OJ L 355, 30.12.1998, p. 1.

- (f) details of any spot cleaning to be undertaken and details of checking and maintenance procedures to be followed and of the supervision, training and qualifications of operating staff;
 - (g) details of the solvents to be used, including a description of any risk phrase substance or preparation;
 - (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, substitute the following—
- “**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 B of Section 7 of Part 1 of Schedule 1 (SED activities).”;
- (h) for paragraph 10, substitute 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 B of Section 7 of Part 1 of Schedule 1 (SED activities).”.

(12) Schedule 7 shall be amended as follows—

(a) after paragraph 2 insert a new paragraph 2A—

“**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 also fall within any description in sections 1.1 to 6.9 of Part 1 of Schedule 1 (and any directly associated activities).”;

(b) for paragraph 4(4), substitute the following—

“(4) This paragraph shall not apply in relation to an application for the variation of the conditions of a permit or a proposed variation notice relating 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 B of Section 7 of Part 1 of Schedule 1.”.

19th January 2004

Whitty
Parliamentary Under-Secretary of State,
Department for Environment, Food and Rural
Affairs