STATUTORY RULES OF NORTHERN IRELAND

2010 No. 165

ENVIRONMENTAL PROTECTION

The Solvent Emissions (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*23rd April 2010*
Coming into operation	*1st June 2010*

The Department of the Environment, in exercise of the powers conferred upon it by Article 4 of the Environment (Northern Ireland) Order 2002(**1**), and having, in accordance with Article 4(4) of that Order, consulted district councils and such bodies or persons appearing to it to be representative of the interests of district councils as it considers appropriate, such bodies and persons appearing to it to be representative of the interests of industry, agriculture and business as it considers appropriate and such other bodies or persons as it considers appropriate, makes the following Regulations:

Citation and Commencement

1.—(1) These Regulations may be cited as the Solvent Emissions (Amendment) Regulations (Northern Ireland) 2010.

(2) Except as provided by paragraph (3) below these regulations shall come into operation as follows:–

(a) Regulation 3(1)(c) shall come into operation on 1 December 2010.

(b) Regulation 3(1)(d) shall come into operation on 1 June 2015.

(c) Regulations 4(1)(c), 4(1)(d), 4(1)(e) and 4(1)(g) shall come into operation on 1 June 2015.

(3) All other regulations shall come into operation on 1 June 2010.

Amendment to the Solvent Emissions Regulations (Northern Ireland) 2004

2.—(1) The Solvent Emissions Regulations (Northern Ireland) 2004 shall be amended as follows.

(a) In Regulation 2(1) after "authorisation" insert—

> "mixture means a mixture or solution composed of two or more substances and all references to "preparation" or "preparations" in these Regulations shall be replaced by "mixture" or "mixtures" respectively."

(b) In Regulation 2(1) after "risk phase substance or preparation" insert —

(**1**) S.I. 2002 No. 3153 (N.I. 7)

(i) "substance" means any chemical element and its compounds, as they occur in the natural state or as produced by industry, whether in solid or liquid or gaseous form.

(c) In Regulation 2 after paragraph (2) insert —

"**3.** All references in the Regulations to "the SED" or "Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations" shall be replaced by reference to that directive as amended by Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008.

Amendments to the Pollution Prevention and Control Regulations (Northern Ireland) 2003

3.—(1) The Pollution Prevention and Control Regulations (Northern Ireland) 2003 shall be amended as follows.

(a) In Regulation 2(2) after "landfill" insert—

"mixture means a mixture or solution composed of two or more substances and all references to "preparation" or "preparations" in these Regulations shall be replaced by "mixture" or "mixtures" respectively."

(b) In Regulation 2 after paragraph (5) insert —

"**6.** All references in the Regulations to "the SED" or "Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations" shall be replaced by reference to that directive as amended by Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008.

(c) Schedule 4 shall be amended as follows.

(i) For paragraph 1B (2) (ii) substitute

"1B (2) (ii) where there is used in the SED installation substances or mixtures which, because of their content of VOCs classified as carcinogens, mutagens or toxic to reproduction under Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (**2**) are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F or the risk phases R45, R46, R49, R60 or R61 shall be replaced, as far as possible and by taking into account the guidance referred to in Article 7(1) of the SED, by less harmful substances or mixtures within the shortest possible time".

(d) Paragraph 1B (2) (ii) shall be deleted and replaced with the following

"1B (2) (ii) where there is used in the SED installation substances or mixtures which, because of its content of VOCs classified as carcinogens, mutagens, or toxic to reproduction under Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (**3**) are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F shall be replaced, as far as possible and by taking into account the guidance mentioned in Article 7(1) of the SED, by less harmful substances or mixtures within the shortest possible time".

(**2**) OJ L 353, 13.12.2008, p. 1.
(**3**) OJ L 353, 13.12.2008, p. 1.