STATUTORY RULES OF NORTHERN IRELAND

2005 No. 285

ENVIRONMENTAL PROTECTION

The Pollution Prevention and Control (Amendment) and Connected Provisions (No. 2) Regulations (Northern Ireland) 2005

Made - - - - 2nd June 2005
To be laid before Parliament under paragraph 7(3) of the Schedule to the Northern Ireland Act 2000

Coming into operation 5th June 2005

The Department of the Environment, in exercise of the powers conferred on it by Article 4 of the Environment (Northern Ireland) Order 2002(**1**), and of all other powers enabling it in that behalf and, in accordance with Article 4(4) of that Order, having 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 or 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, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Pollution Prevention and Control (Amendment) and Connected Provisions (No. 2) Regulations (Northern Ireland) 2005 and shall come into operation on 5th June 2005.

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

2. The Pollution Prevention and Control Regulations (Northern Ireland) 2003(**2**) shall be amended as follows:

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

(a) delete the definitions of "organic compound" and "volatile organic compound" or "VOC";

(b) delete the definition of "prescribed".

(2) In regulation 4 (fit and proper person) –

(**1**) S.I. 2002/3153 (N.I. 7)
(**2**) S.R. 2003 No. 46 as amended by S.R. 2003 No. 390, S.R. 2003 No. 496, S.I. 2003/3311, S.R. 2004 No. 36 and S.R. 2004 No. 507

(a) for paragraph (5) substitute the following paragraph –

"(5) For the purposes of paragraph (3) –

(a) "relevant offence" means an offence prescribed for the purposes of Article 3(3)(a) of the Waste and Contaminated Land (Northern Ireland) Order 1997; and

(b) the qualifications and experience required of a person for the purposes of Article 3(3)(b) of the Waste and Contaminated Land (Northern Ireland) Order 1997 which are prescribed under Article 3(5) of that Order shall be treated as the qualifications and experience required of a person for the purposes of paragraph (3)(d).";

(b) revoke paragraph (5)(A).

(3) In regulation 27 (Powers of inspectors and others), delete paragraph 7.

(4) Part 1 of Schedule 1 (Activities) shall be amended as follows –

(a) in Part C of Section 1.1 (Combustion Activities) –

(i) in paragraph (a), before the word "rated" insert the word "net" and after the words "but less than" insert the words "a rated thermal input of";

(ii) in paragraph (c) –

(aa) in sub-paragraph (i) after the words "but at least", insert the words "a net rated thermal input of";

(bb) in sub-paragraph (ii) after the words "where the aggregate" insert the words "net";

(b) in Section 1.2 (Gasification, Liquefaction and Refining Activities) –

(i) in Part A after paragraph (j) insert a new paragraph (k) as follows –

"(k) Odorising natural gas or liquefied petroleum gas where that activity is related to a Part A activity.";

(ii) under the heading "Interpretation of Part A" –

(aa) in paragraph 1 after the word "sewage" insert the words "or sewage sludge"; and

(bb) in paragraph 3 after the words "peat, rubber and wood" insert the words "(but does not include wood which has been chemically treated).";

(c) in Section 2.1 (Ferrous Metals) –

(i) in paragraph (b)(ii) of Part A , after the word "induction" insert the words ",vacuum, electro-slag";

(ii) in paragraph (b)(ii) of Part C , after the word "induction" insert the words ", electro-slag";

(d) in Part B of Section 4.1 (Organic Chemicals) –

(i) for paragraph (a) substitute the following paragraph –

"(a) Unless falling within Part A of this Section, any activity where the carrying on of the activity by the person concerned at the location in question is likely to involve the use in any 12 month period of 5 tonnes or more of any di-isocyanate or of any partly polymerised di-isocyanate or, in aggregate, or both.";

(ii) after paragraph (c) insert a new paragraph (d) as follows –

"(d) Unless falling within Part A of this Section, any activity involving the use of toluene di-isocyanate or partly polymerised di-isocyanate if –

(i) less than 1 tonne of toluene di-isocyanate monomer is likely to be used in any 12 month period;

(ii) the activity may result in a release into the air which contains toluene di-isocyanate.";

(e) in Part A of Section 4.2 (Inorganic Chemicals) –

(i) for paragraph (b), substitute the following paragraph –

"(b) Unless falling within another Section of this Schedule, any manufacturing activity (other than the manufacture of chemicals or glass or the coating, plating or surface treatment of metal) which involves the use and may result in the release into the air of any hydrogen halide or any manufacturing activity which uses, or which is likely to result in the release into the air or water of any of the compounds mentioned in paragraph (a)(vi), other than the treatment of water by chlorine.";

(ii) for paragraph (h) substitute the following paragraph –

"(h) Unless falling within another Section of this Schedule, any activity, other than the combustion or incineration of carbonaceous material as defined in the Interpretation of Part A of Section 1.2 of this Schedule, which is likely to result in the release into the air of any acid-forming oxide of nitrogen.";

(f) in Part A of Section 4.7 (Manufacturing Activities Involving Carbon Disulphide or Ammonia) –

(i) for paragraph (a) substitute the following paragraph –

"(a) Unless falling within paragraph (c) of Part A of Section 6.7 (Activities Involving Rubber), any manufacturing activity which may result in the release of carbon disulphide into the air.";

(ii) in paragraph (b), delete the words "involves the use of ammonia or";

(g) in Section 5.1 (Incineration and Co-incineration of Waste) –

(i) in Part A after paragraph (g) insert a new paragraph (h) as follows –

"(h) The incineration other than incidentally in the course of burning solid or liquid waste of any gaseous compound containing halogens, nitrogen or sulphur in a plant which is not an incineration plant or a co-incineration plant.";

(ii) in the definition of "excluded plant" under the heading "Interpretation of Section 5.1", for paragraph (viii) substitute the following paragraph –

"(viii) Animal carcases as regulated by Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products for human consumption; or";

(h) under the heading "Interpretation of Part A" in Section 5.3 (Disposal of Waste Other Than by Incineration or Landfill) for paragraph 3 substitute the following paragraph –

"**3.** Nothing in this Part applies to the treatment of –

(a) waste soil; or

(b) contaminated material, substances or products, for the purpose of remedial action with respect to land, underground strata or a waterway as defined in Article 2(2) of the Water (Northern Ireland) Order 1999,

by means of a mobile plant.";

(i) under the heading "Interpretation of Part A" in Section 5.4 (Recovery of Waste), for paragraph 2 substitute the following paragraph –

"**2.** Nothing in this Part applies to the treatment of –

(a) waste soil; or

(b) contaminated material, substances or products, for the purpose of remedial action with respect to land, underground strata or a waterway as defined in Article 2(2) of the Water (Northern Ireland) Order 1999,

by means of a mobile plant.";

(j) in paragraph (a)(ii) of Part A of Section 6.3 (Tar and Bitumen Activities) delete the words "or bitumen";

(k) in paragraph (a) of Part C of Section 6.6 (Timber Activities), after the word "drilling," insert the word "sanding,";

(l) in paragraph (2) of Part C of Section 7 (SED Activities) –

(i) after the definition of "manufacturing of pharmaceutical products" insert a new definition as follows –

""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;";

(ii) after the definition of "vehicle refinishing" insert a new definition as follows –

""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;".

(5) In Part 2 of Schedule 1 (Interpretation of Part 1), after paragraph 3 insert a new paragraph as follows –

"**3A.** An activity shall not be taken to be an activity falling within Sections 1.1 to 6.9 of Part 1 if it is carried out at an installation or mobile plant solely used for research, development and testing of new products and processes.".

(6) In Part 3 of Schedule 1 (Interpretation of "Part A Installation" Etc), after paragraph 16 insert a new paragraph as follows –

"**17.** A Part C installation where an activity within Part C of Section 1.1 is carried out does not include any location where the associated storage, handling or shredding of tyres which are to be burned as part of that activity is carried out.".

(7) Schedule 3 (Prescribed Date and Transitional Arrangements), shall be amended as follows –

(a) in the table in paragraph 2(2) of Part 1 –

(i) for the words –

"Section 5.3	1st – 30th September 2005"