STATUTORY RULES OF NORTHERN IRELAND

1999 No. 26

INDUSTRIAL POLLUTION CONTROL

The Industrial Pollution Control (Prescribed Processes and Substances) (Amendment) Regulations (Northern Ireland) 1999

Made - - - -	*22nd January 1999*
Coming into operation	*22nd February 1999*

The Department of the Environment, in exercise of the powers conferred on it by Article 3 of the Industrial Pollution Control (Northern Ireland) Order 1997(**1**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Industrial Pollution Control (Prescribed Processes and Substances) (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 22nd February 1999.

(2) In these regulations, "the principal Regulations" means the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998(**2**).

Amendment of the principal Regulations

2. Section 5.1 of Schedule 1 to the principal Regulations (descriptions of processes) shall be amended as follows–

(a) after paragraph (*b*) of Part A there shall be inserted the following paragraph–

"(bb) The incineration of hazardous waste in an incineration plant other than in an exempt hazardous waste incineration plant.";

(b) in the definition of "clinical waste", the words "in paragraph (*b*) of Part B and in the definition of "exempt incinerator" in Part C" shall be inserted before "means";

(c) the following shall be inserted after paragraph (*e*) of Part A–

"In this Part–

"exempt hazardous waste incineration plant" means–

(i) an incineration plant for animal carcasses or remains;

(**1**) S.I.1997/2777 (N.I. 18)
(**2**) S.R. 1998 No. 28

(ii) an incineration plant for infectious clinical waste, provided that such waste is not rendered hazardous as a result of the presence of constituents listed in Annex II to Directive 91/689/EEC on hazardous waste(**3**) other than constituent C35 in that list (infectious substances); or

(iii) a municipal waste incineration plant also burning infectious clinical waste which is not mixed with other wastes which are rendered hazardous as a result of one of the properties listed in Annex II to Directive 91/689/EEC other than property H9 in that list (infectious);

"hazardous waste" means any solid or liquid waste as defined in Article 1, 4 of Directive 91/689/EEC, but shall not include the following waste–

(i) combustible liquid wastes, including waste oils as defined in Article 1 of Directive 75/439/EEC on the disposal of waste oils(**4**), provided that they meet the following three criteria–

(a) the mass content of polychlorinated aromatic hydrocarbons, for example polychlorinated biphenyls or pentachlorinated phenol, amounts to concentrations not higher than those set out in Council Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls(**5**);

(b) these wastes are not rendered hazardous by virtue of containing other constituents listed in Annex II to Directive 91/689/EEC in quantities or concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of Directive 75/442/EEC on waste(**6**); and

(c) the net calorific value amounts to at least 30 MJ per kilogram;

(ii) any combustible liquid wastes which cannot cause, in the flue gas directly resulting from their combustion, emissions other than those from gas oil, as defined in Article 1, 1 of Directive 75/716/EEC on the approximation of the laws of member states relating to the sulphur content of certain liquid fuels(**7**) or a higher concentration of emissions than those resulting from the combustion of gas oil so defined;

(iii) hazardous waste resulting from the exploration for and the exploitation of oil and gas resources from off-shore installations which is incinerated on board such installations;

(iv) municipal waste within the meaning of Directives 89/369/EEC on the prevention of air pollution from new municipal waste incineration plants(**8**) and 89/429/EEC on the reduction of air pollution from existing municipal waste incineration plants(**9**); or

(v) sewage sludge from the treatment of municipal waste waters which are not rendered hazardous by virtue of containing constituents listed in Annex II to Directive 91/689/EEC in quantities or in concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of Directive 75/442/EEC on waste; and

(**3**) O.J. No. L377, 31.12.91, p. 20
(**4**) O.J. No. L194, 25.7.75, p. 23
(**5**) O.J. No. L243, 24.9.96, p. 31
(**6**) O.J. No. L194, 25.7.75, p. 39, as amended by Council Directive 91/156/EEC (O.J. No. L78, 26.3.91, p. 32)
(**7**) O.J. No. L307, 27.11.75, p. 22
(**8**) O.J. No. L163, 14.6.89, p. 32
(**9**) O.J. No. L203, 15.7.89, p. 50