STATUTORY RULES OF NORTHERN IRELAND

1998 No. 28

INDUSTRIAL POLLUTION CONTROL

The Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998

Made - - - -	*2nd February 1998*
Coming into operation	*2nd March 1998*

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 and commencement

1. These regulations may be cited as the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998, and shall come into operation on 2nd March 1998.

Interpretation

2. In these regulations:—

"the Order" means the Industrial Pollution Control (Northern Ireland) Order 1997;

"background concentration" has the meaning given to that term in regulation 4(9);

"Part A process" means a process falling within a description set out in Schedule 1 under the heading "Part A";

"Part B process" means a process falling within a description so set out under the heading "Part B";

"Part C process" means a process falling within a description so set out under the heading "Part C";

"integrated central control", "restricted central control" and "local control" have the same meaning as in Article 5 of the Order; and

"particulate matter" means grit, dust, or fumes.

(**1**) S.I.1997/2777 (N.I. 18)

Prescribed Processes

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

(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 (8), a process shall not be taken to be a Part A process if it has the following characteristics, namely—

(a) 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

(b) that it cannot result in the release into water of any substance prescribed by regulation 6(2) except—

(i) in a concentration which is no greater than the background concentration; or

(ii) in a quantity which does not, in any 12 month period, exceed the background quantity by more than the amount specified in relation to the description of substance in column 2 of Schedule 5; and

(c) 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 (8), a process shall not be taken to be a Part B or a Part C process unless it will, or there is the 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(*a*).

(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 by Article 2(1) of the Education and Libraries (Northern Ireland) Order 1986(**2**).

(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 or provides electricity for it shall not be taken to fall within a description in Schedule 1.

(5) The running of an engine in order to test it before installation or in the course of its development shall not be taken to fall within a description in Schedule 1.

(6) The use of a fume cupboard shall not be taken to fall within a description in Schedule 1 if it is used as a fume cupboard in a laboratory for research or testing, and it is not—

(a) a fume cupboard which is an industrial and continuous production process enclosure; or

(b) a fume cupboard in which substances or materials are manufactured.

In this paragraph, "fume cupboard" has the meaning given by the British Standard 'Laboratory fume cupboards' published by the British Standards Institution numbered BS7258: Part 1: 1990.

(**2**) S.I. 1986/594 (N.I. 3)

(7) 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.

(8) 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.

(9) 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 referred to in paragraph (10) ; and

"background quantity" means such quantity of the relevant substance as is referred to in paragraph (10).

(10) The concentration or, as the case may be, quantity mentioned in paragraph (9) is such concentration or quantity 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.

Enforcement

5.—(1) The descriptions of processes set out in Schedule 1 under the heading "Part A" are designated pursuant to Article 3 of the Order for integrated central control.

(2) The descriptions of processes set out in Schedule 1 under the heading "Part B" are so designated for restricted central control.

(3) The descriptions of processes set out in Schedule 1 under the heading "Part C" are so designated for local control.

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

6.—(1) The descriptions of substances set out in Schedule 4 are prescribed pursuant to Article 3(5) of the Order as substances the release of which into the air is subject to control under Articles 6 and 7 of the Order.

(2) The descriptions of substances set out in column 1 of Schedule 5 are so prescribed as substances the release of which into water is subject to control under those Articles.

(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 Articles.

Sealed with the Official Seal of the Department of the Environment on

2nd February 1998.

R. W. Rogers
Assistant Secretary

SCHEDULE 1

DESCRIPTIONS OF PROCESSES

Chapter 1

Fuel Production Processes, Combustion Processes (including Power Generation) and Associated Processes

Section 1.1

Gasification and associated Processes

Part A

(a) Reforming natural gas.

(b) Refining natural gas if that process is related to another Part A process or is likely to involve the use in any 12 month period of 1000 tonnes or more of natural 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, unless carried on as part of a process which is a combustion process (whether or not that process falls within Section 1.3 of this Schedule).

(d) Odorising natural gas or liquefied petroleum gas if that process is related to another Part A process.

(e) Purifying or refining any product of a process described in paragraphs (*a*), (*c*) or (*d*) or converting it into a different product.

In this Section "carbonaceous material" includes materials such as charcoal, coke, peat and rubber.
Part B

(a) Blending odorant for use with natural gas or liquefied petroleum gas.

(b) Odorising natural gas or liquefied petroleum gas, except where that process is related to a Part A process.

(c) Any process for refining natural gas not falling within paragraph (*b*) of Part A of this Section.

In paragraph (*c*) of Part B of this Section, "refining natural gas" does not include refining mains gas.
Part CNil

Section 1.2

Carbonisation and associated Processes

Part A

(a) The pyrolysis, carbonisation, distillation, liquefaction, partial oxidation or other heat treatment of coal (other than the drying 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. In paragraph (*a*), the heat treatment of oil does not include heat treatment of waste oil or waste emulsions containing oil in order to recover the oil.
Part BNil

Part CNil

Section 1.3

Combustion Processes

Part A

(a) Burning any fuel in a combustion appliance with a net rated thermal input of 50 megawatts or more.

For the purposes of this paragraph, where—

(i) two or more boilers or furnaces with an aggregate net rated thermal input of 50 megawatts or more (disregarding any boiler or furnace with a net rated thermal input of less than 3 megawatts); or

(ii) two or more gas turbines or compression ignition engines with an aggregate net rated thermal input of 50 megawatts or more (disregarding any such turbine or engine with a net rated thermal input of less than 3 megawatts),

are operated by the same person at the same location those boilers or furnaces, or, as the case may be, those turbines or engines, shall be treated as a single combustion appliance with a net rated thermal input of 50 megawatts or more.

(b) 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 or Part C process—

(i) waste oil;

(ii) recovered oil;

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

Nothing in this Part of this Section applies to the burning of any fuel in a boiler, furnace or other appliance with a net rated thermal input of less than 3 megawatts.

Part BNil

Part C

The following processes unless carried on in relation to and as part of any Part A or Part B 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 used together with (whether or not it is operated simultaneously with) other appliances which each have a net rated thermal input of less than 3 megawatts and the aggregate net rated thermal input of all the appliances is at least 0.4 megawatts.

In paragraph (*b*) of Part A and paragraph (*e*) of Part C, "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