1980 No. 98

PUBLIC HEALTH

The Pollution Control (Licensing of Waste Disposal) Regulations (Northern Ireland) 1980

Made	*13th March 1980*
Coming into operation . . .	*2nd June 1980*

The Department of the Environment, in exercise of the powers conferred on it by Articles 5(1), 7(1), 8(4), 12(1), 36(3) and 86 of the Pollution Control and Local Government (Northern Ireland) Order 1978(a) 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 Pollution Control (Licensing of Waste Disposal) Regulations (Northern Ireland) 1980 and shall come into operation on 2nd June 1980.

Interpretation

2.—(1) In these regulations:—

"the Department" means the Department of the Environment;

"dredging operations" includes the removal of any thing forming part of or projecting from the bed of the sea or of any inland water, by whatever means it is removed and whether or not at the time of removal it is wholly or partly above water;

"the foreshore" means the land between high water mark and low water mark;

"high water mark" means the high water mark of ordinary spring tides and

"low water mark" shall be construed accordingly.

(2) Any reference in these regulations to a numbered Article shall be construed as a reference to the Article bearing that number in the Pollution Control and Local Government (Northern Ireland) Order 1978.

Industrial waste

3. For the purposes of Articles 5 to 13, 16, 18(1) and (2), waste of the following descriptions shall be treated as being industrial waste:—

(*a*) waste produced in the course of constructing, improving, repairing or demolishing any building or structure;

(*b*) waste produced as a result of dredging operations; and

(*c*) sewage deposited on land, other than:—

(i) sewage deposited, whether inside or outside the curtilage of a sewage treatment works, as an integral part of the operation of those works;

(ii) sewage sludge spread on land for agricultural purposes;

(iii) sewage deposited on land from a sanitary convenience forming part of a moving or stationary vehicle which is being used for the conveyance of passengers; and

(a) S.I. 1978/1049 (N.I. 19)

(iv) sewage buried on land being matter taken from a movable receptacle contained in a sanitary convenience serving a signal box, camp site, caravan site, building site, or other land or premises.

Excepted cases under Article 5(1)

4.—(1) Subject to the provisions of paragraph (2), the following cases are hereby prescribed for the purposes of Article 5(1), that is to say any case where:—

(*a*) waste produced in the course of constructing, improving, repairing or demolishing any building or structure is deposited or disposed of on a site being used, or about to be used, for the construction, improvement or repair of a building or structure, provided always that the deposit or disposal is made by, or with the consent of, the occupier of the site;

(*b*) waste ash is deposited or disposed of on a site being used, or about to be used, for the construction, improvement or repair of a building or structure, provided always that the deposit or disposal is made by, or with the consent of, the occupier of the site;

(*c*) waste produced in the course of demolishing a building is deposited on the site of such demolition;

(*d*) spent railway ballast is deposited on operational land occupied by the Northern Ireland Railways Company Limited;

(*e*) waste produced in the course of dredging operations for the purpose of land drainage or the maintenance of a watercourse, is deposited along the banks of that watercourse;

(*f*) waste produced in the course of maintaining any park, sports field, public garden or other recreation ground, or any cemetery, is deposited or disposed of within the boundaries of the ground in which it is produced, provided such deposit or disposal is by or with the consent of the occupier of the ground;

(*g*) waste is deposited or disposed of for the sole purpose of research into the effect of waste on the natural environment or, as the case may be, into the performance of plant or equipment designed or adapted to deal with waste, provided that the district council in whose district the deposit or disposal takes place is notified in advance that the deposit or disposal is to be carried out for the sole purpose of research;

(*h*) waste is deposited directly on land for a period not exceeding one month by, or with the consent of, the occupier of the land, other than waste deposited on a site specifically designed or adapted for the reception of waste with a view to its being disposed of elsewhere;

(*i*) waste is deposited in a receptacle that has been provided or adapted for the reception of waste with a view to that waste being disposed of elsewhere, provided always that the deposit is made by, or with the consent of, the owner of the receptacle;

(*j*) waste is disposed of on the site on which it is produced by means of static plant with a disposal capacity of not more than 200 kilogrammes per hour;

(*k*) waste is deposited by means of a pipeline:—

(i) on the foreshore, or

(ii) on any land above high water mark which is covered by the sea from time to time; or

(*l*) waste is disposed of as an integral part of the industrial process that produces it.