SCHEDULE 13

Regulation 35(g)

Provision in relation to waste incineration

Application

1. This Schedule applies in relation to every waste incineration installation.

Interpretation

2.—(1) In this Schedule, "waste incineration installation" means that part of an installation or mobile plant in which any of the following activities is carried out—

(a) the incineration of waste falling within the following provisions of Section 5.1 of Part 2 of Schedule 1—

(i) sub-paragraphs (a) to (c) of Part A(1), or

(ii) sub-paragraphs (a) or (b) of Part A(2); or

(b) any other activity falling within Part 2 of Schedule 1 which is carried out in a co-incineration plant (as that term is defined in Section 5.1 of Part 2 of Schedule 1).

(2) When interpreting the Waste Incineration Directive for the purposes of this Schedule—

(a) an expression defined in Section 5.1 of Part 2 of Schedule 1 has the meaning given in that Section;

(b) except where also defined in Section 5.1 of Part 2 of Schedule 1, an expression defined in Part 1 of these Regulations has the meaning given that Part;

(c) "permit" means environmental permit;

(d) the competent authority is the regulator.

Applications for an environmental permit

3. The regulator must require that every application for an environmental permit includes the information specified in Article 4(2) of the Waste Incineration Directive.

Exercise of relevant functions

4.—(1) The regulator must exercise its relevant functions so as to ensure compliance with the following provisions of the Waste Incineration Directive—

(a) Article 4(3) to 4(5);

(b) Article 5;

(c) Article 6, except the last indent of 6(4);

(d) Article 7(1) to 7(4);

(e) Article 8(1) to 8(7);

(f) Article 9;

(g) Article 10;

(h) Article 11, except for 11(1) and 11(13);

(i) Article 12(2), to the extent that it relates to the provision of annual reports by the operator;

(j) Article 13.

(2) But when interpreting the Waste Incineration Directive for the purposes of this paragraph—

(a) in Article 6(4), ignore the words “Member States may lay down rules governing these authorisations” in both places they occur;

(b) in Article 11(1), ignore the words “either” and “or by general binding rules”;

(c) Article 11(2)(c) must be read as if the words “and dioxin-like polychlorinated biphenyls and poly-cyclic aromatic hydrocarbons” appeared after the word “furans”; and

(d) Annex V must be read as if every reference to an exemption which “may” be authorised by the competent authority was to an exemption which “must” be authorised by the competent authority.