

SCHEDULE 1

ACTIVITIES, INSTALLATIONS AND MOBILE PLANT

PART 1

ACTIVITIES

CHAPTER 5

WASTE MANAGEMENT

SECTION 5.1

DISPOSAL OF WASTE BY INCINERATION

Part A

- (a) The incineration of any waste chemical or waste plastic arising from the manufacture of a chemical or the manufacture of a plastic.
- (b) The incineration, other than incidentally in the course of burning other waste, of any waste chemical being, or comprising in elemental or compound form, any of the following—
 - bromine;
 - cadmium;
 - chlorine;
 - fluorine;
 - iodine;
 - lead;
 - mercury;
 - nitrogen;
 - phosphorus;
 - sulphur;
 - zinc.
- (c) Unless falling within Part B or C of this Section, the incineration of (any other) hazardous waste in an incineration plant other than of specified hazardous waste in an exempt incineration plant.
- (d) The incineration of municipal waste in an incineration plant with a capacity of more than 3 tonnes per hour.
- (e) The incineration of animal remains, or waste products from rendering animal remains in an incineration plant with a capacity of 1 tonne or more per hour.
- (f) The incineration of any waste, otherwise than as part of a Part B or Part C activity, in an incineration plant with a capacity of 1 tonne or more per hour.
- (g) The cleaning for reuse of metal containers used for the transport or storage of a chemical by burning out their residual content.

Part B

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- (a) The incineration of waste, in an incineration plant which is authorised for incineration of radioactive waste under section 13 of the Radioactive Substances Act 1993(1).
- (b) Unless falling within Part A of this Section, the incineration of clinical waste, municipal waste sewage sludge, sewage screenings, or any mixture thereof, in an incineration plant.

Part C

- (a) The incineration of specified hazardous waste in an incineration plant with a capacity of 10 tonnes or less per day and less than 1 tonne per hour, unless described in Part A or Part B of this Section or the plant is an exempt incineration plant.
- (b) Unless falling within Part B of this Section, the incineration of any non hazardous waste in an incineration plant, other than an exempt incineration plant, with a capacity of less than 1 tonne per hour.
- (c) The cremation of human remains.

Interpretation of Section 5.1

In this Section—

“clinical waste”, means waste (other than waste consisting wholly of animal remains) which falls within the definition of such waste in regulation 2(1) of the Waste Collection and Disposal Regulations (Northern Ireland) 1992(2) or would fall within that paragraph but for regulation 2(3) of those regulations;

“exempt incineration plant” means any incineration plant on premises where there is plant designed to incinerate waste, including animal remains, at a rate of 50 kilogrammes or less per hour, not being an incineration plant employed to incinerate clinical waste, sewage sludge, sewage screenings or municipal waste; and for the purposes of this definition, the weight of waste shall be determined by reference to its weight as fed into the incineration plant;

“hazardous waste” means waste as defined in Article 1(4) of Council Directive 91/689/EEC on hazardous waste(3);

“incineration” includes pyrolysis;

“incineration of hazardous waste in an incineration plant” means the incineration by oxidation of hazardous wastes, with or without recovery of the combustion heat generated, including pre-treatment and thermal treatment processes, for example, plasma process, in so far as their products are subsequently incinerated, and includes the incineration of such wastes as regular or additional fuel for any industrial process;

“municipal waste” means municipal waste as defined in Council Directives 89/369/EEC(4) and 89/429/EEC(5);

“specified hazardous waste” means—

- (a) combustible liquid wastes, including waste oils as defined in Article 1 of Council Directive 75/439/EEC(6) on the disposal of waste oil, provided that they meet the following three criteria—

(1) 1993 c. 12
(2) SR 1992 No. 254
(3) OJNo. L 377, 31.12.91, p.20
(4) OJ No. L 163, 14.6.89, p.32
(5) OJ No. L 203, 15.7.89, p.50
(6) OJ No. L 194, 25.7.75, p.23

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- (i) the mass content of polychlorinated aromatic hydrocarbons, for example, polychlorinated biphenyls or pentachlorinated phenol, amounts to concentrations not higher than those set out in the relevant Community legislation⁽⁷⁾;
 - (ii) these wastes are not rendered hazardous by virtue of containing other constituents listed in Annex II to Council Directive [91/689/EEC](#) on hazardous waste in quantities or in concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of Council Directive [75/442/EEC](#) on waste⁽⁸⁾; and
 - (iii) the net calorific value amounts to 30 MJ or more per kilogramme;
- (b) 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 Council Directive [75/716/EEC](#)⁽⁹⁾ on the approximation of the laws of Member States relating to the sulphur content of certain liquid fuels or a higher concentration of emissions than those resulting from the combustion of gas oil as so defined;
 - (c) sewage sludges from the treatment of municipal waste waters which are not rendered hazardous by virtue of containing constituents listed in Annex II to Council Directive [91/689/EEC](#) on hazardous waste in quantities or in concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of Council Directive [75/442/EEC](#) on waste; and
 - (d) infectious clinical waste, provided that such waste is not rendered hazardous as a result of the presence of constituents listed in Annex II to Council Directive [91/689/EEC](#) on hazardous waste other than constituent C35 in that list (infectious substances).

(7) See, in particular Council Directive [96/59/EC](#) (OJ No. L 243, 24.9.96, p.31)

(8) OJ No. L 194, 25.7.75, p.39; amended by Council Directives [91/56/EEC](#) (OJ No. L 78, 26.3.91, p.32) and [91/692/EEC](#) (OJ No. L 377, 31.12.91, p.48) and Commission Decision [96/350/EC](#) (OJ No. L 135, 6.6.96, p.32)

(9) OJ No. L 307, 27.11.75, p.22