

SCHEDULE 3

Regulation 4(3)

AMENDMENTS OF SCHEDULE 1 TO THE PRINCIPAL REGULATIONS COMING INTO FORCE ON 1ST DECEMBER 1994

1. In Part A of Section 1.1 (gasification and associated processes)(1)—
 - (a) for paragraph (a) there shall be substituted the following paragraphs—
 - “(a) Reforming natural gas.
 - (aa) 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.”;
 - (b) at the end of paragraph (b) there shall be added the words “if that process is related to another Part A process”;
 - (c) at the end of paragraph (c) there shall be added the words “, 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)”.
2. For Part B of Section 1.1 there shall be substituted the following—

“PART B

- (a) Odourising natural gas or liquefied petroleum gas, except where that process is related to a Part A process.
 - (b) Blending odourant for use with natural gas or liquefied petroleum gas.
 - (c) Any process for refining natural gas not falling within paragraph (aa) of Part A of this Section.”.
3. At the end of Section 1.1 there shall be added the following—

“In this Section, “refining natural gas” does not include refining mains gas.”.
4. In paragraph (a) of Part A of Section 1.2 (carbonisation and associated processes), after the word “coal” there shall be inserted the words “(other than the drying of coal)”.
5. At the end of Part A of Section 1.3 (combustion processes)(2) there shall be inserted the following—

“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.”.
6. In Part B of Section 1.3, after the words “in relation to” there shall be inserted the words “and as part of”.
7. In Part A of Section 1.4 (petroleum processes)—
 - (a) for paragraph (a)(iv) there shall be substituted the following—
 - “(iv) if related to another process described in this paragraph, any associated gas or condensate.”;
 - (b) paragraph (b) shall be omitted;
 - (c) in paragraph (c), the words “or (b)” shall be omitted.
8. In Part A of Section 2.1 (iron and steel)—

(1) Chapter 1 of Schedule 1 was amended by S.I.1992/614, Schedule 1, paragraph 4.

(2) Section 1.3 of Schedule 1 was amended by S.I. 1992/614, Schedule 1, paragraphs 6 and 7.

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- (a) for paragraph (e) there shall be substituted the following paragraph—
 - “(e) Pelletising, calcining, roasting or sintering iron ore or any mixture of iron ore and other materials.”;
 - (b) in each of paragraphs (f), (g), (h) and (i) for the word “ferro-alloy” there shall be substituted the words “ferrous alloy”;
 - (c) paragraph (k) shall be omitted;
 - (d) after paragraph (l), there shall be inserted the following paragraph—
 - “(m) Any process for rolling iron, steel or any ferrous alloy carried on in relation to any process described in paragraph (f) or (g), and any process carried on in conjunction with such rolling involving the scarfing or cutting with oxygen of iron, steel or any ferrous alloy.”;
 - (e) at the end of Part A, there shall be added the following—
 - “A process does not fall within paragraph (a), (b), (c) or (d) of this Part of this Section unless—
 - (i) it is carried on as part of or is related to a process falling within a paragraph of this Part of this Section other than paragraph (a), (b), (c) or (d); or
 - (ii) it consists of, forms part of or is related to a process which is likely to involve the unloading in any 12 month period of more than 500,000 tonnes of iron ore or burnt pyrites or, in aggregate, both.”.
- 9. In Part B of Section 2.1—**
- (a) in paragraph (a)(ii) after the word “cupola” there shall be inserted the words “, crucible furnace, reverberatory furnace”;
 - (b) in each of paragraphs (a), (c) and (d), for the word “ferro-alloy” there shall be substituted the words “ferrous alloy”;
 - (c) for paragraph (b) there shall be substituted the following paragraph—
 - “(b) Any process for the refining or making of iron, steel or any ferrous alloy in which air or oxygen or both are used, if related to a process described in this Part of this Section.”;
 - (d) after paragraph (e) there shall be inserted the following—
 - “(f) Any other process involving the casting of iron, steel or any ferrous alloy from deliveries of 50 tonnes or more at one time of molten metal.”.
- 10. At the end of Section 2.1 there shall be added the following—**
- “In this Section and Section 2.2, “ferrous alloy” means an alloy of which iron is the largest constituent, or equal to the largest constituent, by weight, whether or not that alloy also has a non-ferrous metal content greater than any percentage specified in Section 2.2 below, and “non-ferrous metal alloy” shall be construed accordingly.”.
- 11. In Part A of Section 2.2 (non-ferrous metals)(3)—**
- (a) in paragraph (c)—
 - (i) after the words “any non-ferrous metal” there shall be inserted the words “(other than the electrolytic refining of copper)”;
 - (ii) for “(a), (c) or (d)” there shall be substituted “(a), (c), (d) or (g)”;
 - (b) in paragraph (d) for “(b), (c) or (d)” there shall be substituted “(b), (c), (d) or, except in the case of a process which produces any nickel alloy, (g)”;

(3) Part A of Section 2.2 was amended by S.I. 1992/614 Schedule 1, paragraph 8, and by S.I. 1993/2405, regulation 2(1).

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- (c) for paragraph (e) there shall be substituted the following paragraph—
 - “(e) Any process for producing, melting or recovering by chemical means or by the use of heat lead or any lead alloy, if—
 - (i) the process may result in the release into the air of particulate matter or smoke which contains lead; and
 - (ii) in the case of lead alloy, the percentage by weight of lead in the alloy in molten form exceeds 23% if the alloy contains copper and 2% in other cases.”;
- (d) in paragraph (ee)(4), the words “producing or” shall be omitted;
- (e) for paragraph (f)(5) there shall be substituted the following paragraph—
 - “(f) Any process for producing, melting or recovering (whether by chemical means or by electrolysis or by the use of heat) cadmium or mercury or any alloy containing more than 0.05 per cent by weight of either of those metals or of both of those metals in aggregate.”;
- (f) in paragraph (g)—
 - (i) after the words “involving the” there shall be inserted the words “manufacture or”;
 - (ii) at the end there shall be inserted the following—
 - “; but a process does not fall within this paragraph by reason solely of its involving the melting of an alloy of beryllium if that alloy contains less than 0.1 per cent by weight of beryllium in molten form and the process falls within a description in paragraph (a), (d) or (g) of Part B of this Section.”;
- (g) in paragraph (h), for the word “cable” there shall be substituted the words “scrap cable”;
- (h) paragraph (j) shall be omitted;
- (i) at the end there shall be added the following paragraph—
 - “(k) Pelletising, calcining, roasting or sintering any non-ferrous metal ore or any mixture of such ore and other materials.”.

12. In Part B of Section 2.2—

- (a) after paragraph (b) there shall be inserted the following paragraph—
 - “(bb) The fusion of calcined bauxite for the production of artificial corundum.”;
- (b) at the end there shall be added the following—
 - “(g) Any process for producing or melting by chemical means or by the use of heat any of the elements listed below or any alloy containing any of those elements if the process may result in the release into the air of particulate matter or smoke which contains any of those elements—
 - antimony
 - arsenic
 - chromium
 - magnesium
 - maganese
 - phosphorus
 - platinum

(4) Paragraph (ee) of Section 2.2A was inserted by S.I. 1993/2405, regulation 2(1)(a).

(5) Paragraph (f) of Section 2.2A was amended by S.I. 1993/2405, regulation 2(1)(b).

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The processes described in paragraphs (a), (c), (d) and (g) above include any related process for the refining of any non-ferrous metal or non-ferrous metal alloy.”.

13. At the end of Section 2.2 there shall be added the following—

“Nothing in this Section shall be taken to prescribe the processes of hand soldering or flow soldering.”.

14. Section 2.3 (smelting processes) shall be omitted.

15. In Part A of Section 3.1 (cement and lime manufacture and associated processes), at the end of paragraph (d) there shall be added the words “where the process is likely to involve the heating in any 12 month period of 5,000 tonnes or more of either substance or, in aggregate, of both.”.

16. In Part B of Section 3.1—

(a) in paragraph (b), after the words “related to” there shall be inserted the words “and carried on as part of”;

(b) at the end there shall be added the following paragraph—

“(c) The heating of calcium carbonate or calcium magnesium carbonate for the purpose of making lime where the process is not likely to involve the heating in any 12 month period of 5,000 tonnes or more of either substance or, in aggregate, of both.”.

17. In paragraph (c)(iii) of Part A of Section 3.2 (processes involving asbestos), for the words “plastic, rubber or a resin” there shall be substituted the words “cement or in any other material (including plastic, rubber or a resin)”.

18. In Part B of Section 3.4 (other mineral processes)—

(a) in paragraph (a), in sub-paragraph (ii), after the words “related to” there shall be inserted the words “and carried on as part of”;

(b) in paragraph (b)(iii) after the words “loading or unloading” there shall be inserted the words “petroleum coke,”;

(c) after paragraph (e) there shall be inserted the following paragraph—

“(f) Loading, unloading, or storing pulverised fuel ash in bulk prior to further transportation in bulk, unless carried on as part of or in relation to a process falling within another description in this Schedule.”.

19. In Section 3.4—

(a) for the definition of “exempt location”, there shall be substituted the following definition—

““exempt location” means—

(i) any premises used for the sale of petroleum coke, coal, coke, or any coal product where the throughput of such substances at those premises in any 12 month period is in aggregate likely to be less than 10,000 tonnes; or

(ii) any premises to which petroleum coke, coal, coke, or any coal product is supplied only for use there;”;

(b) after the definition of “exempt location” there shall be inserted the following definition—

““retail sale” means sale to the final consumer.”.

20. In Part A of Section 3.5 (glass manufacture and production), there shall be added at the end the words “and the aggregate quantity of such substances manufactured in any 12 month period is likely to be 100 tonnes or more.”.

21. In Part B of Section 3.5, there shall be added at the end the following—

“(e) The manufacture of glass frit or enamel frit and its use in any process where that process is related to its manufacture if not falling within Part A of this Section.”

22. For Section 3.6 of Schedule 1 (ceramic production) there shall be substituted the following Section—

*“Section 3.6
Ceramic production*

PART A

Firing heavy clay goods or refractory material in a kiln where a reducing atmosphere is used for a purpose other than coloration.

PART B

- (a) Firing heavy clay goods or refractory material (other than heavy clay goods) in a kiln where the process does not fall within a description in Part A of this Section.
- (b) Vapour glazing earthenware or clay with salts.

In this Section—

“clay” includes a blend of clay with ash, sand or other materials;

“refractory material” means material (such as fireclay, silica, magnesite, chrome-magnesite, sillimanite, sintered alumina, beryllia and boron nitride) which is able to withstand high temperatures and to function as a furnace lining or in other similar high temperature applications.”

23. In Chapter 4 of Schedule 1 (the chemical industry), before Section 4.1 there shall be inserted the following—

“Except where paragraph 2 or 8 of Schedule 2 applies, nothing in this chapter of this Schedule applies to the operation of waste treatment plant.”

24. In Part A of Section 4.1 (petrochemical processes)—

- (a) in paragraph (a) for the word “olefins” there shall be substituted the words “unsaturated hydrocarbons”;
- (b) for paragraph (d) there shall be substituted the following paragraph—

“(d) Any process for the polymerisation or co-polymerisation of any unsaturated hydrocarbons or of a product of a process mentioned in paragraph (b) or (c) which is likely to involve, in any 12 month period, the polymerisation or co-polymerisation of 50 tonnes or more of any of those materials or, in aggregate, of any combination of those materials.”

25. In Part A of Section 4.2 (the manufacture and use of organic chemicals)—

- (a) for paragraph (a) there shall be substituted the following paragraphs—

“(a) the manufacture of styrene or vinyl chloride;

(aa) the polymerisation or co-polymerisation of styrene or vinyl chloride where the process is likely to involve, in any 12 month period, the polymerisation or co-

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- polymerisation of 50 tonnes or more of either of those materials or, in aggregate, of both;”;
- (b) in paragraph (c), for the words “organic acid or its anhydride” there shall be substituted the words “any carboxylic acid or any anhydride of carboxylic acid”;
 - (c) for paragraph (d) there shall be substituted the following paragraph—
 - “(d) any process for the manufacture of a chemical involving the use of any substance mentioned in paragraph (c) if the process may result in the release of any such substance into the air;”;
 - (d) for paragraph (g) there shall be substituted the following paragraph—
 - “(g) the manufacture or recovery of pyridine, or of any substituted pyridines;”;
 - (e) in paragraph (i), for the words “any acrylate” there shall be substituted the words “any designated acrylate”;
 - (f) in paragraph (j), for the words “involving the use of any acrylate” there shall be substituted the words “which is likely to involve the use in any 12 month period of 1 tonne or more of any designated acrylate or, in aggregate, of more than one such designated acrylate”;
 - (g) there shall be added at the end the following definition—
 - “In this Part of this Section, “designated acrylate” means any of the following, namely, acrylic acid, substituted acrylic acids, the esters of acrylic acid and the esters of substituted acrylic acids.”.
- 26.** In Part A of Section 4.3 (acid processes)—
- (a) at the end of paragraph (c) there shall be added the words “and excluding also any process where such a release could only occur as a result of the storage and use of SO₂ in cylinders”;
 - (b) in paragraph (f), after the words “this Schedule)” there shall be inserted the words “which is not described in Part B of this Section, does not fall within a description in Section 2.1 or 2.2 of this Schedule and is not treated as so falling by virtue of the rules in Schedule 2, and”;
 - (c) in paragraph (g), after the word “manufacture” there shall be inserted the words “or purification”.
- 27.** For Part B of Section 4.3 there shall be substituted the following—

“PART B

Any process for the surface treatment of metal which is likely to result in the release into the air of any acid-forming oxide of nitrogen and which does not fall within a description in Section 2.1 or 2.2 of this Schedule and is not treated as so falling by virtue of the rules in Schedule 2.”.

- 28.** In paragraph (e) of Part A of Section 4.4 (processes involving halogens)—
- (a) after the words “paragraph (c)” there shall be inserted the words “or any of their acids”;
 - (b) for the word “pickling” there shall be substituted the words “surface treatment”.
- 29.** At the end of Part A of Section 4.6 (chemical fertiliser production) there shall be added the following words—
- “; and “manufacture of chemical fertilisers” shall be taken to include any process for blending chemical fertilisers which is related to a process for their manufacture.”.
- 30.** For Part A of Section 4.7 (pesticide production) there shall be substituted the following—

“PART A

The manufacture or the formulation of chemical pesticides if the process may result in the release into water of any substance described in Schedule 5.”.

31. For Part A of Section 4.8 (pharmaceutical production) there shall be substituted the following—

“PART A

The manufacture or the formulation of a medicinal product if the process may result in the release into water of any substance described in Schedule 5.”.

32. For Section 4.9 (the storage of chemicals in bulk), there shall be substituted the following—

“Section 4.9

The storage of chemicals in bulk

PART A

Nil

PART B

The storage in a tank or tanks, other than as part of a Part A process, and other than in a tank for the time being forming part of a powered vehicle, of any of the substances listed below except where the total capacity of the tanks installed at the location in question in which the relevant substance may be stored is less than the figure specified below in relation to that substance;

any one or more designated acrylates	20 tonnes
acrylonitrile	20 tonnes
anhydrous ammonia	100 tonnes
anhydrous hydrogen fluoride	1 tonne
toluene di-isocyanate	20 tonnes
vinyl chloride monomer	20 tonnes
ethylene	8,000 tonnes

In this Section, “designated acrylate” has the same meaning as in Part A of Section 4.2.”.

33. In Section 5.1 (incineration)(6), in paragraph (c) of Part A, after the words “related to” there shall be inserted the words “and carried on as part of”.

34. For Part A of Section 5.2 (recovery processes) there shall be substituted the following—

(6) Section 5.1 was amended by S.I. [1992/614](#), Schedule 1, paragraph 9.

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“PART A

- (a) The recovery by distillation of any oil or organic solvent.
- (b) The cleaning or regeneration of carbon, charcoal or ion exchange resins by removing matter which is, or includes, any substance described in Schedule 4, 5 or 6. Nothing in this Part of this Section applies to—
 - (i) the distillation of oil for the production or cleaning of vacuum pump oil; or
 - (ii) a process which is ancillary and related to another process which involves the production or use of the substance which is recovered, cleaned or regenerated.”.

35. In paragraph (b) of Part A of Section 6.1, for the words “related to” there shall be substituted the words “associated with”.

36. In Part A of Section 6.2 (di-isocyanate processes)—

- (a) for paragraph (b) there shall be substituted the following paragraph—
 - “(b) Any manufacturing process involving the use of toluene di-isocyanate or partly polymerised toluene di-isocyanate if—
 - (i) 1 tonne or more of toluene di-isocyanate monomer is likely to be used in any 12 month period; and
 - (ii) the process may result in a release into the air which contains toluene di-isocyanate.”;
- (b) paragraph (c) shall be omitted;
- (c) for paragraph (d) there shall be substituted the following paragraph—
 - “(d) The flame bonding of polyurethane foams or polyurethane elastomers, and the hot wire cutting of such substances where such cutting is related to any other Part A process.”.

37. For Part B of Section 6.2 there shall be substituted the following—

“PART B

- (a) Any process not falling within any other description in this Schedule where the carrying on of the process by the person concerned at the location in question is likely to involve the use in any 12 month period of 5 tonnes or more of any di-isocyanate or of any partly polymerised di-isocyanate or, in aggregate, of both.
- (b) Any process not falling within any other description in this Schedule involving the use of toluene di-isocyanate or partly polymerised di-isocyanate if—
 - (i) less than 1 tonne of toluene di-isocyanate monomer is likely to be used in any 12 month period; and
 - (ii) the process may result in a release into the air which contains toluene di-isocyanate.
- (c) The hot wire cutting of polyurethane foams or polyurethane elastomers, except where this process is related to any other Part A process.”.

38. For Section 6.3 (tar and bitumen processes) there shall be substituted the following—

“Section 6.3

Tar and bitumen processes

PART A

Any process not falling within any other description in this Schedule involving—

- (a) the distillation of tar or bitumen in connection with any process of manufacture; or
- (b) the heating of tar or bitumen for the manufacture of electrodes or carbon-based refractory materials,

where the carrying on of the process by the person concerned at the location in question is likely to involve the use in any 12 month period of 5 tonnes or more of tar or of bitumen or, in aggregate, of both.

PART B

Any process not falling within Part A of this Section or within any other description in this Schedule involving—

- (a) the heating, but not the distillation, of tar or bitumen in connection with any process of manufacture; or
- (b) (unless the process is related to and carried on as part of a process falling within Part A of Section 1.4 of this Schedule) the oxidation of bitumen by blowing air through it,

where the carrying on of the process by the person concerned at the location in question is likely to involve the use in any 12 month period of 5 tonnes or more of tar or of bitumen or, in aggregate, of both.

In this Section the expressions “tar” and “bitumen” include pitch.”.

39. Section 6.4 (processes involving uranium) shall be omitted.

40. In Part A of Section 6.5 (coating processes and printing), paragraph (c) shall be omitted.

41. For Part B of Section 6.5 there shall be substituted the following—

“PART B

- (a) Any process (other than for the repainting or respraying of or of parts of aircraft or road or railway vehicles) for the application to a substrate of, or the drying or curing after such application of, printing ink or paint or any other coating material as, or in the course of, a manufacturing process where—
 - (i) the process may result in the release into the air of particulate matter or of any volatile organic compound; and
 - (ii) the carrying on of the process by the person concerned at the location in question is likely to involve the use in any 12 month period of—
 - (aa) 20 tonnes or more applied in solid form of any printing ink, paint or other coating material; or
 - (bb) 20 tonnes or more of any metal coatings which are sprayed on in molten form; or
 - (cc) 25 tonnes or more of organic solvents in respect of any cold set web offset printing process or any sheet fed offset litho printing process or, in respect of any other process, 5 tonnes or more of organic solvents.
- (b) Any process for the repainting or respraying of or of parts of road vehicles if the process may result in the release into the air of particulate matter or of any volatile organic

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compound and the carrying on of the process by the person concerned at the location in question is likely to involve the use of 1 tonne or more of organic solvents in any 12 month period.

- (c) Any process for the repainting or respraying of or of parts of aircraft or railway vehicles if the process may result in the release into the air of particulate matter or of any volatile organic compound and the carrying on of the process by the person concerned at the location in question is likely to involve the use in any 12 month period of—
- (i) 20 tonnes or more applied in solid form of any paint or other coating material; or
 - (ii) 20 tonnes or more of any metal coatings which are sprayed on in molten form; or
 - (iii) 5 tonnes or more of organic solvents.”.

42. In Section 6.5, for the words from “In this Section” to “plastic coating” there shall be substituted the following—

“In this Section—

“aircraft” includes gliders and missiles;

“coating material” means paint, printing ink, varnish, lacquer, dye, any metal oxide coating, any adhesive coating, any elastomer coating, any metal or plastic coating and any other coating material”.

43. For Part A of Section 6.6 (the manufacture of dyestuffs, printing ink and coating materials) there shall be substituted the following—

“PART A

Any process for the manufacture of dyestuffs if the process involves the use of hexachlorobenzene.”.

44. In Part B of Section 6.6—

- (a) the words “not falling within a description in any other Section in this Schedule” shall be omitted;
- (b) in paragraph (b), for the words “use as a coating” there shall be substituted the words “use as a coating material”.

45. In Part A of Section 6.7 (timber processes), paragraph (b) shall be omitted.

46. In Part B of Section 6.7(7), after the definition of “throughput” but before the word “and” there shall be inserted the following definition—

““wood” includes any product consisting wholly or mainly of wood;”.

47. In Part B of Section 6.9 (the treatment and processing of animal or vegetable matter)(**8**), for paragraph (a)(i) there shall be substituted the following—

“(i) where the process has the characteristics described in regulation 4(1)(ii) above; but”.

(7) Part B of Section 6.7 was amended by S.I. 1992/614, Schedule 1, paragraph 11.

(8) Part B of Section 6.9 of Schedule 1 was amended by S.I. 1993/1749, regulation 2(2).