

SCHEDULE 1

ACTIVITIES AND INSTALLATIONS AND MOBILE PLANT

CHAPTER 5

WASTE MANAGEMENT

Section 5.1

Incineration

PART A

- (a) The incineration of hazardous waste in an incineration plant, other than in an exempt hazardous waste incineration plant.
- (b) The incineration of waste, including animal remains, in an incineration plant not covered by paragraph (a) above, on premises where there is plant used or designed to incinerate waste at a rate of 1 tonne or more per hour.
- (c) Cleaning for reuse metal containers used for the transport or storage of a chemical by burning out their residual content.

PART B

The following activities if operated at installations not falling under Part A of this Section:–

- (a) The incineration of waste, including animal remains, in an incineration plant, other than in an exempt waste incineration plant.
- (b) The cremation of human remains.

Interpretation of Section 5.1

In this Section –

“incineration of waste” means the incineration by oxidation of waste, with or without recovery of the combustion heat generated, including pre-treatment as well as pyrolysis or other 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;

“incineration plant” means any technical equipment used for the incineration of waste;

“hazardous waste” means any solid or liquid as defined in Article 1.4 of Council Directive [91/689/EEC](#) on hazardous waste⁽¹⁾ but shall not include the following waste:–

- (i) combustible liquid wastes, including waste oils as defined in Article 1 of Council Directive [75/439/EEC](#) on the disposal of waste oils⁽²⁾, provided that they meet the following three criteria:–
 - (a) the mass content of polychlorinated aromatic hydrocarbons, e.g. polychlorinated biphenyls or pentachlorinated phenol, amounts to concentrations not higher than those set out in the relevant Community legislation;
 - (b) these wastes are not rendered hazardous by virtue of containing other constituents listed in Annex II to Council Directive [91/689/EEC](#) in quantities or in concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of Directive [75/442/EEC](#) on waste⁽³⁾; and

(1) O.J. No. L 377, 31.12.91, p.20.

(2) O.J. No. L 194, 25.7.75, p.23.

(3) O.J. No. L 194, 25.7.75 p.39; amended by Council Directives [91/156/EEC](#) (O.J. No. L 78, 26.3.91 p.32) and [91/692/EEC](#) (O.J. No. L 377, 31.12.91, p.48) and Commission Decision [96/350/EC](#) (O.J. No. L 135, 6.6.96 p.32).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) the net calorific value amounts to at least 30 MJ per kilogramme;
- (ii) any 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 Directive [75/716/EEC](#) on the approximation of the laws of Member States relating to the sulphur content of certain liquid fuels⁽⁴⁾ or a higher concentration of emissions than those resulting from the combustion of gas oil as so defined;
- (iii) hazardous waste resulting from the exploration for the exploration of oil and gas resources from off-shore installations and incinerated on board;
- (iv) municipal waste covered by Council Directives [89/369/EEC](#) on the prevention of air pollution from new municipal waste incineration plants⁽⁵⁾ and [89/429/EEC](#) on the reduction of air pollution from existing municipal waste incineration plants⁽⁶⁾;
- (v) 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](#) in quantities or in concentrations which are inconsistent with the achievement of the Council objectives set out in the Article 4 of Directive [75/442/EEC](#) on waste;

“exempt hazardous waste incineration plant” means—

- (i) an incineration plant for animal carcasses or remains;
- (ii) an incineration plant for 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); or
- (iii) a municipal waste incineration plant also burning infectious clinical waste which is not mixed with other wastes which are rendered hazardous as a result of one of the properties listed in Annex III to Council Directive [91/689/EEC](#) other than property H9 in that list (infectious);

“exempt waste incineration plant” means any incineration plant on premises where there is plant designed to incinerate waste, including animal remains at a rate of not more than 50 kilogrammes per hour, not being an incineration plant employed to incinerate clinical waste, sewage sludge, sewage screenings or municipal waste (as defined in Article 1 of Council Directive [89/369/EEC](#)); and for the purposes of this Section, the weight of waste shall be determined by reference to its weight as fed into the incineration plant;

“clinical waste” means waste (other than waste consisting wholly of animal remains) which falls within sub-paragraph (a) or (b) of the definition of such waste in paragraph (2) of regulation 1 of the Controlled Waste Regulations 1992⁽⁷⁾ (or would fall within one of those sub-paragraphs but for paragraph (4) of that regulation).

Section 5.2

Landfill and disposal to land

PART A

Landfill activities receiving more than 10 tonnes in any day or with a total capacity exceeding 25,000 tonnes, excluding landfills of inert waste.

PART B

⁽⁴⁾ O.J. No. L 307, 27.11.75, p.22.

⁽⁵⁾ O.J. No. L 163, 14.6.89, p.32.

⁽⁶⁾ O.J. No. L 203, 15.7.89, p.50.

⁽⁷⁾ S.I. [1992/588](#).

NIL

Interpretation of Section 5.2

In this Section—

“landfill” means a waste disposal site for the deposit of waste onto or into land, including—

- (a) internal waste disposal sites, including a landfill where a producer of waste is carrying out its own waste disposal at the place of production; and
- (b) a permanent site, operating for more than one year, which is used for temporary storage of waste,

and includes the following operations:—

- (i) tipping above or underground, for example by landfill;
- (ii) land treatment, for example by biodegradation of liquid or sludge discards in soils;
- (iii) deep injection of waste, for example, injection of pumpable discarded materials into wells, salt domes or naturally occurring repositories;
- (iv) surface impoundment, for example placing liquid or sludge wastes into pits, ponds or lagoons;
- (v) specially engineered landfill, for example, placing waste into lined discrete cells which are capped and isolated from one another and the environment;
- (vi) permanent storage, for example, by placing containers in a mine;

“inert waste” means waste that does not undergo any significant physical, chemical or biological transformation, which will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm to human health: Provided the ability of any potentially polluting material contained in waste and the ecotoxicology of the leachate is insignificant, and in particular does not endanger the quality either of surface water or groundwater.

Section 5.3

Disposal of waste other than by incineration or landfill

PART A

- (a) The disposal of hazardous waste (other than by incineration or landfill) in plant with a capacity exceeding 10 tonnes per day for hazardous waste.
- (b) The disposal of waste oils (other than by incineration or landfill) in plant with a capacity exceeding 10 tonnes per day.
- (c) Disposal of non-hazardous waste in plant with a capacity exceeding 50 tonnes per day by—
 - (i) biological treatment specified in paragraph D8 of Annex IIA to Council Directive 75/441; or
 - (ii) physico-chemical treatment specified in paragraph D9 of Annex IIA to Council Directive 75/441.

Interpretation of Part A

1. In Part A, “disposal”, in paragraph (a), means any of the operations described in Annex IIA to Council Directive [75/442/EEC](#) on waste.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2. Paragraph (b) shall be interpreted in accordance with Article 1 of Council Directive [75/439/EEC](#).

PART B

NIL

Section 5.4

Recovery activities

PART A

- (a) Recovering by distillation any oil or organic solvent.
- (b) Cleaning or regenerating carbon, charcoal or ion exchange resins by removing matter which is, or includes, any substance listed in paragraphs 12 to 14 of Part 2 of this Schedule.
- (c) Unless part of a Part A activity described in another Chapter of this Schedule, recovery activities (within the meaning of Council Directive [91/689/EEC](#)) involving hazardous waste in excess of 10 tonnes per day and falling within the following descriptions:–
 - (i) using waste principally as a fuel or other means to generate energy;
 - (ii) recycling/reclamation of inorganic materials other than metals and metal compounds;
 - (iii) regeneration of acids or bases;
 - (iv) recovery of components from catalysts;
 - (v) oil refining or other reuses of oil;
 - (vi) solvent reclamation/regeneration;
 - (vii) recovering components used for pollution abatement.

Interpretation of Part A

Except where the activity involves distilling more than 10 tonnes per day, nothing in paragraphs (a) and (b) of this Part applies to–

- (i) distilling oil for the production or cleaning of vacuum pump oil; or
- (ii) an activity which is ancillary and related to another activity, whether described in this Schedule or not, which involves the production or use of the substance which is recovered, cleaned or regenerated.

PART B

NIL

Section 5.5

The production of fuel from waste

PART A

Making solid fuel from waste by any process involving the use of heat other than making charcoal.

PART B

NIL