SCHEDULE 1

Activities

PART 2

Activities

CHAPTER 5

Waste Management

SECTION 5.1

Incineration and Co-incineration of Waste

Interpretation of Section 5.1

1. In this Section—

"co-incineration" means the use of wastes as a regular or additional fuel in a co-incineration plant or the thermal treatment of waste for the purpose of disposal in a co-incineration plant;

"co-incineration plant" means any stationary or mobile plant whose main purpose is the generation of energy or production of material products, and—

(a) which uses wastes as a regular or additional fuel; or

(b) in which waste is thermally treated for the purpose of disposal.

If co-incineration takes place in such a way that the main purpose of the plant is not the generation of energy or production of material products but rather the thermal treatment of waste, the plant must be regarded as an incineration plant.

This definition covers the site and the entire plant including all co-incineration lines, waste reception, storage, on site pre-treatment facilities, waste-, fuel- and air-supply systems, boiler, facilities for the treatment of exhaust gases, on-site facilities for treatment or storage of residues and waste water, stack devices and systems for controlling incineration operations, recording and monitoring incineration conditions, but does not cover co-incineration in an excluded plant;

"excluded plant" means—

(a) a plant treating only the following wastes—

(i) vegetable waste from agriculture and forestry,

(ii) vegetable waste from the food processing industry, if the heat generated is recovered,

(iii) fibrous vegetable waste from virgin pulp production and from production of paper from pulp, if it is co-incinerated at the place of production and the heat generated is recovered,

(iv) wood waste with the exception of wood waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coating, and which includes in particular such wood waste originating from construction and demolition waste,

(v) cork waste,

(vi) radioactive waste,

(vii) animal carcasses as regulated by Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption(**1**), or

(viii) waste resulting from the exploration for, and the exploitation of, oil and gas resources from off-shore installations and incinerated on board the installation; and

(b) an experimental plant used for research, development and testing in order to improve the incineration process and which treats less than 50 tonnes of waste per year;

"hazardous waste" means any solid or liquid waste as defined in regulation 6 of (in relation to England) the Hazardous Waste (England and Wales) Regulations 2005(**2**) or (in relation to Wales) the Hazardous Waste (Wales) Regulations 2005(**3**) except for—

(a) combustible liquid wastes including waste oils provided that they meet the following criteria—

(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,

(ii) these wastes are not rendered hazardous by virtue of containing other constituents listed in Schedule 2 to (in relation to England) the Hazardous Waste (England and Wales) Regulations 2005, or (in relation to Wales) the Hazardous Waste (Wales) Regulations 2005 in quantities or in concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of the Waste Framework Directive, and

(iii) the net calorific value amounts to at least 30 MJ per kilogramme;

(b) any combustible liquid wastes which cannot cause, in the flue gas directly resulting from their combustion, emissions other than those from gasoil as defined in Article 1(1) of Council Directive 93/12/EEC relating to the sulphur content of certain liquid fuels(**4**) or a higher concentration of emissions than those resulting from the combustion of gasoil as so defined;

"incineration plant" means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of wastes with or without recovery of the combustion heat generated, including—

(a) the incineration by oxidation of waste; and

(b) other thermal treatment processes such as pyrolysis, gasification or plasma processes in so far as the substances resulting from the treatment are subsequently incinerated.

This definition covers the site and the entire incineration plant including all incineration lines, waste reception, storage, on site pre-treatment facilities, waste-fuel and air-supply systems, boiler, facilities for the treatment of exhaust gases, on-site facilities for treatment or storage of residues and waste water, stack, devices and systems for controlling incineration operations recording and monitoring incineration conditions, but does not cover incineration in an excluded plant;

"non-hazardous waste" means waste which is not hazardous waste;

"waste" means any solid or liquid waste as defined in Article 1(a) of the Waste Framework Directive.

(**1**) OJNo. L27, 10.10.2002, p1.
(**2**) S.I.2005/894.
(**3**) S.I. 2005/1806 (W. 138).
(**4**) OJ No. L74, 23.3.1993, p81, as last amended by Directive 1999/32/EC (OJ No. L 121, 11.5.1999, p13).

Part A(1)

(a) The incineration of hazardous waste in an incineration plant.

(b) Unless carried on as part of any other Part A(1) activity, the incineration of hazardous waste in a co-incineration plant.

(c) The incineration of non-hazardous waste in an incineration plant with a capacity of 1 tonne or more per hour.

(d) Unless carried on as part of any other activity in this Part, the incineration of hazardous waste in a plant which is not an incineration plant or a co-incineration plant.

(e) Unless carried on as part of any other activity in this Part, the incineration of non-hazardous waste in a plant which is not an incineration plant or a co-incineration plant but which has a capacity of 1 tonne or more per hour.

(f) The incineration, other than incidentally in the course of burning landfill gas or solid or liquid waste, of any gaseous compound containing halogens in a plant which is not an incineration plant or a co-incineration plant.

Part A(2)

(a) The incineration of non-hazardous waste in an incineration plant with a capacity of less than 1 tonne per hour.

(b) Unless carried on as part of any other Part A activity, the incineration of non-hazardous waste in a co-incineration plant.

(c) The incineration of animal carcasses in a plant, which is not an incineration plant or a co-incineration plant, with a capacity of more than 10 tonnes per day but less than 1 tonne per hour.

Part B

(a) The incineration of non-hazardous waste in a plant which is—

(i) not an incineration plant or a co-incineration plant, and

(ii) on premises where there is plant, other than incineration plant or co-incineration plant, which has an aggregate capacity of 50 kilogrammes or more per hour but less than 1 tonne per hour.

(b) The cremation of human remains.

Application of Part B

1. When determining the extent of an installation carrying on an activity within Part B, any location of the following description must be ignored: any location where the associated storage or handling of wastes and residues which are to be incinerated as part of that activity is carried on, other than a location where the associated storage or handling of animal remains intended for burning in an incinerator used wholly or mainly for the incineration of such remains or residues from the burning of such remains in such an incinerator is carried on.

SECTION 5.2

Disposal of Waste by Landfill

Part A(1)

(a) The disposal of waste in a landfill—

(i) receiving more than 10 tonnes of waste in any day, or

(ii) with a total capacity of more than 25,000 tonnes,

but excluding disposals in a landfill taking only inert waste.

SECTION 5.3

Disposal of Waste Other Than by Incineration or Landfill

Part A(1)

(a) The disposal of hazardous waste (other than by incineration or landfill) in a facility with a capacity of more than 10 tonnes per day.

(b) The disposal of waste oils (other than by incineration or landfill) in a facility with a capacity of more than 10 tonnes per day.

(c) Disposal of non-hazardous waste in a facility with a capacity of more than 50 tonnes per day by—

(i) biological treatment, not being treatment specified in any paragraph other than paragraph D8 of Annex IIA to the Waste Framework Directive, which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 in that Annex (D8), or

(ii) physico-chemical treatment, not being treatment specified in any paragraph other than paragraph D9 in Annex IIA to the Waste Framework Directive, which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 in that Annex (for example, evaporation, drying, calcination, etc) (D9).

Interpretation and application of Part A(1)

1. In paragraph (b) "disposal" means the processing or destruction of waste oil as well as its storage and tipping above ground.

2. This Part does not apply to the treatment of—

(a) waste soil; or

(b) contaminated material, substances or products, for the purpose of remedial action with respect to land or controlled waters, as defined in section 104 of the Water Resources Act 1991(**5**),

by means of mobile plant.

3. The reference to a D paragraph number in brackets at the end of paragraphs (c)(i) and (ii) is to the number of the corresponding paragraph in Annex IIA of the Waste Framework Directive (disposal operations).

SECTION 5.4

Recovery of Waste

Part A(1)

(a) Recovering by distillation of any oil or organic solvent.

(**5**) 1991, c. 57.

(b) Cleaning or regenerating carbon, charcoal or ion exchange resins by removing matter which is, or includes, any substance listed in paragraphs 6 to 8 of Part 1.

(c) Unless carried on as part of any other Part A activity, recovering hazardous waste in a plant with a capacity of more than 10 tonnes per day by means of the following operations—

(i) the use principally as a fuel or other means to generate energy (R1),

(ii) solvent reclamation/regeneration (R2),

(iii) recycling/reclamation of inorganic materials other than metals and metal compounds (R5),

(iv) regeneration of acids or bases (R6),

(v) recovering components used for pollution abatement (R7),

(vi) recovery of components from catalysts (R8),

(vii) oil re-refining or other reuses of oil (R9).

Interpretation and application of Part A(1)

1. Paragraphs (a) and (b) of this Part do not apply to—

(a) distilling oil for the production or cleaning of vacuum pump oil; or

(b) an activity which is ancillary to 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,

except where the activity involves distilling more than 100 tonnes per day.

2. This Part does not apply to the treatment of—

(a) waste soil; or

(b) contaminated material, substances or products, for the purpose of remedial action with respect to land or controlled waters, as defined in section 104 of the Water Resources Act 1991,

by means of mobile plant.

3. The reference to an R paragraph number in brackets at the end of paragraphs (c)(i) to (vii) is to the number of the corresponding paragraph in Annex IIB of the Waste Framework Directive (recovery operations).

SECTION 5.5

The Production of Fuel from Waste

Part A(1)

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