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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 268**

**INDUSTRIAL POLLUTION CONTROL**

**The Industrial Pollution Control (Prescribed Processes and Substances) (Amendment) Regulations (Northern Ireland) 1998**

*Made* - - - - *31st July 1998*  
*Coming into operation* *31st August 1998*

The Department of the Environment, in exercise of the powers conferred on it by Articles 3(1) to (3) and 6(8) of, and paragraphs 1 to 3, 6 and 7 of Schedule 1 to the Industrial Pollution Control (Northern Ireland) Order 1997<sup>(1)</sup> and of every other power enabling it in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Industrial Pollution Control (Prescribed Processes and Substances) (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on 31st August 1998.

**Interpretation**

2. In these Regulations—

“the Directive” means the European Parliament and Council Directive [94/63/EC](#) on the control of volatile organic compounds (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations<sup>(2)</sup>;

“the Order” means the Industrial Pollution Control (Northern Ireland) Order 1997; and

“the principal Regulations” means the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998<sup>(3)</sup>.

**Amendment of the principal Regulations**

3. The principal Regulations shall be amended in accordance with regulation 4.

4. In Schedule 1 Chapter 1 Section 1.4 (Petroleum processes) in Part C the word “NIL” shall be deleted and there shall be inserted:

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(1) [S.I.1997/2777 \(N.I. 18\)](#)  
(2) [O.J. No. L365, 31.12.94, p. 24](#)  
(3) [S.R. 1998 No. 28](#)

“The following process unless falling within a description in Part A or Part B of this Section—

The unloading of petrol into stationary storage tanks at a service station, if the total quantity of petrol unloaded into such tanks at the service station in any 12 month period is likely to be equal to or greater than 100m<sup>3</sup>.

Paragraph 2 of Schedule 2 shall not apply to a process described in this Part.

In this Part—

“petrol” means any petroleum derivative, with or without additives, having a Reid vapour pressure of 27.6 kilopascals or more which is intended for use as a fuel for motor vehicles, other than liquified petroleum gas;

“service station” means any premises where petrol is dispensed to motor vehicle fuel tanks from stationary storage tanks.”.

#### **Date from which authorisation is required under Article 6 of the Order**

5. The Schedule shall have effect in relation to the date from which authorisation is required under Article 6 of the Order.

#### **Amendment of the Industrial Pollution Control (Applications, Appeals and Registers) Regulations (Northern Ireland) 1998**

6. In the Industrial Pollution Control (Applications, Appeals and Registers) Regulations (Northern Ireland) 1998(4)—

- (a) in paragraph (1) of regulation 5 (consultation), after the words “Subject to regulations 7 and 8(2)” there shall be inserted “and except in the case of a prescribed process to which regulation 7A applies,”;
- (b) in paragraph (1) of regulation 6 (advertisements), for the words “regulation 7” there shall be substituted “regulations 7 and 7A,”; and
- (c) after regulation 7 there shall be inserted the following regulation—

##### **“Exemption for service stations**

7A.—(1) This regulation applies to a prescribed process falling within Part C of Section 1.4 in Chapter I of Schedule 1 to the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998.

(2) The following requirements shall not apply in relation to a process to which this regulation applies—

- (a) the requirement in paragraph 1(2) of Schedule 1 to the Order to advertise an application for an authorisation;
- (b) the requirement in paragraph 6(2) of that Schedule to advertise the action to be taken by the holder of an authorisation in consequence of a variation;
- (c) the requirement in paragraph 7(2) of that Schedule to advertise an application for a variation of an authorisation.”.

Sealed with the Official Seal of the Department of the Environment on

L.S.

31st July 1998.

*R. W. Rogers*  
Assistant Secretary

## SCHEDULE

Regulation 5

**Date from which authorisation is required under Article 6 of the Order****Disapplication of regulation 3(3) of the principal Regulations**

1. Regulation 3(3) of the principal Regulations shall not apply to a prescribed process falling within Part C of Section 1.4 in Chapter I of Schedule 1 to those Regulations.

**Processes falling within Part C of Section 1.4**

2.—(1) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in respect of a process falling within Part C of Section 1.4 in Chapter I of Schedule 1 to those Regulations shall be—

- (a) 31st August 1998, where the process is carried on at a new service station;
- (b) 31st December 1998, where the process is carried on at an existing service station, with a throughput greater than 1,000m<sup>3</sup>/year or where that service station is located under permanent living quarters or working areas;
- (c) 31st December 2001, where the process is carried on at an existing service station with a throughput greater than 500m<sup>3</sup>/year but not greater than 1,000m<sup>3</sup>/year;
- (d) 31st December 2004, in any other case.

(2) In this paragraph—

- (a) an “existing service station” means one which was in operation, on or for the construction of which planning permission was granted, before 31st August 1998;
- (b) a “new service station” means one which is not an existing service station;
- (c) expressions which are used in Part C of Section 1.4 in Chapter I of Schedule 1 to the principal Regulations have the same meaning as in that Part;
- (d) other expressions which are also used in the Directive have the same meaning as in the Directive.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations.)*

These Regulations make provision for the implementation (in part) in Northern Ireland of European Parliament and Council Directive [94/63/EC](#) on the control of volatile organic compounds (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations. The Regulations provide the framework for the requirements regarding service stations of that Directive to be imposed and enforced under the Industrial Pollution Control (Northern Ireland) Order 1997 (“the Order”).

These Regulations amend Schedule 1, Chapter 1, Section 1.4 of the Industrial Pollution Control (Prescribed Processes and Substances) Regulations (Northern Ireland) 1998 ([S.R. 1998 No. 28](#)) by adding to the list of prescribed processes designated for local control under regulation 5 and

Schedule 1 to those Regulations, the unloading of petrol at service stations (regulation 4). A person must not carry on a prescribed process unless an authorisation has been granted by the district council under Article 6 of the Order.

The Schedule to these Regulations makes transitional provisions as to the date from which an authorisation under Article 6 of the Order is required to carry on the process of unloading petrol at service stations.

These Regulations also amend the Industrial Pollution Control (Applications, Appeals and Registers) Regulations (Northern Ireland) 1998 (S.R. 1998 No. 29) to provide that certain requirements of Schedule 1 to the Order about advertising do not apply in relation to the unloading of petrol at service stations (regulation 6).

Copies of these Regulations can be obtained from The Stationery Office, 16 Arthur Street, Belfast, BT1 4GD.