

## SCHEDULE 1

### ACTIVITIES AND INSTALLATIONS AND MOBILE PLANT

#### PART I

#### ACTIVITIES

#### CHAPTER 1

#### ENERGY INDUSTRIES

##### *Section 1.1*

##### *Combustion*

#### PART A

- (a) Burning any fuel in a combustion appliance with a net rated thermal input of 50 megawatts or more.
- (b) Burning any of the following fuels in an appliance with a net rated thermal input of three megawatts or more otherwise than as an activity which is related to a Part B activity:–
  - (i) waste oil;
  - (ii) recovered oil;
  - (iii) any fuel manufactured from any other waste.

#### **Interpretation of Part A**

For the purposes of paragraph (a), where two or more appliances with an aggregate rated thermal input of 50 megawatts or more are operated on the same site by the same operator those appliances shall be treated as a single appliance with a rated thermal input of 50 megawatts or more.

#### PART B

- (a) Burning any fuel in a boiler or furnace with a net rated thermal input of 20 megawatts or more but less than 50 megawatts.
- (b) Burning any fuel in a gas turbine or compression ignition engine with a net rated thermal input of 20 megawatts or more but less than 50 megawatts.
- (c) Burning waste oil or recovered oil as a fuel in an appliance with a net rated thermal input of less than 3 megawatts.
- (d) Burning solid fuel which has been manufactured from waste by a process involving the application of heat in an appliance with a net rated thermal input of less than 3 megawatts.
- (e) Burning fuel manufactured from waste, other than waste oil or recovered oil or such fuel as is mentioned in paragraph (d) in any appliance with a net rated thermal input of less than 3 megawatts but more than 0.4 megawatts or which is used together with other appliances, which each have a net rated thermal input of less than 3 megawatts, where the aggregate net rated thermal input of all the appliances is at least 0.4 megawatts.

#### **Interpretation of Part B**

1. Nothing in Part B applies to any activity falling within Part A of Section 5.1.
2. In paragraph (c), “fuel” does not include gas produced by biological degradation of waste.

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## Interpretation of Section 1.1

For the purposes of section 1.1–

“net rated thermal input” is the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal;

“waste oil” means any mineral based lubricating or industrial oil which has become unfit for the use for which it was intended and, in particular, used combustion engine oil, gearbox oil, mineral lubricating oil, oil for turbines and hydraulic;

“recovered oil” means waste oil which has been processed before being used.

## Section 1.2

### *Refining Mineral Oil and Gas, Operating Coke Ovens and Coal Gasification and Liquefaction Activities.*

#### PART A

- (a) Refining gas including natural gas or its products.
- (b) Reforming natural gas.
- (c) Operating a coke oven.
- (d) Producing gas from coal, lignite, oil or other carbonaceous material or from mixtures thereof, other than from sewage, unless carried on as part of an activity which is a combustion activity, whether or not that activity falls within Section 1.1.
- (e) Purifying or refining any product of any of the activities described in paragraphs (a), (b), (c) or (d) of this Section or converting it into a different product.
- (f) The refining of mineral oils, or the loading, unloading or other handling of, the storage of, or other physical, chemical or thermal treatment of–
  - (i) crude oil;
  - (ii) stabilised petroleum;
  - (iii) crude shale oil;
  - (iv) where related to another activity described in this paragraph, any associated gas or condensate;
  - (v) emulsified hydrocarbons intended for use as a fuel.
- (g) The further refining, conversion or use, in the manufacture of a chemical of the product of any activity listed in paragraph (f) above, otherwise than as a fuel or solvent.
- (h) Activities involving the pyrolysis, carbonisation, distillation, liquefaction, gasification, partial oxidation or other heat treatment of coal (other than the drying of coal), lignite, oil, other carbonaceous material or mixtures thereof otherwise than with a view to making charcoal.
- (i) Purifying or refining any of the products of an activity mentioned in paragraph (a) or its conversion into a different product.

Nothing in paragraph (h) or (i) refers to the use of any substance as a fuel or its incineration as a waste or to any activity for the treatment of sewage.

In paragraph (h), the heat treatment of oil does not include heat treatment of waste oil or waste emulsions containing oil in order to recover the oil from aqueous emulsions.

## Interpretation of Part A

In Part A “carbonaceous material” includes such materials as charcoal, coke, peat, rubber and wood.

## PART B

- (a) Odourising natural gas or liquefied petroleum gas, except where that activity is related to a Part A activity.
- (b) Blending odorant for use with natural gas or liquefied petroleum gas.
- (c) The following activities:–
  - (i) the storage of petrol in stationary storage tanks at a terminal, or the loading or unloading of petrol into or from a road tanker, a rail tanker or an inland waterway vessel at a terminal;
  - (ii) the unloading of petrol into stationary storage tanks at a service station, other than an exempt 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>.

## Interpretation of Part B

### 1. In Part B–

“inland waterway vessel” means a vessel, other than a sea-going vessel, having a total dead weight of 15 tonnes or more;

“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 liquefied petroleum gas;

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

“terminal” means any premises which are used for the storage and loading of petrol into road tankers, rail tankers or inland waterway vessels;

“exempt service station” is as defined in the Environmental Protection (Prescribed Processes and Substances) Regulations 1991(1).

2. Any other expressions which are also used in European Parliament and Council Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations(2) have the same meaning as in that Directive.

## CHAPTER 2

## PRODUCTION AND PROCESSING OF METALS

### Section 2.1

### Ferrous Metals

## PART A

- (a) Roasting or sintering metal ore, including sulphide ore, or any mixture of iron ore with or without other materials.
- (b) Producing, melting or refining iron or steel or any ferrous alloy, including continuous casting, except where the only furnaces involved are–
  - (i) electric arc furnaces of less than 7 tonnes designed holding capacity; or
  - (ii) cupola, crucible, reverberatory, rotary, induction or resistance furnaces.

(1) S.I.1991/507; that definition was added by S.I. 1996/2678.

(2) O.J. No. L 365, 31.12.94, p.24.

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- (c) Processing ferrous metals and their alloys by using hot-rolling mills with a production capacity of more than 20 tonnes of crude steel per hour.
- (d) Loading, unloading or otherwise handling or storing more than 500,000 tonnes in total in any period of 12 months of iron ore, except in the course of mining operations, or burnt pyrites.
- (e) Producing pig iron or steel, including continuous casting, in a plant with a production capacity of more than 2.5 tonnes per hour unless falling within paragraph (b) of Part A of this Section.
- (f) Operating hammers in a forge, the energy of which is more than 50 kilowatts per hammer, where the calorific power used is more than 20 megawatts.
- (g) Applying protective fused metal coatings with an input of more than 2 tonnes of crude steel per hour.
- (h) Casting ferrous metal at a foundry with a production capacity of more than 20 tonnes per day.
- (i) Handling slag arising in conjunction with an activity in this Section.

#### **PART B**

- (a) Producing pig iron or steel, including continuous casting, in a plant with a production capacity of 2.5 tonnes or less per hour, unless falling within paragraph (b) of Part A of this Section.
- (b) Producing, melting or refining iron or steel or any ferrous alloy (other than producing pig iron or steel, and including continuous casting) using—
  - (i) one or more electric arc furnaces, none of which has a designed holding capacity of 7 tonnes or more; or
  - (ii) a cupola, crucible furnace, reverberatory furnace, rotary furnace, induction furnace or resistance furnace,unless falling within paragraph (e) or (h) of Part A of this Section.
- (c) Desulphurising iron, steel or any ferrous alloy.
- (d) Heating iron, steel or any ferrous alloy (whether in a furnace or other appliance) to remove grease, oil or any other non-metallic contaminant (including such operations as the removal by heat of plastic or rubber covering scrap cable) unless—
  - (i) it is carried out in one or more furnaces or other appliances the primary combustion chambers of which have in aggregate a rated thermal input of less than 0.2 megawatts;
  - (ii) it does not involve the removal by heat of plastic or rubber covering from scrap cable or of any asbestos contaminant; and
  - (iii) it is not related to any other activity falling within this Part of this Section.
- (e) Casting iron, steel or any ferrous alloy from deliveries of 50 tonnes or more of molten metal falling within Part A of this Section.

#### **Interpretation of Section 2.1**

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.

#### *Section 2.2*

##### *Non-ferrous Metals*

#### **PART A**

- (a) Producing non-ferrous metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic activities and in this paragraph “secondary raw materials” include scrap and other waste.

- (b) Melting, including making alloys, of non-ferrous metals, including recovered products, refining, foundry casting, etc. in an installation with a melting capacity exceeding—
  - (i) 4 tonnes per day for lead or cadmium; or
  - (ii) 20 tonnes per day for all other metals in aggregate.
- (c) Refining any non-ferrous metal or its alloy, other than the electrolytic refining of copper.
- (d) Producing, melting or recovering by chemical means or by the use of heat lead or any lead alloy, if—
  - (i) the activity may result in the release into the air of lead; and
  - (ii) in the case of lead alloy, the percentage by weight of lead in the alloy in molten form exceeds 23 per cent if the alloy contains copper and 2 per cent in other cases.
- (e) Recovering any of the elements listed below if the activity may result in their release into the atmosphere—
  - gallium;
  - indium;
  - palladium;
  - tellurium;
  - thallium.
- (f) 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.
- (g) Mining zinc or tin bearing ores where the activity may result in the release into water of cadmium or any compound of cadmium which may result in concentrations of cadmium or any compound of cadmium in concentrations in water above background concentrations.
- (h) Manufacturing or repairing involving the manufacture or use of beryllium or selenium or an alloy containing one or both of those metals if the process may release in to the air of any of the substances mentioned in Schedule 5; but an activity does not fall into this description by reason of it involving an alloy that contains beryllium if that alloy contains less than 0.1 per cent by weight of beryllium.
- (i) Unless described elsewhere in this Section, melting, including making alloys, of non-ferrous metals, including recovered products, refining and foundry casting in an installation which has a design holding capacity exceeding 5 tonnes.
- (j) Pelletising, calcining, roasting or sintering any non-ferrous metal ore or any mixture of any such ore and other materials.

#### PART B

- (a) Unless falling in Part A of this section, melting, including making alloys, of non ferrous metals (other than tin or any alloy which in molten form contains 50 per cent or more by weight of tin) including recovered products, refining foundry casting, etc. in an installation which has a design holding capacity of less than 5 tonnes.
- (b) The separation of copper, aluminium, magnesium or zinc from mixed scrap by differential heating.
- (c) The heating in a furnace or any other application of any non-ferrous metal or non-ferrous metal alloy for the purpose of removing grease oil or any other non-metallic contaminant, including such operations as the removal by heat of plastic or rubber covering from scrap cable if not related to another activity described in this Part; but an activity does not fall within this paragraph if—

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- (i) it involves the use of one or more furnaces or other appliances the primary combustion chambers of which have in aggregate a net rated thermal input of less than 0.2 megawatts; and
- (ii) it does not involve the removal by heat of plastic or rubber covering from scrap cable or of any asbestos contaminant.
- (d) Melting zinc or a zinc alloy in conjunction with a galvanising activity at a rate not exceeding 20 tonnes per day.
- (e) Melting zinc, aluminium or magnesium or an alloy of one or more of these metals in conjunction with a die-casting activity at a rate not exceeding 20 tonnes per day.

### **Interpretation of Part B**

In this Part, “net rated thermal input” has the same meaning as in Section 1.1

### **Interpretation of Section 2.2**

1. In this Section, “non-ferrous metal alloy” and cognate expressions mean an alloy which is not a ferrous alloy, as defined in Section 2.1.
2. Nothing in paragraphs (c) to (h) of Part A or in Part B of this Section shall be taken to prescribe the activities of hand soldering, flow soldering or wave soldering.

### *Section 2.3*

#### *Surface Treating Metals and Plastic Materials*

##### **PART A**

Surface treating metals and plastic materials using an electrolytic or chemical activity where the aggregated volume of the treatment vats exceeds 30m<sup>3</sup>.

##### **PART B**

Any process for the surface treatment of metal is likely to result in the release into air of any acid-forming oxide of nitrogen and which does not fall within a description in Part A of this Section.

## **CHAPTER 3**

### **MINERAL INDUSTRIES**

### *Section 3.1*

#### *Production of Cement and Lime*

##### **PART A**

- (a) Producing or grinding cement clinker.
- (b) Producing lime in kilns or other furnaces with a production capacity exceeding 50 tonnes per day or where the activity is likely to involve the heating in any 12 month period of 5,000 tonnes of calcium carbonate or calcium magnesium carbonate or, in aggregate, both.

##### **PART B**

- (a) Any of the following activities:—
  - (i) Storing, loading or unloading cement or cement clinker in bulk prior to further transportation in bulk;
  - (ii) Blending cement in bulk or using cement in bulk other than at a construction site, including the bagging of cement and cement mixture, the batching of ready-mixed concrete and the manufacture of concrete blocks and other cement products.

- (b) Slaking lime for the purpose of making calcium hydroxide or calcium magnesium hydroxide.
- (c) Heating calcium carbonate or calcium magnesium carbonate for the purpose of making lime where the activity is not likely to involve the heating in any 12 month period of 5,000 tonnes or more of either substance or, in aggregate, both.

### *Section 3.2*

#### *Activities Involving Asbestos*

##### **PART A**

- (a) Producing asbestos or manufacturing products based on or containing asbestos.
- (b) Stripping asbestos from railway vehicles except—
  - (i) in the course of the repair or maintenance of the vehicle;
  - (ii) in the course of recovery operations following an accident; or
  - (iii) where the asbestos is permanently bonded in cement or in any other material (including plastic, rubber or resin).
- (c) Destroying a railway vehicle by burning if asbestos has been incorporated in, or sprayed on to, its structure.

##### **PART B**

The industrial finishing, including shaping, drilling, or fitting manufactured asbestos products, of any of the following products where not carried out in conjunction with manufacture—

asbestos filters;  
asbestos friction products;  
asbestos jointing, packaging, and reinforcement material;  
asbestos packing;  
asbestos textiles.

#### **Interpretation of Section 3.2**

In this Section, “asbestos” includes any of the following fibrous silicates:—

actinolite, amosite, anthophyllite, chrysotile, crocidolite and tremolite.

### *Section 3.3*

#### *Glass and Glass Fibre Manufacture*

##### **PART A**

- (a) Manufacturing glass fibre.
- (b) Manufacturing glass frit or enamel fit where the aggregate quantity of such stances manufactured in any period of 12 months is likely to be 100 tonnes or more.
- (c) Manufacturing glass, unless falling within a description in paragraph (a) or (b) above where the melting capacity exceeds 20 tonnes per day.

##### **PART B**

Unless falling within a description in Part A of this Section—

- (a) The manufacture of glass at any location where the person concerned has the capacity to make 5,000 tonnes or more in any 12 month period, and any activity involving the use of glass which is carried out at any such location in conjunction with its manufacture.
- (b) Manufacturing glass where the use of lead or any lead compound is involved.

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- (c) Making any glass product where lead or any lead compound has been used in the manufacture of the glass except—
  - (i) making products from lead glass blanks;
  - (ii) melting, or mixing with another substance, glass manufactured elsewhere to produce articles such as ornaments or road paint.
- (d) Polishing or etching glass or glass products in the course of any manufacturing activity if—
  - (i) hydrofluoric acid is used; or
  - (ii) hydrogen fluoride may be released into the air.
- (e) The manufacture of glass frit or enamel frit and its use in any activity where that activity is related to its manufacture.

#### *Section 3.4*

##### *Production of Other Mineral Fibres*

###### PART A

- (a) Melting mineral substances, including the production of mineral fibres, in an installation with a melting capacity exceeding 20 tonnes per day.
- (b) Manufacturing any fibre from any mineral.

###### PART B

NIL

#### *Section 3.5*

##### *Other mineral activities*

###### PART A

NIL

###### PART B

- (a) Unless falling within any description in any Part A of this Part of this Schedule, the crushing, grinding or other size reduction, other than the cutting of stone, or the grading, screening or heating of any designated mineral or mineral product, except where the operation of the activity is unlikely to result in the release into the air of particulate matter.
- (b) Any of the following activities, unless carried on at an exempt location:—
  - (i) crushing, grinding or otherwise breaking up coal or coke or any other coal product;
  - (ii) screening, grading or mixing coal, or coke or any other coal product;
  - (iii) loading or unloading petroleum coke, coal, coke or any other coal product, except unloading on retail sale.
- (c) The crushing, grinding or other size reduction, with machinery designed for that purpose, of bricks, tiles or concrete.
- (d) Screening the product of any such activity as is described in paragraph (c).
- (e) Coating road stone with tar or bitumen.
- (f) Loading, unloading, or storing pulverised fuel ash in bulk prior to further transportation in bulk.
- (g) The fusion of calcined bauxite for the production of artificial corundum.

#### **Interpretation of Part B**

In this Part—



“coal” includes lignite;

“designated mineral or mineral product” means—

- (i) clay, sand and any other naturally occurring mineral other than coal or lignite;
- (ii) metallurgical slag;
- (iii) boiler or furnace ash produced from the burning of coal, coke or any other coal product;
- (iv) gypsum which is a by-product of any activity;

“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;

“retail sale” means sale to the final customer.

Nothing in this Section applies to any activity carried on underground.

### *Section 3.6*

#### *Ceramic Production*

##### **PART A**

Manufacturing ceramic products including roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, by firing in kilns with a production capacity exceeding 75 tonnes per day, or where the kiln capacity exceeds 4m<sup>3</sup> and where the setting density of the kiln exceeds 300 kg/m<sup>3</sup>.

##### **PART B**

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

#### **Interpretation of Part B**

In this Part—

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

“refractory” means refractory 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.

## **CHAPTER 4**

### **THE CHEMICAL INDUSTRY**

Production within the meaning of the categories of activities contained in Part A of the Sections in this Chapter means the production by chemical processing for commercial purposes or on an industrial scale of substances or groups of substances listed in Sections 4.1 to 4.6.

##### **PART A**

- (a) Producing or manufacturing by chemical means organic chemicals including—
  - (i) hydrocarbons, linear or cyclic, saturated or unsaturated, aliphatic or aromatic;
  - (ii) organic compounds containing oxygen, including alcohols, aldehydes, ketones, carboxylic acids, esters, ethers, peroxides, phenols, epoxy resins;

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- (iii) organic compounds containing sulphur, including sulphides, mercaptans, sulphonic acids, sulphonates, sulphates and sulphones and sulphur heterocyclics;
  - (iv) organic compounds containing nitrogen including amines, amides, nitrous-, nitro- or azo-compounds, nitrate, nitriles, nitrogen heterocyclics, cyanates, isocyanates, di-isocyanates and di-isocyanate prepolymers;
  - (v) organic compounds containing phosphorus including substituted phosphines and phosphate esters;
  - (vi) organic compounds containing halogens, such as halocarbons, halogenated aromatic compounds and acid halides;
  - (vii) organometallic compounds, such as lead alkyls, Grignard reagents and lithium alkyls;
  - (viii) plastic materials such as polymers, synthetic fibres and cellulose-based fibres;
  - (ix) synthetic rubbers;
  - (x) dyes and pigments;
  - (xi) surface-active agents;
  - (xii) any other organic compounds not described in paragraphs (i) to (xi) above which have the potential to pollute the environment.
- (b) Polymerising or co-polymerising any unsaturated hydrocarbons or a product of an activity mentioned in paragraph (a), (other than a pre-formulated resin or pre-formulated gel coat which contains any unsaturated hydrocarbons), 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.
  - (c) Carrying out any activity involving the use of 1 tonne or more of toluene di-isocyanate or partly polymerised toluene di-isocyanate or other di-isocyanate compounds which have comparable volatility in any 12 month period; where the activity may result in a release into the air which contains such a di-isocyanate monomer.
  - (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 activity.
  - (e) Recovering—
    - (i) carbon disulphide;
    - (ii) pyridine, or any substituted pyridines.
  - (f) Recovering or purifying any designated acrylate.

In Part A, “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.

#### PART B

- (a) Carrying out any activity involving—
  - (i) the use of less than 1 tonne of toluene di-isocyanate or partly polymerised toluene di-isocyanate or other di-isocyanate compounds which have comparable volatility in any 12 month period;
  - (ii) the use of 5 tonnes or more of methyl di-isocyanate or partly polymerised di-isocyanate or other di-isocyanate compounds which have comparable volatility in any 12 month period,

where the activity may result in a release into the air which contains such a di-isocyanate monomer.
- (b) Cutting polyurethane foams or polyurethane elastomers with heated wires if not related to any other Part A activity.

- (c) Any activity, if not related to any other Part A activity, for the polymerisation or co-polymerisation of any pre-formulated resin or pre-formulated gel coat which contains any styrene, which is likely to involve, in any 12 month period, the polymerisation or co-polymerisation of 100 tonnes or more of styrene.

#### **Interpretation of Section 4.1**

In this Section, “pre-formulated resin or pre-formulated gel coat” means any resin or gel coat which has been formulated before being introduced into polymerisation or co-polymerisation activity, whether or not the resin or gel coat contains a colour pigment, activator or catalyst.