

SCHEDULE 1

ACTIVITIES AND INSTALLATIONS AND MOBILE PLANT

PART 1

ACTIVITIES

CHAPTER 5

WASTE MANAGEMENT

This chapter should be interpreted in accordance with Articles 3 and 7 of the Waste Framework Directive.

SECTION 5.1

Incineration and co-incineration of waste

PART A

Unless carried out as part of any other Part A activity, the—

- (a) Incineration of hazardous waste in an incineration or co-incineration plant,
- (b) Incineration of non-hazardous waste with the exception of waste which is biomass or animal carcasses in an incineration or co-incineration plant,
- (c) Incineration of biomass waste in an incineration or co-incineration plant with a capacity of more than 3 tonnes per hour,
- (d) Incineration of animal carcasses in an incineration or co-incineration plant, with a capacity of more than 10 tonnes per day,
- (e) Incineration, other than incidentally in the course of burning solid or liquid waste, of any gaseous compound containing halogens arising from electrical equipment.

PART B

- (a) Incineration of biomass waste in an incineration or co-incineration plant with a capacity of—
 - (i) more than 50 kilograms per hour, and
 - (ii) equal to or less than 3 tonnes per hour.
- (b) Incineration of animal carcasses in an incineration or co-incineration plant with a capacity—
 - (i) of more than 50 kilograms per hour, and
 - (ii) equal to or less than 10 tonnes per day.
- (c) Cremation of human remains.

Interpretation of Section 5.1

In this Section—

“biomass waste” means—

- (a) vegetable waste from agriculture and forestry,
- (b) vegetable waste from the food processing industry, but only if the heat generated during incineration of the waste is recovered,
- (c) fibrous vegetable waste from virgin pulp production and from production of paper from pulp, but only if the—

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- (i) waste is co-incinerated at the place of production of the waste, and
- (ii) heat generated during incineration of the waste is recovered,
- (d) cork waste, and
- (e) 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,

“co-incineration” means—

- (a) the use of waste as a regular or additional fuel in a co-incineration plant, or
- (b) the thermal treatment of waste for the purposes of disposal in a co-incineration plant,

“co-incineration plant” means any stationary or mobile plant which uses waste as a regular or additional fuel—

- (a) whose main purpose is the generation of energy or the production of material products, and
- (b) in which waste is thermally treated for the purpose of disposal through—
 - (i) the incineration by oxidisation of waste, or
 - (ii) other thermal treatment processes (such as pyrolysis, gasification or a plasma process),

provided that the substances resulting from the treatment are subsequently incinerated,

“hazardous waste” does not include any—

- (a) combustible liquid waste (including waste oils) provided that—
 - (i) the mass content of polychlorinated aromatic hydrocarbons (that is, polychlorinated biphenyls (PCB) or pentachlorophenol (PCP)) in the waste amounts to concentrations not higher than those set out in the relevant Union legislation⁽¹⁾,
 - (ii) the waste is not rendered hazardous by virtue of displaying properties set out in Annex III to the Waste Framework Directive, and
 - (iii) the net calorific value of the waste amounts to at least 30 megajoules per kilogramme; and
- (b) other combustible liquid waste which cannot cause in the flue gas directly resulting from their combustion—
 - (i) emissions other than those from gas oil as defined in Article 2(2) of Council Directive 1999/32/EC relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 2005/33(2), or
 - (ii) a higher concentration of emissions than those resulting from the combustion of gas oil as so defined;

“incineration” means the thermal treatment of waste with or without recovery of the combustion heat generated,

(1) See in particular Council Directive 96/59/EC (OJ L 243, 24.09.96, p.31), as amended by Regulation (EC) No 596/2009 (OJ L 188, 18.7.2009, p.14).

(2) OJ L 121, 11.5.1999, p.13, as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p.11), Directive 2005/33/EC (OJ L 191, 22.7.2005, p.59), Regulation (EC) No 219/2009 (OJ L 87, 31.3.2009, p.109), and Directive 2009/30/EC (OJ L 140, 5.6.2009, p.88).

“incineration plant” means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of waste, with or without recovery of the combustion heat generated, through—

- (i) incineration by oxidisation of waste, or
- (ii) other thermal treatment processes (such as pyrolysis, gasification or a plasma process), provided that the substances resulting from the treatment are subsequently incinerated,

“waste” means any solid or liquid waste as defined in Article 3(1) of the Waste Framework Directive.

SECTION 5.2

Landfill and disposal to land

PART A

- (a) Landfill of waste at a landfill (other than a landfill for inert waste)—
 - (i) receiving more than 10 tonnes of waste per day, or
 - (ii) with a total capacity exceeding 25,000 tonnes.
- (b) The disposal of waste in any other landfill to which the Landfill Regulations apply.

PART B

NIL

Interpretation of Section 5.2

In this Section, “inert waste” means waste—

- (a) that does not undergo any significant physical, chemical or biological transformation, or
- (b) that 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 that 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 or recovery of hazardous waste

PART A

- (a) Recovery by distillation of oil or organic solvents, other than as part of an activity described in any other Section of this Chapter.
- (b) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving one or more of—
 - (i) biological treatment,
 - (ii) physico-chemical treatment,
 - (iii) blending or mixing prior to submission to any of the other activities listed in this Section or in Section 5.1,
 - (iv) repackaging prior to submission to any of the other activities listed in this Section or in Section 5.1,
 - (v) solvent reclamation or regeneration,

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- (vi) recycling or reclamation of inorganic materials other than metals or metal compounds,
- (vii) regeneration of acids or bases,
- (viii) recovery of components used for pollution abatement,
- (ix) recovery of components from catalysts,
- (x) oil re-refining, recovery of oil by distillation, or other reuses of oil,
- (xi) surface impoundment.

PART B

NIL

SECTION 5.4: Disposal, recovery or a mix of disposal or recovery of non-hazardous waste

PART A

- (a) Disposal of non-hazardous waste at an installation with a capacity exceeding 50 tonnes per day by one or more of—
 - (i) biological treatment,
 - (ii) physico-chemical treatment,
 - (iii) pre-treatment waste for incineration or co-incineration,
 - (iv) treatment of slags and ashes,
 - (v) treatment in shredders of metal waste, including waste electrical and electronics equipment and end-of-life vehicles and their components.
- (b) Recovery or a mix of recovery and disposal of non-hazardous waste at an installation with a capacity exceeding 75 tonnes per day (or 100 tonnes per day if the only waste treatment activity is anaerobic digestion) by one or more of—
 - (i) biological treatment,
 - (ii) pre-treatment of waste for incineration or co-incineration,
 - (iii) treatment of slags or ashes,
 - (iv) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.

Interpretation of Section 5.4

Nothing in this Section applies to any activity covered by Council Directive [91/271/EEC](#) of 21st May 1991 concerning urban waste-water treatment⁽³⁾ (“Directive [91/271/EEC](#)”).

PART B

NIL

SECTION 5.5

Production of fuel from waste

PART A

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

PART B

NIL

(3) OJ L 135, 30.5.1991, p.40; as amended by Directive [98/15/EC](#) (OJ L 67, 7.3.1998, p.29), Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p.1), and Regulation (EC) No 1137/2008 (OJ L 311, 21.11.2008, p.1).

SECTION 5.6

Temporary or underground storage of hazardous waste

PART A

- (a) Temporary storage in an installation with a capacity of more than 50 tonnes of hazardous waste pending any of the activities described in any of Sections 5.1 to 5.3 and paragraph (b) of this Section, excluding temporary storage, pending collection, on the site where the waste is generated.
- (b) Underground storage of hazardous waste in an installation with a total capacity exceeding 50 tonnes.

Interpretation of Part A

Nothing in paragraph (a) applies to waste at a storage site for the purposes of Section 5.2.

PART B

NIL

SECTION 5.7:

Treatment of waste water

PART A

Independently operated treatment of waste water not covered by Directive [91/271/EEC](#) and discharged by an installation carrying out any other Part A activity.

PART B

NIL