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STATUTORY INSTRUMENTS

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**2004 No. 107**

**The Solvent Emissions (England and Wales) Regulations 2004**

**Amendment to the Pollution Prevention and Control (England and Wales) Regulations 2000**

**8.**—(1) The 2000 Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (Interpretation: general)—

(a) in the definition of “change in operation” delete from “and “substantial change in operation”” to the end of the entry and substitute the following—

“and “substantial change in operation” means, in relation to an installation or mobile plant, a change in operation which, in the opinion of the regulator, may have significant negative effects on human beings or the environment and shall include (except in relation to Part 1 of Schedule 3)—

- (i) in relation to a small SED installation which does not fall wholly within the scope of the IPPC Directive, a change of the nominal capacity leading to an increase of emissions of volatile organic compounds of more than 25 per cent;
- (ii) in relation to all other SED installations which do not fall wholly within the scope of the IPPC Directive, a change of the nominal capacity leading to an increase of emissions of volatile organic compounds of more than 10 per cent;”

(b) after the definition of “change in operation” insert the following—

““directly associated activity” means—

- (i) in relation to an activity carried out in a stationary technical unit and falling within any description in sections 1.1 to 6.9 of Part 1 of Schedule 1, any directly associated activity which has a technical connection with the activity carried out in the stationary technical unit and which could have an effect on pollution; and
- (ii) in relation to an SED activity, any directly associated activity which has a technical connection with the SED activity carried out on the same site and which could have an effect on any discharge of volatile organic compounds into the environment”;

(c) delete the definition of “the Directive” and after the definition of “installation” insert the following—

““the IPPC Directive” means Council Directive [96/61/EC](#) concerning integrated pollution prevention and control(1)

(d) for the definition of “installation” substitute the following—

““installation” means (except where used in the term SED installation)—

- (i) a stationary technical unit where one or more activities listed in Part 1 of Schedule 1 are carried out;

- (ii) any other location on the same site where any other directly associated activities are carried out,  
and, other than in Schedule 3, references to an installation include references to part of an installation;”;
- (e) in the definition of “mobile plant” before “Part 1” insert “sections 1.1 to 6.9 of”;
- (f) after the definition of “mobile plant” insert—  
““new SED installation” and “existing SED installation” shall be interpreted in accordance with Schedule 3;”;
- (g) after the definition of “off-site condition” insert—  
““organic compound” means any compound containing at least the element carbon and one or more of hydrogen, halogens, oxygen, sulphur, phosphorus, silicon or nitrogen, with the exception of carbon oxides and inorganic carbonates and bicarbonates;”;
- (h) after the definition of “pollution” insert—  
““reduction scheme” means a reduction scheme which complies with Annex IIB of the Solvent Emissions Directive;”;
- (i) after the definition of “revocation notice” insert—  
““SED activity” means any activity falling within section 7 of Part 1 of Schedule 1;  
“SED installation” means—  
(i) a stationary technical unit where one or more SED activities are carried out;  
and  
(ii) any other location on the same site where any other directly associated activities are carried out;  
“small SED installation” means an SED installation which falls within the lower threshold band of items 1, 3, 4, 5, 8, 10, 13, 16 or 17 of Annex IIA to the Solvent Emissions Directive or, for the other activities of Annex IIA, which have a solvent consumption of less than 10 tonnes/year;  
“the Solvent Emissions Directive” means Council Directive 1999/13/EC(2) on the limitation of emissions of volatile organic compounds due to the use of solvents in certain activities and installations;”;
- (j) after the definition of “variation notice” insert—  
““volatile organic compound” or “VOC” means—  
(i) any organic compound having a vapour pressure of 0.01 kPa or more at 293.15K or having a corresponding volatility under the particular conditions of use; or  
(ii) the fraction of creosote which exceeds a vapour pressure of 0.01 kPa at 293.15K;”.
- (3) For all occurrences of the words “the Directive” substitute “the IPPC Directive”.
- (4) In regulation 8 (discharge and scope of functions)—  
(a) in paragraph (4) after “and” insert “, subject to paragraph (4A),”;
- (b) after paragraph (4) insert—  
“(4A) The functions conferred or imposed by these Regulations in relation to an SED installation shall be exercisable for the purpose of preventing or reducing emissions of

(2) OJ No. L85, 29.3.1999, p. 1.

volatile organic compounds into air, soil and water as well as preventing the inclusion of solvents, or reducing the amount of solvents contained, in any products.”;

- (c) in paragraph (7), after “paragraphs (4)” insert “, (4A)”.
- (5) In regulation 10(2) for the words “regulation 12” insert “regulation 12 or 12A”.
- (6) After Regulation 12, insert a new regulation (12A) as follows—

**“Conditions of permits: solvents**

**12A.** —A permit authorising the operation of an SED installation shall contain such conditions as the regulator considers necessary to give effect to the provisions of the Solvent Emissions Directive.”

- (7) In regulation 14—
  - (a) in paragraph (2) for “regulation 12” substitute “regulations 12 and 12A”;
  - (b) in paragraph (3), for “regulation 12” substitute “regulations 12 and 12A”.
- (8) In regulation 17—
  - (a) in paragraph (1) for “regulations 11 and 12” substitute “regulations 11, 12 or 12A”;
  - (b) in paragraph (4), for “regulations 11 and 12” substitute “regulations 11, 12 or 12A”.
- (9) Schedule 1 (Activities, Installations and Mobile Plant) shall be amended as follows—
  - (a) at the end of Part 1 insert a new Section 7 as set out in Schedule 1 to these Regulations;
  - (b) in paragraph 2 of Part 2, for sub-paragraph (2) substitute the following—
    - “(2) Sub-paragraph (1) shall not apply to—
      - (i) an SED activity; or
      - (ii) an activity which may give rise to an offensive smell noticeable outside the site where the activity is carried out.”;
    - (c) in paragraphs 3, 4, 5, 6 and 7 of Part 2, before “Part 1” insert “sections 1.1 to 6.9 of”;
    - (d) after paragraph 7 insert a new paragraph 7A—
      - “**7A.** —An activity listed in Section 7 of Part 1 shall include the cleaning of equipment but, except for a surface cleaning activity, not the cleaning of products.”;
    - (e) in paragraphs 9(4), 10(2) and (3) of Part 2, after “Part B” insert “(other than a description in Section 7)”;
    - (f) for paragraph 21 of Part 3 substitute the following—

“**21.**—(1) A Part B installation where an activity falling within Part B of Section 6.4 is carried out does not include any location where the associated cleaning of used storage drums prior to painting or their incidental handling in connection with such cleaning is carried out.

(2) Sub-paragraph (1) shall not apply where the location referred to in that sub-paragraph forms part of an SED installation.”

- (10) Schedule 3 (Prescribed Date and Transitional Arrangements) shall be amended as follows—
  - (a) in paragraph 5 of Part 1,
    - (i) in paragraph (1), for “sub-paragraph (2)” substitute “sub-paragraphs (2) and (3)”;
    - and
    - (ii) after sub-paragraph (2), insert a new sub-paragraph (3) as follows—

“(3) An operator may make an application before the beginning of the relevant period in accordance with regulation 3 of the Solvent Emissions (England and Wales) Regulations 2004”;

(b) after Part 2 insert new Parts 3 and 4 as set out in Schedule 2 to these Regulations.

(11) Schedule 4 shall be amended as follows—

(a) in paragraph 1(1)(d), at the beginning insert “subject to sub-paragraph (3)” and delete from “(but excluding” to “Schedule 1”);

(b) in paragraph 1(1)(e), delete from “which will have a technical connection” to “pollution”;

(c) in paragraph 1(1)(m), after “regulation 12” insert “or 12A”;

(d) after paragraph 1(2) insert a new sub-paragraph (3) as follows—

“(3) The requirement in paragraph 1(1)(d) does not apply to any part of an application which relates to—

(a) an activity falling within Part A(2) of Section 5.1 of Part 1 of Schedule 1; or

(b) an SED activity or part of an SED activity (and any directly associated activities) which does not also fall within any description in sections 1.1 to 6.9 of Part 1 of Schedule 1 (and any directly associated activities).”;

(e) after paragraph 1B insert a new paragraph as follows—

“**1C.**—(1) An application for a permit to operate an installation which contains an SED installation shall include in addition a description of the measures which are envisaged to guarantee in respect of that installation that the installation is designed, equipped and will be operated in such a manner that the requirements of the Solvent Emissions Directive are met.

(2) That description shall include—

(i) where the operator wishes to use a reduction scheme, details of the proposed reduction scheme;

(ii) where there is used in the SED installation a substance or preparation which, because of its content of VOC’s classified as carcinogens, mutagens, or toxic to reproduction under Directive [67/548/EEC](#)(**3**) as last amended by Commission Directive [98/98/EC](#)(**4**) is assigned or needs to carry the risk phrases R45, R46, R49, R60 or R61, a timetable for replacing as far as possible such substance or preparation by a less harmful substance or preparation within the shortest possible time taking into account any guidance published under Article 7 of the Solvent Emissions Directive.

(3) Where the prescribed date for the installation is determined in accordance with paragraph 18(5) of Part 4 of Schedule 3 (determination of the prescribed date for an SED installation carrying out activities which are only partly also activities falling within sections 1.1 to 6.9 of Part 1 of Schedule 1 and associated activities), sub-paragraph (1) shall not apply to an application to operate that part of the installation in which an activity falling within sections 1.1 to 6.9 of Part 1 of Schedule 1 is carried out.”;

(f) after paragraph 3 insert a new paragraph as follows—

“**3A.** —Paragraph 1(1) shall apply in relation to an application for a permit to operate an installation involving dry cleaning as defined in paragraph (2) of Part B of Section 7

(3) OJ 196, 16.8.1967, p. 1.

(4) OJ L 355, 30.12.1998, p. 1.

of Part 1 of Schedule 1 (SED activities), as if, in so far as the installation is concerned with the carrying out of that activity, the following sub-paragraphs were substituted for sub-paragraphs (e) to (h)—

- (e) the name and model number, description and number, if any, of the dry cleaning machine, the date when it was installed, the name of its manufacturer and its rated capacity;
- (f) details of any spot cleaning to be undertaken and details of checking and maintenance procedures to be followed and of the supervision, training and qualifications of operating staff;
- (g) details of the solvents to be used, including a description of any risk phrase substance or preparation;
- (h) details of the arrangements for storing solvents prior to use, and used solvents and solvent-contaminated materials, including a description of the location where the materials are stored;”;

(g) for paragraph 8, substitute the following—

“**8.** Paragraph 5 shall not apply in relation to an application for a permit to operate an installation involving only—

- (a) the burning of waste oil in an appliance with a rated thermal input of less than 0.4 megawatts; or
- (b) the carrying out of an activity falling within paragraph (d) of Part B of Section 1.2 of Part 1 of Schedule 1 (unloading of petrol at service stations); or
- (c) dry cleaning as defined in paragraph (2) of Part B of Section 7 of Part 1 of Schedule 1 (SED activities).”;

(h) for paragraph 10, substitute the following—

“**10.** Paragraph 9 shall not apply in relation to an application for a permit to operate an installation involving only—

- (a) the burning of waste oil in an appliance with a rated thermal input of less than 0.4 megawatts; or
- (b) dry cleaning as defined in paragraph (2) of Part B of Section 7 of Part 1 of Schedule 1 (SED activities).”.

(12) Schedule 7 shall be amended as follows—

(a) after paragraph 2 insert a new paragraph 2A—

“**2A.** —Paragraph 2 shall not apply in relation to a change in the operation of part of an installation which carries out an SED activity (and any directly associated activities) which does not also fall within any description in sections 1.1 to 6.9 of Part 1 of Schedule 1 (and any directly associated activities).”;

(b) for paragraph 4(4), substitute the following—

“(4) This paragraph shall not apply in relation to an application for the variation of the conditions of a permit or a proposed variation notice relating to an installation involving only—

- (a) the burning of waste oil (as defined in Section 1.1 of Part 1 of Schedule 1) in an appliance with a rated thermal input of less than 0.4 megawatts; or
- (b) dry cleaning as defined in paragraph (2) of Part B of Section 7 of Part 1 of Schedule 1.”.

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**Status:** *This is the original version (as it was originally made).*

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