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## EXPLANATORY NOTE

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

These Regulations amend the Pollution Prevention and Control (England and Wales) Regulations 2000 (the “PPC Regulations”). Except for regulation 3 which applies to England only, these Regulations apply to England and Wales.

Regulation 2(2) removes the definitions of “organic compound” and “volatile organic compound” or “VOC” from the general interpretation section in regulation 2(1) of the PPC Regulations, and regulation 2(2)(m) inserts these definitions into Section 7 of Schedule 1 (SED Activities) to those Regulations.

Regulation 2(3) amends Part 1 of Schedule 1 to the PPC Regulations which lists the activities which are subject to regulation under those Regulations. In particular—

- (i) Regulation 2(3)(b) broadens the exclusions under Section 1.2 (Gasification, Liquefaction and Refining Activities) and brings into effect a derogation under Article 6 of Directive [94/63/EC](#)<sup>(1)</sup> by increasing the existing threshold in paragraph (d) of Part B of that Section from 100m<sup>3</sup> to 500m<sup>3</sup>;
- (ii) Regulation 2(3)(c) transfers ferrous metals activities involving the operation of electro-slag furnaces from Part A(1) to Part B of Section 2.1. Regulation 2(6)(d) defers the relevant date for the transferred Part B Section 2.1 activities to 1 April 2005, so that the deemed application provisions in paragraph 9(3) of Part 2 of Schedule 3 to the PPC Regulations apply to these activities;
- (iii) Regulations 2(3)(d) to (g) and 2(3)(k) and (l) insert further technical amendments to the activities specified in Sections 2.2 (Non-Ferrous Metals), 4.1 (Organic Chemicals), 4.2 (Inorganic Chemicals) and 4.7 (Manufacturing Activities Involving Carbon Disulphide or Ammonia);
- (iv) Regulation 2(3)(h) amends Section 5.1 (Incineration and Co-incineration of Waste), and provides for the incineration of certain animal waste to be classified as an A(2) activity;
- (v) Regulations 2(3)(i) and (j) extend the exclusion in Part A(1) of Section 5.3 (Disposal of Waste Other Than by Incineration or Landfill) and Section 5.4 (Recovery of Waste) to certain waste disposal and recovery activities involving the treatment of waste soil and contaminated material.

Regulation 2(4) amends Part 2 of Schedule 1 (Interpretation of Part 1) to the PPC Regulations to exclude from the scope of those Regulations activities carried out in installations or mobile plant used solely for research and development and testing of new products and processes.

Regulation 2(5) adds a new exclusion covering animal rendering activities to the list in paragraph 17 of Part 3 of Schedule 1 (Interpretation of “Part A Installation” etc) to the PPC Regulations.

Regulation 2(6) deals with amendments to the transitional arrangements in Schedule 3 to the PPC Regulations.

Regulation 2(7) inserts minor amendments to Schedule 4 (Grant of Permits) to the PPC Regulations as well as providing for the consultation provisions in paragraphs 9(1)(b)(ii), (iii) and (iv) and (c)

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(1) European Parliament and Council Directive [94/63/EC](#) of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminal to service stations. OJ L 365, 31.12.1994, p. 24.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

of that Schedule not to apply in circumstances where there is a national security exemption under regulation 30.

Regulation 2(8) modifies in Schedule 7 (Variation of Conditions) to the PPC Regulations the references to the public consultation provisions in Schedule 4, as amended by these Regulations.

Regulation 2(9) inserts in paragraph 1 of Schedule 9 (Registers) to the PPC Regulations a requirement to keep information on fees and charges paid to the local authority regulator under a scheme made under regulation 22 of those Regulations.

Regulation 3 amends regulation 16 of the Waste Management Licensing Regulations 1994 (S.I.1994/1056) to refer in paragraphs 1(ba) and (3) to all Part A installations for the purposes of the PPC Regulations.

Regulation 4 includes transitional provisions for installations or mobile plant which as a result of these Regulations are reclassified as falling within a different Part in any Section in Part 1 of Schedule 1 to the PPC Regulations, or whose prescribed date or relevant date is deferred to a date after the coming into force of these Regulations.

A full regulatory impact assessment has not been produced for this instrument, as it has no impact on the costs of business.