

## New FIRST SCHEDULE to EPA Act 1992 as amended

### “FIRST SCHEDULE”

#### Activities to which Part IV Applies

#### Interpretation

(1) If 2 or more activities falling within the same paragraph under a particular heading of this Schedule are carried on in the same installation by the same person, then, for the purpose of any threshold specified in that paragraph, the capacities of such activities shall be aggregated.

(2) For waste management activities, the calculation referred to in subparagraph (1) shall apply at the level of activities referred to in paragraphs 11.2, 11.4(a) and 11.4(b).

(3) A process, development or operation specified in paragraph 1.1.1, 2.1, 3.1.1, 3.2.1, 3.3.1, 3.4.1, 3.6.1, 4.2.1, 4.3, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17, 6.1, 6.2, 7.2.1, 7.4.1, 7.7.1, 7.8, 8.1, 8.2, 8.3, 8.5.1, 8.6.1, 8.7, 9.3.1, 9.4.1, 9.4.2, 9.4.3, 10.2, 10.3, 10.4, 11.1 (in so far as the process, development or operation specified in paragraph 11.1 is carried on in an installation connected or associated with another activity that is an industrial emissions directive activity), 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 12.2.1, 12.3, 13.4.1, 13.5 or 13.6 and carried out in an installation is an industrial emissions directive activity and an activity shall not be taken to be an industrial emissions directive activity if it is carried on at an installation solely used for research, development or testing of new products and processes.

(4) A process, development or operation specified in paragraph 1.1.2, 1.2, 1.3, 1.4, 3.1.2, 3.2.2, 3.3.2, 3.4.2, 3.5, 3.6.2, 3.7, 3.8, 3.9, 4.1, 4.2.2, 4.4, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 7.1, 7.2.2, 7.3.1, 7.3.2, 7.3.3, 7.4.2, 7.5, 7.6, 7.7.2, 8.4, 8.5.2, 8.6.2, 8.8, 9.1, 9.2, 9.3.2, 9.4.4, 10.1, 11.1 (in so far as the process, development or operation specified in paragraph 11.1 is carried on in an installation connected or associated with another activity that is an integrated pollution control activity), 12.1, 12.2.2, 13.1, 13.2, 13.3 or 13.4.2 and carried out in an installation is an integrated pollution control activity.

(5) In this Schedule –

‘fuel’ means any solid, liquid or gaseous combustible material;

‘waste 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 the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;

‘waste co-incineration plant’ means any stationary or mobile technical unit whose main purpose is the generation of energy or production of material products and which uses waste as a regular or additional fuel or in which waste is thermally treated for the purpose of disposal through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated.

**Key:** Industrial Emission Directive activities are shown in **blue**.  
Integrated Pollution Control activities are shown in **black**.

## 1 Minerals and Other Materials

- 1.1.1 The production of asbestos or the manufacture of asbestos-based products.
- 1.1.2 The extraction, production and processing of raw asbestos, not included in paragraph 1.1.1.
- 1.2 The extraction of aluminium oxide from an ore, not included in paragraph 5.13.
- 1.3 The extraction and processing (including size reduction, grading and heating) of minerals within the meaning of the Minerals Development Acts 1940 to 1999, where an activity involves—
  - (a) a metalliferous operation, or
  - (b) any other operation where either the level of extracted or processed minerals is greater than 200,000 tonnes per annum or the total operational yield is greater than 1,000,000 tonnes, and storage of related mineral waste.
- 1.4 The extraction of peat in the course of business which involves an area exceeding 50 hectares.

## 2 Energy

- 2.1 Combustion of fuels in installations with a total rated thermal input of 50 MW or more.

## 3 Metals

- 3.1.1 The production of pig iron or steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2.5 tonnes per hour.
- 3.1.2 The initial melting or production of iron or steel, not included in paragraph 3.1.1.
- 3.2.1 The processing of ferrous metals:
  - (a) operation of hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour,
  - (b) operation of smitheries with hammers the energy of which exceeds 50 kilojoule per hammer, where the calorific power used exceeds 20 MW,
  - (c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour.
- 3.2.2 The processing of iron and steel in forges, drawing plants and rolling mills where the production area exceeds 500 square metres, not included in paragraph 3.2.1.
- 3.3.1 The operation of ferrous metal foundries with a production capacity exceeding 20 tonnes per day.
- 3.3.2 The production, recovery, processing or use of ferrous metals in foundries having melting installations with a total capacity exceeding 5 tonnes, not included in paragraph 3.3.1.
- 3.4.1 The—

- (a) production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes,
  - (b) melting, including the alloyage, of non-ferrous metals, including recovered products and operation of non-ferrous metal foundries, with a melting capacity exceeding 4 tonnes per day for lead and cadmium or 20 tonnes per day for all other metals.
- 3.4.2 The production, recovery or processing of non-ferrous metals, their compounds or other alloys including antimony, arsenic, beryllium, chromium, lead, magnesium, manganese, phosphorus, selenium, cadmium or mercury, by thermal, chemical or electrolytic means in installations with a batch capacity exceeding 0.5 tonnes, not included in paragraph 3.4.1.
- 3.5 The reaction of aluminium or its alloys with chlorine or its compounds, not included in paragraph 5.13.
- 3.6.1 The roasting or sintering of metal ore (including sulphide ore).
- 3.6.2 The calcining of metallic ores in plants with a capacity exceeding 1,000 tonnes per year.
- 3.7 Swaging by explosives where the production area exceeds 100 square metres.
- 3.8 The pressing, drawing and stamping of large castings where the production area exceeds 500 square metres.
- 3.9 Boilermaking and the manufacture of reservoirs, tanks and other sheet metal containers where the production area exceeds 500 square metres.

#### 4 Mineral Fibres and Glass

- 4.1 Other than where carried on in conjunction with the activity specified in paragraph 1.1.1, the processing of asbestos and asbestos-based products.
- 4.2.1 The melting of mineral substances including the production of mineral fibres with a melting capacity exceeding 20 tonnes per day.
- 4.2.2 The manufacture of glass fibre or mineral fibre, not included in paragraph 4.2.1 or 4.3.
- 4.3 The manufacture of glass including glass fibre with a melting capacity exceeding 20 tonnes per day.
- 4.4 The production of industrial diamonds.

#### 5 Chemicals

Production, for the purposes of the activities mentioned in paragraph 5.12 to 5.17, means the production on an industrial scale by chemical or biological processing of substances or groups of substances mentioned in any of those paragraphs.

- 5.1 The manufacture of chemicals in an integrated chemical installation, not included in paragraphs 5.12 to 5.17.
- 5.2 The manufacture of olefins and their derivatives or of monomers and polymers including styrene and vinyl chloride, not included in paragraphs 5.12 to 5.17.
- 5.3 The manufacture, by way of chemical reaction processes, of organic or organo-metallic chemical products other than those specified in paragraph 5.2 and not included in paragraphs 5.12 to 5.17.
- 5.4 The manufacture of inorganic chemicals, not included in paragraphs 5.12 to 5.17.

- 5.5 The manufacture of artificial fertilisers, not included in paragraphs 5.12 to 5.17.
- 5.6 The manufacture of pesticides, pharmaceutical or veterinary products and their intermediates, not included in paragraphs 5.12 to 5.17.
- 5.7 The manufacture of paints, varnishes, resins, inks, dyes, pigments or elastomers where the production capacity exceeds 1,000 litres per week, not included in paragraphs 5.12 to 5.17.
- 5.8 The formulation of pesticides, not included in paragraphs 5.12 to 5.17.
- 5.9 The chemical manufacture of glues, bonding agents and adhesives, not included in paragraphs 5.12 to 5.17.
- 5.10 The manufacture of vitamins involving the use of heavy metals, not included in paragraphs 5.12 to 5.17.
- 5.11 The storage, in quantities exceeding the values shown, of any one or more of the following chemicals (other than as part of any other activity) and not included in paragraphs 5.12 to 5.17—

methyl acrylate (20 tonnes); acrylonitrile (20 tonnes); toluene di-isocyanate (20 tonnes); anhydrous ammonia (100 tonnes); anhydrous hydrogen fluoride (1 tonne).

5.12 The production of organic chemicals, such as:

- (a) simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic),
- (b) oxygen-containing hydrocarbons such as alcohols, aldehydes, ketones, carboxylic acids, esters and mixtures of esters, acetates, ethers, peroxides, epoxy resins,
- (c) sulphurous hydrocarbons,
- (d) nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates,
- (e) phosphorus-containing hydrocarbons,
- (f) halogenic hydrocarbons,
- (g) organometallic compounds,
- (h) plastic materials (polymers, synthetic fibres and cellulose-based fibres),
- (i) synthetic rubbers,
- (j) dyes and pigments,
- (k) surface-active agents and surfactants.

5.13 The production of inorganic chemicals, such as:

- (a) gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride,
- (b) acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids,
- (c) bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide,
- (d) salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate,

(e) non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon, silicon carbide.

5.14 The production of phosphorous-based, nitrogen-based or potassium-based fertilisers (simple or compound fertilisers).

5.15 The production of plant health products and of biocides.

5.16 The production of pharmaceutical products including intermediates.

5.17 The production of explosives.

## 6 Intensive Agriculture

6.1 (a) The rearing of poultry in installations where the capacity exceeds 40,000 places.

(b) In clause (a) 'poultry' shall be construed in accordance with Regulation 2(2) of the European Communities (Poultry and Hatching Eggs) Regulations 2010 (S.I. No. 564 of 2010).

6.2 The rearing of pigs in an installation where the capacity exceeds –

(a) 750 places for sows, or

(b) 2,000 places for production pigs which are each over 30kg.

## 7 Food and Drink

7.1 The manufacture of vegetable and animal oils and fats where the capacity for processing raw materials exceeds 40 tonnes per day, not included in paragraph 7.8.

7.2.1 The treatment and processing of milk, the quantity of milk received being greater than 200 tonnes per day (average value on a yearly basis).

7.2.2 The manufacture of dairy products where the processing capacity exceeds 50 million gallons of milk equivalent per year, not included in paragraph 7.2.1.

7.3.1 Brewing (including cider and perry production) in installations where the production capacity exceeds 25 million litres per year, not included in paragraph 7.8.

7.3.2 Distilling in installations where the production capacity exceeds the equivalent of 1,500 tonnes per year measured as pure alcohol, not included in paragraph 7.8.

7.3.3 Malting in installations where the production capacity exceeds 100,000 tonnes per year, not included in paragraph 7.8.

7.4.1 The operation of slaughterhouses with a carcass production capacity greater than 50 tonnes per day.

7.4.2 The slaughter of animals in installations where the daily capacity exceeds 1,500 units and where units have the following equivalents—

1 sheep = 1 unit,

1 pig = 2 units,

1 head of cattle = 5 units,

and not included in paragraph 7.4.1.

7.5 The manufacture of fish-meal and fish-oil, not included in paragraph 7.8.

7.6 The manufacture of sugar, not included in paragraph 7.8.

**7.7.1** The disposal or recycling of animal carcasses or animal waste with a treatment capacity exceeding 10 tonnes per day.

**7.7.2** The processing (including rendering) of animal carcasses and by-products, not included in paragraph 7.7.1.

**7.8** (a) The treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed from:

(i) only animal raw materials (other than exclusively milk) with a finished product production capacity greater than 75 tonnes per day;

(ii) only vegetable raw materials with a finished product production capacity greater than 300 tonnes per day or 600 tonnes per day where the installation operates for a period of no more than 90 consecutive days in any year;

(iii) animal and vegetable raw materials, both in combined and separate products, with a finished product production capacity in tonnes per day greater than:

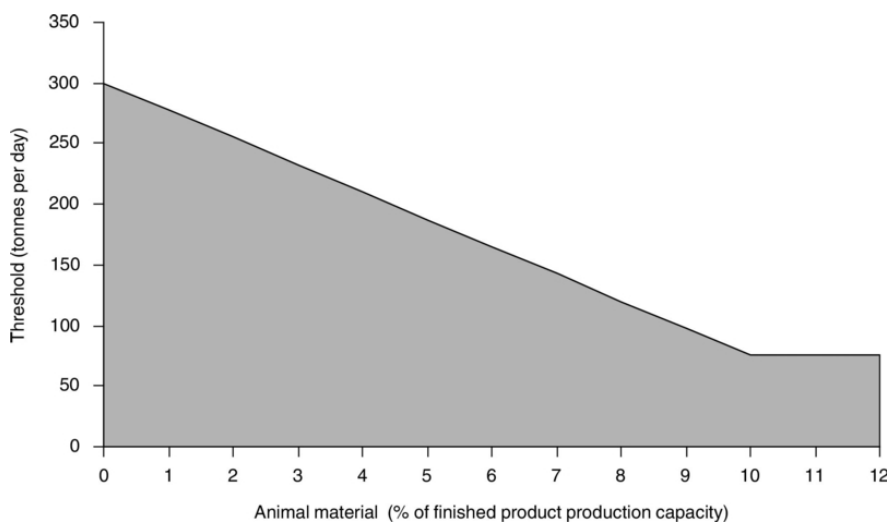
(I) 75 if A is equal to 10 or more; or

(II)  $[300 - (22.5 \times A)]$  in any other case,

where 'A' is the portion of animal material (in percent of weight) of the finished product production capacity.

(b) For the purposes of clause (a), packaging shall not be included in the final weight of the product.

(c) Clause (a) shall not apply where the raw material is milk only.



## **8** Wood, Paper, Textiles and Leather

**8.1** The production of paper or cardboard with a production capacity exceeding 20 tonnes per day.

**8.2** The production of pulp from timber or other fibrous materials.

**8.3** The preservation of wood and wood products with chemicals with a production capacity exceeding 75 m<sup>3</sup> per day other than exclusively treating against sapstain.

- 8.4 The manufacture of synthetic fibres, not included in paragraph 5.12.
- 8.5.1 The pre-treatment (operations such as washing, bleaching, mercerization) or dyeing of fibres or textiles where the treatment capacity exceeds 10 tonnes per day.
- 8.5.2 The dyeing, treatment or finishing (including moth-proofing and fireproofing) of fibres or textiles (including carpet) where the capacity exceeds 1 tonne per day of fibre, yarn or textile material, not included in paragraph 8.5.1.
- 8.6.1 The tanning of hides and skins where the treatment capacity exceeds 12 tonnes of finished products per day.
- 8.6.2 The fell-mongering of hides and tanning of leather in installations where the capacity exceeds 100 skins per day, not included in paragraph 8.6.1.
- 8.7 The production of one or more of the following wood-based panels: oriented strand board, particleboard or fibreboard with a production capacity exceeding 600 m<sup>3</sup> per day.
- 8.8 Other than wood-based panels referred to in paragraph 8.7, the production of one or more of the following wood-based panels: oriented strand board, particleboard or fibreboard with a production capacity exceeding 20 tonnes per day.

## 9 Fossil Fuels

- 9.1 The extraction, other than offshore extraction, of petroleum, natural gas, coal or bituminous shale.
- 9.2 The handling or storage of crude petroleum, not included in paragraph 9.3.1 or 9.3.2.
- 9.3.1 The operation of mineral oil and gas refineries.
- 9.3.2 The refining of petroleum or gas, not included in paragraph 9.3.1.
- 9.4.1 The production of coke.
- 9.4.2 The gasification or liquefaction of:  
(a) coal;  
(b) other fuels in installations with a total rated thermal input of 20 MW or more.
- 9.4.3 The production of carbon (hard-burnt coal) or electrographite by means of incineration or graphitization.
- 9.4.4 The pyrolysis, carbonisation, gasification, liquefaction, dry distillation, partial oxidation or heat treatment of coal, lignite, oil or bituminous shale, other carbonaceous materials or mixtures of any of these in installations with a processing capacity exceeding 500 tonnes per day, not included in paragraph 9.4.1, 9.4.2 or 9.4.3.

## 10 Cement, Lime and Magnesium Oxide

- 10.1 Other than the production of cement referred to in paragraph 10.2, the production of cement.
- 10.2 Production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or in other kilns with a production capacity exceeding 50 tonnes per day.
- 10.3 Production of lime in kilns with a production capacity exceeding 50 tonnes per day.
- 10.4 Production of magnesium oxide in kilns with a production capacity exceeding 50 tonnes per day.

## 11      Waste

**11.1**    The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a licence or revised licence under Part IV is in force or in respect of which a licence under the said Part is or will be required.

(Is an industrial emissions directive activity, in so far as the process development or operation specified in 11.1 is carried on in an installation connected or associated with another activity that is an industrial emission directive activity)

**11.2**    Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving one or more of the following activities:

- (a)    biological treatment;
- (b)    physico-chemical treatment;
- (c)    blending or mixing prior to submission to any of the other activities listed in paragraph 11.2 or 11.3;
- (d)    repackaging prior to submission to any of the other activities listed in paragraph 11.2 or 11.3;
- (e)    solvent reclamation or regeneration;
- (f)    recycling or reclamation of inorganic materials other than metals or metal compounds;
- (g)    regeneration of acids or bases;
- (h)    recovery of components used for pollution abatement;
- (i)    recovery of components from catalysts;
- (j)    oil re-defining or other reuses of oil;
- (k)    surface impoundment.

**11.3**    Disposal or recovery of waste in waste incineration plants or in waste co-incineration plants -

- (a)    for non-hazardous waste with a capacity exceeding 3 tonnes per hour,
- (b)    for hazardous waste with a capacity exceeding 10 tonnes per day.

**11.4**    (a)    Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities (other than activities to which the Urban Waste Water Treatment Regulations 2001 (S.I. 254 of 2001) apply):

- (i)    biological treatment;
- (ii)    physico-chemical treatment;
- (iii)    pre-treatment of waste for incineration or co-incineration;
- (iv)    treatment of slags and ashes;
- (v)    treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.

(b)    Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following



activities, (other than activities to which the Urban Waste Water Treatment Regulations 2001 (S.I. No. 254 of 2001) apply):

- (i) biological treatment;
  - (ii) pre-treatment of waste for incineration or co-incineration;
  - (iii) treatment of slags and ashes;
  - (iv) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.
- (c) Notwithstanding clause (b), when the only waste treatment activity carried out is anaerobic digestion, the capacity threshold for that activity shall be 100 tonnes per day.
- 11.5 Landfills, within the meaning of section 5 (amended by Regulation 11(1) of the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008 (S.I. No. 524 of 2008)) of the Act of 1996, receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25,000 tonnes, other than landfills of inert waste.
- 11.6 Temporary storage of hazardous waste, (other than waste referred to in paragraph 11.5) pending any of the activities referred to in paragraph 11.2, 11.3, 11.5 or 11.7 with a total capacity exceeding 50 tonnes, other than temporary storage, pending collection, on the site where the waste is generated.
- 11.7 Underground storage of hazardous waste with a total capacity exceeding 50 tonnes.

## 12 Surface Coatings

- 12.1 Operations involving coating with organo-tin compounds, not included in paragraph 12.2.1 or 12.2.2.
- 12.2.1 The surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a consumption capacity of more than 150 kg per hour or more than 200 tonnes per year.
- 12.2.2 The manufacture or use of coating materials in processes with a capacity to make or use at least 10 tonnes per year of organic solvents, and powder coating manufacture with a capacity to produce at least 50 tonnes per year, not included in paragraph 12.2.1.
- 12.3 The surface treatment of metals and plastic materials using an electrolytic or chemical process where the volume of the treatment vats exceeds 30 m<sup>3</sup>.

## 13 Other Activities

- 13.1 The testing of engines, turbines or reactors where the floor area exceeds 500 square metres.
- 13.2 The manufacture of integrated circuits and printed circuit boards.
- 13.3 Other than production of lime in a kiln referred to in paragraph 10.3, the production of lime.
- 13.4.1 The manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, or with a kiln capacity exceeding 4 m<sup>3</sup> and a setting density per kiln exceeding 300 kg/m<sup>3</sup>.

**13.4.2** The manufacture of coarse ceramics including refractory bricks, stoneware pipes, facing and floor bricks and roof tiles, not included in paragraph 13.4.1.

**13.5** The capture of CO<sub>2</sub> streams from installations to which Part IV applies for the purposes of geological storage pursuant to Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009<sup>1</sup> on the geological storage of carbon dioxide.

<sup>1</sup>OJ L140, 5.6.2009, p.114

**13.6** Independently operated treatment of waste water (to which the Urban Waste Water Treatment Regulation 2001 do not apply) and discharged by an installation to which Part IV applies.