



STATUTORY INSTRUMENTS.

S.I. No. 565 of 2012



EUROPEAN UNION (INSTALLATIONS AND ACTIVITIES USING
ORGANIC SOLVENTS) REGULATIONS 2012

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I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972) and for the purpose of giving effect to Chapters I, V and VII of Directive 2010/75/EU of the European Parliament and the Council of 24 November 2010¹, hereby make the following Regulations:

Citation

1. These Regulations may be cited as the European Union (Installations and Activities Using Organic Solvents) Regulations 2012.

Commencement

2. These Regulations come into operation on 01 January, 2013.

Definitions

3. (1) A word or expression which is used in these Regulations and which is also used in the Directive has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive.

(2) In these Regulations—

“Agency” means the Environmental Protection Agency established under section 19 of the Environmental Protection Agency Act 1992 (No. 7 of 1992);

“activity” means an activity falling within the scope of Schedule 1 where the activity is operated above the specified solvent consumption thresholds set out in column 3 of Schedule 2;

“approved assessor” means a person approved by the Agency in accordance with Regulation 7;

“Certificate of compliance” means a written authorisation issued by a local authority to an operator of an installation under Regulation 18;

“Commission” means the European Commission;

“Competent authority” has the meaning assigned by Regulation 5;

“Connected persons” means brothers, sisters, ancestors or lineal descendants, uncles, aunts, nieces or nephews.

¹OJ No. L 334, 17 December, 2010, p.17

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 1st January, 2013.

“Directive” means Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions;

“Local authority” has the meaning assigned to it by the Local Government Act 2001 (No. 37 of 2001);

“Minister” means the Minister for the Environment, Community and Local Government;

“Premises” means any messuage, building, vessel, vehicle, container, structure or land or any hereditament of any tenure, together with any out-buildings and curtilage;

“Record” includes, in addition to a record in writing—

- (a) a disc, tape, sound-track or other device in which information, sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in legible or audible form,
- (b) a film, tape or other device in which visual images are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in visual form, and
- (c) a photograph.

Scope

4. (1) These Regulations apply to installations using organic solvents where the activity is listed in Schedule 1 and is operated within or above the specified solvent consumption thresholds set out in column 3 of Schedule 2.

(2) These Regulations do not apply to installations using organic solvents that are licensed by the Agency under Part IV of the Environmental Protection Agency Act 1992 (No. 7 of 1992).

(3) Notwithstanding paragraph 2, when licencing installations using organic solvents that are operated within or above the specified solvent consumption thresholds set out in column 3 of Schedule 2, under Part IV of the Environmental Protection Agency Act 1992 the Agency shall apply, as appropriate, licencing requirements that are at least equivalent to the requirements of Chapter V and Annex VII of the Directive.

Competent Authority

5. (1) The Agency is the competent authority in the State for the purposes of Chapter I, V and VII of the Directive and these Regulations.

(2) The Agency shall exercise general supervision over the functions and actions of local authorities to which responsibilities are assigned by these Regulations and shall provide guidance, advice or binding instructions, as appropriate.

(3) The Agency may carry out, or cause to be carried out, random inspections of installations to which these Regulations apply for the purposes of verifying compliance.

(4) The Agency may publish best practice guidelines regarding the operation of installations to which these Regulations apply.

Role of Local Authorities

6. (1) Each local authority is responsible for the enforcement of these Regulations within their functional area and shall take such steps as are necessary for this purpose.

(2) Each local authority shall, in the format specified by the Agency, establish and thereafter maintain a register of installations in its functional area that have been issued with a certificate of compliance under Regulation 18.

(3) Each local authority shall ensure that the following information is made available to the public on the local authority website:

(a) a list of certified operators and the address of their premises; and

(b) a copy of these Regulations and best practice guidelines published by the Agency under Regulation 5(4) regarding the operation of installations to which these Regulations apply.

(4) Each local authority shall ensure that the following information is made available to the public for inspection at the local authority offices:

(a) a copy of each operator's current certificate of compliance; and

(b) the results of monitoring of emissions required under Regulation 11.

(5) Each local authority shall carry out, or cause to be carried out, such inspections of installations to which these Regulations apply as it deems necessary or as may be required by the Agency for the purposes of verifying compliance with these Regulations.

Approved Assessors

7. (1) The Agency may appoint as approved assessors such persons or bodies as it considers possesses the appropriate knowledge, training and experience to assess the compliance of installations with these Regulations.

(2) The Agency shall, within 14 days of these Regulations coming into effect, appoint an interim approved assessor for the purpose of assessing the compliance of installations to which these Regulations apply until such time as the establishment of a national panel of approved assessors.

(3) The Agency shall, before 30 September 2013, establish a national panel of approved assessors for the purpose of assessing the compliance of installations to which these Regulations apply.

(4) The Agency shall thereafter review the national panel of approved assessors at least every three years.

(5) An approved assessor appointed by the Agency under Regulations giving effect to Article 13(2) of Council Directive 2004/42/CE² of 21 April 2004 may also be appointed by the Agency as an approved assessor for the purpose of these Regulations.

(6) An approved assessor shall not assess the compliance of an installation—

(a) which is owned by him or her,

(b) which is owned by a connected person,

(c) which is to be sold or let by him or her or a connected person in their capacity as a sales or letting intermediary, or

(d) in any other circumstances in which they have a material or financial interest in the outcome of preparing the report other than the fee charged for carrying out the inspection.

(7) An administration fee payable to the Agency, which shall not exceed €500, shall accompany an application for appointment or renewal as an approved assessor.

(8) The Agency may charge an annual fee, which shall not exceed €200, to approved assessors from the date twelve months after their appointment to offset the costs incurred by the Agency in auditing the performance of approved assessors.

(9) An approved assessor shall provide information to the Agency or local authority for the purposes of allowing the Agency or local authority to audit the performance of the approved assessor including, where requested, the dates, times and locations of any forthcoming assessment visits of any installation to which these regulations apply.

(10) The Agency or local authority may at any time accompany an approved assessor for the purpose of witnessing the assessment of an installation to which these regulations apply.

(11) The Agency may at any time revoke with immediate effect the appointment of any person or body as an approved assessor and remove such person or body from the national panel of approved assessors established under paragraph 3 and shall notify the person or body in writing together with the reasons for the revocation and the person or body may appeal the refusal or revocation in the manner set down by the Agency.

(12) The Agency may, with the consent of the Minister, appoint one or more persons who, in the opinion of the Agency, have the relevant knowledge and experience in relation to carrying out an inspection of an installation to which

²OJ No. L 143, 30 April, 2004, p.87

these Regulations apply to be an appeals officer for the purposes of this regulation (in this regulation referred to as an ‘appeals officer’)

(13) An appeals officer shall be independent in the performance of his or her functions under this Regulation.

(14) An appeals officer shall consider an appeal and shall, in accordance with any procedures, allow or refuse the appeal

Compliance of Installations to which these Regulations apply

8. (1) Installations to which these Regulations apply shall not commence to operate, or continue in operation, without a current certificate of compliance issued by a local authority in accordance with Regulation 18.

(2) The operator of an installation to which these Regulations apply shall display their current certificate of compliance at their premises.

(3) The operator of an installation shall operate the installation at all times in accordance with the relevant waste management legislation.

Substitution of hazardous substances

9. (1) Until 31 May, 2015 substances or mixtures which, because of their content of volatile organic compounds classified as carcinogens, mutagens, or toxic to reproduction under Regulation (EC) No. 1272/2008, are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F or the risk phrases R45, R46, R49, R60 or R61, shall be replaced, as far as possible, by less harmful substances or mixtures within the shortest possible time.

(2) From 1 June, 2015 substances or mixtures which, because of their content of volatile organic compounds classified as carcinogens, mutagens, or toxic to reproduction under Regulation (EC) No. 1272/2008, are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F, shall be replaced, as far as possible by less harmful substances or mixtures within the shortest possible time.

Control of Emissions

10. (1) An installation to which these Regulations apply shall comply with either—

(a) the emission limit values in waste gases and the fugitive emission limit values, or the total emission limit values, and other requirements set out in Schedules 2 and 3; or

(b) the requirements of the reduction scheme set out in Schedule 5 provided that an equivalent emission reduction is achieved compared to that achieved through the application of the emission limit values referred to in subparagraph (a).

(2) In cases where the operator demonstrates to the Agency or local authority that for an individual installation to which these Regulations apply the emission limit value for fugitive emission is not technically and economically feasible,

Agency or local authority may allow emissions to exceed that emission limit value provided that significant risks to human health or the environment are not to be expected and that the operator demonstrates to the Agency or local authority that the best available techniques are being used.

(3) For coating activities covered by item 8 of the table in Schedule 2 which cannot be carried out under contained conditions, the Agency or local authority may allow the emissions of the installation to which these Regulations apply not to comply with the requirements set out in that paragraph if the operator demonstrates to the Agency or local authority that such compliance is not technically and economically feasible and that the best available techniques are being used.

(4) The Agency shall report to the Commission on—

- (a) the progress in achieving the equivalent emission reduction referred to in paragraph 1(b) in accordance with Article 72(1) of the Directive; and
- (b) the derogations referred to in paragraphs 2 and 3 in accordance with Article 72(2) of the Directive.

(5) Until 31 May, 2015 the emissions of either volatile organic compounds which are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F or the risk phrases R45, R46, R49, R60 or R61 or halogenated volatile organic compounds which are assigned or need to carry the hazard statements H341 or H351 or the risk phrases R40 or R68 shall be controlled under contained conditions, as far as technically and economically feasible, to safeguard public health and the environment and shall not exceed the relevant emission limit values set out in Schedule 4.

(6) From 1 June 2015, the emissions of either volatile organic compounds which are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F or halogenated volatile organic compounds which are assigned or need to carry the hazard statements H341 or H351, shall be controlled under contained conditions as far as technically and economically feasible to safeguard public health and the environment and shall not exceed the relevant emission limit values set out in Schedule 4.

(7) Installations to which these Regulations apply where two or more activities are carried out, each of which exceeds the thresholds in Schedule 2 shall:

- (a) as regards the substances specified in paragraphs 5 and 6, meet the requirements of the relevant paragraph for each activity individually;
- (b) as regards all other substances, either:
 - (i) meet the requirements of paragraph 1 for each activity individually; or

- (ii) have total emissions of volatile organic compounds not exceeding those which would have resulted had paragraph 7(b)(i) been applied.

(8) All appropriate precautions shall be taken to minimise emissions of volatile organic compounds during start-up and shut-down operations.

Monitoring of emissions

11. (1) Channels to which abatement equipment is connected, and which at the final point of discharge emit more than an average of 10 kg/h of total organic carbon, shall be monitored continuously for compliance.

(2) For installations to which these Regulations apply emitting an average of 10 kg/h of total organic carbon or less, continuous measurements, or periodic measurements shall be carried out. For periodic measurements, at least three measurement values shall be obtained during each measurement exercise.

(3) Measurements are not required in the case where end-of-pipe abatement equipment is not needed to comply with the Regulations.

Compliance with emission limit values in waste gases

12. (1) In the case of continuous measurements the emission limit values in waste gases shall be considered to be complied with if:

- (a) none of the arithmetic averages of all valid readings taken during any 24-hour period of operation of an installation or activity to which these Regulations apply except start-up and shut-down operations and maintenance of equipment exceeds the emission limit values; and
- (b) none of the hourly averages exceeds the emission limit values by more than a factor of 1.5.

(2) In the case of periodic measurements the emission limit values in waste gases shall be considered to be complied with if, in one monitoring exercise:

- (a) the average of all the measurement values does not exceed the emission limit value; and
- (b) none of the hourly averages exceeds the emission limit value by more than a factor of 1.5.

(3) Compliance with Schedule 4 shall be verified on the basis of the sum of the mass concentrations of the individual volatile organic compounds concerned. For all other cases, compliance shall be verified on the basis of the total mass of organic carbon emitted unless otherwise specified in Schedule 2.

(4) Gas volumes may be added to the waste gas for cooling or dilution purposes where technically justified but shall not be considered when determining the mass concentration of the pollutant in the waste gas.

Reporting on compliance

13. (1) The operator of an installation to which these Regulations apply shall supply the local authority by 31 January each year with data in a format specified by the Agency in best practice guidelines, enabling the local authority to verify the compliance of the installation during the previous calendar year with the following:

- (a) emission limit values in waste gases, fugitive emission limit values and total emission limit values;
- (b) the requirements of the reduction scheme under Schedule 5; and
- (c) any derogations granted in accordance with Regulations 10(2) and 10(3).

(2) Data enabling the local authority to verify compliance with these Regulations may include a solvent management plan prepared in accordance with Schedule 6 or if requested by the local authority, a report prepared by an approved assessor in accordance with Regulation 17.

Substantial change to existing installations

14. (1) A change of the maximum mass input of organic solvents by an existing installation to which these Regulations apply averaged over 1 day, where the installation is operated at its design output under conditions other than start-up and shut-down operations and maintenance of equipment, shall be considered as substantial if it leads to an increase of emissions of volatile organic compounds of more than:

- (a) 25% for an installation to which these Regulations apply carrying out either activities which fall within the lower threshold band of items 1, 3, 4, 5, 8, 10, 13, 16 or 17 of the table in Schedule 2 or, activities which fall under one of the other items of Schedule 2, and with a solvent consumption of less than 10 tonnes per year; and
- (b) 10% for all other installations to which these Regulations apply.

(2) Where an existing installation undergoes a substantial change that part of the installation shall be treated either as a new installation or as an existing installation, provided that the total emissions of the whole installation do not exceed those that would have resulted had the substantially changed part been treated as a new installation.

(3) In case of a substantial change, the local authority shall verify compliance of the installation with the requirements of these Regulations.

Application for a Certificate of Compliance

15. (1) An application for a certificate of compliance by an operator shall be submitted in writing in the form prescribed in Schedule 7 to the local authority in whose functional area the installation is located unless otherwise directed by the local authority.

(2) An application for a certificate of compliance shall be accompanied by a report on the compliance of the installation with these Regulations prepared by an approved assessor appointed by the Agency.

(3) An application for a certificate of compliance shall be accompanied by an application fee of €70.00 payable to the local authority.

Renewal of a Certificate of compliance

16. (1) A certificate of compliance shall be renewed by an operator prior to its expiry.

(2) An application for a renewal of a certificate of compliance shall be submitted in writing to the relevant local authority, in the form prescribed in Schedule 7, not less than 28 days prior to expiry of the current certificate of compliance.

(3) A certificate of compliance that has expired shall not be renewed.

(4) Where a certificate of compliance has expired without being renewed the operator must apply for a new certificate of compliance under Regulation 15 and shall not continue in operation until this has issued.

(5) An application for a renewal of a certificate of compliance shall be accompanied by a report on the compliance of the installation prepared by an approved assessor appointed by the Agency.

(6) An application for a renewal of a certificate of compliance shall be accompanied by an application fee of €50.00 payable to the local authority.

Reports by Approved Assessors

17. (1) A report prepared by an approved assessor under Regulation 15 or 16 shall—

- (a) be prepared having regard to any best practice guidelines published by the Agency under Regulation 5(4),
- (b) have regard to any further guidance prepared by the Agency on common formats for reporting monitoring data,
- (c) state whether the application for a certificate of compliance or the application for renewal of a certificate of compliance, as the case may be, should be granted or refused, and state the reasons for the decision, and
- (d) where it is proposed to grant or renew a certificate of compliance, as the case may be, include such recommendations or conditions as the approved assessor considers necessary to ensure that the installation concerned is established and operated in compliance with these Regulations.

(2) For the purposes of paragraph 1(d), any recommendations and conditions shall be consistent with any best practice guidelines published by the Agency under Regulation 5(4).

Issuing of Certificates of Compliance

18. (1) Within 28 days of receipt of an application submitted under Regulation 15, the local authority concerned shall, where it is satisfied that the report from the approved assessor demonstrates that the installation concerned satisfies the requirements of these Regulations as well as any conditions required by the local authority and provided the application fee has been submitted, grant a certificate of compliance to the applicant in the form specified in Schedule 8 and shall include such conditions, if any, proposed in the report from the said approved assessor or required by the local authority.

(2) Within 28 days of receipt of an application submitted under Regulation 16, the local authority concerned shall, where it is satisfied that the report from the approved assessor demonstrates that the installation concerned satisfies the requirements of these Regulations, as well as any conditions required by the local authority and provided the application fee has been submitted, grant a renewal of a certificate of compliance to the applicant in the form specified in Schedule 8 and shall include such conditions, if any, proposed in the report from the said approved assessor or required by the local authority.

(3) A certificate of compliance granted under paragraph 1 or paragraph 2 shall, subject to compliance with any conditions contained therein, be valid for no longer than three calendar years from the date of issue and shall state the date on which it expires.

(4) Where the local authority has reasonable grounds for suspecting that an installation is not being operated in compliance with these Regulations it may refuse to grant a certificate of compliance or to renew a certificate of compliance, as the case may be, and state the reason for the refusal.

(5) (a) Where the local authority is not satisfied that a report from an approved assessor satisfies the requirements of these Regulations, it may—

(i) request additional information or a further report from the approved assessor concerned to be submitted within a period of not less than 28 days, or

(ii) reject the application as invalid and state the reason for its decision.

(b) For the purposes of calculating the 28 day period specified in paragraphs 1 and 2, a period of time allowed for a response to a request under paragraph 5(a)(i) shall not be taken into account.

(6) A decision under paragraphs 1, 2, 4 or 5(a)(i) shall be notified in writing by the local authority concerned to the applicant.

(7) Certificates of compliance issued by a local authority under the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002) that were valid on 31 December 2012 may be renewed by a local authority under these Regulations to be valid up to 30 September 2016.

(8) A local authority may revoke a certificate of compliance issued under these Regulations before its expiry date where it has reasonable grounds for suspecting that an installation is not being operated in compliance with these Regulations or if there is a failure by the operator to provide data enabling the local authority to verify compliance either annually or when requested.

Instances of Non-Compliance

19. (1) Where the operator of an installation to which these Regulations apply becomes aware that a requirement of these Regulations has been breached or is being breached, as the case may be, the said operator shall—

(a) inform their local authority immediately, and

(b) immediately take the measures necessary to ensure compliance is restored within the shortest possible time.

(2) The local authority shall require the operator to take any appropriate complementary measures that it considers necessary to restore compliance.

(3) In the case of an instance of non-compliance with the requirements of these Regulations which poses an immediate danger to human health, or threatens to cause an immediate significant adverse effect upon the environment, the operation of the installation or relevant part thereof shall be suspended until compliance is restored to the satisfaction of the local authority.

Incidents and Accidents

20. (1) Notwithstanding the European Communities (Environmental Liability) Regulations 2008 (S.I. No. 547 of 2008), in the event of any incident or accident occurring which could significantly affect the environment, the operator shall—

(a) inform the local authority immediately, and

(b) immediately take any measures necessary to limit the environmental consequences and to prevent further possible incidents.

(2) The local authority shall require the operator to take any appropriate complementary measures that it considers necessary to limit the environmental consequences and to prevent further possible incidents or accidents.

Monitoring

21. (1) The Agency shall establish and implement a monitoring programme for the purpose of reporting to the Commission in accordance with the Directive.

(2) Each local authority shall carry out or cause to be carried out in respect of its functional area—

- (a) such monitoring, sampling and analyses as may be directed by the Agency, and
- (b) maintain such records as are necessary to provide information required by the Agency.

Authorised Persons

22. (1) The Agency or a local authority may appoint in writing any person to be an authorised person for the purposes of ensuring compliance with these Regulations.

(2) Any person appointed as an authorised person for the purposes of Section 7 of the Air Pollution Act 1987 (No. 6 of 1987) shall also be considered to be an authorised person for the purposes of these Regulations.

(3) An authorised person shall be furnished with a certificate of his or her appointment and when exercising a power conferred on him or her under these Regulations shall, if requested by any person thereby affected, produce the certificate or a copy of it to that person for inspection.

(4) Subject to paragraph 5, an authorised person may for the purpose of insuring that these Regulations are being complied with—

- (a) at all reasonable times, enter any premises which he or she has reason to believe is being operated as an installation to which these Regulations apply and inspect the premises,
- (b) require the operator of the installation or connected with any equipment at that installation to produce to him or her any records that are in the operator's power or control and to give to him or her such information as he or she may reasonably require in relation to any substances or mixtures that is used, prepared or stored at the premises,
- (c) inspect and take copies of, or take extracts from, any such records,
- (d) there or at any other place carry out or have carried out such examinations, inspections or tests of any substances or mixtures or equipment found on the premises and, if the authorised person so thinks fit, remove or have removed from there for a reasonable period to facilitate such examination, testing or inspection,
- (e) examine any procedure connected with the installation to which these Regulations apply or maintenance of equipment found on the premises,
- (f) take, without payment, such samples of any substances or mixtures as the authorised person may reasonably require and carry out or have

carried out on such samples there or elsewhere such checks and inspections as he or she considers necessary,

- (g) seize and detain substances or mixtures which the authorised person reasonably suspects are hazardous substances under Regulation 9.

(5) An authorised person shall not, other than with the consent of the occupier, enter a private dwelling unless he or she has obtained a warrant from the District Court under paragraph 7 authorising such entry.

(6) An authorised person, where he or she considers it necessary, may be accompanied by a member of the Garda Síochána when performing any powers conferred on an authorised person by this Regulation.

(7) If a judge of the District Court is satisfied, on the sworn information of an authorised person that there are reasonable grounds for suspecting that a premises or private dwelling is being used as an installation to which these Regulations apply, the judge may issue a warrant authorising an authorised person or persons, accompanied, if appropriate, by a member or members of the Garda Síochána at any time within one month from the date of issue of the warrant, on production of the warrant if so requested, to enter those premises or part of it, if need be by reasonable force, and exercise all or any of the powers conferred on an authorised officer under this Regulation.

(8) An operator shall comply with any reasonable request made by an authorised person and shall not obstruct or interfere with an authorised person carrying out their duties under these Regulations.

Sampling of Substances or Mixtures

23. (1) Where an authorised person takes a sample of any substances or mixtures for the purposes of these Regulations, the said authorised person shall, at the time of the taking of the sample, attach to the container or packaging, as the case may be, a label specifying the date on which the sample was taken, the installation at which it was taken and an identification number.

(2) Evidence given or to be given in respect of any test, examination or analysis of a sample of any substances or mixtures taken pursuant to these Regulations shall—

- (a) identify such sample by reference to the identification number given to it for the purposes of paragraph 1, and
- (b) in relation to the said sample, be evidence, without further proof, of the result of the test, examination or analysis until the contrary is shown.

Duty of Operators to Provide Information

24. (1) The operator of a premises or installation to which these Regulations apply shall supply any information, record or data requested by a local authority or the Agency for the purpose of verifying compliance with these Regulations.

(2) An operator shall not provide any information, record or data that is false or misleading.

Reporting

25. (1) In addition to the requirements of Regulation 10(4), the Agency shall, in accordance with Article 72 of the Directive, report to the Commission on the implementation of the Directive and these Regulations

(2) Local authorities shall supply to the Agency, upon request, any record or data with regard to the enforcement of these Regulations for the purposes of paragraph 1.

Offences

26. (1) A person or body who contravenes or fails to comply with a provision of these Regulations is guilty of an offence.

(2) Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(3) Where the affairs of a body corporate are managed by its members, paragraph 2 shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body corporate.

Penalties

27. (1) A person guilty of an offence under these Regulations is liable on summary conviction to a fine not exceeding a class A fine or imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

(2) A person guilty of an offence under these Regulations is liable on conviction on indictment to a fine not exceeding €100,000 or to imprisonment for a term not exceeding one year or to both such fine and such imprisonment.

Prosecutions

28. (1) An offence under these Regulations may be brought and prosecuted summarily by, as appropriate, the Agency or a local authority.

(2) Notwithstanding the provisions of section 10(4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under these Regulations may be initiated at any time within 2 years from the date of the commission of the offence.

(3) Where a person or body is convicted of an offence under these Regulations the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Agency or local authority, as the case may be, the costs and expenses, measured by the

court, incurred by the Agency or local authority in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the taking of samples, the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of employees, consultants and advisers, as the case may be.

(4) Where a court imposes a fine, or affirms or varies a fine imposed by another court for an offence under these Regulations, arising from a prosecution taken by the Agency or a local authority, it shall, on the application of the Agency or local authority (made before the time of such imposition, affirmation or variation), provide by order for the payment of the amount of the fine to the Agency or local authority concerned.

Revocation

29. The following are revoked:

- (a) Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002), and
- (b) Emissions of Volatile Organic Compounds from Organic Solvents (Amendment) Regulations 2010 (S.I. No. 165 of 2010).

Schedule 1

Technical provisions relating to installations and activities using organic solvents

Activities

1. In each of the following points, the activity includes the cleaning of the equipment but not the cleaning of products unless specified otherwise.

2. Adhesive coating

Any activity in which an adhesive is applied to a surface, with the exception of adhesive coating and laminating associated with printing activities.

3. Coating activity

Any activity in which a single or multiple application of a continuous film of a coating is applied to:

- (a) either of the following vehicles:
 - (i) new cars, defined as vehicles of category M1 in Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles³ and of category N1 in so far as they are coated at the same installation as M1 vehicles;
 - (ii) truck cabins, defined as the housing for the driver, and all integrated housing for the technical equipment, of vehicles of categories N2 and N3 in Directive 2007/46/EC;
 - (iii) vans and trucks, defined as vehicles of categories N1, N2 and N3 in Directive 2007/46/EC, but not including truck cabins;
 - (iv) buses, defined as vehicles of categories M2 and M3 in Directive 2007/46/EC;
 - (v) trailers, defined in categories O1, O2, O3 and O4 in Directive 2007/46/EC;
- (b) metallic and plastic surfaces including surfaces of airplanes, ships, trains, etc.;
- (c) wooden surfaces;
- (d) textile, fabric, film and paper surfaces;
- (e) leather.

³OJ L 263, 9.10.2007, p. 1.

Coating activities do not include the coating of substrate with metals by electrophoretic and chemical spraying techniques. If the coating activity includes a step in which the same article is printed by whatever technique used, that printing step is considered part of the coating activity. However, printing activities operated as a separate activity are not included, but may be covered by these Regulations if the printing activity falls within the scope thereof.

4. Coil coating

Any activity where coiled steel, stainless steel, coated steel, copper alloys or aluminium strip is coated with either a film forming or laminate coating in a continuous process.

5. Dry cleaning

Any industrial or commercial activity using volatile organic compounds in an installation to clean garments, furnishing and similar consumer goods with the exception of the manual removal of stains and spots in the textile and clothing industry.

6. Footwear manufacture

Any activity of producing complete footwear or parts thereof.

7. Manufacturing of coating mixtures, varnishes, inks and adhesives

The manufacture of the above final products, and of intermediates where carried out at the same site, by mixing of pigments, resins and adhesive materials with organic solvent or other carrier, including dispersion and predispersion activities, viscosity and tint adjustments and operations for filling the final product into its container.

8. Manufacturing of pharmaceutical products

The chemical synthesis, fermentation, extraction, formulation and finishing of pharmaceutical products and, where carried out at the same site, the manufacture of intermediate products.

9. Printing

Any reproduction activity of text and/or images in which, with the use of an image carrier, ink is transferred onto whatever type of surface. It includes associated varnishing, coating and laminating techniques. However, only the following sub-processes are subject to Chapter V of Directive 2010/75/EU and these Regulations:

- (a) flexography — a printing activity using an image carrier of rubber or elastic photopolymers on which the printing areas are above the non-printing areas, using liquid inks which dry through evaporation;

- (b) heatset web offset — a web-fed printing activity using an image carrier in which the printing and non-printing area are in the same plane, where web-fed means that the material to be printed is fed to the machine from a reel as distinct from separate sheets. The non-printing area is treated to attract water and thus reject ink. The printing area is treated to receive and transmit ink to the surface to be printed. Evaporation takes place in an oven where hot air is used to heat the printed material;
- (c) laminating associated to a printing activity — the adhering together of two or more flexible materials to produce laminates;
- (d) publication rotogravure — a rotogravure printing activity used for printing paper for magazines, brochures, catalogues or similar products, using toluene-based inks;
- (e) rotogravure — a printing activity using a cylindrical image carrier in which the printing area is below the non-printing area, using liquid inks which dry through evaporation. The recesses are filled with ink and the surplus is cleaned off the non-printing area before the surface to be printed contacts the cylinder and lifts the ink from the recesses;
- (f) rotary screen printing — a web-fed printing activity in which the ink is passed onto the surface to be printed by forcing it through a porous image carrier, in which the printing area is open and the non-printing area is sealed off, using liquid inks which dry only through evaporation. Web-fed means that the material to be printed is fed into the machine from a reel as distinct from separate sheets;
- (g) varnishing — an activity by which a varnish or an adhesive coating for the purpose of later sealing the packaging material is applied to a flexible material.

10. Rubber conversion

Any activity of mixing, milling, blending, calendering, extrusion and vulcanisation of natural or synthetic rubber and any ancillary operations for converting natural or synthetic rubber into a finished product.

11. Surface cleaning

Any activity except dry cleaning using organic solvents to remove contamination from the surface of material including degreasing. A cleaning activity consisting of more than one step before or after any other activity shall be considered as one surface cleaning activity. This activity does not refer to the cleaning of the equipment but to the cleaning of the surface of products.

12. Vegetable oil and animal fat extraction and vegetable oil refining activities

Any activity to extract vegetable oil from seeds and other vegetable matter, the processing of dry residues to produce animal feed, the purification of fats and vegetable oils derived from seeds, vegetable matter and/or animal matter.

13. Vehicle refinishing

Any industrial or commercial coating activity and associated degreasing activities performing either of the following:

- (a) the original coating of road vehicles as defined in Directive 2007/46/EC or part of them with refinishing-type materials, where this is carried out away from the original manufacturing line;
- (b) the coating of trailers (including semi-trailers) (category O in Directive 2007/46/EC).

14. Winding wire coating

Any coating activity of metallic conductors used for winding the coils in transformers and motors, etc.

15. Wood impregnation

Any activity giving a loading of preservative in timber.

16. Wood and plastic lamination

Any activity to adhere together wood and/or plastic to produce laminated products.

Schedule 2

Thresholds and emission limit values

The emission limit values in waste gases shall be calculated at a temperature of 273,15 K, and a pressure of 101,3 kPa.

	Activity (solvent consumption in tonnes/year)	Threshold (solvent consumption threshold in tonnes/year)	Emission limit Values in waste gases (mg/C/Nm ³)	Fugitive emission values (percentage of solvent input)		Total emission limit values		Special Provisions
				New installations	Existing installations	New installations	Existing installations	
1	Heatset web offset printing (>15)	15-25 >25	100 20	30 ⁽¹⁾ 30 ⁽¹⁾	30 ⁽¹⁾ 30 ⁽¹⁾			⁽¹⁾ Solvent residue in finished product is not to be considered as part of fugitive emissions.
2	Publication rotogravure (>25)		75	10	15			
3	Other rotogravure, flexography, rotary screen printing, laminating or varnishing units (>15) rotary screen printing on textile/cardboard (>30)	15-25 >25 >30 ⁽¹⁾	100 100 100	25 20 20	25 20 20			⁽¹⁾ Threshold for rotary screen printing on textile and on cardboard.
4	Surface cleaning using compounds specified in Regulation 10(6). (>1)	1-5 >5	20 ⁽¹⁾ 20 ⁽¹⁾	15 10	15 10			⁽¹⁾ Limit value refers to mass of compounds in mg/Nm ³ , and not to total carbon.

	Activity (solvent consumption in tonnes/year)	Threshold (solvent consumption threshold in tonnes/year)	Emission limit Values in waste gases (mg/C/Nm ³)	Fugitive emission values (percentage of solvent input)		Total emission limit values		Special Provisions
				New installations	Existing installations	New installations	Existing installations	
5	Other surface cleaning (>2)	2-10 >10	75 ⁽¹⁾ 75 ⁽¹⁾	20 ⁽¹⁾ 15 ⁽¹⁾	20 ⁽¹⁾ 15 ⁽¹⁾			(1) Installations which demonstrate to the local authority that the average organic solvent content of all cleaning material used does not exceed 30% by weight are exempt from application of these values.
6	Vehicle coating (<15) and vehicle refinishing	>0.5	50 ⁽¹⁾	25	25			(1) Compliance in accordance with Regulation 12(2) shall be demonstrated based on 15 minute average measurements.
7	Coil coating (>25)		50 ⁽¹⁾	5	10			(1) For installations which use techniques which allow reuse of recovered solvents, the emission limit value shall be 150.

Activity (solvent consumption in tonnes/year)	Threshold (solvent consumption threshold in tonnes/year)	Emission limit Values in waste gases (mg/C/Nm ³)	Fugitive emission values (percentage of solvent input)		Total emission limit values		Special Provisions
			New installations	Existing installations	New installations	Existing installations	
8 Other coating, including metal, plastic, textile (5), fabric, film and paper coating (>5)	5-15 >15	100 ⁽¹⁾ (4) 50/75 ⁽²⁾ (3)(4)	25 ⁽⁴⁾ 20 ⁽⁴⁾	25 ⁽⁴⁾ 20 ⁽⁴⁾			(1) Emission limit value applies to coating application and drying processes, operated under contained conditions (2) The first emission limit value applies to drying processes, the second to coating application processes. (3) For textile coating installation which use techniques which allow reuse of recovered solvents, the emission limit value applied to coating application and drying processes taken together shall be 150. (4) Coating activities which cannot be applied under contained conditions (such as shipbuilding, aircraft painting) may be exempted from these values, in accordance with Regulation 10(3). (5) Rotary screen printing on textile is covered by activity No. 3.

	Activity (solvent consumption in tonnes/year)	Threshold (solvent consumption threshold in tonnes/year)	Emission limit Values in waste gases (mg/C/Nm ³)	Fugitive emission values (percentage of solvent input)		Total emission limit values		Special Provisions
				New installations	Existing installations	New installations	Existing installations	
9	Winding wire coating (>5)					10 g/kg ⁽¹⁾ 5g/kg ⁽²⁾	10 g/kg ⁽¹⁾ 5g/kg ⁽²⁾	(¹) Applies for installation where average diameter of wire ≤ 0.1mm. (²) Applies for all other installations.
10	Coating of wooden surfaces (>15)	15-25 >25	100 ⁽¹⁾ 50/75 ⁽²⁾	25 20	25 20			(¹) Emission limit value applies to coating application and drying processes operated under contained conditions (²) The first value applies to drying processes, the second to coating application processes.
11	Dry cleaning					20 g/kg ⁽¹⁾ (²)	20 g/kg ⁽¹⁾ (²)	(¹) Expressed in mass of solvent emitted per kilogram of product cleaned and dried. (²) The emission limit value in Schedule 4, Parts 2 and 3 does not apply for this activity.
12	Wood impregnation (>25)		100 ⁽¹⁾	45	45	11kg/m ³	11kg/m ³	(¹) Emission limit value does not apply for impregnation with creosote.

Activity (solvent consumption in tonnes/year)	Threshold (solvent consumption threshold in tonnes/year)	Emission limit Values in waste gases (mg/C/Nm ³)	Fugitive emission values (percentage of solvent input)		Total emission limit values		Special Provisions
			New installations	Existing installations	New installations	Existing installations	
13 Coating of leather (>10)	10-25 >25 (>10) ⁽¹⁾				85 g/m ² 75 g/m ² 150 g/m ²	85 g/m ² 75 g/m ² 150 g/m ²	Emission limits are expressed in grams of solvent emitted per m ² of product produced. ⁽¹⁾ For leather coating activities in furnishing and particular leather goods used as small consumer goods like bags, belts, wallets, etc.
14 Footwear manufacture (>5)					25g per pair	25g per pair	Total emission limit values is expressed in grams of solvent emitted per pair of complete footwear produced.
15 Wood and plastic lamination (>5)					30 g/m ²	30 g/m ²	
16 Adhesive coating (>5)	5-15 >15	50 ⁽¹⁾ 50 ⁽¹⁾	25 20	25 20			⁽¹⁾ If techniques are used which allow reuse of recovered solvent, the emission limit value in waste gases shall be 150.

	Activity (solvent consumption in tonnes/year)	Threshold (solvent consumption threshold in tonnes/year)	Emission limit Values in waste gases (mg/C/Nm ³)	Fugitive emission values (percentage of solvent input)		Total emission limit values		Special Provisions
				New installations	Existing installations	New installations	Existing installations	
17	Manufacture of coating mixtures, varnishes, inks and adhesives (>100)	100-1000 >1 000	150 150	5 3	5 3	5% of solvent input 3% of solvent input	5% of solvent input 3% of solvent input	The fugitive emission limit value does not include solvent sold as part of a coatings mixture in a sealed container.
18	Rubber conversion (<15)		20 ⁽¹⁾	25 ⁽²⁾	25 ⁽²⁾	25% of solvent input	25% of solvent input	⁽¹⁾ If techniques are used which allow reuse of recovered solvent, the emission limit value in waste gases shall be 150 ⁽²⁾ The fugitive emission limit value does not include solvent sold as part of products or mixtures in a sealed container.

Activity (solvent consumption in tonnes/year)	Threshold (solvent consumption threshold in tonnes/year)	Emission limit Values in waste gases (mg/C/Nm ³)	Fugitive emission values (percentage of solvent input)		Total emission limit values		Special Provisions
			New installations	Existing installations	New installations	Existing installations	
19 Vegetable oil and animal fat extraction and vegetable oil refining activities (>10)					Animal Fat: 1.5 kg/tonne Castor: 3 kg/tonne Rape Seed: 1 kg/tonne Sunflower seed: 1 kg/tonne Soya beans (normal crush): 0.8 kg/tonne Soya beans (white flakes): 1.2 kg/tonne Other seeds and other vegetable matter: 3 kg/tonne ⁽¹⁾ 1.5 kg/tonne ⁽²⁾ 4 kg/tonne ⁽³⁾	Animal Fat: 1.5 kg/tonne Castor: 3 kg/tonne Rape Seed: 1 kg/tonne Sunflower seed: 1 kg/tonne Soya beans (normal crush): 0.8 kg/tonne Soya beans (white flakes): 1.2 kg/tonne Other seeds and other vegetable matter: 3 kg/tonne ⁽¹⁾ 1.5 kg/tonne ⁽²⁾ 4 kg/tonne ⁽³⁾	(1) Total emission limit values for installations processing individual batches of seeds and other vegetable matter should be set by the local authority on a case-by-case basis, applying the best available techniques. (2) Applies to all fractionation processes excluding degumming (the removal of gums from the oil). (3) Applies to degumming.

Activity (solvent consumption in tonnes/year)	Threshold (solvent consumption threshold in tonnes/year)	Emission limit Values in waste gases (mg/C/Nm ³)	Fugitive emission values (percentage of solvent input)		Total emission limit values		Special Provisions
			New installations	Existing installations	New installations	Existing installations	
20 Manufacturing of pharmaceutical products (>50)		20 ⁽¹⁾	5 ⁽²⁾	15 ⁽²⁾	5% of solvent input	15% of solvent input	(¹)If techniques are used which allow reuse of recovered solvent, the emission limit value shall be 150. (²)The fugitive emission limit value does not include solvents or mixtures in a sealed container.

Schedule 3

Emission limit values for installations of the vehicle coating industry

1. The total emission limit values are expressed in terms of grams of organic solvent emitted in relation to the surface area of product in square metres and in kilograms of organic solvent emitted in relation to the car body.

2. The surface area of any product dealt with in the table under point 3 is defined as the surface area calculated from the total electrophoretic coating area, and the surface area of any parts that might be added in successive phases of the coating process which are coated with the same coatings as those used for the product in question, or the total surface area of the product coated in the installation.

The surface of the electrophoretic coating area is calculated using the following formula:

$$\frac{2 \times \text{total weight of product shell}}{\text{Average thickness of metal sheet} \times \text{density of metal sheet}}$$

This method shall also be applied for other coated parts made out of sheets.

Computer aided design or other equivalent methods shall be used to calculate the surface area of the other parts added, or the total surface area coated in the installation.

3. The total emission limit values in the table refer to all process stages carried out at the same installation from electrophoretic coating, or any other kind of coating process, through to the final wax and polish of topcoating inclusive, as well as solvent used in cleaning of process equipment, including spray booths and other fixed equipment, both during and outside of production time.

Activity (solvent consumption threshold in tonnes/year)	Production threshold (refers to annual production of coated item)	Total emission limit value	
		New installations	Existing installations
Coating of new cars(>15)	>5,000	45 g/m ² or 1,3 kg/body + 33 g/m ²	60 g/m ² or 1,9 kg/body + 41 g/m ²
	< 5,000 monocoque > 3,500 chassis-built	90 g/m ² or 1,5 kg/body + 70 g/m ²	90 g/m ² or 1,5 kg/body + 70 g/m ²
		Total emission limit value (g/m ²)	
Coating of new truck cabins (>15)	< 5 000	65	85
	> 5 000	55	75

Activity (solvent consumption threshold in tonnes/year)	Production threshold (refers to annual production of coated item)	Total emission limit value	
		New installations	Existing installations
Coating of new truck cabins (>15)	$\leq 2\,500$	90	120
	$> 2\,500$	70	90
Coating of new buses (>15)	$\leq 2\,000$	210	290
	$> 2\,000$	150	225

4. Vehicle coating installations below the solvent consumption thresholds mentioned in the table under point 3 shall meet the requirements for the vehicle refinishing sector set out in Schedule 2.

Schedule 4

Emission limit values relating to volatile organic compounds with specific risk phrases

Part 1

For emissions of the volatile organic compounds referred to in Regulations 10(5) and 10(6) where the mass flow of the sum of the compounds causing the labelling referred to in that Regulation is greater than, or equal to, 10 g/h, an emission limit value of 2 mg/Nm³ shall be complied with. The emission limit value refers to the mass sum of the individual compounds.

Part 2

Until 31 May, 2015 for emissions of halogenated volatile organic compounds which are assigned or need to carry the hazard statements H341 or H351 or the risk phrases R40 or R68, where the mass flow of the sum of the compounds causing the hazard statements H341 or H351 or the labelling R40 or R68 is greater than, or equal to, 100 g/h, an emission limit value of 20 mg/Nm³ shall be complied with. The emission limit value refers to the mass sum of the individual compounds.

Part 3

From 1 June, 2015 for emissions of halogenated volatile organic compounds which are assigned or need to carry the hazard statements H341 or H351, where the mass flow of the sum of the compounds causing the hazard statements H341 or H351 is greater than, or equal to, 100 g/h, an emission limit value of 20 mg/Nm³ shall be complied with. The emission limit value refers to the mass sum of the individual compounds.

Schedule 5

Reduction scheme

1. The operator may use any reduction scheme, specially designed for his installation.

2. In the case of applying coatings, varnishes, adhesives or inks, the following scheme can be used. Where the following method is inappropriate, the local authority may allow an operator to apply any alternative scheme achieving equivalent emission reductions to those achieved if the emission limit values of Schedules 2 and 3 were to be applied. The design of the scheme shall take into account the following facts;

- (a) where substitutes containing little or no solvent are still underdevelopment, a time extension shall be given to the operator to implement his emission reduction plans;
- (b) the reference point for emission reductions should correspond as closely as possible to the emissions which would have resulted had no reduction action been taken.

3. The following scheme shall operate for installations for which a constant solid content of product can be assumed:

(a) The annual reference emission is calculated as follows:

- (i) The total mass of solids in the quantity of coating and/or ink, varnish or adhesive consumed in a year is determined. Solids are all materials in coatings, inks, varnishes and adhesives that become solid once the water or the volatile organic compounds are evaporated.
- (ii) The annual reference emissions are calculated by multiplying the mass determined in (i) by the appropriate factor listed in the table below. Competent authorities may adjust these factors for individual installations to reflect documented increased efficiency in the use of solids.

Activity	Multiplication factor for use in item(a)(ii)
Rotogravure printing; flexography printing; laminating as part of a printing activity; varnishing as part of a printing activity; wood coating; coating of textiles, fabric film or paper; adhesive coating	4
Coil coating, vehicle refinishing	3
Food contact coating, aerospace coatings	2.33
Other coatings and rotary screen printing	1.5

(b) The target emission is equal to the annual reference emission multiplied by a percentage equal to:

- (i) (the fugitive emission limit value + 15), for installations falling within item 6 and the lower threshold band of items 8 and 10 of Schedule 2,
 - (ii) (the fugitive emission limit value + 5) for all other installations.
- (c) Compliance is achieved if the actual solvent emission determined from the solvent management plan is less than or equal to the target emission.

Schedule 6**Solvent Management Plan**

1. Principles

The solvent management plan shall be used to:

- (a) verify compliance as specified in Regulation 13;
- (b) identify future reduction options;
- (c) enable provision of information to the public on solvent consumption, solvent emissions and compliance with the requirements of these Regulations.

2. Definitions

The following definitions provide a framework for the mass balance exercise.

Inputs of organic solvents (I):

- I1 The quantity of organic solvents or their quantity in mixtures purchased which are used as input into the process in the time frame over which the mass balance is being calculated.
- I2 The quantity of organic solvents or their quantity in mixtures recovered and reused as solvent input into the process. The recycled solvent is counted every time it is used to carry out the activity.

Outputs of organic solvents (O):

- O1 Emissions in waste gases.
- O2 Organic solvents lost in water, taking into account waste water treatment when calculating O5.
- O3 The quantity of organic solvents which remains as contamination or residue in products output from the process.
- O4 Uncaptured emissions of organic solvents into air. This includes the general ventilation of rooms, where air is released to the outside environment via windows, doors, vents and similar openings.
- O5 Organic solvents and/or organic compounds lost due to chemical or physical reactions (including those which are destroyed, by incineration or other waste gas or waste water treatments, or captured, as long as they are not counted under O6, O7 or O8).
- O6 Organic solvents contained in collected waste.

- O7 Organic solvents, or organic solvents contained in mixtures, which are sold or intended to be sold as a commercially valuable product.
- O8 Organic solvents contained in mixtures recovered for reuse but not as input into the process, as long as not counted under O7.
- O9 Organic solvents released in other ways.

3. Use of the solvent management plan for verification of compliance.

The use made of the solvent management plan shall be determined by the particular requirement which is to be verified, as follows:

- (a) verification of compliance with the reduction scheme as set out in Schedule 5, with a total emission limit value expressed in solvent emissions per unit product, or otherwise stated in Schedules 2 and 3.
 - (i) for all activities using the reduction scheme as set out in Schedule 5, the solvent management plan shall be drawn up annually to determine the consumption (C). The consumption shall be calculated according to the following equation:

$$C = I1 - O8$$

A parallel exercise shall also be undertaken to determine solids used in coating in order to derive the annual reference emission and the target emission each year.

- (ii) For assessing compliance with a total emission limit value expressed in solvent emissions per unit product or otherwise stated in Schedules 2 and 3, the solvent management plan shall be drawn up annually to determine emissions (E). The emissions shall be calculated according to the following equation:

$$E = F + O1$$

Where F is the fugitive emission as defined in point (b)(i). The emission figure shall then be divided by the relevant product parameter.

- (iii) for assessing compliance with the requirements of point (b)(ii) of Regulation 10(7), the solvent management plan shall be drawn up annually to determine total emissions from all activities concerned, and that figure shall be compared with the total emissions that would have resulted had the requirements of Schedules 2, 3 and 5 been met for each activity separately.

(b) Determination of fugitive emissions for comparison with fugitive emission limit values in Schedule 2:

(i) The fugitive emission shall be calculated according to one of the following equations:

$$F = I1 - O1 - O5 - O6 - O7 - O8$$

or

$$F = O2 + O3 + O4 + O9$$

F shall be determined either by direct measurement of the quantities or by an equivalent method or calculation, for instance by using the capture efficiency of the process.

The fugitive emission limit value is expressed as a proportion of the input, which shall be calculated according to the following equation:

$$I = I1 + I2$$

(ii) Determination of fugitive emissions shall be done by a short but comprehensive set of measurements and needs not be done again until the equipment is modified.

Schedule 7

Application for a Certificate of Compliance/Renewal of a Certificate of Compliance by an operator of an installation using organic solvents

1. Name and address of the operator:
2. Address of the installation if different from 1 above:
3. (a) Have you previously been issued with a certificate of compliance for this installation-

 (b) If yes to 3(a), please state the date of expiry of the previous certificate of compliance:
4. State the activity or activities carried out or proposed to be carried out at the installation by reference to Schedules 1 and 2 of the Regulations:
5. Detail the type or types of organic solvent used or proposed to be used in the activity or activities:
6. State the estimated quantity of each type of organic solvent consumed or proposed to be consumed annually in each activity:
7. Will abatement equipment be used or is it used currently- If so, briefly describe:
8. Are you employing, or do you propose to employ, a solvent reduction scheme under Regulation 10(1)(b). If so, detail briefly any reduction targets to be achieved:
9. Enclosed:
 - Report from an approved assessor established by the Environmental Protection Agency under Regulation 7 of the European Union (Installations and Activities Using Organic Solvents) Regulations 2012 on the compliance of the installation; and
 - Application fee of € payable to the local authority.

Signature.....

Date.....

Schedule 8

Certificate of compliance to operate an installation using organic solvents

In accordance with the European Union (Installations and Activities Using Organic Solvents Regulations) 2012,

..... (*insert name of local authority*)

hereby issues a certificate of compliance to:

.....(*insert name and address of installation*)

subject to the conditions and recommendations (*if any*) stated below.

This certificate of compliance will expire on (*insert date*) unless revoked sooner by (*insert name of local authority*).

An application for the renewal of this certificate of compliance must be made in writing to (*insert name of local authority*) not less than 28 days prior to the expiry date above.

Conditions for Compliance:

Stamp of local authority to be affixed here:

Signature of authorised person:

Date:



GIVEN under my Official Seal,
21 December 2012.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations transpose Chapters I, V and VII as well as Annex VII of Directive 2010/75/ EU on industrial emissions. Chapter V sets out special provisions for installations and activities using organic solvents. These Regulations do not apply to installations that are licensed separately by the Environmental Protection Agency (EPA).

The Regulations apply to dry cleaners and other sectoral activities listed in Schedule 1 where the solvent consumption is within or above the thresholds specified in Schedule 2. Such installations must be operated in compliance with these Regulations. Any person or body who contravenes a provision of these Regulations is guilty of an offence and shall be liable to the penalties provided for in Regulation 27.

Local authorities are responsible for the enforcement of the Regulations within their functional area. The EPA is designated as the competent authority under the Regulations and has general supervision over the functions and actions of local authorities. The EPA may publish guidelines to facilitate the implementation of the regulations. The EPA shall appoint a national panel of approved assessors before 30 September 2013 for the purpose of assessing the compliance of installations to which these Regulations apply. Until such time the EPA will appoint an interim approved assessor.

Dry cleaners and other sectoral activities that fall within the scope of these regulations must hold an up to date certificate of compliance from the relevant local authority. In order to acquire a certificate of compliance, an installation must first undergo an inspection by an approved assessor who has been appointed by the EPA. The approved assessor shall determine the compliance of the operator with the environmental parameters of the Directive and these Regulations. The operator then submits the report of the approved assessor to the relevant local authority together with an application fee. The local authority must then decide, within 28 days, whether or not to issue a certificate of compliance. Certificates of compliance may be issued for a period of up to 3 years. Certified operators must submit data to the local authority by 31 January each year enabling the local authority to verify the compliance of the installation.

An application for a renewal of a certificate of compliance must be made at least 28 days prior to its expiry date. Local authorities may renew a certificate of compliance issued under the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002) that was valid on 31 December 2012. Such certificates may be renewed to be valid up to 30 September 2016. A certificate that has expired shall not be renewed.

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