PPC Permit ref: PPC/004
Variation ref: 001

Coventry City Council
The Pollution Prevention and Control (England and Wales) Regulations 2000 Regulation 17

Variation Notice

To **Coventry City Council, Bereavement Services, Broadgate House, Broadgate, Coventry CV1 1NH**

Coventry City Council ("the Council"), in the exercise of the powers conferred upon it by regulation 17 of the Pollution Prevention and Control (England and Wales) Regulations 2000[1] ("the 2000 Regulations") hereby gives you a notice as follows-

The Council has decided to vary the conditions of permit reference PPC/41 granted under regulation 9(1) of the 2000 Regulations in respect of the operation of the installation at **Canley Crematorium, Cannon Hill Road, Canley, Coventry CV4 7DF**

The variation of the conditions of the permit and date [s} on which they are to take effect are specified in Schedule 1 to this notice. A consolidated permit as varied by this is set out in Schedule 2.

Signed on behalf of Coventry City Council

…… Date 27th April 2006.

An authorised officer of the Council

[1] S.I 2000 No. 1973 to which there are amendments not relevant to this suspension notice.

PPC Permit ref: PPC/41
Variation ref: 002

Schedule 1

Variation to the conditions Of the permit	**Date(s) on which the variation Is to take place**
In document A SCOPE replace "PG5/2(95)" with "PG5/04" and delete "ISBN 0-11-753153-7"	Immediately
In document A Table 1 Rows 1 to 4 inclusive replace "1.1 to 1.4" with "1.1 to 1.6"	Immediately
In document A Table 1 Row 4 Abatement Plant Required after "Fabric filter system" insert "Not extracted to atmosphere"	Immediately
In document B delete existing conditions 1.4, 1.5 and 1.6 and replace new conditions 1.4, 1.5 and 1.6 "1.4 Emissions from each cremator shall not exceed the following emission concentration limits (273K, 101.3kPa,11% oxygen v/v, dry gas unless otherwise stated) except in accordance with condition 5.13 of the Secretary of State's Guidance Note PG5/2(04) for Crematoria ❑ Hydrogen chloride (excluding particulate matter) 200mg/m^3 as a 60-minute mean ❑ Total particulate matter 80 mg/m3 as a 60-minute mean for 95% of cremations and 160 mg/m3 averaged as a 60 minute mean for all cremations. ❑ Carbon monoxide 100mg/m3 as a 60-minute mean for 95% of cremations and 200mg/m3 averaged over the first 60 minutes for all cremations. ❑ Organic compounds (excl particulate matter) expressed as carbon 20mg/m3 as a 60-minute mean." 1.5 Particulate matter from cremated remains reduction plant that vents	Immediately

externally shall not exceed 50mg/m3 with no correction for oxygen concentration or water vapour." 1.6 By 31st December 2012 emissions from each cremator shall not exceed the following emission concentration limit (273K, 101.3kPa, 11% oxygen v/v, dry gas unless otherwise stated) except in accordance with condition 5.13 of the Secretary of State's Guidance Note PG5/2(04) for Crematoria ❑ Mercury 50 mg/m3 Extractive."	
In document B delete existing conditions 2.1 and 2.2 and replace with new condition 2.1 **"**2.1 The following requirements shall be met by the operator: **Temperature** a) Minimum temperature of 1123K (850ºC) in the secondary combustion chamber as measured at the entrance and after the exit from the secondary combustion zone. b) The temperature to meet the requirements of (a) above shall be automatically and continuously recorded c) There shall be a visual alarm that activates when the temperature falls below 1123k (850ºC). Each alarm activation shall be recorded. d) There shall be an Interlock to prevent each cremator loading if the temperature requirements of (a) above have not been met **Residence time** a) 2 seconds residence time in the secondary combustion chamber without correction for temperature, oxygen or water vapour b) This shall be achieved by the	Immediately

measurement and calculation of the volume rate of the flue gases throughout the cremation cycle at the crematorexit on commissioning **Oxygen** a) At the end of the secondary combustion chamber, measured wet or dry, minimum average 6% oxygen and minimum 3% oxygen b) The oxygen concentration shall be continuously monitored and recorded at the outlet of the secondary combustion zone c) There shall be a visual alarm that activates when the oxygen concentration falls below the requirements of (a) above. Each alarm activation shall be recorded. d) There shall be an Interlock to prevent each cremator loading if the oxygen requirements of (a) above have not been met	
In document B delete existing conditions 2.3, 2.4 and insert new condition 2.3 "2.3 Continuous monitoring shall be carried out as follows: ❑ All continuous monitoring readings shall be on display to appropriately trained operating staff. ❑ Instruments shall be fitted with visual alarms, situated appropriately to warn the operator of arrestment plant failure or malfunction. ❑ The activation of alarms shall be automatically recorded. ❑ All continuous monitors shall be operated, maintained and calibrated (or referenced) in accordance with the manufacturers' instructions, which	Immediately

should be made available for inspection by the regulator. The relevant maintenance and calibration (or referencing) should be recorded."	
In document B delete existing condition 2.5 and replace with new condition 2.5 **"2.5** All continuous monitoring equipment should be designed for less than 5% downtime over any 3-month period"	Immediately
In document B in existing condition 2.7 after "condition 1.4" insert ",1.5 and 1.6"	Immediately
In document B delete existing conditions 2.10 and 2.11 and insert new conditions 2.10 and 2.11 "2.10 For each cremator, for carbon monoxide, and for particulate matter, the operator shall report the following continuous monitoring values to the regulator every 1 month. • monthly or four weekly average from the first hour of each cremation • values that exceed the 95% limit for each substance listed in condition 1.4 in that period for each cremation • 60 minute mean emission values that exceed the 100% limit for each substance listed in condition 1.4 in that period for each cremation • a list of the highest 60minute mean emission value for each period • the 95-percentile value for each period. 2.11 For temperature, oxygen and residence time, the operator shall report the following continuous monitoring values to the regulator every 1 month • secondary chamber entrance temperature, 4 weekly / monthly maximum and minimum • secondary chamber exit temperature, 4 weekly / monthly maximum and minimum • oxygen concentration, 4 weekly / monthly minimum • residence time, 4 weekly / monthly minimum."	Immediately

In document B after existing condition 2.7 insert new condition 2.7.1 "2.7.1 Non-continuous emissions monitoring of particulate matter should be carried out according to the main procedural requirements of BS ISO 9096: 2003, with averages taken over operating periods, excluding start-up and shutdown."	Immediately
In document B delete existing condition 2.9	Immediately
In document B after existing condition 2.12 insert new conditions 2.13, 2.14, 2.15 and 2.16 "2.13 The operator shall advise the regulator without delay: ❑ if there is an emission that is likely to have an effect on the local community; **or** ❑ in the event of the failure of key arrestment plant **or** ❑ continuous monitoring results exceed twice the specified emission limit. 2.14 The cremator shall be designed and operated in order to prevent the discharge of smoke, fumes, or other substances during charging. 2.15 The cremator and all ductwork shall be made and maintained gas tight if under positive pressure to prevent the escape of gases from the ductwork or cremator to the air. 2.16 The operator shall advise the regulator in writing by 1st June 2006 whether they will be opting for installing mercury abatement equipment or sharing the cost of abatement fitted by other crematoria.	Immediately

In document B after existing condition 3.7 insert new condition 3.8 **"**3.8 The operator shall take steps to ensure that funeral directors are regularly made aware of the following restrictions on coffin type or cadaver preparation ❑ PVC and melamine should not be used in coffin construction or furnishings. ❑ Cardboard coffins should not contain chlorine in the wet-strength agent. (e.g. not using polyamidoamine-epichlorhydrin based resin (PAA-E)) ❑ Packaging for stillbirth, neonatal and foetal remains should not include any chlorinated plastics"	Immediately
In document B delete existing condition 5.1 and replace with new condition 5.1 "5.1 Effective preventative maintenance shall be employed on all aspects of the activity including all plant, buildings and the equipment concerned with the control of emissions to air. In particular; a written maintenance programme shall be available to the regulator with respect to pollution control equipment, and a record of such maintenance shall be made available for inspection by the regulator."	Immediately
In document B delete existing condition 5.4, 5.5, 5.6 and 5.7	Immediately
In document B delete existing condition 6.1 and insert new condition 6.1 **"6.1** In the case of abnormal emissions, malfunction or breakdown leading to abnormal emissions the operator should: • investigate and undertake remedial action **immediately** • adjust the process or activity to minimise those emissions; and • promptly record the events and actions taken".	Immediately
In document B delete existing	Immediately

conditions 6.2 and 6.5	
In document B insert new conditions 6.7 to 6.9 "6.7 The training of all staff with responsibility for operating the activity shall include: • awareness of their responsibilities under the Permit; in particular how to deal with conditions likely to give rise to emissions, such as in the event of spillage; • minimising emissions on start up and shut down; and • action to minimise emissions during abnormal conditions. 6.8 The operator shall maintain a statement of training requirements for each operational post and keep a record of the training received by each person whose actions may have an impact on the environment. These documents shall be made available to the regulator on request. 6.9 Operators shall put in place some form of structured environmental management system (EMS), whether by adopting published standards (ISO 14001 or the EU Eco Management and Audit Scheme [EMAS]) or by setting up an EMS tailored to the nature and size of the particular process."	Immediately

Signed on behalf of Coventry City Council

……. Date 27th April 2006
An authorised officer of the Council

POLLUTION PREVENTION & CONTROL ACT 1999
POLLUTION PREVENTION & CONTROL (ENGLAND AND WALES) REGULATIONS 2000

DOCUMENT A : PERMIT

Coventry City Council

Reference Number **PPC/004**

Coventry City Council ("the Council") in accordance with Section 10(2) of the Pollution Prevention & Control (England and Wales) Regulations 2000 ("The Regulations"), hereby permits:

Coventry City Council

Whose registered office is:

City Services Directorate
Public Protection
Bereavement Services
Broadgate House
Broadgate
Coventry
CV1 1NH

to operate a Part B installation involving the cremation of human remains as prescribed in Section 5.1 part B (c) of Schedule 1 to The Regulations, at:

Canley Crematorium
Cannon Hill Road
Canley
Coventry
CV4 7DF

The permit is subject to the conditions specified in this document consisting of 12 pages and comprising documents A, B and C, plans PPC/004/A, PPC/004/B and Appendix 1.

Signed.....
Alan Bennett, Head of Environmental Health
A person authorised to sign on behalf of the Council

Dated ……

SCOPE

The installation comprises not just any relevant unit carrying out a Part B activity listed in Schedule 1 to the Regulations, but also directly associated activates which have a technical connection with that activity and which could have an effect on pollution.

All pollutant concentrates are expressed at reference conditions, 273K, 101.3KPa and 11% oxygen.

Technical Guidance documents used in the preparation of this document:

- Secretary of States Guidance Note PG5/2(04).- Crematoria.
- Secretary of State's Guidance – General Guidance Manual on Policy and Procedures for A2 and B installations. ISBN 0-85521-028-1

Date Annual Fee Required:	1st April of each financial year
Date For Full Compliance:	Date of Permit Issue
Permit Prepared By:	Rachel King

LEGISLATION

1. Pollution Prevention and Control Act 1999.
2. Pollution Prevention and Control Regulations 2000 as amended, schedule 1 as amended

BRIEF DESCRIPTION OF THE INSTALLATION REGULATED BY THIS PERMIT

Definitions referred to in this permit

- An **Activity** is an industrial activity forming part of an installation. Different types of activity are listed within Schedule 1 of the PPC Regulations and are broadly broken down into industrial sectors. Other "associated" activities may also form part of an installation.
- An **Installation** comprises not just any relevant unit carrying out a B activity listed within Schedule 1 to the PPC Regulations, but also directly associated activities which have a technical connection with a schedule 1 activity and which could have an effect on pollution.
- An **Operator** is the person (eg a company or individual) who has control over the operation of an installation.
- **Authorised Officer** shall mean an officer authorised to carry out duties under the Pollution Prevention and Control Act 1999 and subordinate regulations
- **Logbook** shall mean any electronic or paper means of storage of the required information as agreed by the regulator
- **Local Authority** shall mean Coventry City Council

The general location of the Authorised Process is shown on the attached plan PPC/004/A site. Plan PPC/004/B shows the installation boundary and key plant referred to in the permit.

Description of Installation

Coffins are manually loaded into one of four gas-fired cremators with the assistance of a trolley, following removal of non- combustible items such as metal handles, and floral arrangements.

The coffin and human remains are cremated to a fully calcified state.

The remaining bones and ashes are manually transferred into a holding container, and then decanted into the cremulator, where they are ground and reduced in size and transferred into urns.

Table 1

List of Process Areas within the Installation and Associated Emission Points, Pollutants of Concern and Abatement Plant Required

Row	Area/Machinery Identification	Pollutants Emitted	Emission Limits	Abatement Plant Required
1	Newton Cremator	Particulates Hydrogen Chloride Carbon Monoxide Organic Compounds	1.1 to 1.6 inclusive	None
2	Newton Cremator	Particulates Hydrogen Chloride Carbon Monoxide Organic Compounds	1.1 to 1.6 inclusive	None
3	Newton Cremator	Particulates Hydrogen Chloride Carbon Monoxide Organic Compounds	1.1 to 1.6 inclusive	None
4	Joule Cremator	Particulates Hydrogen Chloride Carbon Monoxide Organic Compounds	1.1 to 1.6 inclusive	None
5	Cremulator	Particulates	1.5	Fabric filter system Not extracted to atmosphere

DOCUMENT B

CONDITIONS

All conditions shall have immediate effect unless stated otherwise.

1. **EMISSION LIMITS AND CONTROLS**

1.1 There shall be no offensive odour outside the installation boundary, as marked on Plan PPC/004/B, as perceived by an authorised Inspector of the Authority.

1.2 All emissions to air, other than steam or condensed water vapour shall be free from droplets and from persistent mist and persistent fume.

1.3 Emissions from the cremators shall, in normal operation (including start up and shut down), be free from visible smoke and no emissions from the cremator shall exceed the equivalent of Ringlemann Shade 1.

1.4 Emissions from each cremator shall not exceed the following emission concentration limits (273K, 101.3kPa,11% oxygen v/v, dry gas unless otherwise stated) except in accordance with condition 5.13 of the Secretary of State's Guidance Note PG5/2(04) for Crematoria

- Hydrogen chloride (excluding particulate matter) 200mg/m^3 as a 60-minute mean
- Total particulate matter 80 mg/m3 as a 60-minute mean for 95% of cremations and 160 mg/m3 averaged as a 60 minute mean for all cremations.
- Carbon monoxide 100mg/m3 as a 60-minute mean for 95% of cremations and 200mg/m3 averaged over the first 60 minutes for all cremations.
- Organic compounds (excl particulate matter) expressed as carbon 20mg/m3 as a 60-minute mean."

1.5 Particulate matter from cremated remains reduction plant that vents externally shall not exceed 50mg/m3 with no correction for oxygen concentration or water vapour."

1.6 By 31st December 2012 emissions from each cremator shall not exceed the following emission concentration limit (273K, 101.3kPa,11% oxygen v/v, dry gas unless otherwise stated) except in accordance with condition 5.13 of the Secretary of State's Guidance Note PG5/2(04) for Crematoria

- Mercury 50 mg/m3 Extractive

2. **MONITORING SAMPLING AND MEASUREMENT OF EMISSIONS**

2.1 The following requirements shall be met by the operator**:**

Temperature

a) Minimum temperature of 1123K (850ºC) in the secondary combustion chamber as measured at the entrance and after the exit from the secondary combustion zone.
b) The temperature to meet the requirements of (a) above shall be automatically and continuously recorded

c) There shall be a visual alarm that activates when the temperature falls below 1123k (850ºC). Each alarm activation shall be recorded.
d) There shall be an Interlock to prevent each cremator loading if the temperature requirements of (a) above have not been met

Residence time

a) 2 seconds residence time in the secondary combustion chamber without correction for temperature, oxygen or water vapour
b) This shall be achieved by the measurement and calculation of the volume rate of the flue gases throughout the cremation cycle at the cremator exit on commissioning

Oxygen

a) At the end of the secondary combustion chamber, measured wet or dry, minimum average 6% oxygen and minimum 3% oxygen
b) The oxygen concentration shall be continuously monitored and recorded at the outlet of the secondary combustion zone
c) There shall be a visual alarm that activates when the oxygen concentration falls below the requirements of (a) above. Each alarm activation shall be recorded.
d) There shall be an Interlock to prevent each cremator loading if the oxygen requirements of (a) above have not been met

2.2 Deleted

2.3 Continuous monitoring shall be carried out as follows:

- All continuous monitoring readings shall be on display to appropriately trained operating staff.
- Instruments shall be fitted with visual alarms, situated appropriately to warn the operator of arrestment plant failure or malfunction.
- The activation of alarms shall be automatically recorded.
- All continuous monitors shall be operated, maintained and calibrated (or referenced)
  in accordance with the manufacturers' instructions, which should be made available for inspection by the regulator. The relevant maintenance and calibration (or referencing) should be recorded."

2.4 Deleted

2.5 All continuous monitoring equipment should be designed for less than 5% downtime over any 3-month period"

2.6 A log book shall be kept at the facility at all times. For each cremation the following information shall be recorded in the log book: -

- Cremator number
- Cremator used
- Start and finish time

- Time taken to complete cremation
- Pre-heat temperature (in secondary combustion chamber)
- Charge temperature (main chamber)
- Maximum temperature in primary chamber at end of cremation
- Observation of stack emissions
- Any unusual occurrences including remedial action taken where appropriate
- Funeral Director
- The cremation operative responsible.

2.7 Emissions from each cremator shall be tested at least once in 12 months to demonstrate compliance with condition 1.4, 1.5 and 1.6 using a protocol having gained prior written approval from the Authority.

2.7.1 Non-continuous emissions monitoring of particulate matter should be carried out according to the main procedural requirements of BS ISO 9096: 2003, with averages taken over operating periods, excluding start-up and shutdown.

2.8 At least 7 days notice of any testing to demonstrate compliance with emission limits shall be given to the Authority.

2.9 Deleted

2.10 For each cremator, for carbon monoxide, and for particulate matter, the operator shall report the following continuous monitoring values to the regulator every 1 month.
• monthly or four weekly average from the first hour of each cremation
• values that exceed the 95% limit for each substance listed in condition 1.4 in that period for each cremation
• 60 minute mean emission values that exceed the 100% limit for each substance listed in condition 1.4 in that period for each cremation
• a list of the highest 60 minute mean emission value for each period
• the 95-percentile value for each period.

2.11 For temperature, oxygen and residence time, the operator shall report the following continuous monitoring values to the regulator every 1 month
• secondary chamber entrance temperature, 4 weekly / monthly maximum and minimum
• secondary chamber exit temperature, 4 weekly / monthly maximum and minimum
• oxygen concentration, 4 weekly / monthly minimum
• residence time, 4 weekly / monthly minimum.

2.12 The results of all non-continuous monitoring shall be forwarded to the Authority within 8 weeks of the monitoring taking place.

2.13 The operator shall advise the regulator without delay:
- ❑ if there is an emission that is likely to have an effect on the local community; **or**
- ❑ in the event of the failure of key arrestment plant **or**
- ❑ continuous monitoring results exceed twice the specified emission limit.

2.14 The cremator shall be designed and operated in order to prevent the discharge of smoke, fumes, or other substances during charging.

2.15 The cremator and all ductwork shall be made and maintained gas tight if under positive pressure to prevent the escape of gases from the ductwork or cremator to the air.

2.16 The operator shall advise the regulator in writing by 1st June 2006 whether they will be opting for installing mercury abatement equipment or sharing the cost of abatement fitted by other crematoria.

3. MATERIALS HANDLING

3.1 Coffins containing lead or zinc shall not be cremated, in addition to floral arrangements or non-combustible items such as metal coffin handles.

3.2 The remains in the cremators shall only be moved when calcination is completed.

3.3 The removal of ash and non-combustible residues from the cremators shall be undertaken carefully, so as to prevent dust emissions.

3.4 Cremated remains shall only be moved and stored in a covered container.

3.5 The cremulator shall only be operated whilst the local extract ventilation is in operation and connected to the fabric filter system.

3.6 Decanting of ashes shall only take place within the ventilated chamber of the cremulator and only at such time that the local ventilation system is in operation and connected to the fabric filter system.

3.7 The cremators shall only be operated in accordance with the manufacturers instructions for 'Newton' and 'Joule' cremators.

3.8 The operator shall take steps to ensure that funeral directors are regularly made aware of the following restrictions on coffin type or cadaver preparation

- PVC and melamine should not be used in coffin construction or furnishings.
- Cardboard coffins should not contain chlorine in the wet-strength agent. (e.g. not using polyamidoamine-epichlorhydrin based resin (PAA-E))
- Packaging for stillbirth, neonatal and foetal remains should not include any chlorinated plastics

4. VENTS AND PROCESS EXHAUSTS

4.1 All gaseous products from combustion within the cremators shall be discharged through the 16.5m stack, marked A on the attached Plan No. PPC/004/B.

5. MAINTENANCE OF PLANT AND EQUIPMENT

5.1 Effective preventative maintenance shall be employed on all aspects of the activity including all plant, buildings and the equipment concerned with the control of emissions to air. In particular; a written maintenance programme shall be available to the regulator with respect to pollution control equipment, and a record of such maintenance shall be made available for inspection by the regulator.

5.2 Any defect shall be reported to the manufacturer, agent or holder of a maintenance contract, as soon as possible and repairs initiated as soon as reasonably practicable.

5.3 Any cremator which has been identified as being defective and incapable of operation within the conditions of this permit shall not be operated until such time that effective repair has been completed.

5.4 Deleted

5.5 Deleted

5.6 Deleted

5.7 Deleted

6.0 GENERAL OPERATIONS

6.1 In the case of abnormal emissions, malfunction or breakdown leading to abnormal emissions the operator should:
- investigate and undertake remedial action **immediately**
- adjust the process or activity to minimise those emissions; and
- promptly record the events and actions taken

6.2 Deleted

6.3 The operator shall supply to this Authority, on demand and without charge, a copy of all or part of the records required to be kept by this permit.

6.4 Spares and consumables for plant and equipment used in the installation in particular that subject to continual use or wear shall be held on site or shall be available at short notice. Such plant or equipment shall not be used unless that plant or equipment is capable of working in accordance with the conditions of this permit.

6.5 Deleted

6.6 If there is any intention to change any aspect of the prescribed installation from the description contained in the beginning of this permit, or any other aspect which may affect the substances or concentration or amount of substances being emitted to atmosphere, the operator shall notify the regulator of the proposed changes at least 4 weeks in advance before the changes take place.

6.7 The training of all staff with responsibility for operating the activity shall include:

• awareness of their responsibilities under the Permit; in particular how to deal with conditions likely to give rise to emissions, such as in the event of spillage;
• minimising emissions on start up and shut down; and
• action to minimise emissions during abnormal conditions.

6.8 The operator shall maintain a statement of training requirements for each operational post and keep a record of the training received by each person whose actions may have an impact on the environment. These documents shall be made available to the regulator on request.

6.9 Operators shall put in place some form of structured environmental management system (EMS), whether by adopting published standards (ISO 14001 or the EU Eco Management and Audit Scheme [EMAS]) or by setting up an EMS tailored to the nature and size of the particular process.

DOCUMENT C

RESIDUAL DUTY

In relation to any aspect of the process not regulated by specific conditions in this permit , then Best Available Techniques shall be used:

For the purposes of the Pollution Prevention and Control (England and Wales) Regulations 2000, “best available techniques” means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where practicable, generally to reduce emissions and the impact on the environment as a whole; and for the purpose of this definition –

a) “available techniques” means those techniques which have been developed on a scale which allows implementation in the relevant industrial sector, in the economically and technically viable conditions, taking into consideration the cost and advantages, whether or not the techniques are used or produced inside the United Kingdom, as long as they are reasonably accessible to the operator;

b) “best” means, in relation to techniques, the most effective in achieving a high general level of protection of the environment as a whole;

c) “techniques” includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.

Appendix 1
SUPPLEMENTARY NOTES

These notes do not comprise part of the Permit PPC/004 but contain guidance relevant to the Permit.

Inspections

Regular inspections will be carried out by officers of the Council to check and ensure full compliance with the Permit. These inspections may be carried out without prior notice.

Health and Safety

This Permit is given in relation to the requirements of the Pollution Prevention and Control (England and Wales) Regulations 2000. It must not be taken to replace any workplace responsibilities the operator has under Health & Safety legislation. Whenever emission limits quoted in this Permit conflict with occupational exposure limits set under the Health and Safety at Work Act 1974 to secure the health, safety or welfare of persons at work, the tighter limit should prevail.

Installation must be operated in order to protect persons at work as well as the environment. In achieving conditions in this Permit the operator must not adopt any course of action that would put at risk the health, safety or welfare of persons at work.

Other Statutory Requirements

This Permit does not detract from any other statutory requirement, such as the need to obtain planning permission, hazardous substances consent, discharge consent from the Environment Agency, building regulations approval, or a waste disposal licence.

This Permit does not authorise a contravention of any other enactment or any order made, granted or issued under any enactment, nor does it authorise a contravention of any rule or breach of any agreement.

The Operator is advised to consult the relevant Planning Department regarding changes that may be required as a result of this Permit (e.g. stack heights) as they may require planning permission.

Transfer of Permits

Where the operator of an installation wishes to transfer, in whole or in part, his permit to another person, the operator and the proposed transferee shall jointly make an application to the regulator to effect the transfer. Such an application shall be accompanied by the permit and any fee prescribed in respect of the transfer.

In the case of partial transfer, where the original operator retains part of the permit, the application must make clear who will retain control over the various parts of the installation. The application must include a plan identifying which parts of the site and which activities the operator proposes transferring.

The local authority will then determine whether to allow the transfer within a two-month period, unless the local authority and the applicants agree a longer period. Where the

local authority approves the transfer, the transfer will take effect from the date requested by the operator or a date that may be agreed by the local authority and the applicants.

Variation to Permits

Variation to permits may be initiated either by the local authority or the operator, either in response to changes in the operation of an installation or if new conditions are needed to deal with new matters. Variations may be required in response to the following.

- Change of operation of the installation. (The operator shall notify the local authority under Section 16(1) of the Regulations.)
- In response to the findings of a periodic review of conditions.
- In response to the findings of an inspection.
- New or revised sector guidance notes

The operator should apply to the Local Authority in order to vary a permit under regulation 17 of the Regulations. The application must be in writing and, in accordance with Part 1 of Schedule 7 to the Regulations contain:

- The name, address and telephone number of the operator.
- The address of the installation.
- A correspondence address.
- A description of the proposed changes.
- An indication of the variations the operator would like to make.
- Any other information the operator wants the authority take account of.

Substantial Change

A substantial change means, in relation to an installation, a change in operation, which in the opinion of the local authority may have significant negative effects on human beings or the environment.

Where the local authority deems that a proposed variation constitutes a substantial change, the operator will be informed of the process to follow.

Noise

This Permit does not include reference to noise. Statutory noise nuisance is regulated separately under the provisions of Part III of the 1990 Act.

Appeals

An Appeal can be made against the conditions in, or variations to this Permit as per Part IV of the Regulations. Appeals are made to the Planning Inspectorate who acts on behalf of the Secretary of State. Appeals against conditions within a Permit must be submitted within 6 months of the date of issue of the permit. Appeals against variation notices must be submitted within 2 months of the date of issue of the notice. Appeals should be despatched on the day they are dated and sent to:

The Planning Inspectorate
Environmental Appeals Administration
Room 4/19 – Eagle Wing

Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

HMSO Publications

All HMSO publications can be ordered by telephone on Tel: 0870 600 5522,
Fax: 0870 600 5533 or e-mail: book.orders@tso.co.uk

Emission Monitoring Protocol

The documented procedure by which reliable and comparable results are obtained from measurements at source is known as a Protocol.

Protocols ensure that the sampling procedures are carried out correctly and that the results obtained accurately characterise the process.

The main components of a Protocol are as follows:-

Calibre and quality of the sampling team.

A reference measurement method (standard methods may not always be available)

A standard methodology setting out:

- health and safety considerations
- pollutants of interest
- plant operating conditions required
- selection and location of sampling position
- sampling characteristics (e.g. isokinetic etc) and techniques
- sampling frequency
- sampling duration
- number of samples
- type (including make and model), condition and suitability of sampling equipment
- required accuracy
- variability of emissions
- analytical methods including laboratory competence and NAMAS accreditation certificate copy for each pollutant of interest
- analytical precision

- procedures to be adopted if standard methods unavailable
- calibration certificate(s) for sampling equipment
- Quality Control and Quality Assurance procedures
- Presentation of results and associated information.

Guidance for Operators receiving a Variation Notice

(This guidance does not form part of the Variation Notice, but it is for the guidance of those served with the notice).

Dealing with Variation Notice

This notice varies the terms of the permit specified in the Notice by amending or deleting certain existing conditions and/or adding new conditions. The Schedule attached to the notice explain which conditions have been amended, added or deleted and the dates on which these have effect.

The Council may have included a 'consolidated permit' which takes into account these and / or previous variations. In cases where a consolidated permit is not included this variation notice must be read in conjunction with your permit document.

Offences

Failure to comply
With a variation notice is an offence under regulation 32 of the 2000 Regulations. A person guilty of an offence under this regulation could be liable to (i) a fine of up to £20,000 or improvement for a team not exceeding 6 months or both; or (ii) to a fine or imprisonment for a term not exceeding 5 years or both, depending on whether the matter is dealt with in Magistrates Court or Crown Court.

Appeals

Under regulation 27(2) of the 2000 Regulations operators have the right to appeal against a suspension notice. The right to appeal does not apply in circumstances where the notice implements a direction of the Secretary of State given under regulations 12(15) (directions to regulators), 36 (general directions to regulators), paragraph (4) of regulation 27 (Appeals), paragraph 14(6) of Schedule 4 (directions determining applications for permits) or 6(6) of Schedule 7 (directions determining variation of permits).

Appeals against a variation notice do not have the effect of suspending operation of the notice. Appeals do not have the affect of suspending permit conditions, or any of the mentioned notices.

Notice of appeal against a variation notice must be given within two months of the date of the notice, which is the subject matter or the appeal. The secretary of State may in a particular case allow notice of appeal to be given after the expiry of this period, but would only do so in the most compelling circumstances.

How to appeal

There are no forms or changes for appealing. However, for an appeal to be valid, appellants (the person/operator making the appeal) are legally required to provide (see Schedule 8 of the 2000 Regulations, paragraph 1):

- Written notice of the appeal
- A statement of the grounds of appeal;
- A statement indicating whether the appellant wishes the appeal to be dealt with by written representations procedure or a hearing -–a hearing must be held if either the appellant or enforcing authority requests this, or if the Planning Inspector or the Secretary of State decides to hold one;
- (appellants must copy the above three items to the local authority when the appeal is made)
- a copy of any relevant application;
- a copy of any relevant permit
- a copy of any relevant correspondence between the appellant and the regulator; and
- a copy of any decision or notice, which is the subject matter of the appeal.

Appellants should state whether any of the information enclosed with the appeal has been the subject of a successful application for commercial confidentiality under regulation 31 of the 2000 Regulations, and provide relevant details. Unless such information is provided all documents submitted will be open to inspection.

Further guidance on commercial confidentiality can be found in chapter 8 of the LA-IPPC and LAPPC manual.

Where to send your appeal documents

Appeals should be despatched on the day they are dated, and addressed to:

The planning Inspectorate
Environmental Appeals Administration
Room 4/19 – Eagle Wing
Temple Quay House
2 The Square

Temple Quay
Bristol BS1 6PN

On receipt of an appeal and during the appeal process the main parties will be informed about the next steps, and will also normally be provided with additional copies of each other's representations.

To withdraw an appeal – which may be done at any time – the appellant must notify the Planning Inspectorate in writing and copy the notification to the local authority who must in turn notify anyone with an interest in the appeal.

Costs

Guidance from the Planning Inspectorate states that operator and regulator would be normally expected to pay their own expenses during an appeal. Where a hearing or enquiry is held as part of the appeal process, by virtue of Schedule 8, paragraph 4(10) of the 2000 Regulations, either the appellant or the local authority can apply for costs. Applications for costs are normally heard towards the end of the proceedings and will only be allowed if the party claimed them can show that the other side behaved unreasonably and put them to unnecessary expense. There is no provision for costs to be awarded where appeals are dealt with by written representatives.

Commercial Confidentiality

An operator may request certain information to remain confidential i.e. not be placed on the public register. The operator must request the exclusion from the public register of commercially confidential information at the time of supply of the information requested by this notice or any other notice. The operator should provide clear justification for each item wishing to be kept from the register. The amount of information excluded from the register should be kept to the minimum necessary to safeguard the operator's commercial advantage. It may assist the local authority if the information the operator considers to be commercially confidential is submitted in a way which will allow it to be easily removed should the claim be granted, for example on separate pages, marked 'claimed confidential'. The onus is on the operator to provide a clear justification for each item to be kept from the register. It will not simply be sufficient to the say that the process is a trade secret.

The general principle is that information should be freely available to the public. Information that maybe considered commercially confidential is that which if it "were being contained within the register would prejudice to an unreasonable degree the commercial interests of an individual or any other person2 (regulation 31(12) of the 2000 Regulations).

Local Authorities will also take into account whether the information at issue could be obtained or inferred from other publicly accessible sources.

The local authority will determine this request within 28 days of the date of such an application and will issue a Determination Notice detailing their decision. The notice may specify a time period over which the information is to remain commercially confidential (if not specified, it will be four years beginning with the date of the determination). The

operator may appeal to the Secretary of State within 21 days of the notification of the decision.

If the application is granted the local authority will place a statement on the public register stating that certain information has been withheld and stating the reason why, plus whether the information is relevant to a permit condition, and whether the permit condition has been complied with.

The local authority may consider that certain areas of the information are commercially confidential, and others are not. If this is the case it will be stated in the determination notice. The operator may appeal against this in the normal manner.

Further guidance on commercial confidentiality can be found in Chapter 8 of the LA-IPPC and LAPPC manual.

National Security

Information may be excluded from the public register on the grounds of National Security. If it is considered that the inclusion of information on a public register is contrary to the interests of national security, the operator may apply to the Secretary of State, specifying the information and indicating the apparent nature of risk to national security. The operator must inform the local authority of such an application, who will not include the information on the public register until the Secretary of State has decided the matter.