



PPC Permit ref: PPC/063  
Variation ref: 001

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

**VARIATION NOTICE**

To: **Midland Steel Structures Ltd**  
**Golden Acres Lane**  
**Binley**  
**Coventry**  
**CV3 2RT**

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<sup>1</sup> ("the 2000 Regulations") hereby gives you a notice as follows-

The Council has decided to vary the conditions of permit reference PPC/063 granted under regulation 9(1) of the 2000 Regulations in respect of the operation of the installation at:

**Midland Steel Structures Ltd**  
**Golden Acres Lane**  
**Binley**  
**Coventry**  
**CV3 2RT**

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

Signed on behalf of Coventry City Council

..... Date.....

Daniel Rowson, Principal Environmental Health Officer

An authorised officer of the Council

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<sup>1</sup> S.I 2000 No. 1973 to which there are amendments not relevant to this suspension notice.

**Schedule 1**

Variations to the permit	Date(s) on which the variation is to take place
<p><b><u>1. DOCUMENT A. REGISTERED OFFICE ADDRESS (Page 1)</u></b></p>	
<p><b>Delete</b> - 'Midland Steel Structures Ltd, Wilton House, Southbank Road, Kenilworth'</p>	
<p><b>Insert</b> – 'Midland Steel Structures Ltd, Golden Acres Lane, Binley, Coventry, CV3 2RT'</p>	Immediately
<p><b><u>2. DOCUMENT A (Page 1)</u></b></p>	
<p><b>Delete words</b> – 'and plans PPC/063/A'</p>	Immediately
<p><b>Insert</b> – 'and plan'</p>	Immediately
<p><b><u>3. DOCUMENT A PROCESS BOUNDARY (Page 3)</u></b></p>	
<p><b>Delete</b> – 'The general location of the Permitted Installation is shown and the installation boundary is marked in red on the attached plan PPC/063./A. The internal layout of the production unit and Installation stacks are marked on the attached plan PPC/063/B'</p>	Immediately
<p><b>Insert</b> – 'The general location of the Permitted Installation is shown and the installation boundary (marked in red) and installation stacks are shown on the attached plan PPC/063/B'</p>	Immediately
<p>Please see amended plan PPC/063/B to account for new installation boundary</p>	
<p><b><u>4. DOCUMENT B - SECTION 3, OPERATIONAL CONTROLS (Pages 6 &amp; 7)</u></b></p>	
<p><b>Insert new clauses:</b></p>	
<p>3.6 All reasonably practicable efforts should be made to minimise the amount of residual organic solvent bearing material left in drums and containers after use.</p>	Immediately
<p>3.7 Prior to disposal, empty drums and containers contaminated with organic solvent shall be closed to minimise emissions from residues and labelled so that all that handle them are aware of their contents and hazardous properties. Nominally empty drums or drums containing waste contaminated with VOC should be stored in accordance with the requirements for full or new containers</p>	Immediately
<p>3.8 Prior to disposal all organic solvent contaminated waste shall be stored in suitably labelled metal bins fitted with self-closing lids.</p>	Immediately
<p>3.9 The operator shall implement a programme to monitor and record the consumption of coatings/organic solvents against amount of product produced in order to minimise the amount of excess organic solvent/ coatings used.</p>	Immediately

**5. STACKS AT PLOT V**

The stacks on the new building at Plot V Golden Acres Lane shall be known as E, F and G, therefore the following conditions are varied:

Document A Description of Process (Page 4)

Insert into Table 1 –

Row Number	Area/Machinery Identification	Pollutants Emitted	Condition in Permit	Abatement Plant Required
5	Stack E	Particulate VOC	1.3 1.4	Dry Filtration
6	Stack F	Particulate VOC	1.3 1.4	Dry Filtration
7	Stack G	Particulate VOC	1.3 1.4	Dry Filtration

Document B – 1.0 Emissions Limits and Controls

Condition 1.3

After the words 'stacks A, B, C and D' insert 'E, F and G'

Document B - 2.0 Monitoring, Sampling and Measurement of Emissions

Condition 2.3

After the words 'stacks A, B C and D' insert 'E, F and G'

Document B - 2.0 Monitoring, Sampling and Measurement of Emissions

Condition 2.6

After the words 'stacks A, B C and D' insert 'E, F and G'

Document B - 2.0 Monitoring, Sampling and Measurement of Emissions

Condition 2.7

After the words 'stacks A, B C and D' insert 'E, F and G'

Document B - 3.0 Operational Controls

Condition 3.5

After the words 'stacks A, B C and D' insert 'E, F and G'

Document B – 4.0 Stacks, Ducts and Process vents

Condition 4.1

After the words 'stacks A, B C and D' insert 'E, F and G'

Document B – 4.0 Stacks, Ducts and Process vents

Condition 4.2

After the words 'stacks A, B C and D' insert 'E, F and G'

Immediately

Immediately

Immediately

Immediately

Immediately

Immediately

Immediately

Immediately

<p><b>Document B – 4.0 Stacks, Ducts and Process vents</b>  <b>Condition 4.3</b>  After the words 'stacks A, B C and D' insert 'E, F and G'</p>	<p>Immediately</p>
<p><b><u>5. DOCUMENT B - SECTION 5 GENERAL OPERATIONS (Pages 7 &amp; 8)</u></b></p>	
<p><b>Delete clause:</b></p>	
<p>5.1 The operator shall undertake regular cleaning and preventative maintenance including inspection and repair/replacement on all plant and equipment concerned with the emission, capture, transport and control of emissions to atmosphere. Where necessary manufacturers guidelines shall be used to determine the regularity of maintenance. Records of preventative maintenance including inspections and any works undertaken shall be kept on site and made available to the local authority inspector on request</p>	<p>Immediately</p>
<p><b>AND</b></p>	
<p>5.3 Staff at all levels shall receive the necessary training and instruction in their duties relating to control of the activities and emissions to air. Records shall be kept which details all relevant training provided to staff, and these records shall be kept for a minimum of 2 years.</p>	<p>Immediately</p>
<p><b>Insert new clauses:</b></p>	
<p>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.</p>	<p>Immediately</p>
<p>5.3 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.</p> <p>The training of all staff with responsibility for operating the activity shall include:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• Minimising emissions on start up and shut down; and</li> <li>• Action to minimise emissions during abnormal conditions.</li> </ul>	<p>Immediately</p>
<p>5.8 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.</p>	<p>Immediately</p>

**6. DOCUMENT B SECTION 6 – COMPLIANCE WITH SOLVENT EMISSIONS REGULATIONS (Pages 8 & 9)**

**Insert new wording into Condition 6.1:**

After the words 'R45, R46, R49 R60 and R61' **Insert:**

'and products or materials that are/contain Halogenated VOC's with the risk phrase R40'

**Delete clause:**

6.2 Compliance with emission limits for Volatile Organic Compounds can be demonstrated in the following ways:

1. The use of a solvent reduction scheme to demonstrate the achievement of a target emission. The emission targets are as follows:

	<b>Current Target Emission</b>	<b>Target Emission by 31/10/05</b>	<b>Target Emission by 31/10/07</b>
<b>5 – 15 tonnes solvent consumption</b>	Total Mass of Solids X 1	Total Mass of Solids X 0.9	Total Mass of Solids X 0.6
<b>15 tonnes or more solvent consumption</b>	Total Mass of Solids X 1	Total Mass of Solids X 0.56	Total Mass of Solids X 0.37

Or

2. By meeting the following stack VOC emission limit by 31<sup>st</sup> October 2007: -

<b>Emission limits</b>	<b>Type of monitoring</b>
150mg/Nm <sup>3</sup> (for processes consuming 5-15 tonnes of solvent per annum)	Annual manual extractive testing
50mg/Nm <sup>3</sup> (for processes consuming more than 15 tonnes of solvent per annum)	Annual manual extractive testing

Or

Please note the use of compliant coatings as specified in Appendix 3 of Process Guidance Note 6/23 (04) – Coating of Metal and Plastic Processes to is no longer permitted as a SED compliance route after 31<sup>st</sup> October 2005. Operators must choose 1 of the 2 options outlined above.

Immediately

Immediately

**Insert new clauses:**

6.2 Compliance with the Solvent Emissions Regulations 2004 shall be demonstrated by the use of a solvent reduction scheme to demonstrate the achievement of a target emission. The emission targets are as follows:

Immediately

	<b>Target Emission By 31/10/2005</b>	<b>Target Emission by 31/10/07</b>
<b>5 – 15 tonnes solvent consumption</b>	Total Mass of Solids x 0.9	Total Mass of Solids X 0.6
<b>15 tonnes or more solvent consumption</b>	Total Mass of solids x 0.56	Mass of Solids X 0.37

Immediately

6.3 The operator shall forward an emission reduction plan, which includes in particular;

- Decreases in the average solvent content of the total input; and/or
- Increased efficiency in the use of solids.

Immediately

to achieve a reduction of the total emissions from the installation.

6.4 A Solvent Management Plan shall be used to determine the actual emissions annually. The definitions provided in PG 6/23 (04) must be used in all calculations relating to the Solvent Management Plan.

Immediately

6.5 Compliance with the Solvent Reduction Scheme is achieved if the annual actual solvent emission determined from the Solvent management Plan is less than or equal to the Target Emission.

Immediately

Where the annual actual solvent emission is:

**Annual actual solvent emission =**

**I<sub>1</sub>-O<sub>8</sub>-O<sub>7</sub>-O<sub>6</sub>**

The Solvent Management Plan must be submitted annually.

6.6 A determination of the organic solvent consumption, the total mass of organic solvent inputs minus any solvents sent for reuse/recovery off site, shall be made and submitted to the regulator annually, preferably to coincide with the operator's stocktaking requirements, in the form of a mass balance in order to determine the annual actual consumption of organic solvent (C)

Immediately

END

Signed on behalf of Coventry City Council

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Daniel Rowson, Principal Environmental Health Officer

Date.....

## **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 term 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 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.