

Pollution Prevention and Control Act 1999

**Environmental Permitting
(England and Wales) Regulations 2016**



INSTALLATION PERMIT

REF – B-P03-2017

**Permit to operate a metal decontamination
process**

**Enviro-Strip (GB) Limited
Units 11, 12 and 12a Hedging Lane Industrial Estate,
Wilnecote,
Tamworth,
Staffordshire
B77 5HH**

BOROUGH OF TAMWORTH

Pollution Prevention and Control Act 1999
Environmental Permitting (England and Wales) Regulations 2016


Permit Reference No. B-P03-2017

Introductory Note

Permit Holder: Enviro-Strip (GB) Ltd	
Installation Address:	Enviro-Strip (GB) Limited Units 11, 12 and 12a Hedging Lane Industrial Estate, Wilnecote, Tamworth, Staffordshire B77 5HH
Registered Address of Company:	Lombard House Cross Keys Lichfield England WS13 6DN
Company Registration Number	10457493

Provenance	Date
Application for Permit	9 June 2004
Permit issued ref B-P03=2005	19 December 2005
Permit Review and Transfer to new Company	12 July 2012

ENVIRO-STRIP (GB) Ltd is hereby permitted by TAMWORTH BOROUGH COUNCIL to carry on a process for a metal decontamination process, as prescribed in Section 2.1 Part B (d) of Part 2 to Schedule 1 of The Environmental Permitting (England and Wales) Regulations 2016 as described below and within the installation boundary's as marked red on the attached plan reference P03/PLAN at Appendix 1 and in accordance with the conditions detailed in Section 2 of this Permit.

Signed.......... Date..... 12th July 2017

Andrew Barratt
Corporate Director (Growth, Assets and Environment)

Section One

Introductory Note & Description of Permitted Installation

Activity Description

Regulations and Guidance

Processes for the decontamination of ferrous metals by the application of heat are prescribed for local air pollution prevention and control (LAPPC) under Schedule 1, Section 2.1 Part B (d) of the Pollution Prevention and Control (England and Wales) Regulations 2016, SI 1154.

The Secretary of State has issued the following guidance that is relevant to this processes:-

Process Guidance Note 2/9 (13). *Statutory Guidance for Metal Decontamination Processes and installations.*

Process Description

The activity consists of the cleaning of ferrous metal jigs used in painting and finishing processes by the application of heat in a furnace to remove the paint contamination.

The installation is equipped with 2 No. pyrolysis ovens that are used to remove paint from the jigs, etc. that arise from third party sources, mainly the car industry. The build-up of paint on the jigs has to be removed from time to time to maintain paint finish quality standards.

The 2 No. pyrolysis ovens are manufactured by Pollution Control Products Ltd (oven No 1) and BM Longworth (oven no 2) both installed in 2015 and as detailed in Table 1, below.

Table 1 – Details of pyrolysis ovens in the installation				
Oven No	Make	Model No.	Rating kW	Emission point
1	PCP	PRC 1117L	232	A and B
2	BML	1672	220	C and D
Aggregate net rated thermal input			522	
			0.522 MW	

The installation is located in an industrialised area at Hedging Lane Industrial Estate, Tamworth, Staffordshire. A map showing the installation location and boundary is shown at Appendix One to this permit. The premises are occupied solely by Enviro-Strip (GB) Limited.

The premises in the immediate neighbourhood are industrial and commercial properties. The nearest existing residential properties are located 220 metres to the northwest although new dwellings are under construction approximately 70m to the northeast.

A plan of the internal layout of the installation can be found in Appendix Two to this permit. This plan indicates the locations of the permitted emission points (A, B, C and D)

A schematic diagram of the process can be found at Figure 1.

Work to be processed arrives at site, normally in suitable stillages or containers but also as free parts or components. These are off loaded from the transport vehicle either manually or by use of a fork lift truck and are transferred to a holding area usually within the main facility.

The contaminated products may include “wet” or powder coated steel jigs, painted parts, and miscellaneous off components or assemblies, including car body shells prior to restoration. The object of the process is to “burn off” coated materials such that the work can be returned to its supplier in a fully cleaned form.

Work is undertaken on a batch basis. A specific amount of coated work is loaded by the operator into one of the pyrolysis ovens. The pyrolysis oven doors are closed manually and the operator then initiates the oven’s pre-programmed thermal cycle. The oven’s afterburner is switched on before the oven’s primary burner is switched on.

The oven is heated at a pre-determined ramping rate until it achieves a pre-set point (typically 430 –550°C) which ensures the breakdown of the resins in the coating. The secondary combustion chamber rapidly reaches a pre-determined set point (typically 850 – 1050°C) within 30 minutes of cycle initiation. By having a rapid afterburner start up program and a relatively slow oven ramp program, releases from the components are destroyed as soon as they are liberated from the coatings’ resin systems.

As the temperature in the primary chamber rises, the organic coating components are thermally degraded (burned off) in a reduced oxygen atmosphere giving rise to fumes that would cause significant pollution if they were not treated further. At the end of the process the paint coating has been reduced to an ash.

The fumes from the primary oven chamber then pass through the secondary combustion chamber where a further gas burner ensures that the temperature is increased to at least 850°C for a minimum of 2 seconds. This results in the fume being oxidised to mainly carbon dioxide and water vapour.

Potential Releases - Pollutants and sources

In general, the key emissions from this type of activity, that constitute pollution for the purposes of the PPC Regulations are particulate matter, hydrogen chloride, organic compounds, metallurgical fume and products of combustion. These substances arise from the pyrolysis and combustion of the coatings that are being removed and the products of combustion from the primary burners and afterburners.

Particulate matter emissions in the form of dust may arise from the transfer of potentially dusty materials and the handling of ash and furnace residue. Other emissions are dependent on the material being removed but are likely to include smoke and organic materials. Smoke also arises in the event of poor combustion.

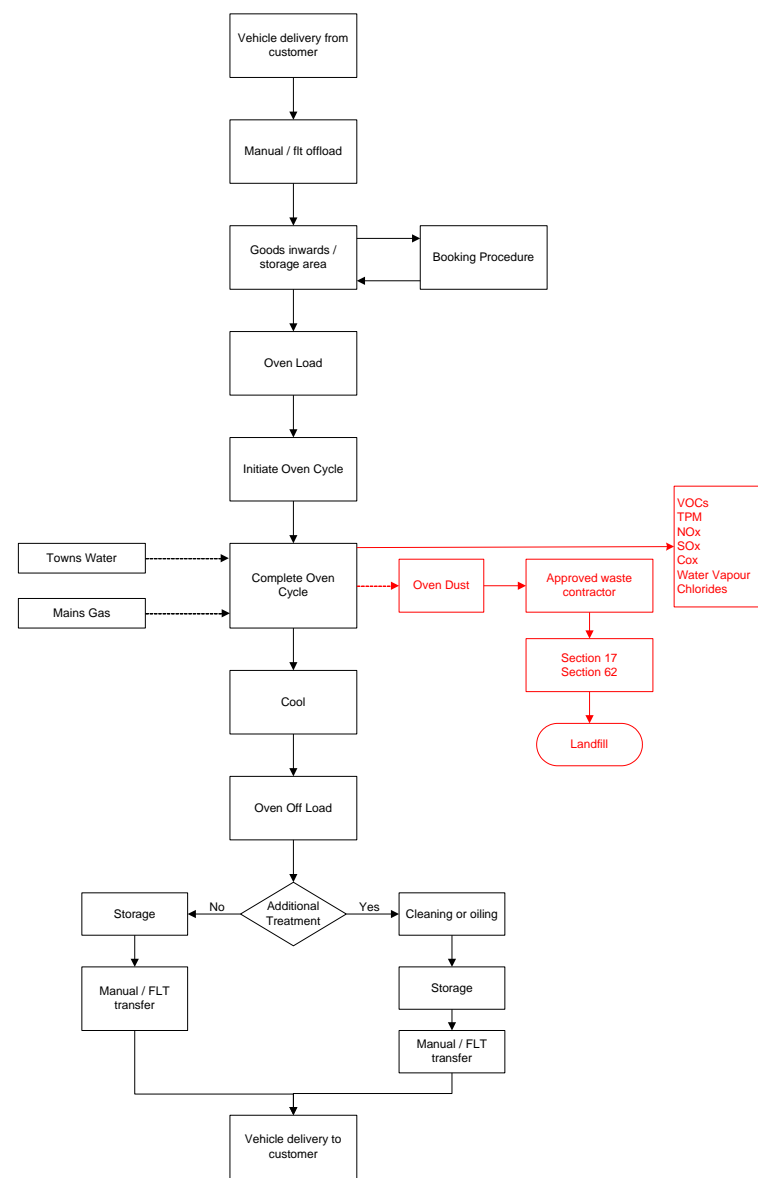
No plastic coatings containing chlorides or fluorides are processed in this installation. The main types of coating that are processed are acrylic, polyester, polyurethane, modified nitrocelluloses, alkyds and epoxy.

Visible and odorous emissions from the installation would not be expected provided that the secondary combustion chambers are operated in accordance with Best Available Techniques.

The conditions attached to this permit describe the means by which emissions shall be limited and monitored.

Figure 1 – Activity Flow Diagram

Enviro-Strip (GB) Limited - Process Flow Chart and Releases



Section Two

Permit Conditions

Permit Conditions

The process shall be operated in accordance with the following conditions that form part of the Permit:

1 Emission Limits, Monitoring and Other Requirements.

- 1.1 All pollution concentrations shall be expressed at reference conditions, 273°K, 101.3 kPa, 11% oxygen and dry gas.
- 1.2 The introduction of dilution air to achieve emission concentration limits is not permitted.
- 1.3 The pyrolysis ovens shall be operated using natural mains gas or fuel oil as a fuel subject to the requirements of line 5 of Table 2,.
- 1.4 No engine blocks shall be decontaminated at the installation
- 1.5 There shall be no degreasing or cleansing of any items using VOCs at the installation
- 1.6 The emission concentration limits as shown in Table 2 shall apply to releases from the pyrolysis ovens: -

Table 2 - Emission limits, monitoring and other provisions

Row	Substance	Source	Emission limits/provisions	Type of monitoring	Monitoring frequency
1	Total particulate matter	From furnace or other appliance for decontaminating other than engine blocks	20 mg/m ³	Recorded indicative	Continuous
				Plus	Plus
				Extractive	Annual
2	Total particulate matter	All authorised emission points	Limits on visible emissions	Operator observations	At least once during decontamination operation
3	Organic compounds excluding particulate matter	Furnace emissions	20 mg/m ³	Extractive	Annual
4	Chloride emissions excluding particulate matter	Furnace emissions where any quantity of materials which are likely to give rise to chlorides are being burned	10 mg/m ³	Manual extractive	Annual
5	Sulphur dioxide	All activities using heavy fuel	1% wt/wt sulphur in fuel		Sulphur content is regulated by other arms of government
		All activities using gas oil	0.1% wt/wt sulphur in fuels		

Monitoring investigations and recording

- 1.7 The process operator shall keep records of inspections, tests and monitoring, including all non-continuous monitoring, inspections and visual assessments. The records shall be kept on site, kept by the operator for at least two years and made available for an Authorised Officer of Tamworth Borough Council to examine.
- 1.8 The process operator shall provide a list of key arrestment plant and shall have a written plan for dealing with it's failure, in order to minimise any adverse environmental effects.
- 1.9 The operator shall notify Tamworth Borough Council at least 7 days in advance of any periodic monitoring exercise that is to be undertaken to determine compliance with emission limit values. The notification shall specify the provisional date and time of monitoring, pollutants to be tested and methods to be used.
- 1.10 The results of any non-continuous emission testing shall be forwarded to Tamworth Borough Council within 8 weeks of the completion of the sampling.
- 1.11 The operator shall investigate adverse results from any monitoring activity (continuous, non-continuous and visual observations) as soon as the monitoring data has been obtained or received.
- 1.12 In the case of any adverse results from monitoring activity (including visual observations) the operator shall: -
 - Notify Tamworth Borough Council as soon as reasonably practicable
 - Identify the cause of the adverse result and take appropriate corrective action.
 - Record as much detail as possible regarding the cause and extent of the problem and the action taken by the operator to rectify the situation.
 - Re-test to demonstrate compliance as soon as possible.
- 1.13 Audible and visual alarms shall be fitted to each of the pyrolysis ovens. The alarms shall trigger when the temperature in the secondary combustion zone falls below 850°C
- 1.14 Continuous monitoring alarm events shall be considered as abnormal results for the purposes of Condition 1.11 and 1.12

Visible and odorous emissions

- 1.15 All releases to air in normal operation, including start up and shut down, other than condensed water vapour, shall be free from droplets and from persistent mist and persistent fume.

- 1.16 All releases to air in normal operation, including start up and shut down, other than condensed water vapour, shall be free from persistent visible emissions.
- 1.17 Visible emission shall not exceed the equivalent of Ringelmann Shade 1 as described in British Standard BS 2742:1969 "Notes on the use of Ringelmann and miniature smoke charts."
- 1.18 Visual and olfactory assessments of emissions shall be made at least once during each operational cycle of each oven. The date, time, location and results of these assessments shall be recorded. Observations for odorous emissions shall be made at a suitable location downwind of the installation and observations for visible emissions shall be made from a location(s) where the release points can be clearly seen.
- 1.19 The operator shall continuously monitor and record the wind speed and wind direction. These records shall be kept on site for a period of 2 years and made available to an authorised officer of the Council.

Abnormal events

- 1.20 In the case of abnormal emissions, malfunctions or breakdowns leading to abnormal emissions, the operator shall: -
- investigate the cause and undertake remedial action immediately,
 - adjust the process or activity to minimise those emissions; and
 - promptly make a record of the events and actions taken.
- 1.21 The operator shall ensure that there is a fully trained staff member on duty to take appropriate action in the event that abnormal emissions occur or the afterburner failure alarm is triggered.
- 1.22 The operator shall ensure that Tamworth Borough Council is notified 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 any of the afterburner units.

Continuous monitoring

- 1.23 All continuous monitoring equipment shall be designed to for less than 5% downtime over any 3-month period.
- 1.24 All continuous monitoring readings shall be on display to appropriately trained operating staff.

1.25 All continuous monitoring instruments shall be fitted with audible and visual alarms to warn the operator of afterburner failure or malfunction.

Commented [U1]: Future requirement??

1.26 The activation of continuous monitoring alarms shall be automatically recorded.

Commented [U2]: Future requirement??

1.27 All continuous monitors shall be operated, maintained and calibrated (or referenced) in accordance with the manufacturer's instructions. The manufacturer's instructions for all continuous monitoring instruments shall be made available for inspection by and authorised officer of Tamworth Borough Council.

1.28 Records shall be kept of all maintenance and calibration (or referencing) of all continuous monitoring equipment shall be kept in the log book. Copies of all relevant calibration certificates shall be kept available for inspection by an authorised officer of Tamworth Borough Council.

1.29 The temperature at the outlet of the secondary combustion chamber or zone shall be continuously monitored and recorded to indicate the performance of the abatement plant.

1.30 The particulate matter emissions shall be continuously monitored and recorded to indicate the performance of the abatement plant.

Commented [U3]: Not fitted??

Calibration and compliance monitoring

1.31 Emissions monitoring shall be carried out in accordance with the appropriate CEN standard otherwise methods approved by Tamworth Borough Council shall be used.

1.32 No monitoring result shall exceed the emission concentration limit specified in Condition 1.4, Table 2.

1.33 Non-continuous, extractive monitoring of particulate emissions shall be undertaken at least once per year from each emission point to demonstrate compliance with the emission limit specified in Condition 1.4, Table 2.

1.34 Non-continuous, extractive monitoring of particulate emissions shall be carried out according to the main procedural requirements of British Standard BS6069:1992, Section 4.3, with averages taken over operating periods excluding start-up and shut-down. The sampling equipment shall be capable of collecting particulate matter of 0.1 microns diameter or less with an efficiency of at least 75%. Extractive monitoring shall take place over a complete cycle or for a minimum period of 2 hours.

1.35 The temperature at the outlet of the secondary combustion zone shall be continuously monitored and continuously recorded.

1.36 Non-continuous, extractive monitoring of organic emissions shall be undertaken at least once a year from each emission point to demonstrate compliance with the organic compound emissions limits specified in Condition 1.4, Table 2.

- 1.37 Organic emissions monitoring shall be undertaken when representative samples of the various materials being removed in the appliance are being denatured and the appliance is operating at maximum normal loading. In all cases, testing shall be carried out in the first third of the decontamination cycle, when the largest proportion of organic carbon compounds in the contaminants will be driven off.

Sampling provisions

- 1.38 All chimneys (emission points A, B, and C) shall be fitted with sampling ports in accordance with the requirements of British Standard BS6069:1992 *"Characterisation of air quality. Stationary source emissions. Method for the manual gravimetric determination of concentration and mass flow rate of particulate material in gas carrying ducts."*
- 1.39 The operator shall provide suitable and safe access and a suitable and safe work area to each of the sampling ports to enable extractive sampling to be undertaken.

2 Control Techniques

- 2.1 Components contaminated with coatings that contain compounds of chlorine or fluorine shall not be processed at this installation.

Particulate matter

- 2.2 Emissions of particulate matter from the process shall be contained, extracted and abated if necessary to meet the visible emission requirements in Condition 1.17 or the limits prescribed in Condition 1.6 (Table 2) for particulate matter.
- 2.3 The pyrolysis ovens shall be provided with a secondary combustion chamber or zone to ensure that emissions meet the requirements of Conditions 1.6 (Table 2) and 1.17.
- 2.4 The main oven chamber shall not be loaded until the secondary burner chamber has reached a temperature of at least 850°C or, on starting a new operational cycle, the temperature in the primary chamber shall remain less than that at which emissions begin to occur until the temperature in the secondary combustion zone reaches 850°C.
- 2.5 Interlocks shall be provided to the doors to prevent the addition of further materials to the furnace when the temperature in the secondary combustion chamber or zone falls below 850°C.
- 2.6 The secondary combustion chamber or zone shall be maintained at a temperature of at least 850°C and the residence time of the gases in that zone shall be at least 2 seconds. The Operator shall keep and make available to the Regulator upon request, certificates or statement from the oven manufacturer or other suitably qualified and experienced person approved by the Council, to confirm that the secondary combustion chambers of the pyrolysis ovens are

designed and are achieving a residence time of at least 2 seconds in the high temperature zone.

Organic compounds

- 2.7 On starting up from cold, the temperature in the primary combustion chamber shall remain less than that at which emissions begin to occur until the temperature in the secondary combustion chamber or zone reaches at least 850°C.

Techniques to control fugitive emissions

- 2.8 Metals that have been decontaminated shall not be removed from the furnace until all combustible contaminants have been completely burned or until no further smoke or fume emissions will arise. This shall be specifically addressed in the procedures required by condition 4.4 below.

Dust from materials handling

- 2.9 The methods of collection of waste from the furnace chambers should be designed to minimise dust emissions.
- 2.10 Dusty wastes shall be stored in closed containers and handled in a manner that prevents or minimises airborne dust emissions.
- 2.11 Internal transport or movement of dusty materials shall be carried out so as to prevent or minimise airborne dust emissions.
- 2.12 The operator shall make adequate provision to contain liquid and solid spillages.
- 2.13 All spillages shall be cleared as soon as possible after they have occurred. Dry sweeping of solid, dusty spillages is not permitted; vacuum cleaning, wet methods or other appropriate techniques should be used.
- 2.14 A high standard of housekeeping shall be maintained at all times.

3. Air Quality

Ambient air quality management

Note: - Air quality standards or objectives are not being breached nor are they at risk of being breached in this locality. Therefore, there is no necessity to impose special conditions on this process.

Dispersion and dilution from stack

- 3.1 The chimneys serving the pyrolysis ovens (emission points A, B, C, and D) shall terminate not less than 3.5 metres above the ridge height of the process building.

Chimneys, vents and process exhausts

- 3.2 Exhaust gases discharged through a chimney or vent shall achieve an exit velocity greater than 15 m/s during normal operating conditions.
- 3.3 Chimneys and vents shall not be fitted with any restriction at the final opening such as a plate, cap or cowl. A cone may be fitted if it is necessary to increase the exit velocity of the emissions.
- 3.4 All chimneys shall be adequately insulated to prevent the cooling of waste gases and prevent liquid condensation in the chimneys. The insulation shall ensure that the temperature of the gases in the chimneys does not fall below the dewpoint.
- 3.5 Chimney flues and ductwork shall be cleaned to prevent accumulation of materials as part of the routine maintenance programme.

4. Management

Management techniques

- 4.1 Essential spares and consumables, in particular those subject to continual wear or whose failure may cause unauthorised emissions to atmosphere, shall be kept on site or shall be available at short notice from a local supplier.
- 4.2 The operator shall ensure that there is a fully trained supervisor or manager on site to take appropriate action in the event that abnormal emissions occur or the afterburner failure alarm is triggered.

Appropriate management systems

- 4.3 The process operator shall maintain an independently audited environmental management system in compliance with ISO 14001 with respect to the operation of the pyrolysis ovens in the installation.
- 4.4 Within 4 weeks from the date of this Permit the Operator shall submit to the Council start up and shut down procedures of each batch and details of the maximum capacities for each pyrolysis oven.
- 4.5 Within 4 weeks from the date of this Permit the Operator shall submit procedures for dealing with adverse combustion conditions such as overheating and failure of the afterburner or quench water system.

Training

- 4.6 The operator shall provide training and instruction to staff at all levels in their duties relating to the control of process emissions to air and their responsibilities under the Permit. This shall include:
- awareness of their responsibilities under the Permit and specifically the procedures required by conditions 4.4 and 4.5 above
 - steps that are necessary to minimise emissions during start-up and shut-down:
 - actions to take when there are abnormal conditions, or accidents or spillages that could, if not controlled, result in emissions.
- 4.7 The operator shall provide and maintain a statement of training requirements for each operational post.
- 4.8 The operator shall keep a record of the training received by each person whose actions may have an impact on the environment.
- 4.9 All training and inspection records shall be made available to an authorised officer of Tamworth Borough Council on request.


Maintenance

- 4.10 The operator shall provide and maintain a written preventative maintenance programme with respect to the pyrolysis ovens, all gas burners and all pollution control equipment.
- 4.11 All gas burners on the pyrolysis ovens shall be cleaned at least once per week.
- 4.12 The operator shall provide and maintain records of all servicing and maintenance undertaken on the pyrolysis ovens and associated equipment.
- 4.13 All servicing and maintenance records shall be made available to an authorised officer of Tamworth Borough Council on request.

5 General Provisions

- 5.1 The best available techniques shall be used to prevent or, where that is not practicable, reduce emissions from the installation in relation to any aspect of the operation of the installation which is not regulated by any other condition of this permit.
- 5.2 If the operator proposes to make a change in operation of the installation, he must, at least 14 days before making the change, notify the regulator in writing. The notification must contain a description of the proposed change in operation. It is not necessary to make such a notification if an application to vary this permit has been made and the application contains a description of the proposed change. In this condition „change in operation" means a change in the nature or

functioning, or an extension, of the installation, which may have consequences for the environment.

Signed.......... Date..... 12 July 2017

Andrew Barratt
Corporate Director (Growth, Assets and Environment)

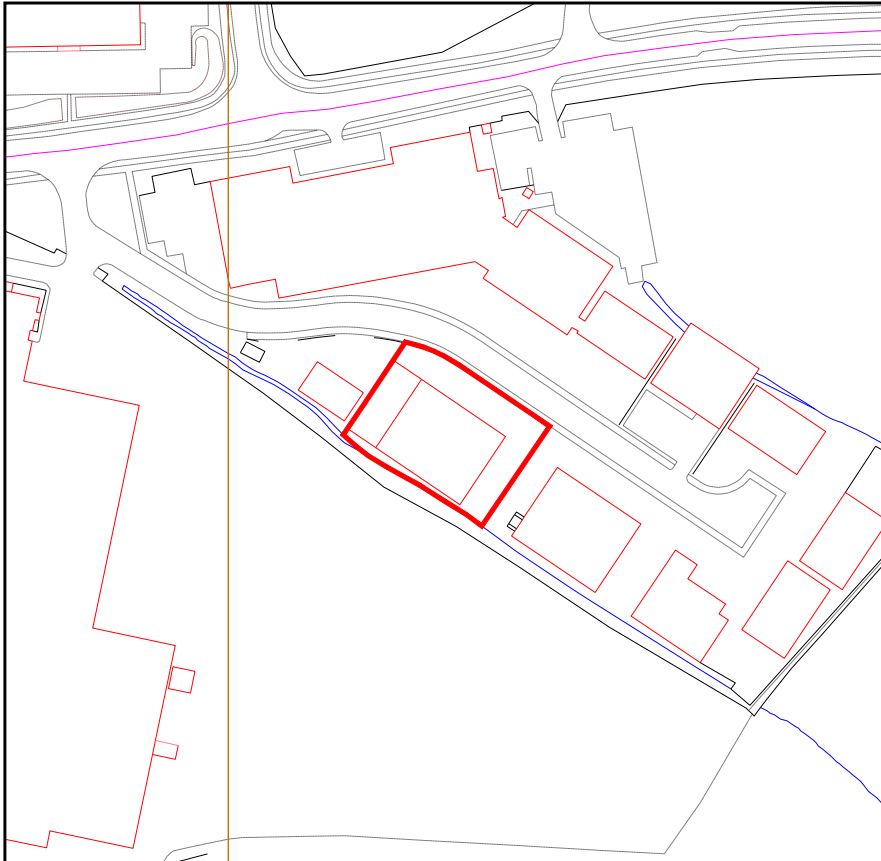
Appendix 1

Location of Permitted Installation

Appendix One

Location of installation and installation boundary (shown by bold red line)

Plan Ref **P03/PLAN**

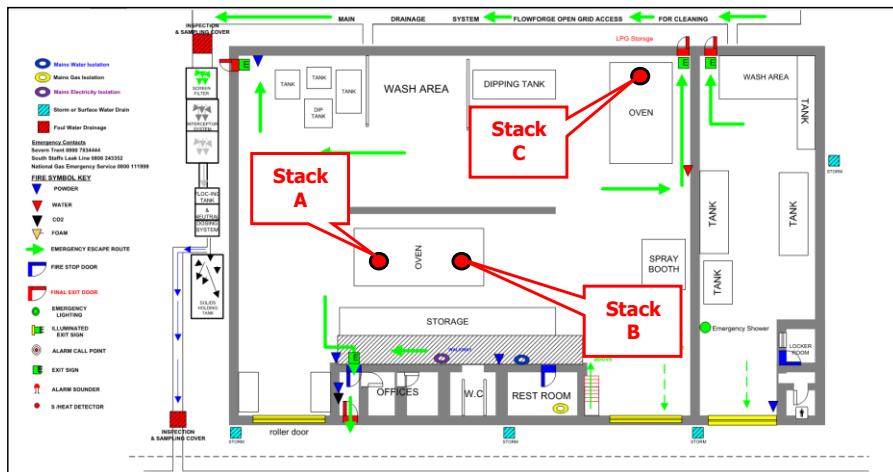


Appendix 2

Site layout plan

Table 1 – Details of pyrolysis ovens in the installation

Oven No	Make	Model No.	Rating kW	Emission point
1	PCP	PRC 1117L	232	A and B
2	BML	1672	220	C and D



Explanatory Notes And Appeals Procedure

Tamworth Borough Council
The Pollution Prevention Control Act 1999
The Environmental Permitting (England & Wales) Regulations 2016

EXPLANATORY NOTES AND GUIDANCE

These notes are provided for the operator of an installation or mobile plant to assist in the interpretation of their duties under the provisions of the above-mentioned legislation, with particular reference to the permit issued by Tamworth Borough Council. These notes do not form part of the Permit or conditions attached to it.

1. PENALTY FOR NON-COMPLIANCE WITH PERMIT CONDITIONS

It is an offence to contravene a condition contained in an environmental permit. In accordance with the Environmental Permitting Regulations, such offences are punishable in the Magistrates' court by a fine and/or 12 months' imprisonment and in the Crown Court by a fine and or up to five years imprisonment.

2. RESIDUAL BAT CONDITION (BEST AVAILABLE TECHNIQUES)

You should note that a fundamental principle of the LAPPC regime is the application controlling pollution by using the "Best Available Techniques". The BAT approach requires that the cost of applying techniques is not excessive in relation to the environmental protection they provide.

Article 2(11) of the IPPC Directive defines —best available techniques as follows:

'Best available techniques' shall mean the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole.

- **"techniques"** shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned,

- **"available"** techniques shall mean those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the Member State in question, as long as they are reasonably accessible to the operator,

- **"best"** shall mean most effective in achieving a high general level of protection of the environment as a whole.

3 STATUTORY REQUIREMENTS

This Permit is issued under regulation 13 of the EP Regs and does not detract from any of the following statutory requirements where applicable:-

- a. The requirement to obtain Planning Permission for the installation and any new construction.
- b. The requirement to obtain discharge consent from the Environment agency.
- c. The requirement to obtain Building Regulation approval for any construction work.
- d. The requirement of a Waste Disposal Licence.
- e. The requirement to comply with the Health and Safety at Work etc Act 1974.

4 PUBLIC REGISTER

The Council is required by regulation 46 to maintain a Public Register containing information on all LAPPC installations and mobile plant. The register is available for inspection by the public free of charge during office hours (Monday to Friday 9.00am to 5.00pm) at

**Tamworth Borough Council,
Environmental Health and Regulatory Services
Marmion House
Lichfield Street
Tamworth
Staffs
B79 7BZ**

Subject to exclusions of commercially confidential information and information affecting national security, registers will contain the following:

- a. Applications for a permit;
- b. Notices asking for information and responses to such;
- c. Advertisements and representations in response to such (unless requested not to by the person responding)
- d. In the case of c) above, a statement to the effect that representations were made but have been omitted – must not identify the person making the representation;
- e. Statutory consultee responses to applications or applications for variations;
- f. Permits;
- g. Notifications of changes in the operation of installations;
- h. Applications for variations, transfers or surrenders of permits;
- i. Variations, transfers and surrenders granted;
- j. Revocations;
- k. Enforcement or suspension notices;
- l. Notices withdrawing enforcement and suspension notices;
- m. notice of an appeal including the grounds of the appeal, relevant correspondence between the appellant and the regulator, and the decision/notice which is the subject of the appeal;

- n. Representations in response to appeal (unless requested not to by the person responding);
- o. In the case of n) above, a statement to the effect that representation were made but have been omitted – must not identify the person making the representations;
- p. The appeal decision and any accompanying report;
- q. Convictions, formal cautions; to include the name of the person, date of conviction/caution, and (where appropriate) penalty and name of court. This requirement does not override the Rehabilitation of Offenders Act 1974 regarding spent conditions, and authorities must take care to remove relevant entries at the appropriate time;
- r. Monitoring data obtained by the authority from its own monitoring, or sent to the authority on accordance with a permit condition or regulation 60(2) notice;
- s. If any monitoring information is omitted because it is commercially confidential, the authority must put a statement on the register indicating whether relevant permit conditions are being complied with, based on the withheld information;

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.

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 person" (regulation 51(2) of the 2016 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 reasons why, plus whether this information is relevant to a permit condition, and whether the permit condition has been complied with.

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 (Regulation 47(1)). 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.

5 FEES

In accordance with regulation 66(1)c of the EP Regs, the holder of a permit is required to pay a fee for the subsistence of the Permit. This fee is payable annually on 1st April. You are advised that under the provisions of regulation 66(5) of the EP Regs, if you fail to pay the fee due promptly, the Council may revoke the Permit. The will normally send an invoice for the relevant amount which is determined by the Government each year.

6 TRANSFER OF PERMITS

Under the provisions of regulation 21 of the EP Regs, where you wish to transfer the Permit to another person (the proposed transferee) then the operator and the proposed transferee shall jointly make an application to the Council. The council will determine the transfer application within 2 months. A fee is also available. For further details on this please contact the Council.

7 SURRENDER OF PERMITS

Under the provisions of regulation 24 of the EPR, where you wish to surrender the Permit in whole or in part then you are required to notify the Council in writing. A formal Surrender Application Form is available upon request. For further details on this please contact the Council

8 PROCESS CHANGES

You are required to notify the Council of any proposed change in operation at least 14 days before making the change. This must be in writing and must contain a full description of the proposed change in operation and the likely consequences.

If the change could result in the breach of the existing permit conditions or is likely to require the variation of permit conditions then you must apply in writing under Regulation 20(1), or involves a SUBSTANTIAL CHANGE to the installation you will be required to submit an application, pay the relevant fee and advertise the application accordingly. You should notify the Council 28 days before undertaking such changes in the installation operation. You may serve a Notice on the Council requesting that they determine whether any change, which is proposed, would constitute a substantial change before you proceed with application.

9 APPEALS

Under Regulation 31(1)c of the 2016 Regulations operators have the right of appeal to the Secretary of State against the conditions attached to their permit. The rights to appeal do not apply where the decision or notice implements a direction given by the Secretary of State or Welsh Ministers. There is also no right of appeal if a revocation notice has been served for non-payment of subsistence fees (EP Regulation 31(3)).

Appeals against a variation notices, enforcement notices and suspension notices do not have the effect of suspending the operation of the notice. Appeals do not have the effect of suspending permit conditions, or any of the mentioned notices. However, appeals against revocation notices suspend the operation of the notices coming into effect until the appeal is decided or withdrawn.

Notice of appeal against the conditions attached to the permit must be given within six months of the date of the notice, which is the subject matter of 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.

If you are considering lodging an appeal against the Conditions of this Permit it may be advantageous for you to contact the Environmental Health Section of the Council prior to doing so. It may be possible to resolve any misunderstanding or misinterpretation of the authorisation requirements and make the need for an appeal unnecessary. Notwithstanding this suggestion the deadline for lodging your appeal cannot be set back or deferred while any such consultation is taking place.

How to appeal

There are no forms or charges for appealing. However, for an appeal to be valid, appellants (the person/operator making the appeal) are legally required to provide (see Schedule 6 of the 2016 Regulations, paragraph (2)2):

- 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 49 of the 2016 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 4/04 - Kite 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 Paragraph 5(6) of schedule 6 of the 2016 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 claiming 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.

10 SECRETARY OF STATES GUIDANCE

This permit is covered by the relevant Secretary of State's Guidance:

The relevant Process Guidance note for your sector and details of the legislation and General Guidance Manual can be obtained from the following web links

PG Secretary of State's Guidance

The relevant Process Guidance Note for this process 2/9 (13).

Statutory Guidance for Metal Decontamination Processes and installations.

Pollution Prevention and Control Act 1999

<http://www.legislation.gov.uk/ukpga/1999/24/contents>

The Environmental Permitting (England and Wales) Regulations 2016

http://www.legislation.gov.uk/uksi/2016/1154/pdfs/uksi_20161154_en.pdf

General Guidance Manual on Policy and Procedures for A2 and B Installations

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/211863/env-permitting-general-guidance-a.pdf

11 REPORTING REQUIREMENTS AND CONTACT DETAILS

Where a Permit condition imposes a requirement to forward documents to the Local Authority or to report a specified occurrence the following address and telephone number shall be used:

By Post

**Tamworth Borough Council,
Environmental Health and Regulatory Services
Marmion House
Lichfield Street
Tamworth
Staffs
B79 7BZ**

By Telephone

During office hours: 01827 709435
Facsimile No.: 01827 709434
Email :- environmentalhealth@tamworth.gov.uk