

ENVIRONMENTAL PERMIT

Ref. EP2008/09



HARTLEPOOL
BOROUGH COUNCIL

Pollution
Prevention and Control
Act 1999

Environmental
Permitting
(England & Wales)
Regulations 2016

TMD Friction UK Ltd
Oakesway Trading Estate
Hartlepool
TS24 0RE

**Pollution Prevention and Control Act 1999
Environmental Permitting (England & Wales) Regulation 2016
Permit Reference No. EP/2008/09**

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Section One

Introductory Note & Description of Permitted Activity

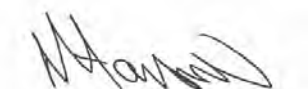
Pollution Prevention and Control Act 1999
Environmental Permitting (England & Wales) Regulation 2016
Permit Reference No. EP/08/09

Introductory Note

Permit Holder:	TMD Friction UK Ltd
	Oakesway Trading Estate Hartlepool TS24 0RE
Registered Address of Company:	TMD Friction UK Ltd PO Box 18 Centurion House Centurion Way Cleckheaton West Yorkshire BD19 3UJ

Provenance	Date
Authorisation issued	29 th July 1999
Permit issued	1 st April 2005
Permit varied	March 2007
Environmental Permit Issued	September 2008
PPC Permit transferred automatically to EP Permit	6 th April 2008
Permit varied	December 2010
Permit varied	June 2014
Permit varied	May 2018

TMD Friction UK Ltd is hereby permitted by Hartlepool Borough Council to manufacture disc brakes for passenger vehicles. The process falls within Section 6.4(B), of Schedule 1, of the Environmental Permitting (England & Wales) Regulation 2016, as described below and within the installation boundary as marked red on the attached plan reference EP/08/09/1, and is covered by the Secretary of States Guidance Notes 6/31(13) and 6/32(11) for Powder Coating and Adhesive Coating Processes. It is also therefore a defined Industrial Emissions Directive (IED) activity for an Adhesive Coating process.



21st May 2018

Signed..... **Date**.....

Tony Hanson
Assistant Director (Environment and Neighbourhood Services)

1.0 Process description

- 1.0.1** The process undertaken at TMD Friction UK Limited at Hartlepool is to manufacture disc brakes for passenger cars. TMD Friction supply after market equipment to all major automobile manufacturers.
- 1.0.2** Steel backing plates for the brake pads are received from a variety of suppliers in cardboard boxes with integrated wooded pallets. A wide variety of plate shapes and sizes are used within the process to cover the differing vehicle models and makes.
- 1.0.3** All backing plates are first sent through one of two shot blasting machines. The shot blasting takes approximately 6 – 7 minutes. This operation cleans and re surfaces the plates ready for the glue application. The shot blasting machines all discharge internally and the shot is re-circulated. A discharge box collects any waste material.
- 1.0.4** The clean shot blasted plates are fed onto one of the three glue applicator machines; these applicators have attached curing ovens. All three machines use Bostic Glue. The purpose of the glue is to form a secure adhesive base for the application of the friction material. The glue is pumped to the glue heads from 205 litre barrels. The glue coating is then applied by rollers to the plate.

- 1.0.5** Once the plates with the glue applied have gone through the attached oven and the glue is cured they are taken in pre-determined batches to the main manufacturing area consisting of five pressing lines. The inline presses consist of a feeder magazine on which the plates are placed. These are then automatically fed to the press. The plates are placed under the press punch, while the friction material is automatically pre weighed before being applied and pressed onto the material back plate.
- 1.0.6** Once pressed the uncured pad is ejected from the press and is then placed into the curing oven for approximately 3 minutes at a temperature of 230°C. This forms a bond between the glue and the friction material.
- 1.0.7** Samples of each batch of pads are tested against various quality parameters before progressing to be ground to the correct thickness and profile. Once the grinding is complete the pads are brushed to remove any unwanted residue before passing along the conveyor to the powder paint applicator. Here the powder paint is applied electrostatically via spray heads to pre-determined thickness before passing through an infrared curing oven. Any residue powder is re circulated back into the system.
- 1.0.8** After passing through the oven the pads pass under a print machine which gives unique batch identification and the required logos.
- 1.0.9** If required a noise fix is then applied. This may vary from foil, rubber or metal shims being applied; alternatively a glue or rubber application may be applied and cured. The glue application is identical to the plate preparation method previously mentioned. The rubber application is applied by a roller to the back of the pad; however the curing of the rubber is done in a batch process where batches of up to 1000 are cured for two and a half hours within an oven, with an integrated afterburner operating at minimum 600°C to eliminate VOC emissions. The afterburner is interlocked in a fail to safety mode.
- 1.0.10** The pads are then taken to have a variety of accessories such as wear sensors and fitting clips depending on the vehicles requirements.
- 1.0.11** The sets of pads are then boxed before being despatched to the storage area, quality tests are carried out before being despatched.

The principal sources of releases to air from the process are:-

- Particulates from the grinding process.
- VOC emissions from the application and curing of the adhesives and anti noise applications.

The production facilities which have a discharge to atmosphere are:-

- First plate glue line (Bostic)
- Second plate glue line (Bostic)
- Third plate glue line (Bostic)
- DL7 Applicator (Bostic)
- Anti rattle glue line (Bostic)
- Blue cell production line
- Green cell production line
- Black cell production line
- Orange cell production line
- Yellow cell production line
- Orange/Black Production line

Section Two

Permit Conditions

Pollution Prevention and Control Act 1999
Environmental Permitting (England & Wales) Regulation 2016
Permit Reference No. EP/2008/09

The conditions contained within this Permit are based upon the Secretary of States Guidance Note 6/32(11) for Adhesive Coating Processes and PG Note 6/31(13) for Powder Coating Processes.

The requirements of the conditions attached to this permit shall come into effect on the date indicated in the individual condition or if no date is indicated shall take effect forthwith.

2.0 Emission Limits and Controls

- 2.0.1** All emissions to air, other than steam or water vapour shall be colourless, free from visible mist and free from visible fume.
- 2.0.2** Emissions from any combustion process shall, in normal operation be free from smoke and in any case shall not exceed the equivalent of Ringelmann Shade 1 as described in British Standard BS 2742: 1969.
- 2.0.3** All emissions shall be free from offensive odour outside the installation boundary where the process is being undertaken as perceived by the regulator.
- 2.0.4** A visual and olfactory assessment of the emissions shall be undertaken on a weekly basis while the process is in operation along with the wind direction and weather conditions. The assessment shall be recorded in the log book.

2.0.5 The following emission concentration limits shall apply to releases of pollutants to atmosphere from ductwork or stacks.

Emission	Concentration		Fugitive Emissions Value
Total Particulate Matter (From shot blasting or Powder Coating: PGN 6/31(13))	10mg/m ³		N/A
Volatile Organic Compounds* (From adhesive coating operations: PGN 6/32(11))	5-15 tonnes of VOC used	50mg C/Nm ³	25% of organic solvent input
	> 15 Tonnes	50mg C/Nm ³	20% of organic solvent input

* The VOC limits are as an option to the reduction scheme for Industrial Emissions Directive process.

2.0.6 Exhaust flow rates from the particulate matter extraction system serving the Blue, Green, Black, Orange, Yellow and Orange/Black brake pad production lines shall be consistent with efficient capture of emissions, good operating practice and meeting the requirements of the legislation relating to the workplace environment.

2.0.7 The reference test method for particulate matter in chimneys or ducts shall be that of the relevant standard (e.g. BS EN 13284-1 Stationary source emissions) and tests shall be carried out in accordance with the main procedural requirements of that standard.

2.0.8 The permitted installation shall consist only of that plant and equipment stated in the process description as detailed in Section one of this Permit. No other plant or equipment shall be used without the prior written notification/consent of the regulator.

2.0.9 The installation shall be fitted with a deodoriser system that operates when relevant lines are active. This system shall be maintained in line with the manufacturer's specification.

2.1 Monitoring, Sampling and Measurement

2.1.0 A detailed inventory of solvent usage shall be kept. This shall include cleaning solvent usage, diluents solvent usage and the solvent or volatile organic compound content of, and quantity of adhesives purchased. The inventory shall also include all solvents removed from the site as waste and any quantities recovered for re-use, the volatile organic compounds, content of any coatings/adhesives used

and the quantity of chlorinated solvents used for metal cleaning or de-greasing where applicable.

- 2.1.1** Emissions from all grinding operations associated with the brake pad manufacturing operations which discharge to atmosphere shall be independently tested twice per year for total particulate matter and shall comply with the emission limits contained in condition 2.0.5 of this Permit.
- 2.1.2** The testing of Volatile Organic Compounds shall be independently tested once per year. The results shall comply with the emission limits contained in condition 2.0.5 of this Permit.
- 2.1.3** The Environmental Protection Team of Hartlepool Borough Council shall be advised at least 7 days in advance of any periodic monitoring exercise to determine compliance with emission limit values of the provisional time and date of monitoring, pollutants to be tested and the methods to be used.
- 2.1.4** Adequate, safe facilities for sampling shall be provided on vents or ducts. The sampling system shall be designed and located in such a way that representative samples are obtained.
- 2.1.5** The results of all non-continuous emission testing shall be forwarded to the local enforcing authority within 8 weeks of the completion of the sampling.
- 2.1.6** A logbook shall be established and maintained which contains a record of all visual and olfactory observations at a point at or beyond the installation boundary (see EP/2008/09/2) made in accordance with conditions 2.04 and 2.05 and maintenance carried out in compliance with Conditions 2.4.3, 2.5.1, 2.5.3 and 2.5.4. The records shall include the time and date of the observations, the location from which the observations were made, the wind direction, the weather conditions, the likely source of the emissions to air, details of any corrective action taken, and the name and position within the Company of the person undertaking the observations. The logbook shall be kept available for inspection by an authorised officer from the regulating authority at the premises occupied by the Company, and the records shall be retained for at least two years. The log may be paper based or electronic.
- 2.1.7** The Temperature of drying and curing ovens shall be controlled to so as to minimise the emission of higher boiling organic coating breakdown products. This shall be achieved by the use of thermostatically controlled ovens incorporating burner modulation controls to ensure that the oven temperature is minimised and

consistent with curing requirements of the adhesives and powder coatings.

2.2 Materials Handling

- 2.2.1** All friction material and shot blast used in the manufacturing process shall be stored in a designated area or in an enclosed building and should be stored and handled in a manner that avoids emissions.
- 2.2.2** All waste friction material or shot blast shall be suitably contained and kept secure prior to being removed from the installation site by an authorised waste disposal contractor for recycling/re-use or disposal. All waste friction material or shot blast shall be handled and stored in a manner that avoids emissions. The operator shall ensure that receipts are provided and these receipts shall be retained at the Installation site for a period of four years.
- 2.2.3** Where cleaning of production machinery takes place using solvents the extraction systems serving the equipment shall be in operation.
- 2.2.4** All cleaning solvents shall be kept in enclosed containers whilst not in use. The containers shall be stored in a safe and suitable location within the installation boundary.
- 2.2.5** All solvent soaked wiping cloths shall be stored in enclosed containers.
- 2.2.6** A supply of absorbent material shall be held at the site for use in the event of spillages or organic solvents. Such spillages shall be cleared up immediately, and the collected material shall be held in an enclosed container pending removal from the site.

2.3 Industrial Emissions Directive

- 2.3.1** VOC control: Cleaning operations will give rise to fugitive releases of VOC. Cleaning operations involving organic solvents should be periodically reviewed, normally at least once every two years, to identify opportunities for reducing VOC emissions (e.g. cleaning steps that can be eliminated or alternative cleaning methods). The regulator should be provided with a report on the conclusions of the review.
- 2.3.2** Application of cleaning solvents should be:
- From a contained device or automatic system when applied directly on to machine rollers; and dispensed by piston type dispenser or similar contained device, when used on wipes.

2.3.3 When organic solvent is used on wipes:

- Pre-impregnated wipes should be held within an enclosed container prior to use
- Where practicable no organic solvent cleaning fluids or significantly less volatile organic solvents cleaning fluids should be used (with or without the addition of mechanical, chemical or thermal enhancements).
- Where practicable, fixed equipment should be cleaned in-situ and such equipment should, where practicable, be kept enclosed whilst cleaning is carried out.
- Where equipment is cleaned off-line, cleaning should be carried out using enclosed cleaning systems, wherever possible. Enclosed cleaning systems should be sealed to prevent emissions whilst in operation, except during purging at the end of the cleaning cycle. If this is not practicable emissions should be contained and vented to abatement plant where necessary.
- Residual coating/adhesive materials contained in parts of the application equipment should be removed prior to cleaning.

2.3.4 VOC control operations: Organic solvent losses can be identified and minimised by operational controls and good operational practice. A programme to monitor and record the consumption of coatings/adhesives/ organic solvent against product produced should be used to minimise the amount of excess organic solvent / coating used.

2.3.5 VOC control waste: Waste contaminated with VOC may give rise to both odorous and fugitive emissions. All reasonably practicable efforts should be made to minimise the amount of residual organic solvent bearing material left in drums and other containers after use. All organic solvent contaminated waste should be stored in closed containers. Prior to disposal, empty drums and containers contaminated with organic solvent should be closed to minimise emissions from residues during storage prior to disposal and labeled, so that all those that handle them are aware of their contents and hazardous properties. Nominally empty drums or drums containing waste contaminated with VOC awaiting disposal should be stored in accordance with the requirements for full or new containers.

2.3.6. Dust and spillage control: Adequate provision to contain liquid and solid spillage is needed. Closed containers can prevent wind

whipping of dusty, dry waste materials such as materials collected during combustion chamber cleaning or arising from particulate abatement plant:

- Dusty wastes should be stored in closed containers and handled in a manner that avoids emissions
- Dry sweeping of dusty materials should not normally be permitted unless there are environmental or health and safety risks in using alternative techniques
- Suitable organic solvent containment and spillage equipment should be readily available in all organic solvent handling areas
- A high standard of housekeeping should be maintained.

2.3.7 At no time shall the operator introduce any substance or preparation into the installation that is labelled with the hazard statements H340, H350, H350i, H360D or H360F or risk phrase of R45, R46, R49, R60 or R61, without the prior written consent of the regulator. Halogenated VOC's assigned hazard statements H341 or H351 or risk phrases R40 and R68 shall not be introduced into the installation without the prior written consent of the regulator. Substances or preparations already in use shall be replaced with non-designated substances in accordance with a scheme to be submitted to the regulator as part of the solvent management plan.

2.4 Stacks, vents and process exhausts.

- 2.4.1** Any ductwork, stacks or exhaust ventilation associated with the process operations shall be maintained gas tight and regularly inspected for signs of damage and wear. Stacks and ductwork shall be cleaned to prevent accumulation of materials, as part of the routine maintenance program.
- 2.4.2** The discharge from all vents, process exhausts and chimneys shall be directed vertically upwards and achieve satisfactory dispersion of pollutants. A minimum discharge velocity shall be required in order to prevent the discharged plume being affected by aerodynamic down wash. This does not apply to the exhaust stacks on the glue lines, which may be fitted with roof cowls to prevent the ingress of water
- 2.4.3** All filters and exhaust fans serving the Blue, Green, Black, Orange, Yellow and Orange/ Black brake pad production lines shall be checked on a regular basis or at least once per week for correct function and filtration. Filters where appropriate shall be checked for damage and replaced as necessary. Details of the inspections shall be recorded in the log book together with actions taken to rectify defects.
All filters on the Blue, Green, Black, Orange, Yellow and Orange/ Black filter stacks shall be changed at a period not longer than two years. A record of these changes shall be retained by the operator.

2.5 General Operations

- 2.5.1** Effective preventive maintenance shall be employed on all plant and equipment concerned with the control of emissions to the air. The particulate matter filter plants serving the Blue, Green, Black, Orange, Yellow and Orange/ Black brake pad production lines shall be maintained in accordance with the manufacturer's recommendations, including regular servicing and filter changes where appropriate and necessary.
Details of the inspections shall be recorded in the log book together with actions taken to rectify defects.
- 2.5.2** Essential spare and consumables associated with the process (especially those subject to continual wear) shall either be held on site or available at short notice from suppliers in order to rectify breakdowns rapidly.
- 2.5.3** Any malfunction or breakdown leading to abnormal emissions shall be dealt with promptly and process operations adjusted until normal operations can be restored. All such malfunctions shall be recorded in

a log book and the log book shall be retained for a period of four years.

- 2.5.4** In the event of any malfunction or accident which leads to the escape of particulate matter or volatile organic compounds in such quantities as to have an effect upon the occupiers of other premises in the neighbourhood, the process operator shall immediately notify the regulator (Environmental Protection Team at Hartlepool Borough Council) by telephone or email within one hour, with details of the nature of the problem, the action taken so far, and the proposed action to deal with the situation.
- 2.5.5** A comprehensive written maintenance programme shall be produced and implemented. It shall cover all the plant and equipment associated with the prescribed process. All plant and equipment shall be maintained within the manufacturer's instructions. Details of the maintenance programme shall be recorded in the log book together with actions taken to rectify any defects.
- 2.5.6** A high standard of housekeeping shall be maintained.
- 2.5.7** Staff at all levels shall receive the necessary formal training and instruction in their duties relating to control of the process and emissions to air. A record of each person's training and instruction shall be kept and available for inspection for the duration of their employment connected with the equipment described within this permit.
- 2.5.8** A responsible person shall be nominated to act on behalf of the company, who will be responsible for ensuring that test's, emission monitoring and maintenance measures that are required under this Permit are carried out. The responsible person shall be named and countersign entries in the log book.
- 2.5.9** Complete and immediate access to the premises shall be granted to duly authorised officers of the Local Authority upon request.
- 2.5.10** A copy of this Permit shall be kept on site.
- 2.5.11** The installation shall use '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, to reduce emissions and the impact on the environment as a whole.

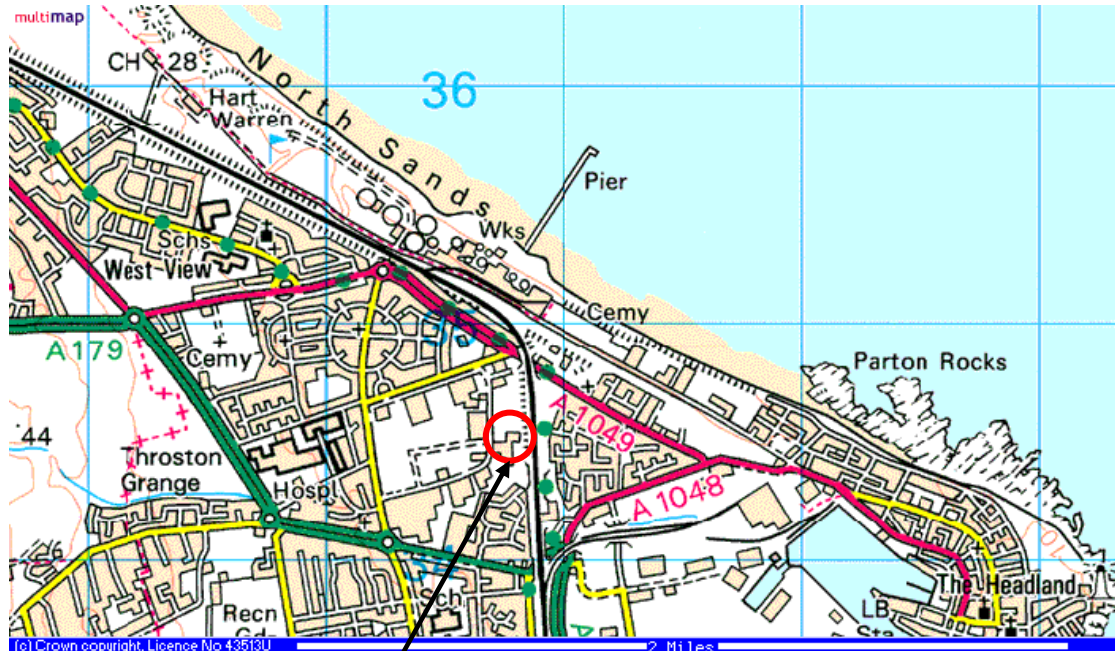
2.6 Appropriate management systems

2.6.1 Effective management is central to environmental performance; it is an important component of BAT and of achieving compliance with permit conditions. It requires a commitment to establishing objectives, setting targets, measuring progress and revising the objectives according to results. This includes managing risks under normal operating conditions and in accidents and emergencies. It is therefore desirable that processes put in place some form of structured environmental management approach, whether by adopting published standards (ISO 14001 or the EU Eco Management and Audit Scheme [EMAS]) or by setting up an environmental management system (EMS) tailored to the nature and size of the particular process. Operators may also find that an EMS will help identify business savings.

Section Three

Location of Permitted Installation and Site Plans

Site Location Map (EP2008/09/1)



**TMD Friction UK Ltd
Oakesway Trading Estate
Hartlepool
TS24 0RE**

Site Plan (EP/2008/09/2)



Section Four

Explanatory Notes And Appeals Procedure

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

EXPLANATORY NOTE

EXPLANATORY NOTE

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 Hartlepool Borough Council. These notes do not form part of the Permit or conditions attached to it.

1. **BAT CONDITION**

Article 2(10) of the Industrial Emissions 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, to reduce emissions and the impact on the environment as a whole.

- **BEST** shall mean most effective in achieving a high general level of protection of the environment as a whole.
- **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,
- **TECHNIQUES** shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.

The installation and mobile plant should be operated such that -

- (a) all the appropriate preventative measures are taken against pollution, in particular through application of the best available techniques; and
- (b) no significant pollution is caused.

In relation to the Permit you should be aware that, amongst other aspects of the installation operation and management, this residual duty will apply to:-

- the control of emissions to ensure that offensive odours are not caused beyond the installation boundary,
- maintenance, service and repair of equipment,
- keeping of spares and consumables,
- the training of installation operators, and supervision of workers
- management of the installation in relation to maintenance of a high standard of housekeeping.

2. STATUTORY REQUIREMENTS

This Permit 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.

3. PUBLIC REGISTER

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

**Hartlepool Borough Council,
Environment and Neighbourhood Services Department
Public Protection
Victoria Road
Civic Centre
Hartlepool
TS25 8AY**

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 28(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. An operator may request certain information in relation to a permit to remain confidential, i.e. not be placed on the public register. The onus is on the operator to provide a

clear justification for each item he or she wishes to be kept from the register. EP regulation 45 defines 'commercial information' as "information that is commercially or industrially confidential in relation to any person".

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 the DEFRA manual.

National Security

EP regulation 47 allows for information to be kept from public registers for reasons of national security. For this to happen, the Secretary of State must determine that placing the information on the register would be contrary to the interests of national security. An operator who believes any information meets this test may apply to the Secretary of State.

The operator must notify the local authority that he or she has asked for this determination, but must not exclude the information from any submission to the authority, such as a permit application. The Secretary of State may direct the authority on what information, if any, to exclude from the register.

Any such applications must be made to either:

Secretary of State for Environment,
Food and Rural Affairs
Nobel House
17 Smith Square
LONDON
SW1P 3JR

and should be marked "application under the Environmental Permitting Regulations".

4. UPGRADING PROGRAMMES

The following information does not comprise part of the Permit, but contains guidance, which should be noted when considering the upgrading programme.

Aim of Upgrading Programme

To identify the areas where the existing installation does not meet the required standards ("new process" standards), as detailed in the relevant Secretary of State's Process Guidance Note, the steps to be taken to meet these standards, and the time-table of dates by which these steps are to be implemented. (You are advised to refer to the Department of Environment, General Guidance Note 4 - Interpretation of terms used in Process Guidance Notes (available from H.M. Stationery Office)).

Content of Upgrading Programme

There is not a specified format for an upgrading programme but, wherever possible, it should identify reasonably precise actions to be taken and the dates on which these actions will be instigated. If abatement plant is to be installed technical specifications and schematic drawings along with operational procedures should be detailing in the upgrading plan.

Council Action upon receipt of Upgrading Programmes

It is an offence not to submit the upgrading programme by the date specified in the Permit.

The Council will assess the adequacy of the submission and if satisfied with the content, will place it on the Public Register (operators may apply for matters which are considered to be commercially confidential to be excluded from the Register).

The Council will bring the upgrading programme within the terms of the Permit by issuing a Variation Notice to add the programme as a condition to the initial Permit. This will ensure that commitments given are made into enforceable conditions (this may not preclude changes to the programme where there are sound reasons for such a change).

5. FEES

(EP regulation 65).

Operators must pay an annual subsistence charge to cover local authorities' continuing regulatory costs once a permit has been issued. It will cover such things as checking monitoring data or carrying out inspections. The level of subsistence charge is contained in the relevant charging scheme and will become due on 1st April each year. The operator is liable for the full subsistence charge for the year of operation. You are advised that if you fail to pay the fee due promptly, the Council may revoke the Permit.

The risk-based charging scheme was introduced in 2006/7 for all standard activities. The risk-based method applies a low, medium or high risk rating to activities operating at an installation. The resulting subsistence fees are proportionate to the risk rating. This risk-assessment method uses a "point scoring" approach which combines the indicative environmental impact assessment (EIA) of the activity itself and the Operator Performance Assessment (OPA) covering the operational aspects of the installation. This is outlined in the Risk-Based Inspection Methodology which is available on the DEFRA web pages

6. TRANSFER OF PERMITS

Installations may change hands through normal business transactions. EP regulation 21 therefore allows for permit transfers either for the whole installation, or for one or more parts of it through partial transfer arrangements. New operators should have the appropriate management systems and the competence to run installations properly in compliance with the conditions of the existing permits.

When an operator wants to transfer all or part of a permit to someone else, he/she and the proposed transferee must make a joint application and also pay a fee. They must both sign the application form. The joint application should contain their telephone numbers and addresses plus any additional correspondence address. The application should be accompanied by the current permit document and must include the appropriate transfer fee.

7. PROCESS VARIATIONS

A local authority may decide that the existing permit conditions require amendment without receiving any notification or application from the operator (EP regulation 20(1)). This is most likely to occur when the authority decides that the conditions need varying having conducted a periodic review in accordance with EP regulation 34, or in the light of revised guidance from Defra/WAG, or because of the transfer of a permit to another operator. Other instances could be the revision of a relevant environmental quality standard, the declaration of an area as an air quality management area, or a requirement from the Environment Agency to revise a water-related condition.

If there is no such condition included in their permit, operators should be aware that there are risks to them should they fail to notify the relevant local authority of a change. The risks are that the authority decides that the change means that the operator is either carrying on the activity beyond the extent authorised by the existing permit, or is doing so in contravention of an existing permit condition. Both are offences under EP regulation 38. On the positive side, some changes could result in a lowering (as well as, potentially, raising) of an installation's risk rating. These could include alterations to management or training practices, or technical changes such as the use of less toxic chemicals.

Many changes will not have consequences for the environment and notification will be unnecessary; although there may be cases where it is nonetheless good practice for an operator to do so in order to keep the authority informed. It is also good practice to notify authorities of any administrative changes, such as the name or address of the operator (where the installation has not changed ownership), and authorities can simply amend the permit without going through any formal procedures.

The Industrial Emissions Directive definition of 'substantial change', which is incorporated by the EP Regulations, is "a change in the nature or functioning, or an extension, of an installation or combustion plant, waste incineration plant or waste

co-incineration plant which may have significant negative effects on human health or the environment.”. For installations subject to the Solvent Emissions Directive, further criteria may be relevant.

If an operator has any doubt over whether a particular change is substantial, he/she should ask the opinion of the relevant local authority.

8. APPEALS

Under EP regulation 31 operators have the right of appeal against the enforcing authority in the following circumstances:

- 1 refusal or deemed refusal to grant a permit;
- 2 refusal of an application to vary a permit;
- 3 if the operator disagrees with the conditions imposed by the authority as a result of a permit application or an application for a variation notice;
- 4 refusal of an application to transfer a permit, or if the operator disagrees with the conditions imposed by the authority to take account of such a transfer;
- 5 refusal of an application to surrender a permit, or if the operator disagrees with the conditions imposed by the authority to take account of the surrender;
- 6 the service of a variation notice (not following an application by the operator), a revocation notice, an enforcement notice, or a suspension notice on the operator;
- 7 the deemed withdrawal by a local authority of a duly-made application because the operator has not provided further information (paragraph 4 of Schedule 5 to the EP Regulations).

Under EP regulation 53(1) operator has the right of appeal against a decision that information will not be withheld from the public register for reasons of commercial confidentiality.

The rights to appeal listed in 1-6 above do not apply where the decision or notice implements a direction given by the Secretary of State. 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 under 3-6 above do not stop the conditions coming into effect. Appeals against variation, enforcement and suspension notices do not stop the notices coming into effect. 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.

How to appeal

There are no charges for appealing and there is no statutory requirement to submit an appeal form. However, an appeal form has been prepared and is available for use at <http://www.planning-inspectorate.gov.uk/pins/environment/environment/index.htm>. For an appeal to be valid, appellants (the person/operator making the appeal) are legally required to provide all of the following (see EP Regulations Schedule 6, 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 at a hearing - a hearing must be held if either the appellant or local authority requests this, or an appointed person or the Secretary of State decide 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
- 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 EP regulation 49 and provide relevant details. Unless such information is provided all documents submitted will be open to inspection.

Where to send your appeal documents

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

**The Planning Inspectorate
Environment Team, Major & Specialist Casework
Room 4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
Tel: 0117 372 8726
Fax: 0117 372 8139**

On receipt of an appeal and during the appeal process both main parties will be informed by the Inspectorate about the next steps, which will explain the procedures and submission timetable for 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 who has expressed an interest in the appeal.

Costs

The operator and local authority will normally be expected to pay their own expenses during an appeal. Where a hearing or inquiry is held as part of the appeal process, by virtue of paragraph 5(6) of Schedule 6, either the appellant or the authority can apply for costs. Applications for costs are normally heard towards the end of the proceedings and will only be considered 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 representations.

Following an application for costs, the Inspector or the Secretary of State will act in the spirit of DOE Circular 8/93 – The Award of Costs in Planning and Other Proceedings. Schedule 6, paragraph 5(6) of the EP Regulations applies section 250 (as modified) of the Local Government Act 1972 to hearings and inquiries. Under section 250, persons may be summonsed to appear to give evidence, the appointed person may seek recovery of his or her certified costs from either party and may make a costs order so that one party pays part of the other side's costs.

9. Secretary of State's Guidance

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

PG6/31(13) and 6/32(11) Secretary of State's Guidance for powder coating and Adhesive Coating Processes	www.defra.gov.uk/environment/index.htm
Pollution Prevention and Control Act 1999	www.defra.gov.uk/environment/index.htm
Environmental Permitting (England & Wales) Regulation 2016	www.legislation.gov.uk
General Guidance Manual on Policy and Procedures for A2 and B Installations	www.defra.gov.uk/environment/index.htm

10. 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

**Hartlepool Borough Council,
Environment and Neighbourhood Services Department
Public Protection
Victoria Road
Civic Centre
Hartlepool
TS25 8AY**

By Telephone

During office hours: 01429 266522

By email

environmental.protection@hartlepool.gov.uk