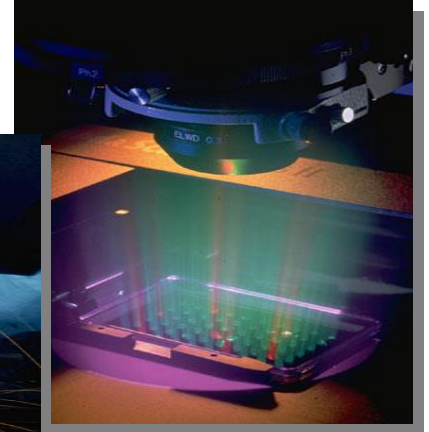


# INSTALLATION PERMIT

Ref. EP2008/23



Pollution  
Prevention and  
Control Act 1999

Environmental  
Permitting  
(England &  
Wales)  
Regulation 2010

**Coveris Hartlepool UK Ltd**  
**Skerne Road**  
**Oakesway Business Park**  
**Hartlepool**  
**TS24 0RH**

**Pollution Prevention and Control Act 1999  
Environmental Permitting (England & Wales) Regulations  
2010 (as amended)**

**Permit Reference No. EP2008/23**

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# **Section One**

## **Introductory Note & Description of Permitted Installation**

**Environmental Permitting (England & Wales) Regulation 2010 (as amended)**

**Permit Reference No. EP2008/23**

**Introductory Note**

<b>Permit Holder:</b>	<b>Coveris Hartlepool UK Ltd</b>
	Skerne Road Oakesway Business Park Hartlepool TS24 0RH
Registered Address of Company:	Coveris UK Ltd Road One Winsford Industrial Estate Winsford Cheshire CW7 3RD

<b>Provenance</b>	<b>Date</b>
Application for Authorisation (EPA 90)	14 <sup>th</sup> August 1996
Authorisation issued	2 <sup>nd</sup> December 1997
Permit 'deemed' application	1 <sup>st</sup> April 2003
Permit issued	1 <sup>st</sup> April 2005
PPC Permit transferred automatically to EP Permit	6 <sup>th</sup> April 2008
Permit updated following publication of new process guidance note.	4 <sup>th</sup> June 2014

**Coveris Hartlepool UK Ltd is hereby permitted by Hartlepool Borough Council to carry on a flexible Packaging Process under Section 6.4(B)(a)(iv) and Section 7 of the Environmental Permitting (England & Wales) Regulations 2010 as described below and within the installation boundary as marked red on the attached plan reference EP2008/23//2 and in accordance with the conditions detailed in Section 2 of this Permit.**

**Signed on behalf of Hartlepool Borough Council**



.....

**Date: 9<sup>th</sup> July 2014**

**Louise Wallace**  
**Director of Public Health**  
**An authorised officer of the Council**  
**Process Description**

**1.0** The printing process operated at Coveris Hartlepool UK Ltd is the flexographic printing of flexible films using solvent borne inks. The site produces finished packaging used for security, mailing and retail businesses. The operations consist of seven printing presses detailed below:-

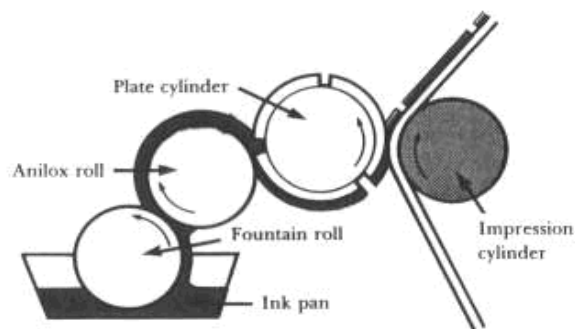
- Comexi 6 Colour CI
- Comexi 8 Colour CI
- Manzoni 1- 6 Colour
- Manzoni 2- 4 Colour
- Manzoni 3 – 4 Colour
- C3 (Coin bag printing)
- C63 (4 Colour Note Bags)

As a whole the installation falls within Schedule 1 Sections 6.4(B)(a)(iv) and Schedule 1 Section 7 of the Environmental Permitting (England & Wales) Regulations 2010 (As amended). It is therefore a defined Industrial Emission Directive (IED) activity.

The operator has currently selected the emission limit route for demonstrating compliance with the requirements of the industrial emissions directive.

## Process Description

**1.1** The printing of flexible packaging by the application of solvent based inks onto polyethylene films. The solvents used are predominantly aliphatic alcohols and, once mixed with inks, can be flexographically applied to the film. This involves the ink either in a trough being picked up via a fountain roller, the ink is then transferred via the fountain roller into the cells of the anilox roll (See below) or, by the use of a doctor blade chamber, where ink is applied directly onto the anilox roll, and the excess scrapped off by the doctor blades.



**1.2** The metered amount of ink on the engraved roller is transferred to the photo polymer printing plate, which in turn is mounted upon a rotating

cylinder. This cylinder as it rotates, then transfers the ink onto the film giving you an image, hence 'Printing'

**1.3** Each Flexographic Printing Press has a ventilation unit which removes vapours from the inks and extracts them to the thermal oxidiser

**1.4** Directly after Printing, the film passes through a final drying tunnel, normally mounted after the last station, where additional drying is applied. This is also vented to the thermal oxidiser.

## **2.0 Raw Material Storage**

Inks and solvents are purchased and delivered to the site and are stored in externally located Steel containers to the rear of the factory building/ under ground tanks.

**2.1** All deliveries take the form of 200 litre, 1000 litre or 1250 litre sealed containers and bulk solvent deliveries

**2.2** Waste containers of ink/ Solvent are placed in the bunded area to the rear of the factory. These are stored until there is a sufficient quantity to warrant the disposal of the waste via specialist companies.

## **3.0 Mixing Room**

Specific formulations of ink are created according to the desired specification and are measured out on scales to ensure consistency. Most mixing takes place in containers of no more than 20 litres. The mixed ink is then taken in a 25 litre sealed container to the printing press to fill the ink pan.

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

- (i) VOC emissions from the printing and drying process.

A Solutex Solvent Recovery Unit will be used on the lines to recover solvent.

The emissions from the presses are ducted together and will be vented to a Thermal Oxidiser before being released to atmosphere. The Thermal Oxidiser will remove the VOC's in order that the installation activity complies with the respective Secretary of States Guidance Note for VOC emission concentrations.

# **Section Two**

## **Permit Conditions**

**Pollution Prevention and Control Act 1999  
Environmental Permitting (England & Wales) Regulation 2010**

**Permit Reference No. EP2008/23**

The conditions contained within this Permit are based upon Secretary of States Guidance Note PG 6/17 (11), for Printing of Flexible Packaging.

The requirements of the conditions attached to this permit shall come into effect on the date indicated in the variation notice.

**1.0 Emission Limits and Controls**

- 1.1** All emissions to air, other than steam or water vapour shall be colourless, free from visible mist and free from visible fume and droplets.
- 1.2** Emissions from any combustion processes 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 2741: 1969.
- 1.3** All emissions shall be free from offensive odour outside the installation boundary as indicated in red on the attached plan **EP2008/23/2**.
- 1.4** The height of the chimney/vent discharging from buildings shall not be less than 3 metres above the ridge of any building. The chimney/vent height shall take into account the need to render harmless any residual odour.
- 1.5** Unless the thermal Oxidiser is out of operation, the captured VOC's shall be abated.
- 1.6** The following emission concentration limit shall apply to releases of pollutants to atmosphere from the printing process:-



**Table 1**

Table 4.1 - Emission limits, monitoring and other provisions for non-VOC releases					
Row	Substance	Source	Emission limits/provisions	Type of monitoring	Monitoring frequency
1	Carbon Monoxide	Oxidation plant	100mg/Nm <sup>3</sup> as a 15 minute mean for contained sources.	Catalytic oxidiser Monitoring and recording	Continuous
		From turbines, reciprocating engines or boilers used as VOC abatement equipment.	500 mg/Nm <sup>3</sup> at 5% oxygen dry gas, as 15 minute mean for contained sources.	PLUS Manual extractive testing	PLUS Annual
		From turbines, reciprocating engines or boilers used as VOC abatement equipment.	500 mg/Nm <sup>3</sup> at 5% oxygen dry gas, as 15 minute mean for contained sources.	All other types of abatement Manual extractive testing	Annual
2	Particulate matter	All processes / activities	50 mg/Nm <sup>3</sup> as 15 minute mean for contained sources	Manual extractive testing	Annual
3	Oxides of Nitrogen (measured as nitrogen dioxide)	Oxidation plant	100mg/Nm <sup>3</sup> as a 15 minute mean for contained sources.	Manual extractive testing	Annual
		From turbines, reciprocating engines or boilers used as VOC abatement equipment.	500 mg/Nm <sup>3</sup> as 15 minute mean for contained sources		
4	Isocyanates	All processes / activities using isocyanates	0.1mg/Nm <sup>3</sup> as a 15 minute mean for contained sources excluding particulate and expressed as NCO.	Manual extractive testing	Annual
5	Sulphur dioxide	All activities using heavy fuel oil or other residual type /comparable <a href="#">Quality Protocol Processed Fuel Oil</a>	1% wt/wt sulphur in fuel	Sulphur content of fuel is regulated under the Sulphur Content of Liquid Fuels Regulations	
		All activities using gas oil / comparable <a href="#">Quality Protocol Processed Fuel Oil</a>	0.1% wt/wt sulphur in fuel		

**1.7** 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 Monitoring of Emissions**

**2.1** A monthly assessment shall be made for odour emissions from the installation while the process is operating at full capacity. The assessment shall be made at the public footpath immediately in front of the main entrance into the office block where such an emission is most likely to be detected, taking into account the wind direction, source of odour, nearest neighbour, etc. The assessment must be made by a responsible person who has been instructed to carry out these duties. A record of all olfactory assessments shall be entered into the logbook required to be kept in accordance with condition number 2.5. The records shall include a subjective assessment of the nature and severity of any odour detected.

If offensive odour emissions are detected, immediate action shall be taken to determine the cause of the emission and to resolve the malfunction responsible for the emission. Contingency arrangements shall be instigated to prevent or reduce to a minimum any further odour emissions caused by the malfunction. The regulator shall be notified of any such occurrence as soon as practicable.

- 2.2** The concentration of VOC's being exhausted to atmosphere from the extraction serving the printing process (after passing through the Thermal Oxidiser) shall be tested at least once per year.
- 2.3** The regulator (Public Protection Team at 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.
- 2.4** 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.
- 2.5** 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.
- 2.6** A logbook shall be established and maintained which contains a record of all visual and olfactory observations made in accordance with conditions 1.1, 1.2 and 1.3. 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 four years. The log may be paper based or electronic

- 2.7** If three or more periodic monitoring exercises, carried out over a period of at least two years, indicate consistent compliance with emission limits, then an increased interval between future monitoring exercises will be considered by Hartlepool Borough Council.

### 3.0 Abatement Plant

3.1 All emissions from the printing presses installed at the installation shall be ducted to suitable abatement plant capable of meeting the emission limit standard as indicated in table one of condition (1.7). The abatement plant shall meet the following limits shown in Table 2:

**Table 2**

Table 4.2 - Emission limits, monitoring and other provisions for non-Directive activity VOC releases				
Row	VOC	Emission limits/provisions	Type of monitoring	Monitoring frequency
1	<b>All processes/ activities</b> Where solvents containing greater than 5% aromatic hydrocarbons by weight are used.	VOC expressed as total carbon excluding particulate matter. 100mg/Nm <sup>3</sup> as 15 minute mean for contained sources.	Abated releases monitoring and recording.	Abated releases Continuous monitoring
2	<b>All processes/ activities</b> Where no solvents containing greater than 5% aromatic hydrocarbons by weight are used and the mass emission of VOC from an individual source is less than 1kg in any 8 hour period.	VOC expressed as total carbon excluding particulate matter. 150mg/Nm <sup>3</sup> as 15 minute mean for contained sources	PLUS  Manual extractive testing Non abated releases Manual extractive testing	PLUS Annual Manual extractive  Non abated releases Annual Manual extractive
3	<b>Non Methane VOC</b> From turbines reciprocating engines or boilers used as VOC abatement equipment.	VOC expressed as total carbon excluding particulate matter. 150mg/Nm <sup>3</sup> as 15 minute mean for contained sources		

3.2 A Thermal Oxidiser shall be continuously monitored for temperature and shall operate within a temperature range that is agreed in writing with the regulator. The Thermal Oxidiser is to be fitted with an audible and visual alarm to be triggered in the event that the device ceases to operate within the agreed temperature range.

Any sounding of an alarm to be recorded in the logbook required to be kept in accordance with condition 2.6.

3.3 During the commissioning proving tests, the correlation between the RTO combustion temperature and VOC emission shall be established to determine a satisfactory operating temperature ensuring its operation is kept below the permitted emission limit. The RTO combustion temperature shall be continually monitored with the determined minimum reference limit being alarmed. The sounding of the alarm should be recorded in the Log Book as required in condition 2.6 with details of date/time, alarm condition and corrective action taken. VOC monitoring shall be carried out as described in table 3.

### **Table 3**

#### **SE Box 9 - VOC monitoring (Articles 60 and 61)**

##### **All activities using**

- **emission and fugitive limits; or**
- **total emission limit values with abatement**

For periodic measurements of VOC at least three readings must be obtained during each measurement exercise.

VOC emission limit values shall be considered to be complied with if, in one monitoring exercise:

- a) the average of all the readings does not exceed the emission limit values, and
- b) none of the hourly averages exceeds the emission limit value by more than a factor of 1.5\*.

Where continuous monitoring is carried out to demonstrate compliance with VOC emission limits:

- c) none of the averages over 24 hours of normal operation exceeds the emission limit values, and
- d) none of the hourly averages exceeds the emission limit values by more than a factor of 1.5.\*

\*the hourly average of the 30-minute means value may be used to demonstrate compliance.

Where monitoring does not meet the requirements of a) or b), then no result should exceed the emission concentration limits specified.

Compliance by dilution is not permitted – see paragraph 4.28

## **4.0 Materials Handling**

- 4.1** A determination of the organic solvent consumption, the total mass of organic solvent Inputs minus any solvents sent for reuse/recovery off-site, should be made and submitted to the regulator annually, preferably to coincide with the operators stocktaking requirements. This should be in the form of a mass balance in order to determine the annual actual consumption of organic solvent (C):

Where:  $C = I1 - O8$  (See Definitions below).

The Industrial Emissions Directive provides guidance on what constitutes a solvent input and an output. This can be described more simply as needing data on:

#### **Inputs:**

How much solvent is:

- bought, whether in pure form or contained in products;
- recycled back into the process.

#### **Outputs:**

How much solvent is:

- emitted to air, whether directly or via abatement equipment;
- discharged to water, whether directly or via water treatment;
- sent away in waste;
- lost by spills, leaks etc;
- leaving the installation in the product.

PG6/17(11) The definitions in Annex VII, Part 7 of the industrial emissions Directive are as follows and are shown diagrammatically in section 3.

**Inputs of organic solvent** in the time frame over which the mass balance is being calculated (**I**)

**I1** The quantity of organic solvents or their quantity in mixtures purchased which are used as input into the process/activity (including organic solvents used in the cleaning of equipment, but not those used for the cleaning of the products).

**I2** The quantity of organic solvents or their quantity in mixtures recovered and reused as solvent input into the process/activity. (The recycled solvent is counted every time it is used to carry out the activity.)

**Outputs of organic solvents** in the time frame over which the mass balance is being calculated (**O**)

**O1** Emissions in waste gases.

**O2** Organic solvents lost in water, if appropriate taking into account waste water treatment when calculating O5.

**O3** The quantity of organic solvents which remains as contamination or residue in products output from the process/activity.

**O4** Uncaptured emissions of organic solvents to air. This includes the general ventilation of rooms, where air is released to the outside environment via windows, doors, vents and similar openings.

**O5** Organic solvents and/or organic compounds lost due to chemical or physical reactions (including for example those which are destroyed, e.g. by thermal oxidation or other waste gas or waste water treatments, or captured, e.g. by adsorption, as long as they are not counted under O6, O7 or O8).

**O6** Organic solvents contained in collected waste.

**O7** Organic solvents, or organic solvents contained in mixtures, which are sold or are intended to be sold as a commercially valuable product.

**O8** Organic solvents contained in mixtures recovered for reuse but not as input into the process/activity, as long as not counted under O7.

**O9** Organic solvents released in other ways.

The inventory and consumption data shall be submitted to the regulating authority on 1<sup>st</sup> May and 1<sup>st</sup> October for the preceding 6 months solvent use, every year.

**4.2** Mixing of inks with solvents shall be carried out in covered or enclosed mixing vessels or within areas where LEV extraction is present.

**4.3** In order to minimise fugitive emissions, the emissions from the emptying of mixing vessels and from the transfer to printing machines shall be adequately contained to minimise emissions of fugitive VOCs, by the use of closed transfer systems. This may be achieved by the use of enclosed mobile containers, containers with close-fitting lids, or, enclosed containers with pipeline delivery.

**4.4** Application of cleaning solvents shall either be:

- From a contained device or automatic system when applied directly on to machine rollers.
- Dispensed by piston type dispenser or similar contained device, when used on wipes.
- via the use of Pre-impregnated wipes which shall be held within an enclosed container prior to use.

Solvent Wipes and other items contaminated with solvent shall be placed in a suitably labelled metal bin fitted with a self-closing lid. Bins shall be emptied at least daily. Special bins that allow air to circulate beneath and around them to aid cooling shall be used for materials that may undergo spontaneous combustion

**4.5** Any substance or preparation into the installation that is labelled with the hazard statement H340, H350, H350i, H360D, or H360F or until 1 Jun 2015: risk phrases R45, R46, R49, R60, or R61, or hazard statements H341 or H351 or until 1 Jun 2015: risk phrases R40, or R68 shall be dealt with as described in table 4.

**Table 4**

<p><b>SE Box 7 - industrial emissions Directive requirements for designated materials (Articles 58, 59, 80(7))</b></p> <p><b>All activities using designated materials</b></p> <p>Designated materials used in industrial emissions Directive installations must be either replaced, or controlled contained and limited, as set out below.</p>	
<p><b>All Directive installations</b></p>	
<p><b>1. Materials designated because of their VOC content:</b></p> <ul style="list-style-type: none"> <li>• hazard statement H340, H350, H350i, H360D, or H360F</li> <li>• until 1 Jun 2015: risk phrases R45, R46, R49, R60, or R61</li> </ul>	
<p>Requirements:</p> <p>Replace as far as possible (Taking into account guidance under Article 64 of the industrial emissions Directive. See note 3 and Appendix 1) by less harmful substances or mixtures.</p>	<p>Timescale:</p> <p>Installations must comply within the shortest possible time</p>
<p>Control under contained conditions as far as technically and economically feasible to safeguard public health and the environment, normally, in accordance with the guidance provided within Section 5 of the note.</p>	<p>Timescale:</p> <p>Immediately (and see note 1 below)</p>
<p>Limit - where the sum of the mass flows of all the discharges of all the compounds causing the designated labelling is greater or equal to 10g/h, a limit value of 2mg/Nm<sup>3</sup> for the mass sum of the individual compounds must apply.</p>	<p>Monitoring:</p> <p>Manual extractive testing</p>
<p><b>2. Materials designated because of their halogenated VOC content:</b></p> <ul style="list-style-type: none"> <li>• hazard statements H341 or H351</li> <li>• until 1 Jun 2015 : risk phrases R40, or R68</li> </ul>	
<p>Requirements:</p> <p>Control under contained conditions as far as technically and economically feasible to safeguard public health and the environment, normally, in accordance with the guidance provided within Section 5 of the note.</p>	<p>Timescale:</p> <p>Immediately (and see note 1 below)</p>
<p>Limit - where the sum of the mass flows of all the discharges of all the compounds causing the designated labelling is greater or equal to 100g/h, a limit value of 20mg/Nm<sup>3</sup> for the mass sum of the individual compounds must apply.</p>	<p>Monitoring:</p> <p>Manual extractive testing</p>
<p><b>Note 1</b> - substances or mixtures which are classified after the date of publication of this note as designated materials because of their VOC content, must apply the replace, control and limit requirements above within the shortest possible time from the date at which substances or mixtures became/become designated materials.</p> <p>In determining the 'shortest possible time', the operator will need to justify their timetables taking account of the guidance in the relevant chapter of the appropriate Guidance Manual.</p> <p><b>Note 2</b> - until 1 June 2015 'hazard statement' materials will, broadly, also be known as 'risk phrase' materials. After 1st June 2015, only the term 'hazard statement' materials will apply; see Section 7 for further details.</p> <p><b>Note 3</b> - the European Commission have published information on <a href="#">substituting and containing designated solvents</a></p>	

**4.6** All empty solvent and coating product containers along with other waste materials, where necessary, shall be stored in such a way as to minimise the escape of fugitive emissions of VOC's to atmosphere.

**4.7** 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.

**4.8** All solvent soaked wiping cloths shall be stored in enclosed containers.

**5.0 Stacks, vents and process exhausts.**

**5.1** All ductwork shall be maintained gas tight and regularly inspected for signs of damage and wear.

**5.2** The discharge from all vents should be directed vertically upwards.

**5.3** Stacks or vents shall not be fitted with any restriction at the final opening such as a plate, cap or cowl, with the exception of a cone which may be necessary to increase the exit velocity of the emissions.

**6.0 General Operations**

**6.1** A logbook shall be kept specifically and solely for the purpose of recording all maintenance and any malfunctions carried out in compliance with Conditions 6.2, 6.3 and 6.4. The records contained in the log book shall be retained for at least four years and shall be made available for inspection by an Officer of the Enforcing Authority on request.

**6.2** Regular cleaning and effective preventative maintenance in accordance with the manufacturer's instructions shall be employed on all plant and equipment concerned with the emission, capture, transport and control of VOC and rubber fume emissions to atmosphere. Cleaning and maintenance schedules for such plant and equipment shall be in place and records kept of compliance to the maintenance and cleaning schedule.

- Spares and consumables, in particular, those subject to continual wear, shall be held on site, or shall be available at short notice so that plant breakdowns can be rectified rapidly.

**6.3** 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.



Abnormal emissions could result due to a minor breakdown. In such instances bypass to atmosphere will be permitted for a period of one week before action needs to be taken by the operator

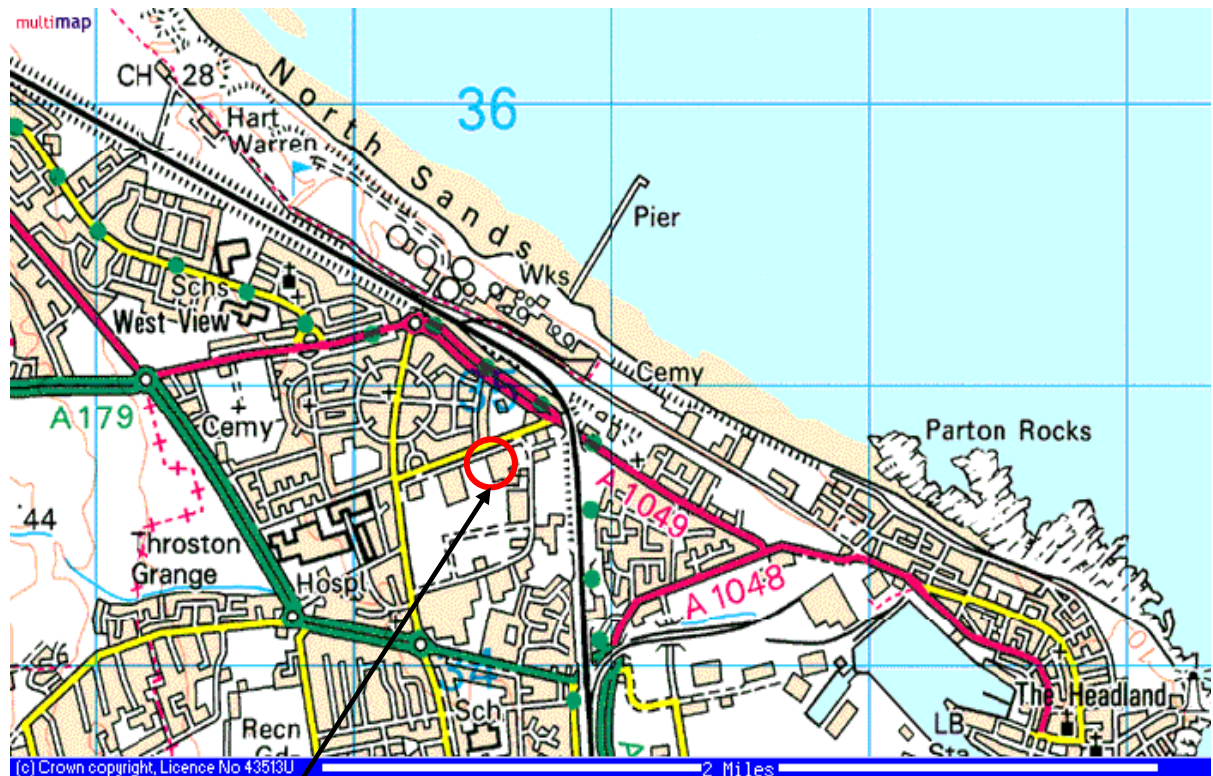
A Major malfunction/ breakdown, resulting in the shipment/ replacement of key components/ services will be permitted for a period of six weeks before action needs to be taken by the operator.

- 6.4** In the event of any malfunction or accident which leads to the escape of volatile organic compounds for any period in excess of 4 hours, the process operator shall immediately notify the regulator (Public Protection team at Hartlepool Borough Council) by telephone. Or, within 72 hours- should the malfunction occur at a weekend, or by 10am of the next working day if the malfunction was to occur during any other night, with details of the nature of the problem, the action taken so far, and the proposed action to deal with the situation.
- 6.5** A high standard of housekeeping shall be maintained.
- 6.6** 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 for the duration of their employment connected with the equipment described within this Permit.
- 6.7** A responsible person shall be nominated to act of 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 in the log book.
- 6.8** Complete and immediate access to the premises shall be granted to a duly authorised officer of the Local Authority upon request.
- 6.9** A copy of this Permit shall be kept on the premises.

# **Section Three**

## **Location of Permitted Installation, Site Plan and Solvent Management Plan Inputs and Outputs.**

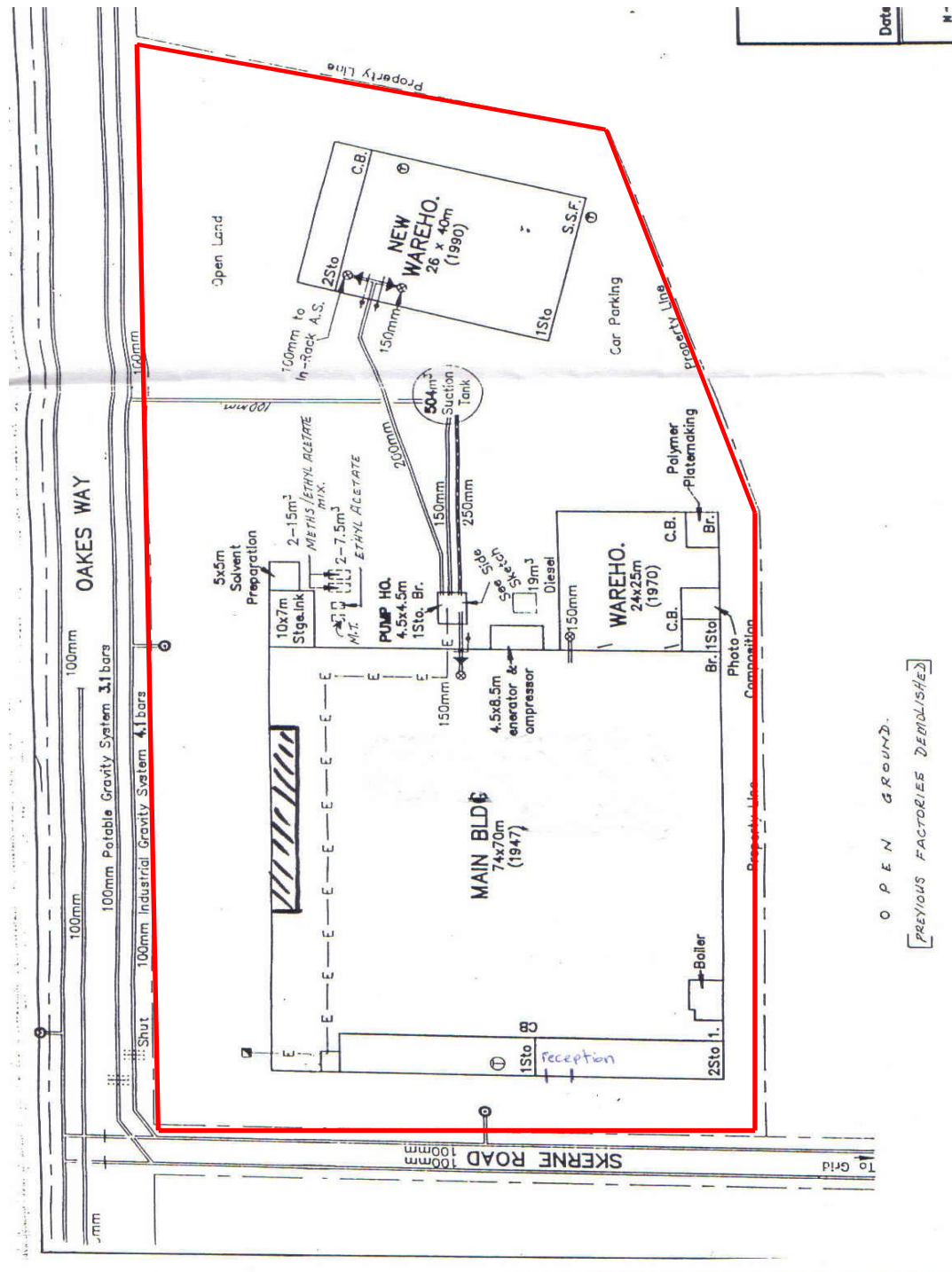
## Site Location Map (EP2008/23/1)



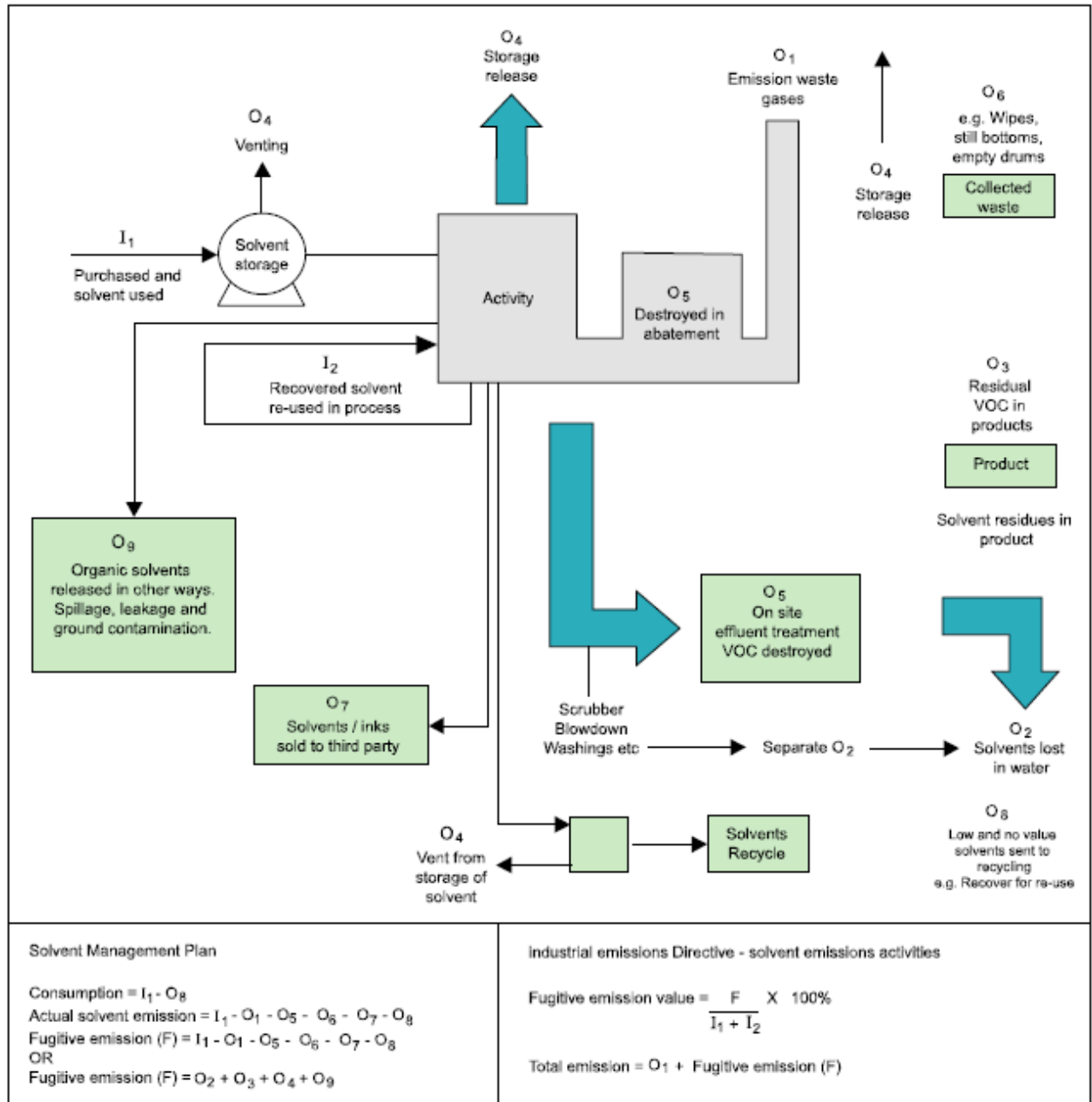
**Coveris Hartlepool UK Ltd  
Skearne Road  
Hartlepool  
TS24 0RH**

# Site Plan (EP2008/23)

— Site boundary in red



## Solvent Management Plan Inputs and Outputs



# **Section Four**

## **Explanatory Notes And Appeals Procedure**

Hartlepool Borough Council  
The Pollution Prevention Control Act 1999  
Environmental Permitting (England & Wales) Regulation 2010 (As amended)

## 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 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,  
Public Health 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 Chapter 8 of the LA-IPPC and LAPPC 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/Welsh Ministers 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/Welsh Ministers.

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/Welsh Ministers 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

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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.

#### **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;”. 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 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 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/Welsh Ministers 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/Welsh Ministers 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:

<b>PG6/17(11) Secretary of State's Guidance for Printing of Flexible Packaging</b>	<a href="http://www.defra.gov.uk/industrial-emissions/las-regulations/guidance/">http://www.defra.gov.uk/industrial-emissions/las-regulations/guidance/</a>
<b>Pollution Prevention and Control Act 1999</b>	<a href="http://www.defra.gov.uk/environment/index.htm">www.defra.gov.uk/environment/index.htm</a>
<b>Environmental Permitting (England &amp; Wales) Regulation 2010 (as amended)</b>	<a href="http://www.defra.gov.uk/environment/index.htm">www.defra.gov.uk/environment/index.htm</a>
<b>General Guidance Manual on Policy and Procedures for A2 and B Installations</b>	<a href="http://www.defra.gov.uk/industrial-emissions/las-regulations/guidance/">http://www.defra.gov.uk/industrial-emissions/las-regulations/guidance/</a>

**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,  
Public Health Department  
Public Protection  
Civic Centre  
Victoria Road  
Hartlepool  
TS25 8AY**

**By Telephone**

During office hours: 01429 266522

**By email**

environmental.protection@hartlepool.gov.uk