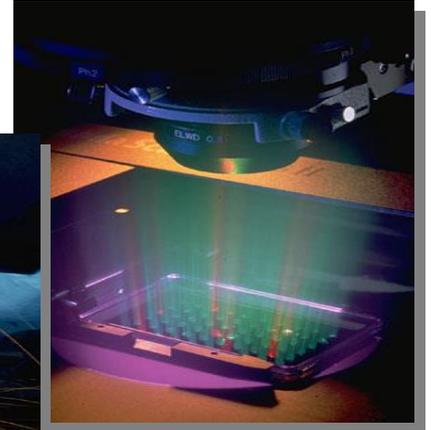


INSTALLATION PERMIT

Ref. EP2008/07



Pollution
Prevention and
Control Act 1999

Environmental
Permitting
(England &
Wales)
Regulation 2016

Tata Steel UK Ltd
20" Pipe Mill
Brenda Road,
Hartlepool
TS25 2EG

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

Permit Reference No. EP2008/07

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Section One

Introductory Note & Description of Permitted Activity

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

Permit Reference No.EP2008/07

Introductory Note

Permit Holder:	Tata Steel UK Ltd
Installation Address:	20" Pipe Mill Brenda Road, Hartlepool TS25 2EG
Registered Address of Company:	Tata Steel UK Ltd 18 Grosvenor Place London SW1X 7HS

Provenance	Date
Application for Authorisation (EPA 90)	14 th September 1992
Authorisation issued	12 th September 1997
Permit 'deemed' application	1 st April 2003
Permit issued	21 st April 2005
PPC Permit transferred automatically to EP Permit	6 th April 2008
Change of Permit Holder Name	September 2010
Update of permit to reflect revised DEFRA guidance	June 2014
Updated permit – change of details	5 th January 2023

Tata Steel UK Ltd is hereby permitted by Hartlepool Borough Council to carry on Coating of Metal and Plastic Process (primarily the paint spraying of steel pipes) as prescribed in Section 6.4(B), of Schedule 1, Environmental Permitting (England and Wales) Regulations 2016 (As amended) as described below and within the activity boundary as marked red on the attached plan reference EP2008/07/2 and in accordance with the conditions detailed in Section 2 of this Permit.

Signed on behalf of Hartlepool Borough Council

Signed:  Date: 5th January 2023

Sylvia Pinkney
Assistant Director (Regulatory Services)
An authorised officer of the Council

Activity Description

- 1.1 The activity undertaken at Tata Steel UK Ltd Hartlepool (20" Pipe Mill) is the coating of circular hollow section steel pipes.
- 1.2 The activity falls within Sections 6.4(B) of the Environmental Permitting (England and Wales) Regulations 2016 (as amended). Coating of Metal or Plastic using over 5 tonnes of solvents per year.

The activity is covered by the Secretary of State's Guidance Note 6/23(11) for the Coating of Metal and Plastic Processes. It is therefore a defined Industrial Emissions Directive (IED) activity.

The industrial emissions Directive then offers two ways of compliance for metal or plastic coating activities:

- complying with the Directive emission limits for waste gases and fugitive emissions,
- applying the Directive reduction scheme (with or without abatement).

The coating applied at Tata Steel UK Ltd 20" pipe mill is a transient coating that is specified by customers to prevent the pipe from rusting whilst it is stored in stock. The paint product used is a compliant coating (blast/weldable primer). Replacement of this product to a water based paint system has been investigated along with the use of higher solid products as a means of complying with a solvent reduction scheme defined in IED. The nature of the continuous pipe production process, drying times required and the ability to practically handle the long pipe lengths via overhead transport/handling systems mean that the options to comply with a reduction scheme are limited.

As such Tata Steel UK Ltd (20" Pipe Mill) will be opting for the emission limit means of compliance to the conditions in PG Note 6/23 and the IED.

- 1.3 Electric Resistance Welded (ERW) steel pipes produced in the Tata Steel UK Ltd 20" Pipe Mill are "finished" by bevelling, hydrotesting, NDT and inspection before marking/labelling and passing out to the despatch yard. The exact finishing process depends upon customer specification but may also include additional NDT, marking and the application of a transit/storage coating in the "varnish machine".

- 1.4 Within this activity each pipe to be coated is conveyed from the marking table to a position where it is picked up by the “varnish machine” hangers which are inserted into the bore at each end.
- 1.5 The suspended pipe is then traversed through two consecutive spray booths, one on each side of the pipe. Each booth contains an array of spray guns that apply the coating to one side of the pipe. An electrostatic spraying system is utilised to ensure efficiency of application and minimise over spray.
- 1.6 On the opposite side from the spray guns inside each booth there is a water curtain to catch over spray. The air is extracted from the booth via a hood arrangement before is finally exhausts from out side the building via ductwork.
- 1.7 Once through the spray booths the coated pipe is deposited onto a drying conveyor that transfers the pipe laterally out of the spraying line and subsequently discharges onto an outlet table for lifting into storage areas. When orders are complete and testing requirements met, the pipes are taken from the storage areas and loaded onto rail or road wagons for despatch to the customer.

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

- (i) Particulates from the paint spraying activity
- (ii) VOC emissions from storage of paint and preparation of paint
- (iii) VOC emissions from paint spraying

Section Two

Permit Conditions

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

Permit Reference No. EP2008/07

The conditions contained within this Permit are based upon Guidance Note PG 6/23 (11), "Coating of Metal and Plastic Processes" (The DEFRA guidance).

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.

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** All emissions shall be free from offensive odour outside the activity boundary where the work is being carried on.
- 1.3** A visual and olfactory assessment of the emissions shall be undertaken on a monthly basis, downwind at the activity boundary (Generally at building openings) while the activity is in operation. The results of the assessment shall be recorded in the log book along with the wind direction and weather conditions.
- 1.4** The following emission concentration limits shall apply to releases of pollutants to atmosphere from ductwork or stacks. The emission limit route has been chosen by the operator as the compliance method to the IED and full compliance to the limits is required as shown below in table 4.1, SE Box 5 and SE Box 6 from the DEFRA guidance.

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	100 mg/Nm ³ as a 30-minute mean for contained sources	Catalytic oxidiser Monitoring and recording	Continuous
				Plus Manual extractive testing	Annual
		From turbines, reciprocating engines or boilers used as VOC abatement equipment	500 mg/Nm ³ at 5% oxygen dry gas, as 30-minute mean for contained sources	All other types of abatement Manual extractive testing	Annual
2	Particulate matter	New spraybooths	50 mg/Nm ³ as 30-minute mean for contained sources	By guarantee supplied by the spray booth constructor	
		All other processes	50 mg/Nm ³ as 30-minute mean for contained sources	Or Manual extractive testing	Annual
3	Oxides of Nitrogen (measured as nitrogen dioxide)	Oxidation plant	100 mg/Nm ³ as a 30-minute mean for contained sources	Manual extractive testing	Annual
		From turbines, reciprocating engines or boilers used as VOC abatement equipment.	500 mg/Nm ³ as 30-minute mean for contained sources		
4	Isocyanates	All processes / activities using isocyanates	0.1mg/Nm ³ as a 30 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 Quality Protocol Processed Fuel Oil	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 Quality Protocol Processed Fuel Oil	0.1% wt/wt sulphur in fuel		

SE Box 5 - Waste gas and fugitive emission limits and requirements (Article 59 and Annex VII Parts 2 & 3)

For all activities using the waste gas and fugitive emission limits and requirements

Row	VOC in waste gases	Emission limits / requirement	Fugitive emission values
1	Coating installations Solvent consumption 5 – 15 tonnes	VOC expressed as total mass of organic carbon	25% of organic solvent input
	Waste gases from oxidation plant used as abatement	50mg C/Nm ³	
	Any other waste gases	100mg C/Nm ³	
2	Coating installations Solvent consumption 15 tonnes or more	VOC expressed as total mass of organic carbon	20% of organic solvent input
	Waste gases from oxidation plant used as abatement	50mg C/Nm ³	
	Waste gases from drying processes	50 mg C/Nm ³	
	Any other waste gases	75 mg C/Nm ³	

Operators who were permitted to use an emission figure of 150mg/Nm³ until 1 April 2013 may find that using the reduction scheme is the best way of achieving compliance thereafter.

Monitoring

Abated releases:

Continuous monitoring and recording

PLUS

Manual extractive testing

Unabated releases:

Manual extractive testing

SE Box 6 - Total emission limit values industrial emissions Directive activities

Total emission limit values are not a valid route to industrial emissions Directive compliance for this sector.

- 1.5** Exhaust flow rates from any spray enclosures shall be consistent with efficient capture of emissions, good operating practice and meeting the requirements of the legislation relating to the workplace environment.
- 1.6** The reference test method for particulate matter in chimneys or ducts shall be that of BS EN 13284-1 "Stationary source emissions and tests" shall be carried out in accordance with the main procedural requirements of that standard.
- 1.7** All shot blasting and paint spraying operations shall only be carried out inside the site building.

Any shot blasting shall be done using purpose built shot blasting equipment that is fitted with an appropriate extraction and filtration system and capable of meeting the emission limit for particulate matter as contained in condition 1.4 of this Permit.

Paint spraying shall take place in a suitable spray enclosure or booth fitted with suitable extraction and arrestment plant capable of meeting the emission limits contained in condition 1.4 of this Permit.

- 1.8** All portable sanding and grinding tools shall be used in conjunction with dust control systems.

2.0 Monitoring, Sampling and Measurement

- 2.1** A detailed inventory of solvent usage shall be kept as required within the industrial emissions directive which 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.

The definitions in Annex VII Part 7 of the industrial emissions Directive are as follows and are shown diagrammatically in the solvent management plan inputs and outputs 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.
- 2.2** Emissions from all spraybooths where solvent based paints are used shall be tested at least once per year for total particulate matter and volatile organic compounds and shall comply with the emission limits of condition 1.4 of this Permit.
- 2.3** The Environmental Health Manager 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.
- 2.4** 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 (with the exception of indicative testing using gas detection tubes) shall be forwarded to the local enforcing authority within 8 weeks of the completion of the sampling.
- 2.6** The spray application of coatings shall be carried out by the use of an electrostatic application system.
- 2.7** A logbook shall be established and maintained which contains a record of all visual and olfactory observations made in accordance with conditions 1.1 and 1.2, maintenance carried out in compliance with Conditions 6.1, 6.3 and 6.4 and emergency conditions in 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.

3.0 Materials Handling

- 3.1 All paint/coating mixing and equipment cleaning shall take place in a dedicated building/area, which shall be provided where appropriate with an extract ventilation system. The discharge from the system shall comply with condition 1.1 and in any case shall be released so as not to give rise to an offensive odour at the activity boundary site.
- 3.2 All spray gun testing and spray out following cleaning shall be done into either an equipment-cleaning machine with the extraction system running, or into the pipe spray booth whilst the extraction is running. A receptacle shall be provided to collect the solvent, which is put through the spray gun. The receptacle used to collect the solvent shall be kept lidded at all times when not in use.
- 3.3 Where dirty solvents or waste paint are returned for recycling/re-use the operator shall ensure that receipts are provided and these receipts shall be retained at the activity site for a period of four years. All full, partially full or nominally empty containers, which hold or have held materials containing organic solvents shall be stored tightly lidded in a designated area or in an enclosed skip.
- 3.4 All solvent soaked wiping cloths shall be stored in enclosed containers.
- 3.5 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.

4.0 Industrial Emissions Directive

- 4.1 The operator has chosen the emission limit as a means of the complying with the conditions of the IED and the Secretary of States Guidance Note PG 6/23 "Coating of Metal and Plastic". A solvent management plan which outlines the declaration to the emission limit route and the necessary modifications to the plant to ensure compliance to the limits shall be submitted to Hartlepool Borough Council.
- 4.2 At no time shall the operator introduce any substance or preparation into the installation that is shown below in SE Box 7 (below) from the DEFRA guidance, 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.

<p>SE Box 7 - industrial emissions Directive requirements for designated materials (Articles 58, 59, 80(7)) All activities using designated materials</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>All Directive installations</p>	
<p>1. Materials designated because of their VOC content:</p> <ul style="list-style-type: none"> • hazard statement H340, H350, H350i, H360D, or H360F • until 1 Jun 2015: risk phrases R45, R46, R49, R60, or R61 	
<p>Requirements: 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: 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: 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/Nm³ for the mass sum of the individual compounds must apply.</p>	<p>Monitoring: Manual extractive testing</p>
<p>2. Materials designated because of their halogenated VOC content:</p> <ul style="list-style-type: none"> • hazard statements H341 or H351 • until 1 Jun 2015 : risk phrases R40, or R68 	
<p>Requirements: 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: 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/Nm³ for the mass sum of the individual compounds must apply.</p>	<p>Monitoring: Manual extractive testing</p>
<p>Note 1 - 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>Note 2 - 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>Note 3 - European Commission have published information on substituting and containing designated solvents</p>	

5.0 Stacks, vents and process exhausts.

- 5.1** Any ductwork, stacks or exhaust ventilation associated with shotblasting or painting/coating 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 programme.
- 5.2** The discharge from all vents should 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.
- 5.3** All filters and exhaust fans to the pipe spray booths 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. The pumps serving the water back filtration system to the booths shall be regularly checked and maintained and all solids removed on a regular basis.
- 5.4** The process operator shall only use the VOC abatement bypass in emergency situations when failure of the abatement system prohibits use of the varnish facility. Operational periods of the bypass system shall be kept to a minimum. Use of the bypass system by the process operator shall be recorded in a log book. In the event of the bypass system being used, the process operator shall immediately notify the Environmental Protection team at Hartlepool Borough Council by telephone or email message.

6.0 General Operations

- 6.1** Effective preventive maintenance shall be employed on all plant and equipment concerned with the control of emissions to the air. The paint spraying booths shall be maintained in accordance with the manufacturers 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.

- 6.2** Essential spare and consumables associated with the paint spraying/coating operations (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.
- 6.3** Any malfunction or breakdown leading to abnormal emissions shall be dealt with promptly and activity operations adjusted until normal

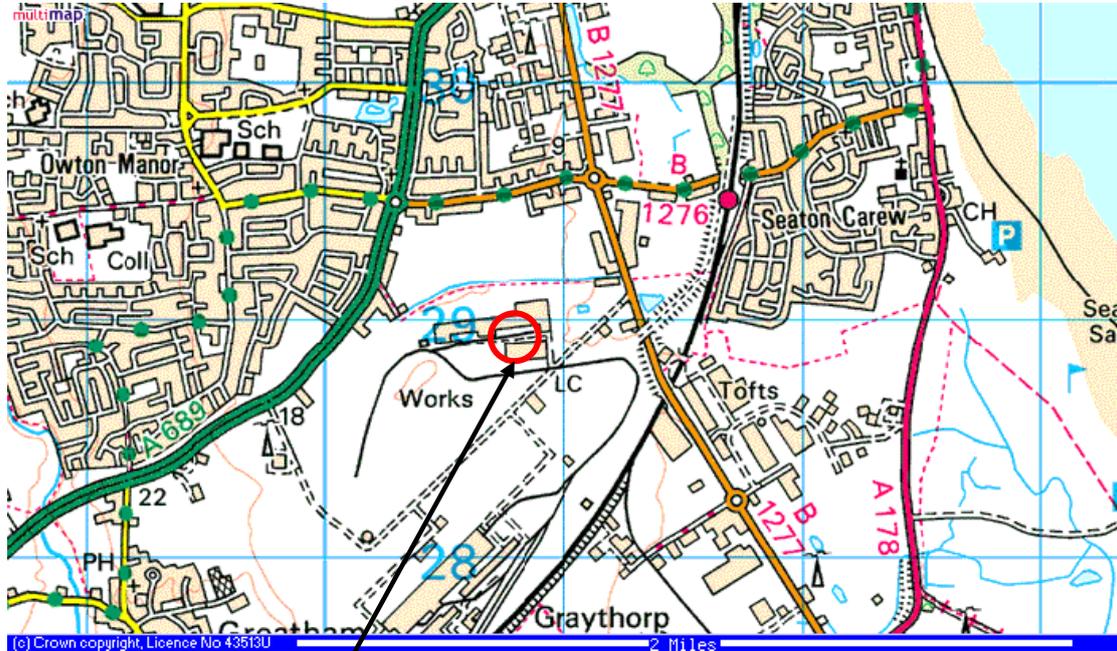
operations can be restored. All such malfunctions shall be recorded in a log book and the log book shall be retained for a period of four years.

- 6.4** In the event of any malfunction or accident which leads to the escape of volatile organic compounds, or particulate matter 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 message 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.
- 6.5** A comprehensive written maintenance programme shall be produced and implemented. It shall cover all the plant and equipment associated with the prescribed activity. All plant and equipment shall be maintained within the manufacturer's instructions.
- 6.6** A high standard of housekeeping shall be maintained.
- 6.7** Staff at all levels shall receive the necessary formal training and instruction in their duties relating to control of the activity 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 with this authorisation.
- 6.8** A responsible person shall be nominated to act on behalf of the company, who will be responsible for ensuring that tests, emission monitoring and maintenance measures that are required under this Permit are carried out. The responsible person shall be named in the log book.
- 6.9** Complete and immediate access to the premises shall be granted to a duly authorised officer of the regulator upon request.
- 6.10** A copy of this Permit shall be kept on site.
- 6.11** The installation shall use 'Best available techniques' which 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.

Section Three

Location of Permitted Activity, Site Plan and Solvent management plan inputs and outputs

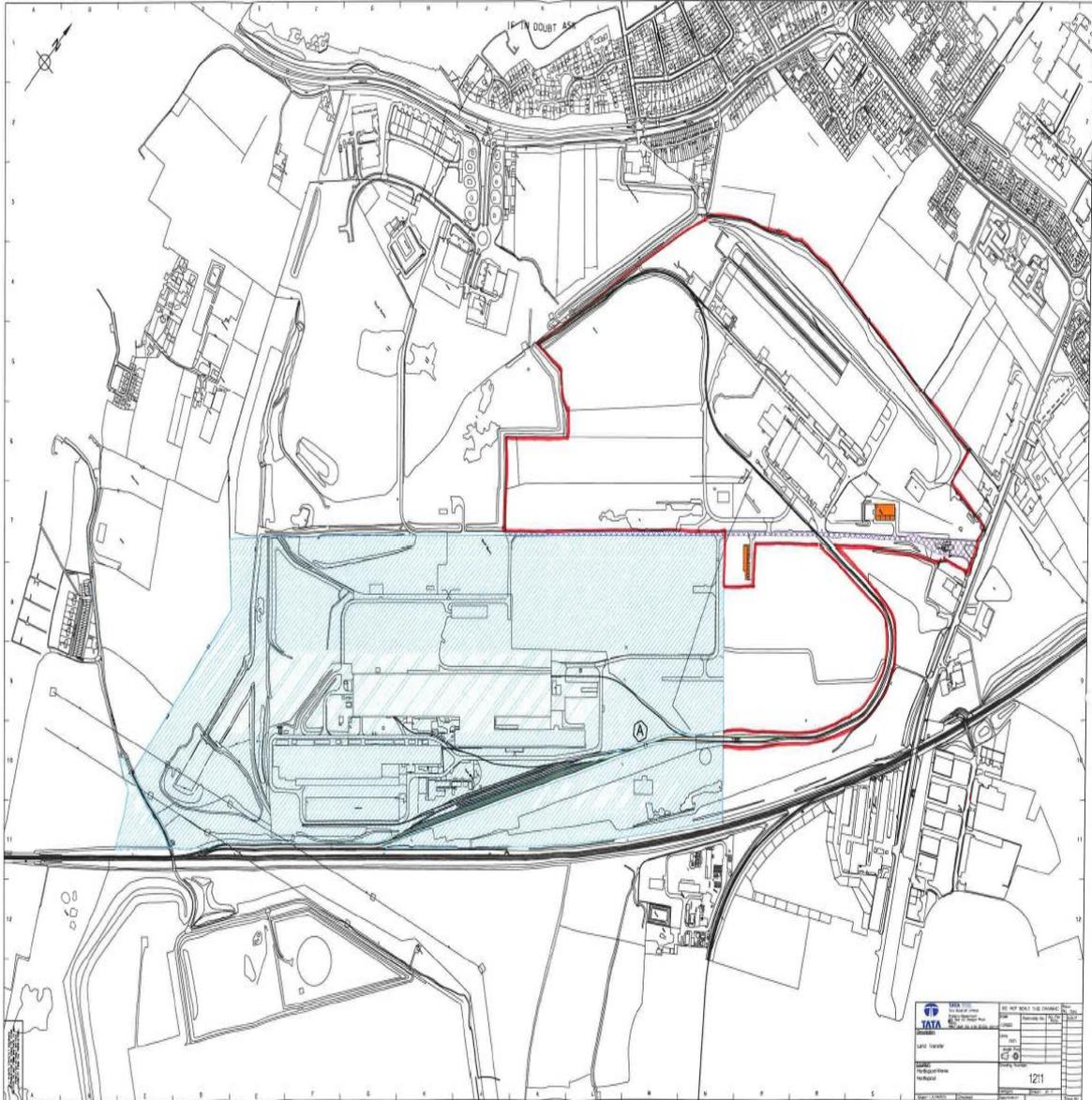
Site Location Map (EP2008/07/1)



**Tata Steel UK Ltd
20" Pipe Mill
Brenda Road
Hartlepool
TS25 2EG**

Site Plan (EP2008/07/2)

— Site boundary in red



Section Four

Explanatory Notes And Appeals Procedure

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

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 unless within the 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,
Neighbourhoods and Regulatory Services Department
(Environmental Protection)
Victoria Road
Civic Centre
Hartlepool
TS24 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 guidance 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:

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;”. 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:

PG6/23 (11) Secretary of State's Guidance for Coating of Metal & Plastic	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/583888/coating-of-metal-and-plastic-process-guidance-note-6-23_11_.pdf
Pollution Prevention and Control Act 1999	https://www.legislation.gov.uk/ukpga/1999/24
Environmental Permitting (England & Wales) Regulation 2016	https://www.legislation.gov.uk/uksi/2016/1154/contents/made
General Guidance Manual on Policy and Procedures for A2 and B Installations	http://www.defra.gov.uk/industrial-emissions/las-regulations/guidance/

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,
Neighbourhoods and Regulatory Services Department
(Environmental Protection)
Victoria Road
Civic Centre
Hartlepool
TS24 8AY**

By Telephone: During office hours: 01429 284024

By email: environmental.protection@hartlepool.gov.uk