



PUBLIC HEALTH

Andrea Fallon
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PUBLIC PROTECTION SERVICE

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Web site: www.rochdale.gov.uk
Your Ref:
Our Ref: P126/16
Enquiries: L. Hulse
Date: 13/12/16

The Environmental Permitting (England and Wales) Regulations 2010, Regulation 20

Variation Notice

Permit reference: **P126/16**

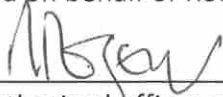
To: **Northern Accident Repair Company
Oldham Road
Rochdale
Lancashire
OL16 5QN**

Rochdale MBC ("the Council"), in the exercise of the powers conferred upon it by regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010 ("the 2010 Regulations") hereby gives you notice as follows-

The Council has decided to vary the conditions of permit reference P126/09 granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2007 in respect of the operation of the installation at Oldham Road, Rochdale, Lancashire, OL16 5QN.

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

Signed on behalf of Rochdale MBC


An authorised officer of the Council

Date 13/12/2016

Schedule 1

Variation to the conditions of the permit	Date(s) on which the variation is to take place
Update of conditions in line with updated Process Guidance Note 6/34 (11)	Date of Issue



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The Environmental Permitting (England and Wales) Regulations 2010

Name of Company: Northern Accident Repair Company

Address of Installation: Oldham Road
Rochdale
Lancashire
OL16 5QN

Activity: The above named company is permitted to operate a vehicle refinishing installation subject to the following conditions

Process Guidance Note: PG 6/34 (11)

Permit Reference: P126/16

Conditions

1. The introduction of dilution air to achieve emission concentration limits shall not be permitted. Dilution air may be added for waste gas cooling or improved dispersion where justified, but this must not be considered when determining the mass concentration of the pollutant in the waste gases.
2. The operator shall implement a maintenance schedule a copy of which shall be made available to the regulator upon request. The operator shall inform the Council in writing of any significant changes to the schedule
3. Dusty wastes shall be stored in closed containers.
4. Dry sweeping of dusts and dusty wastes shall not be used.
5. The operator shall keep records of inspections, tests and monitoring in relation to the provisions of the table above. In such cases:
 - current records shall be kept on site and made available for the regulator to examine;
 - current records shall be kept on site and made available for the regulator to examine;
 - records shall be kept by the operator for at least two years.
6. The operator shall notify the regulator at least 7 days before any periodic monitoring exercise to determine compliance with the abrasive blasting particulate emission limit values. The operator shall state the provisional time and date of monitoring, pollutants to be tested and the methods to be used.
7. Within 8 weeks of the completion of monitoring activities, the results of non-continuous emission testing shall be forwarded to the regulator.
8. In the event of any adverse results from any monitoring activity in relation to the provisions of the above table, the operator shall investigate as soon as the results are obtained/received. The operator shall:
 - identify the cause and take corrective action;
 - record as much detail as possible regarding the cause and extent of the problem;
 - record the action taken by the operator to rectify the situation;
 - re-test to demonstrate compliance as soon as possible; and
 - notify the regulator.
9. In the case of abnormal emissions, or malfunction or breakdown leading to abnormal emissions, the operator shall:
 - investigate immediately and undertake corrective action;
 - adjust the process or activity to minimise those emissions; and
 - promptly record the events and actions taken;
 - notify the regulator without delay, if the emission is likely to have an effect on the local community.

VOC emissions

10. Surface preparation and painting operations shall be carried out using only coating materials, which are placed on the market for use in vehicle refinishing bodyshops (as identified by a label on the container containing the following information -a description of the product by identification of the contents as a subcategory of Directive 2004/42/CE, the relevant VOC limit values in g/l as referred to in Annex II of Directive 2004/42/CE and the maximum content of VOC in g/l of the product in a ready to use condition " – see table 1).

Table 1: All processes /activities		
Row	Volatile Organic Compounds	Recording
1	Compliant coatings shall be used - the maximum content of organic solvents (in grammes per litre) which may be present in the coating as applied shall not exceed the amounts specified below. All values are maximum, not averages.	A record shall be kept of all paint, hardener, organic solvent and substrate and equipment cleaning materials used. The record shall state the total organic solvent usage.
	Product	
	g/l	
	Gunwash	
	Precleaner	
	Wash primer	
	Precoat	
	Primer surfacer	
	Non-sand surfacer	
	Primers for wet-on-wet topcoat application	
	Topcoats:	
	1 - coat convention	
	2 - coat base and clear	
	3 - coat topcoat systems	
	Special finishes	
This table is derived from Annex 11, Directive EC 2004/42/CE, if in doubt of terminology Directive definitions shall apply.		

11. The products used in coating shall be prepared and applied in accordance with the suppliers' instructions. Under no circumstances shall the product be thinned with more than the supplier's stated quantity or percentage of thinner. For information, the maximum, application-ready VOC contents for individual categories of products are listed in Table 4.2 of Process Guidance Note 6/34 (11).
12. All paint spraying operations shall be carried out in a totally enclosed booth under negative pressure, to prevent fugitive emissions of VOCs.
13. Spray applied coatings shall be applied to passenger cars using one of the following methods:
- high volume low pressure (HVLP) (maximum atomisation pressure 67.5kPa) spraying equipment;
 - air assisted airless spraying equipment;
 - electrostatic spraying equipment; or

- a system capable of achieving a transfer efficiency of at least 65%, determined in accordance with the procedure set out in BS EN 13966-1:2003 Determination of the transfer efficiency of atomising and spraying equipment for liquid coating materials.

14. Spray applied coatings shall be applied to commercial vehicles using one of the techniques in Condition 3.5 of PG6/34(11) or using airless spraying equipment.
15. All spray guns and equipment cleaning shall be carried out in an automatic, totally enclosed equipment cleaning machine or any other equipment cleaning machine which can achieve comparable or lower emissions. The cleaning machine shall be provided with the minimum of exhaust ventilation that is necessary to prevent the fugitive emission of organic solvent vapour when the machine is opened for introduction or removal of equipment, or for the changing of cleaning solvent.
16. All spray gun testing and sprayout following cleaning shall be carried out in either an equipment cleaning machine with the extraction running or into a chamber which is provided with extraction which is running in accordance with a written procedure a copy of which shall be made available to the regulator upon request . The operator shall inform the Council in writing of any significant changes to the written procedure.
17. Cleaning solvents shall be dispensed by a piston type dispenser or similar contained device, when used on wipes.
18. Pre-impregnated solvent wipes shall be held within an enclosed container prior to use.
19. Solvent contaminated wipes and other wastes shall be handled in accordance with a written procedure a copy of which shall be made available to the regulator upon request. The operator shall inform the Council in writing of any significant changes to the written procedure.
20. Organic solvent containment and spillage equipment shall be readily available in all organic solvent handling areas.
21. All solvent containing coatings, thinners and related materials and equipment cleaning materials shall be stored:
 - in the containers in which they were supplied, with the lid securely fastened at all times other than when in use;
 - within spillage collectors, of suitable impervious and corrosion-proof materials and capable of containing 110% of the largest container;
 - away from sources of heat.

For information, these conditions should not conflict with the requirements of occupational health and safety regulations
22. All solvent containing wastes shall be stored:
 - in suitable sealed containers with a securely fastened lid, and labelled so that all that handle them are aware of their contents;
 - within spillage collectors, of suitable impervious and corrosion-proof materials and capable of containing 110% of the largest container;
 - away from sources of heat.

23. Cleaning operations involving organic solvents shall be reviewed every [two] years, to identify opportunities for reducing VOC emissions. This will include identification of cleaning steps that can be eliminated or alternative cleaning methods. The regulator shall be provided with a report on the conclusions of the review, within eight weeks of it being completed.
24. Spares and consumables, particularly those subject to continual wear shall be held on site, or shall be available at short notice from guaranteed suppliers, so that spraybooth and abrasive blasting plant breakdowns can be rectified rapidly.
25. Waste solvents and waste coatings shall be recycled [on]/[off]-site. [Copies of receipts of waste materials sold for recycling shall be kept for three years].

Visible and odorous emissions

26. All releases to air, other than condensed water vapour, shall be free from persistent visible emissions.
27. All emissions to air shall be free from droplets.
28. There shall be no offensive odour beyond the site boundary, as perceived by the regulator.
29. Emissions from combustion processes shall in normal operation be free from visible smoke and in any case shall not exceed the equivalent of Ringelmann Shade 1, as described in British Standard BS 2742:1969.

General Conditions

30. All emissions of [Insert x pollutant(s)] shall be emitted from [Insert y stack(s)]. The stacks shall be [Insert z height(s)].
31. The activity shall operate in accordance with [Insert reference environmental management system intended to be used]
32. Staff at all levels shall receive the necessary training and instruction [Insert key elements of the training and instruction programme intended to be used]
33. A record of staff training and instruction, comprising the name of the trainee and the subject-matter of the training, shall be maintained by the operator and sent to the Council on [date - once a year].
34. A written record of all maintenance carried out in accordance with Condition 2 shall be made available for inspection by the regulator

Best available techniques

35. The best available techniques shall be used to prevent or, where that is not practicable, reduce emissions from the installation in relation to any aspect of the operation of the installation which is not regulated by any other condition of this permit.

36. If the operator proposes to make a change in operation of the installation, he must, at least 14 days before making the change, notify the regulator in writing. The notification must contain a description of the proposed change in operation. It is not necessary to make such a notification if an application to vary this permit has been made and the application contains a description of the proposed change. In this condition „change in operation“ means a change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment.

Information to be sent to the Local Authority

37. If the operator proposes to make a change in operation of the installation, they must, at least 14 days before making the change, notify the regulator in writing. The notification must contain a description of the proposed change in operation. It is not necessary to make such a notification if an application to vary this permit has been made and the application contains a description of the proposed change. In this condition ‘change in operation’ means a change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment.

- 38.
- A) Details of the amount of each solvent product: used, produced, processed or sold (see table 1) and;
 - B) Details of the type and amount of fuel used, by combustion plant with ratings greater than 100KW, in connection with the Permitted Process.

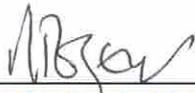
In any calendar year shall be provided to the local authority by the 21st April of the following year. (The purpose of this condition is to provide the data for the maintenance of the Greater Manchester Emissions database which is an important pollution control tool for the area)

In relation to any aspect of the process not regulated by conditions 1.1 – 11.2, the best available techniques shall be used.

a) For preventing the release of substances prescribed for air into the air or, where that is not practicable by such means for reducing the release into the air of such substances to a minimum and for rendering harmless any such substances which are so released
and

b) For rendering harmless any other substances which might cause harm if released into the air.

Any information that is requested by this permit shall be submitted to the Public Protection Service using the above contact details.

Signed 
Authorised by Rochdale Metropolitan Borough Council to sign in that behalf.

Date 13/12/2016

Appendix A: Guidance for operators receiving a Variation Notice

(This guidance does not form part of the Variation Notice, but it is for the guidance of those served with the notice.) Further guidance can be found in the PPC General Guidance Manual at <http://www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/manuals.htm>.

Dealing with a Variation Notice

This notice varies the terms of the permit specified in the Notice by amending or deleting certain existing conditions and/or adding new conditions. The Schedules attached to the notice explain which conditions have been amended, added or deleted and the dates on which these have effect.

The Council may have included a 'consolidated permit', which takes into account these and previous variations. Where a consolidated permit is not included this variation notice must be read in conjunction with your permit document.

Offences

Failure to comply with a Variation Notice is an offence under regulation 38(1) (b) of the 2010 Regulations. A person guilty of an offence under this regulation could be liable to (i) a fine of up to £50,000 or imprisonment for a term not exceeding 12 months or both; or (ii) to an unlimited fine or imprisonment for a term not exceeding 5 years or both, depending on whether the matter is dealt with in the Magistrates or Crown Court.

Appeals

Under regulation 31 and Schedule 6 of the 2010 Regulations operators have the right of appeal against the conditions attached to their permit by a variation notice. The right to appeal does not apply in circumstances where the notice implements a direction of the Secretary of State/Welsh Ministers given under regulations 61 or 62 or a direction or when determining an appeal.

Appeals against a Variation Notice do not have the effect of suspending the operation of the Notice. Appeals do not have the effect of suspending permit conditions, or any of the mentioned notices.

Notice of appeal against a Variation Notice must be given within **two months** of the date of the variation notification, which is the subject matter of the appeal. The Secretary of State/Welsh Ministers may in a particular case allow notice of appeal to be given after the expiry of this period, but would only do so in the most compelling circumstances.

How to appeal

There are no forms or charges for appealing. However, for an appeal to be valid, appellants (the person/operator making the appeal) are legally required to provide the Secretary of State or Welsh Minister with the following (see paragraphs 2(1) and (2) of Schedule 6 of the 2010 Regulations):

- **written notice of the appeal**
- **a statement of the grounds of appeal;**
- **a copy of any relevant application;**
- **a copy of any relevant environmental 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; and**

- a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or dealt with by way of written representations.

Appellants should state whether any of the information enclosed with the appeal has been the subject of a successful application for confidentiality under regulation 48 of the 2010 Regulations, and provide relevant details – see below. 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 and Specialist Casework
Room 4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Or for appeals in Wales:

The Planning Inspectorate
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

If an appeal is made, the main parties will be kept informed about the next steps, and will also normally be provided with additional copies of each other's representations.

To withdraw an appeal – which may be done at any time - the appellant must notify the Planning Inspectorate in writing and copy the notification to the local authority who must in turn notify anyone with an interest in the appeal.

Costs

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 allowed if the party claiming them can show that the other side behaved unreasonably and put them to unnecessary expense. There is no provision for costs to be awarded where appeals are dealt with by written representatives.

Confidentiality

An operator may request certain information to remain confidential, ie not be placed on the public register. The operator must request the exclusion from the public register of 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 onus is on the operator to provide a clear justification for each item to be kept from the register. It will not simply be sufficient to say that the process is a trade secret.

The test of whether information is confidential for the purposes of being withheld from the public register is complex and is explained, together with the procedures, in chapter 8 of the PPC General Guidance Manual.

National security

Information may be excluded from the public register on the grounds of National Security. If it is considered that the inclusion of information on a public register is contrary to the interests of national security, the operator may apply to the Secretary of State/Welsh Ministers, specifying the information and indicating the apparent nature of risk to national security. The operator must inform the local authority of such an application, who will not include the information on the public register until the Secretary of State/Welsh Ministers has decided the matter.

