EP Permit ref GC/16/00002/A2

Variation ref GC/16/00001/A2/V3

GLOUCESTER CITY COUNCIL

Pollution Prevention and Control Act 1999

Environmental Permitting (England and Wales) Regulations 2016 (As Amended)

Variation Notice

To Avon Metals Ltd, Ashville Road, Gloucester, GL2 5DA, Gloucester City Council ("the Council"), in the exercise of the powers conferred upon it by regulation 20 of the Environmental Permitting (England and Wales) Regulations 2016 ("the 2016 Regulations") hereby gives you notice as follows-

The Council has decided to vary the conditions of permit reference GC/16/00002/A2 granted under regulation 13(1) of the 2016 Regulations (dated 10th September 2019) in respect of the operation of the installation at Avon Metals Ltd, Ashville Road, Gloucester, GL2 5DA.

The variation of the conditions of the permit and the date 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.

Signed on behalf of Gloucester City Council

Dated:10.2.2020

Yvonne Welsh

An Authorised officer of the Council

EP Permit ref: GC/16/00002/A2

Variation ref: GC/16/00001/A2/V3

Schedule 1

Variation to the conditions of the permit	**Date(s) on which the variation is to take place.**
Table 2 amended for dust emissions monitoring. Condition 1.10 varied to include emissions to water. I-TEQ Definition added to Interpretation of Terms	10th February 2020

Dated 10.2.2020

Yvonne Welsh,

An Authorised Officer of the Council

EP Permit ref: GC/16/00002/A2

Variation ref: GC/16/00001/A2/V3

Schedule 2

Permit reference GC/16/00002/A2 as varied by this notice

GLOUCESTER CITY COUNCIL

POLLUTION PREVENTION AND CONTROL ACT 1999

Environmental Permitting (England and Wales) Regulations 2016 (as amended)

Permit ref. no: GC/16/00002/A2

Name and address of person (A) authorised to operate the installation ('the operator')

Avon Metals Ltd, Ashville Road, Gloucester, GL2 5DA

Registered office of company

Avon Metals Ltd, Ashville Road, Gloucester, GL2 5DA

Registered number of company

04135396

Address of permitted installation (B)

Avon Metals Ltd, Ashville Road, Gloucester, GL2 5DA

The installation boundary and key items of equipment mentioned in permit conditions are shown in the plan reference GC/16/00002/A2 (Map 1), and GC/16/00002/A2 (Drawing 1) attached to this permit.

Gloucester City Council hereby permit Avon Metals Limited in accordance with the following conditions numbered 1.1-12.2 inclusive, the attached plan installation address stated and within the installation boundary as marked in red on the attached plan reference GC/16/00002/A2 (Map 1) to carry out an activity under section 2.2 part A2 of Schedule 1, part 2 of the Environmental Permitting (England and Wales) Regulations 2016.

Introductory Note - which does not form part of the permit.

Any reference in this permit to the 'regulator' shall mean Gloucester City Council. The following permit is issued under the Environmental Permitting (England and Wales) Regulations 2016, subsequently referred to as the EP Regulations. This permit allows the named operator to operate an installation carrying out one or more of the activities listed in part 2 of schedule 1of the EP Regulations, to the extent authorised by the Permit.

The Permit includes conditions that must be complied with. Failure to comply with the conditions within the Permit means Gloucester City Council may take enforcement action against the Operator. It should be noted that aspects of the operation of the installation which are not regulated by those conditions are subject to the guidance and recommendations detailed within the Sector Guidance notes IPPC SG 4, 2006, COMMISSION IMPLEMENTING DECISION (EU) 2016/1032 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the non-ferrous metals industries and subsequent, and/or supporting guidance. The 'operator' shall use the best available techniques for preventing or, where that is not practicable, reducing emissions from the installation. Techniques include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned. For an interpretation of 'best available techniques' see Annex VIII of '*General Guidance Manual on Policy and Procedures for A2 and B Installations Part B of Manual'*

Effective control of emissions requires the maintenance and proper use of equipment, and the proper supervision of the process operations. Adequate preventative maintenance should be undertaken on all plant and the equipment concerned with the control of emissions. Essential spares and consumables should be held or should be available at short notice from guaranteed local supplies.

Staff at all levels should receive the necessary formal training and instructions in their duties relating to control of the process and emissions. Particular emphasis

should be given to training for start-up, shut down and abnormal conditions. Good housekeeping should be practised at all times.

This document has been drawn up with reference to the Secretary of State's Guidance 'General Guidance Manual on Policy and Procedures for A2 and B Installations'

Activity Description

The Permitted Activity is one involving the manufacture of non-ferrous based alloys (e.g. Aluminium, Copper, Nickel, Cobalt, Titanium etc.), including the manufacture of new alloys from Primary and Secondary metals in a plant that has a melting capacity of more than 4 tonnes per day for lead or cadmium or 20 tonnes per day for all other metals. No furnace (other than a vacuum furnace), bath or other holding vessel used in the plant for the melting must have a designed holding capacity of 5 or more tonnes. In this permit the 'permitted activity' comprises the whole operation including the treating, handling and storage of any materials used in the products and wastes produced by the activities within the installation boundary as marked in red on the attached plan reference EP/A2/001/2 (Map 1) Rev 2 11-Jun-2019.

The main purpose of the activity at the installation is the melting of sorted secondary metals with other primary metals to manufacture non-ferrous based alloys.

The installation includes:

Raw material storage, processing and handling operations.
The melting and processing of primary and secondary scraps and associated alloying metals.
The casting of alloys into sow, ingots/waffles/pebbles, splatter/lump and shot.
Stacking, packing and despatch operations.

Raw Materials

The principal raw material for the process is primary and secondary metals. The metals are obtained from external suppliers and transported by road to the installation site. All incoming metal is directed to the weighbridge where it is initially inspected to ensure the load confirms to the purchase order and delivery note. The metals are selected and sorted as appropriate for use in specific bays ready for furnace charging. All metal and associated alloying metals are stored on site.

Metal melting

The installation operates one electric resistance (mobile) furnace, four gas fired reverberatory furnaces, two gas fired tower furnaces and seven electric induction furnaces, each having a maximum design holding capacity of less than 5 tonnes. The electric resistance (mobile) furnace is a holding furnace and does not perform melting.

The furnace fumes from the induction and reverberatory furnaces are extracted to one of two Dantherm Airmaster cyclone/ceramic filters and baghouse. The filters are cleaned by reverse air jets. Only clean primary metal will be charged to the gas fired tower furnaces, exhausts from these furnaces will be vented directly to atmosphere by a single stack.

A sample of the melt is collected and analysed in the 'on site' laboratory for metal specification. Base metals are added to achieve the required finished product specification.

Dross is removed in the Induction Furnaces and Tower Furnaces by hand through skimming into dross pans to cool and then transferred to dross skips ready for external reprocessing. Dross in the reverberatory furnaces is removed by fork lift truck into dross pans to cool and then transferred into skips ready for external reprocessing.

Casting

All furnaces allow pouring from the furnace spout into a launder system feeding inclined track casters with cast iron moulds or static cast iron moulds of various shapes e.g. sow, ingot, broken ingot (lump) or onto splatter/shot casters for the manufacture of splatter (thin broken plates)/shot.

Cooling water and site drainage

Ingots are allowed to drop out of the moulds at the end of the casting track into steel stillages or similar containers, sows are tipped from their moulds once cooled and solidified, splatter/shot is collect in the caster receiving troughs and thereafter removed for sorting and packaging. Water cooling is optional on all the casting equipment as required. Water for this purpose is extracted from the mains supply and sprayed onto the alloys via a sprinkler system. Most of the water escapes as steam and the minimal excess is collected into a tray under the casting track. Any waste water from this activity naturally evaporates and any excess water may be discharged to sewer. Any metal splashes or flashings formed in the tray are removed and recycled in one of the furnaces.

Formed metal is allowed to cool fully in the yard area before being moved to the packing area.

Storage and dispatch

Cast product is packed onto pallets, stillages, drums or bags for subsequent transportation by road haulage to the customer or to port for further shipping via sea or air to international customers. Some packages may be shrink wrapped depending on the customer's requirements.

Contents

PERMIT CONDITIONS

1 The permitting Installation

1.1 The 'operator' is permitted to carry out the activities specified in Schedule 1, Part 2, Chapter 2, Section 2.2, Part A(2) of The Environmental Permitting (England and Wales) Regulations 2016. The permitted activities and associated activities are detailed in Table 1 of this permit.

Table 1

Activity under Schedule 1 of The Regulations/ Associated Activity	Description of specified activity	Schedule 1 activity reference (if applicable)	Limits of specified activity
All raw materials receipt, storage and handling	Raw materials received from suppliers. Storage of raw Materials	Directly associated activity	
Melting of Non-ferrous metal	Operation of furnace systems	Sect 2.2. A(2)	Charging of sorted Non-ferrous Metal into furnaces discharge of fumes via abatement plant
Casting of non ferrous metals	Casting of molten non-ferrous metals	Directly associated activity	Casting of Non-ferrous Metal
Storage and dispatch of processed Non-ferrous Metal		Directly associated activity	
Storage and dispatch of waste materials		Directly associated activity	

1.2 The installation has a melting capacity of more than 20 tonnes per day of Non-ferrous Metal and no furnace, bath or other holding vessel used in the installation for melting shall have a design holding capacity of 5 tonnes or more.

1.3 The activities permitted under condition 1.1 shall not extend beyond the installation boundary, as marked in red on the attached plan reference GC/16/00002/A2 (Map 1).

2 Management techniques and control

2.1 A competent person(s) shall be appointed as the primary point of contact with the regulator and the public with regard to complaints. The regulator shall be informed of the designated individual(s) within 4 weeks of the date of the permit.

2.2 The results of all non-continuous monitoring, maintenance, checks, inspections and assessments shall be recorded in a log, retained by the operator for a minimum period of 2 years and made available for examination by the regulator. The log shall contain:-

a. time and date of all assessments and inspections
b. the results indicating whether they are adverse or satisfactory
c. in the event of there being abnormal emissions details of duration, cause and corrective action taken.
d. name of the person undertaking the assessment.

2.3 All records made and kept in accordance with this Permit shall;

- Be legible;
- Be made as soon as reasonably practicable;
- Indicate any amendments that have been made to the records and shall include the original record wherever possible.
- be made available for inspection by the Regulator at any reasonable time

2.4 The operator shall notify the regulator in writing of any proposed changes in operation of the installation at least 14 days before making the change. The notification shall 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.

2.5 The best available techniques shall be used to prevent or reduce emissions from the installation in relation to any aspect of the activities at the installation, which is not regulated by any other condition of this permit.

2.6 Operators shall use an effective Environmental Management System (EMS) with policies and procedures for environmental compliance and improvements. The EMS shall include a complaints procedure for recording any complaints concerning the installations alleged emissions to the environment. Internal audits shall be carried out on an annual basis and submitted to the regulator within 4 weeks of the annual audit having been undertaken. Information from these audits, reviews and assessments shall be used to establish benchmarks. Operators shall keep records of such benchmarks and make measurement against them to reveal whether the process is being maintained “in control” or to track improvements.

3 Monitoring and Emission Limits

3.1 Emissions to air at the final discharge points Disa 1 and Disa 2 shall not exceed the emission limits specified for specific processes set out in Table 2.

Table 2

Pollutant	Emission Limit	Type of Monitoring	Frequency of Monitoring	Applicable To
Total particulate matter	5mg/Nm^3	Indicative plus extractive monitoring BS EN 13284-1	Continuous Annually	All furnace operations (except the tower melters) - charging, fluxing, melting, pouring
Chloride (expressed as hydrogen chloride)	5mg/Nm^3	Manual extractive testing	Annually	All furnace operations - charging, fluxing, melting, pouring
Fluoride (expressed as hydrogen fluoride)	1mg/Nm^3	Manual extractive testing	Annually	All furnace operations - charging, fluxing, melting, pouring
Total Volatile Organic Compounds (expressed as total carbon)	10mg/m^3	Manual extractive testing	Annually	All furnace operations Processing contaminated secondary raw materials.
Polychlorinated dibenzo-p-dioxins and dibenzofurans (17 congeners)	0.1ng I-TEQ/Nm^3	Manual extractive testing BS EN 1948:1997: Parts 1, 2 & 3	Annually	All furnace operations Processing contaminated secondary raw materials.
Where available, operators shall use monitoring equipment and instruments certified to MCERTS and use a stack-testing organisation accredited to MCERTS standards or such alternative requirements as approved by the regulator.				

Monitoring to determine compliance with emission limit values shall be corrected to the following standard reference conditions: dry gas at a temperature of 273.15 K (0^{o}C) and a pressure of 101.3 kPa (1 atmosphere).

3.2 The introduction of dilution air to achieve emission concentration limits shall not be permitted.

3.3 The final efflux velocity of all emissions from the final point of discharge to atmosphere serving the emission points listed in Table 2 shall be a minimum of 15m/s.

3.4 Stacks 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.

3.5 All releases to air, other than condensed water vapour, shall be free from droplets and persistent visible emissions with the exception of one-off events during start-up and shutdown. All emissions from combustion processes in normal operation shall not exceed the equivalent of Ringelmann Shade 1 as described in British Standard BS 2742:2009.

3.6 All reasonably practicable steps shall be taken to minimise the duration and visibility of emissions during start up and shut down, and changes of fuel or combustion load in order to minimise emissions.

3.7 The operator shall notify the regulator at least 7 days before any periodic monitoring exercise to determine compliance with emission limit values. The operator shall state the provisional time and date of monitoring, pollutants to be tested and the methods to be used.

3.8 The results of non-continuous emission testing shall be forwarded to the regulator within 8 weeks of the completion of the sampling. Results from continuous monitoring systems shall be recorded and be made available for inspection by the regulator.

3.9 All results submitted to the regulator shall include details of process conditions at the time of monitoring, monitoring uncertainty as well as any deviations from the procedural requirements of standard reference methods and the error invoked from such deviations.

3.10 In the event of adverse results from any monitoring activity or in the event of abnormal emissions, or malfunction or breakdown likely to or leading to an emission the Operator shall undertake the following actions:

- Investigate the cause immediately;
- Carry out corrective action as soon as is practicably possible;
- If relating to stack testing, undertake re-testing to demonstrate compliance in agreement between the regulator and operator;
- If relating to abnormal emissions, adjust the process or activity to minimise those emissions. Should corrective action prove ineffective the process shall be shut down in a controlled manner and the regulator informed of the outcome.
- Record details regarding the cause and extent of the problem and the action taken to rectify the situation as soon as reasonably practicable;
- Records of breakdowns and plant failure shall be analysed in order to identify trends and eliminate common failures

For the purpose of this condition, abnormal emissions are emissions to air, land, sewer or groundwater, including noise, that have the potential to have an adverse impact beyond the boundary of the installation.

3.11 The Operator shall notify the Regulator without delay and no later than 10.00 hours on the next working day of:-

- The failure of key abatement plant (such as bag filtration units);
- Any monitoring activity (both continuous and non-continuous) showing an emission concentration exceeding the limit value;
- Any event or incident that has caused, or is likely to have an effect on the environment.

A detailed written report of the circumstances, and remedial actions taken shall be submitted to the regulator within 7 days of the incident occurring.

3.12 Sampling points on new plant shall be designed to comply with CEN or Other Standards. e.g. BS EN 13284-1 or BS ISO 9096: 2003 for sampling particulate matter in stacks

3.13 All Operations, including cleaning operations shall be controlled to minimise fugitive emissions in accordance with the policies and procedures of the EMS detailed in condition 2.6.

3.14 All furnace operations shall be monitored for melt temperature.

3.15 The Operator shall ensure that all operations which generate point source emissions to air are contained and adequately extracted to suitable abatement plant, where this is necessary to meet specified emission limits in Table 2.

3.16 Exhaust flow rates of waste gases shall be consistent with the efficient capture of emissions.

4 Materials handling

4.1 A quality control system to include random sampling shall be used to identify raw material quality as detailed in the EMS policies and procedures as agreed by the regulator.

5 Maintenance

5.1 Environmentally critical processes and abatement equipment (whose failure could impact on the environment) shall be identified and listed. The regulator shall be provided with a list of such processes and equipment within 3 months of the date of issue of the permit.

For equipment referred to above:

- Alarms or other warning / management systems shall be provided, which indicate equipment malfunction or breakdown;
- Where alarms or other warning systems are used they shall be maintained and checked to ensure continued correct operation, in accordance with the manufacturer's recommendations;
- Essential spares and consumables for such equipment should be held on site or be available at short notice from suppliers.

5.2 A schedule of preventative maintenance shall be submitted to the regulator for approval within 3 months of the date of issue of the permit, kept on site and made available for inspection on request from the regulator. Maintenance shall be carried out in accordance with the approved method and a record of such maintenance shall be kept in accordance with condition 2.2. The preventive maintenance schedule shall be reviewed annually and updated as necessary.

The maintenance/check schedule shall include as a minimum;

- Preventative maintenance of the gas burners in the reverbatory furnaces to ensure efficient combustion.
- Annual inspection of the process buildings, ancillary plant and open yards/storage areas including the impermeable surface covering the installation
- Inspection of all tanks, bunds and sumps and preventative maintenance methods to prevent emissions to ground, water and soil.
- Inspection and maintenance of all interceptors. Prior to inspection all contents shall be removed
- Inspection and maintenance of flues and ductwork in order to prevent accumulation of materials.

5.3 Oil and solid interceptors shall be used if necessary for the drainage of open storage areas.

6 Odour

6.1 The Operator shall undertake visual and olfactory assessments of emissions from the installation for a continuous period of at least 5 minutes for every 24 hours of operation of the plant at locations downwind of the processes on the installation boundary.

6.2 Should any persistent offensive process odours occur beyond the installation boundary an odour control and management plan will be required in agreement with the regulator.

7 Noise

7.1 Within 3 months of the date of issue of this Permit, the Operator shall have commenced the production of a Noise Management Plan (NMP) as detailed in Appendix 4 of Horizontal Guidance Note IPPC H3 (part 2) and shall be submitted to the Regulator for approval within 6 months of the date of issue of this permit.

The NMP shall include the following;

- Identify and assess the impact of all static and mobile equipment and the manoeuvring of materials around the site including the charging and movement of stillages and tipping of finished product.
- An inventory of noise sources for the site and an assessment of site noise emissions from the installation using British Standard 4142:2019. The assessment methodology and off site measurement locations shall be agreed with the Regulator prior to the commencement of any acoustic measurements.
- Detail of any activity with restricted hours of operation as agreed by the regulator.

7.2 The Operator shall maintain the requirements of the NMP.

7.3 The NMP shall be reviewed annually for BAT compliance and any actions identified shall be implemented in agreement with the Regulator.

7.4 Installation of new plant or machinery at the premises shall be assessed for noise emissions and where necessary attenuated acoustically (where feasible) so as to minimise noise emissions.

8 Resource Utilisation

8.1 Within 18 months of the issue of this permit and at least every 4 years thereafter, a systematic assessment of the raw material, energy, fuel and water consumption, emissions, received waste and waste production (in accordance with Article 4 of Directive 2008/98/EC on waste) associated with the permitted installation shall be undertaken. The purpose of the assessment shall be to identify whether there are suitable alternative methods of reducing raw material, including metals, water use, energy and fuel consumption, emissions and waste production including the identification of methods of avoiding or reducing the impact on the environment of the disposal of waste (in accordance with Article 4 of Directive 2008/98/EC on waste). Each assessment shall be recorded and shall be submitted to the Regulator within 8 weeks of its completion.

8.2 Specific improvements resulting from the assessment undertaken in accordance with Condition 8.1 above shall be carried out within a timescale approved by the regulator.

9 Waste management

9.1 The assessment required in condition 8.1 (resource utilisation) shall include an inventory of the quantity, nature, origin and where relevant, the destination, frequency of collection, mode of transport and treatment method of any waste which is disposed of or recovered. The assessment shall also include;

- the physical description of the waste
- a description of the composition of the waste
- any relevant hazardous properties (hazard and risk phrases)
- European Waste Catalogue code
- handling precautions and substances with which it cannot be mixed
- recovery or disposal routes for each waste category

9.2 The operator shall ensure that waste storage areas are clearly marked and signed, and that containers are clearly labelled.

9.3 Operators shall ensure that, where waste is stored in containers, the containers are durable for the substances stored and that incompatible waste types are kept separate.

9.4 Wastes shall be stored for no longer than 3 years prior to recovery or disposal.

10 Protection of Land, Water and Groundwater

10.1 There shall be no emission of List I and List II substances as defined by the Water Framework Directive to water, groundwater or soil from the permitted Installation. Any incident that has or might have impacted on the condition of the soil or groundwater shall be recorded where further investigation or remediation work will be required. This record shall be kept until the permit is surrendered.

10.2 The operator shall produce and maintain a clear diagrammatic record of the routing of all installation drains, subsurface pipework, sumps and storage vessels that are used or have been used within the installation boundary, as marked in red on the attached plan reference GC/16/00002/A2 (Map 1) within 3 months of the date of this Permit. This record shall be submitted to and approved in writing by The Regulator within 8 weeks of its completion.

10.3 Within 3 months of the date of issue of this Permit, the Operator shall identify the potential risk to the environment from drainage systems recorded in condition 10.2 (above) and shall devise an inspection and maintenance programme having regard to the nature and volume of waste waters, groundwater vulnerability and proximity of drainage systems to surface waters.

10.4 The operator shall ensure that all operational and storage areas are equipped with an impervious surface, spill containment kerbs, sealed

construction joints, and connected to a sealed drainage system or such alternative requirements as approved by the regulator.

10.5 All sumps shall be impermeable and resistant to stored materials.

10.6 All tanks or storage containers used to store any potentially environmentally hazardous liquid shall be located within a bund. The minimum capacity of any bund shall be either 110% of the capacity of the largest container within the bund, or 25% of the total capacity of all the containers within the bund, which-ever is the greater. In the event of any containers being connected to one another, they shall be treated as one container.

Storage tanks shall be fitted with high-level alarms or volume indicators to warn of overfilling and where practicable the filling system should be interlocked to the alarm system to prevent overfilling. Delivery connections shall be located within a bunded area, fixed and locked when not in use.

10.7 Spillages of oils, dusts or other potentially contaminative substance including firewater shall be dealt with in accordance with a written Spill and Firewater Procedure which is approved in writing by the Regulator. Details of the proposed method for dealing with spillages shall be submitted to the Regulator within six weeks of the date of this Permit.

10.8 Suitable and sufficient spill response equipment shall be provided at appropriate locations around the installation and staff shall be trained on their use.

10.9 Periodic monitoring shall be carried out at least once every 5 years for groundwater and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.

11 Training / Accident prevention

11.1 A formal structure shall be provided to clarify the extent of each level of employee's responsibility with regard to the control of the process and its environmental impacts. A copy of the formal structure should be prominently displayed within the process building at all times. Alternatively, there must be a prominent notice referring all relevant employees to where the information can be found.

11.2 Within 3 months of the date of issue of this Permit, personnel at all levels shall be fully conversant with those aspects of the Permit conditions which are relevant to their duties. All staff shall be provided with appropriate training and written operating instructions to enable them to carry out their duties. Staff shall also be made aware of all potential environmental effects of the operation of the Installation under both normal and abnormal circumstances. Such training shall be recorded and available for inspection by the regulator.

11.3 The potential environmental risks posed by the work of contractors shall be assessed and instructions provided to contractors about protecting the environment while working on site.

11.4 A copy of this Permit shall be available on site at all times for reference by all staff carrying out work subject to the requirements of the Permit.

11.5 Within 3 months from the date of issue of the Permit, the Permit holder shall prepare and maintain a written Accident Management Plan identifying hazards, assessing risks and identifying the measures required to reduce the risks of any potential events or failures that might lead to an environmental impact. The plan shall include written procedures for investigating accidents and near misses and also identify:

- The actions to be taken to prevent and minimise these potential occurrences; and

- The actions necessary to deal with such occurrences so as to limit their consequences.

A copy of the plan shall, within 8 weeks of its completion, be submitted to the regulator for written approval.

The plan shall have regard to clauses 3.172 – 3.176 and BAT 110 – 119 of Non-ferrous Foundries Sector Guidance Note IPPC SG 4 (2006) Issue 2 Published January 2006 or any amendment thereof.

11.6 Written notification shall be made to the regulator of any material changes to the Accident Management Plan. It shall be made available for inspection by the Regulator upon request.

11.7 The Operator shall use safe systems for the processing of materials in order to minimise the risk of fire or explosion.

12 Decommissioning

12.1 Prior to site operations ceasing, the Operator shall devise and submit to the Regulator for written approval, a scheme of works for decommissioning the site. The site shall not be decommissioned until the scheme has received written approval.

12.2 Prior to cessation of Permitted activities, the Operator shall submit a method statement for intrusive sampling of the site to the Regulator. Once agreed, the Operator shall carry out the intrusive sampling and forward the results within 8 weeks of the sampling to the Regulator. The Operator shall then undertake remediation of the land to an agreed level, within timescales agreed in writing by the Regulator, in order to remove contamination that may be attributable to Permitted activities.

Submissions and further requirements

Table 3 – Time table of submissions

Condition	Requirement	Date for Compliance
2.1	Notification of Primary point of contact	Within 4 weeks of Permit date
2.6	Submission of Environmental Management System audits	Annually by 31st January.
5.1	Submission of critical process management plan	Within 3 months of permit date
5.2	Submission of Preventative maintenance schedule	Within 3 months of permit date and reviewed annually
7.2	Submission of Noise Management Plan	Commenced within 3 months and submitted within 6 months of permit date.
8.1 and 9.1	Review of raw materials: energy, fuel & water consumption. Review of emissions and waste from the installation.	Within 18 months of Permit date and 4 yearly thereafter
10.2	Submission of Drainage diagram	Within 3 months of permit date
10.3	Submission of Drainage risk assessment	Within 3 months of permit date
10.7	Submission of Spill and Firewater Procedure	Within 6 weeks of permit date
11.5	Submission of Accident Management Plan	Within 5 months of permit date

Table 4 – Timetable for further requirements

Condition	Requirement	Date for Compliance
11.2	All staff to be given appropriate training	Within 3 months of permit date

Interpretation of Terms

For the purposes of this Permit, and unless the context requires otherwise, the following definitions shall apply:

Any term or expression already defined in the Regulations shall be taken to have the same meaning as provided in the Regulations;

“Duly Authorised Officer” means a person who is authorised in writing under Section 108 of the Environment Act 1995 to carry out duties on behalf of Gloucester City Council;

“incident” means any of the following situations:

- Where an accident occurs which has caused or may have the potential to cause pollution;
- Where any malfunction, breakdown or failure of plant or techniques is detected which has caused or may have the potential to cause pollution;
- A breach of any condition of this Permit;
- Where any substance, vibration, heat or noise specified in any Condition of this Permit is detected in an emission from a source not authorised by a Condition of this Permit and in a quantity which may cause pollution;
- Where an emission of any pollutant not authorised to be released under any Condition of this Permit is detected;
- Where an emission of any substance, vibration, heat or noise is detected that has exceeded, or is likely to exceed, or has caused, or is likely to cause to be exceeded any limit on emissions specified in a Condition of this Permit.

“I-TEQ” means the International toxic equivalency derived by applying international toxic equivalence factors, as defined in Annex VI, part 2 of Directive 2010/75/EU

“Location Plan” means the plan attached in GC/16/00002/A2 (Map 1) of this Permit;

“the Permitted Activities” are defined in the introductory note of this Permit;

“the Permitted Installation” is shown in red on GC/16/00002/A2 (Map 1) of this Permit;

“the Regulations” means The Environmental Permitting (England and Wales) Regulations 2016 as amended;

“Regulator” means Gloucester City Council;

”the Site Boundary” is defined in red on the attached plan reference GC/16/00002/A2 (Map 1) on this Permit;

“Site Plan” means the plan attached at GC/16/00002/A2 (Drawing 1)

“systematic assessment” means an assessment undertaken in a methodical and planned manner.

“water environment” has the same meaning as in the Water Resources Act 1991 and Groundwater (England and Wales) Regulations 2009, that is all surface water, groundwater and wetlands; and “surface water”, “groundwater” and “wetlands” shall have the same meanings as in the Act.

“writing” includes electronic communication within the meaning of section 15 (general interpretation) of the Electronic Communications Act 2000;

Any reference to a numbered Condition, group of Conditions, Schedule, Table, Appendix, Figure or Paragraph is a reference to the condition, group of conditions, schedule, table, appendix, figure or paragraph bearing that number in this Permit;

Except where specified otherwise in this Permit:

- “day” means any period of 24 consecutive hours,
- “week” means any period of 7 consecutive days,
- “month” means a calendar month,
- “quarter” means a calendar quarter
- “year” means any period of 12 consecutive months;
- “calendar year” means a period of 12 consecutive months ending on 31 December and any derived words (e.g. “monthly”, “quarterly”) shall be interpreted accordingly;

Except where specified otherwise in this Permit, any reference to an enactment or statutory instrument includes a reference to it as amended (whether before or after the date of this Permit) and to any other enactment, which may, after the date of this Permit, directly or indirectly replace it, with or without amendment.

Gloucester City Council (The Regulator) in exercise of its powers under Regulation 13 of the Environmental Permitting (England & Wales) Regulations 2016 (as amended) hereby permits:

Avon Metals Limited

Whose registered office is:

Avon Metals Ltd. Ashville Road, Gloucester, GL2 5DA

To operate an installation at:

Ashville Road, Gloucester, GL2 5DA

To the extent authorised by and subject to the conditions of this Permit and operated within the installation boundary outlined in the attached plan GC/16/00002/A2 (Map 1).

Dated: 10th February 2020

Yvonne Welsh
An Authorised Officer of the Council

…….END OF PERMIT…….

Explanatory Notes

These notes do not form part of the permit.

Introduction

This Permit is issued on the basis that the information provided by the applicant in support of the application for Permitting was neither false nor misleading. Any change affecting the accuracy of such information shall be promptly notified, in writing, to Gloucester City Council, Public Protection, Herbert Warehouse, The Docks, Gloucester, GL1 2EQ.

This Permit must not be taken to replace any responsibilities the operator has under workplace health and safety legislation. Neither does it detract from any statutory requirement such as the need to obtain Planning Permission, Building Regulations approval, hazardous substances consent, or discharge consent from the water resources regulator.

The Permit includes conditions that must be complied with. It should be noted that aspects of the operation of the installation which are not regulated by those conditions are subject to the best available techniques, BAT, which shall be used to prevent or where that is not practical, reduce the emissions from the installation.

Please refer to “BAT Definitions” below.

Information

Your attention is drawn to the following publications that are relevant to your process:

i. Environmental Permitting (England and Wales) Regulations 2016 SI No 675 as amended
ii. The Pollution Prevention and Control Act 1999
iii. Council Directive 2010/75/EU of the European Parliament and of the Council on the 24 November 2010 on industrial emissions (integrated pollution prevention and control)
iv. Commission Implementing Decision (EU) 2016/1032 of 13 June 2016 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the non-ferrous metal industries.
v. Council Directive 67/548/EEC of 27th June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of Dangerous Substances also known as the Dangerous Substances Directive.
vi. Sector Guidance Note IPPC SG04 ‘

vii. General Guidance Manual on Policy and Procedures for A2 and B Installations'

1. BAT – Definitions

BAT is defined in Article 3(10) of the Industrial Emissions Directive 2010/75/EC. As follows:

"Best available techniques" means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing the basis for emission limit values and other permit conditions designed to prevent and, where that is not practicable, to reduce emissions and the impact on the environment as a whole.

"available techniques" means those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the cost and advantages, whether or not the techniques are used or produced inside the United Kingdom, as long as they are reasonably accessible to the operator.

"best" means most effective in achieving a high general level of protection of the environment as a whole.

"techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.

In the context of this permit, 'activity' comprises the whole activity including the treating, handling and storage of any materials used and products and waste produced by the activity.

Gloucester City Council is statutorily obliged to include conditions in any permit they issue which are designed to ensure the activity is operated using the 'Best Available Techniques'. EP regulations principles are that 'Installations should be operated in such a way that:

(a) all appropriate preventative measures are taken against pollution, in particular through the application of best available techniques (BAT);
(b) no significant pollution is caused'.
(c) The best available techniques shall be used to prevent or where that is not practical, reduce the emissions from the installation in relation to that aspect of the operations of the installation which is not regulated by any other condition of this permit.

It should be noted that Section 8 (1) and (2) of Schedule 7 to the Environmental Permitting (England and Wales) Regulations 2016 specifies that the Regulator must ensure that it is informed of developments in best available techniques and the

publication of any new or updated BAT conclusions. This requirement is as defined in Articles 3(10), 3(11), 3(12) and 3(14) of the Industrial Emissions Directive 2010/75/EU.

In considering BAT, Gloucester City Council would expect the operator to have regard to all relevant EPR sectoral or other technical guidance, including BAT Conclusions and BAT Reference Documents published by the European Commission and technical guidance published by Natural Resources Wales, the Environment Agency and other relevant regulatory authorities.

2. APPEALS

If you are aggrieved by any of the Conditions of the Permit, you should initially contact Gloucester City Council. Further information on your right of appeal and the appeals procedure is contained in Regulation 31 and Schedule 6 of the Regulations.

a. To appeal you must supply in writing:
b. A statement of the grounds of appeal;
c. A copy of any relevant application;
d. A copy of any relevant environmental permit;
e. A copy of any relevant correspondence between the appellant and the regulator;
f. A copy of decision or notice which is the subject matter of the appeal; and
g. A statement including whether the appellant wishes the appeal to be in the form of a hearing or to be dealt with by way or written representation.
h. The appeal must be made within 6 months of the decision or deemed decision.
i. Appeals must be sent to: The Planning Inspectorate
Environment Team, Major & Specialist Casework
Room 4/04 Kite Wing
Temple Quay House2
The square
Temple Quay
Bristol, BS1 6PN

A copy of the notice and documents must also be sent to Gloucester City Council.

3. SUBSISTENCE CHARGE

An annual subsistence charge will be payable in respect of the Permit in terms of any relevant charging scheme made under Section 65 of the Regulations and issued by Welsh Government / Department of Environment, Food and Rural Affairs, copies of which are available from Gloucester City Council.

4. REVIEW OF CONDITIONS

Under Environmental Permitting Regulations 2016 SI 675 the legislation requires permits to be ‘reviewed’ periodically but does not specify a frequency. It is considered that a frequency of once every eight years shall be adequate with reference to Regulation 34(1) Environmental Permitting (England & Wales)

Regulations 2016 SI 675. Where significant pollution is encountered or where there are changes in BAT or where the operational safety of the activity requires other techniques to be used an immediate review shall be undertaken.

5. PROPOSED CHANGE IN OPERATION OF INSTALLATION

Notification of Changes under Regulation 20

If an operator proposes to make a change in operation of the installation, they must, at least 14 days before making a 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.

"Change in operation" means a change in the nature or functioning or an extension of the installation which may have consequences for the environment.

An example form is included in Part C of the 'General Guidance Manual on Policy and Procedures for A2 and B Installations' and can be downloaded as a word document from:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69498/env-permitting-general-guidance-cd.pdf

These notifications are appropriate for changes that are not likely to require the variation of permit conditions.

6. ENFORCEMENT & OFFENCES

Offences under Regulation 38 of the Environmental Permitting Regulations are to

1) It is an offence for a person to
   a) Contravene regulation 12(1): or
   b) knowingly cause or knowingly permit the contravention of regulation 12(1)(a)
2) It is an offence for a person to fail to comply with or to contravene an environmental permit condition.
3) It is an offence for a person to fail to comply with the requirements of an enforcement notice or of a prohibition notice, suspension notice or landfill closure notice or mining waste facility closure notice.
4) It is an offence for a person-
   a) To fail to comply with a notice under regulation 60(1) requiring the provision of information, without reasonable excuse;
   b) To make a statement which the person knows to be false or misleading in a material particular, or recklessly to make a statement which is false or misleading in material particular, where the statement is made-

      i) In purported compliance with a requirement to provide information imposed by or under a provision of these Regulations.

ii) For the purpose of obtaining the grant of an environmental permit to any person, or the variation, transfer in whole or in part, or surrender in whole or in part of an environmental permit, or
iii) For the purpose of obtaining, renewing or amending the registration of an exempt facility;

c) Intentionally to make a false entry in a record required to be kept under an environmental permit;
d) With intent to deceive-
i.) To forge or use a document issued or authorised to be issued or required for any purpose under an environmental permit condition, or
ii.) To make or to have in the person's possession a document so closely resembling such a document as to be likely to deceive.

5) It is an offence for an establishment or undertaking to-
a) fail to comply with paragraph 14(3) or (4) of Schedule 2; or
b) intentionally make a false entry in a record required to be kept under that paragraph.

6) If an offence is committed by a person under this regulation is due to the act or default of some other person, that other person is also guilty of the offence and liable to be proceeded against and punished accordingly, whether or not the proceedings for the offence are taken against the first-mentioned person.

7. PENALTIES

Penalties under Regulation 39 of the Environmental Permitting Regulations are:

1. A person guilty of an offence under regulation 38(1), (2) or (3) is liable-
(a) On summary conviction to an unlimited fine or imprisonment for a term not exceeding 12 months, or to both; or
(b) On conviction on indictment to a fine or imprisonment for a term not exceeding 5 years, or both.

2. In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003(a), paragraph (1)(a) has effect as if for "12 months" there were substituted "6 months".

3. A person guilty of an offence under regulation 38(4) is liable-
(a) On summary conviction to an unlimited fine; or
(b) On conviction on indictment to a fine or imprisonment for a term not exceeding 2 years, or to both.

4. An establishment or undertaking guilty of an offence under regulation 38(5) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

8. TRANSFER OF PERMIT

The permitted operator who wishes to transfer the whole or part of the permit to a person who proposes to carry out the activity in the holder's place may do so in accordance with Regulation 21. Both the operator and the proposed transferee

shall jointly make an application to the regulator to effect the transfer. An application shall include the permit and any fee prescribed in respect of the transfer under Regulation 65 and shall contain the operator's and the proposed transferee's contact details.

9. RECORDED SYSTEMS, PROCEDURES OR INFORMATION RECORDING/ RETURN REQUIREMENTS

Where a Condition requires any system, procedure or information record/return, the Operator may demonstrate compliance by making use of any relevant existing written system used for any other purpose and which meets the requirements of the relevant Condition.

10. SYSTEMATIC ASSESSMENT (AND REVIEW)

Where a condition of the permit requires a "systematic assessment (and review)" the assessment should be undertaken in a methodical and arranged manner. If you require guidance on the scope or extent of any assessment (and review) required to be undertaken, you should contact Gloucester City Council, Public Protection Herbert Warehouse, The Docks, Gloucester, GL1 2EQ.

11. SURRENDER OF PERMIT

The operator may apply to surrender their permit under Regulation 25. The application must be accepted if Schedule 5 Part 1 Regulation 14 of the Environmental Permitting (England and Wales) Regulations 2016 as amended and Article 22 of the Industrial Emissions Directive 2010/75/EU have been met. The operator will be required to supply evidence that necessary measures have been taken to (a) avoid a pollution risk resulting from the operation of the regulated facility and (b) to return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operator.

12. INSPECTIONS

Under Environmental Permitting Regulations 2016 SI 675 the legislation requires the regulator undertake appropriate periodic inspections of regulated facilities. Inspections should be undertaken in accordance with a risk assessment and following on from any complaints or applications.

13. SUMMARY OF KEY DATES

Action	**Date**	**Reason**
First issue of Part B Permit	16th February 1993	Following application

		Permit ref EPA/6/92
Issue of A2 Permit	5th November 2003	Change of regulation Permit ref PPCA2-1-03
Variation/reissue	26th September 2006	Variation to plant and improvement of clarity Permit ref PPCA2-1-03
Variation/reissue	31st May 2012	Variation to plant and improvement of clarity Permit ref A2/1/4
Variation/reissue	9th September 2015	General updating Permit ref EP/A2/001
Variation: GC/16/00001/A2/V1	15th March 2017	Updated permit in accordance with SG note and BAT. New permit ref GC/16/00002/A2
Variation: GC/16/00001/A2/V2	10th September 2019	TVOC monitoring added, condition 10.9, relating to groundwater and soil monitoring, added. Condition 2.6 varied.
Variation: GC/16/00001/A2/V3	10th February 2020	Table 2 amended for dust emissions monitoring. Condition 1.10 varied to include emissions to water. I-TEQ Definition added to Interpretation of Terms

GC/16/00002/A2 (Map 1) Location and Installation boundary

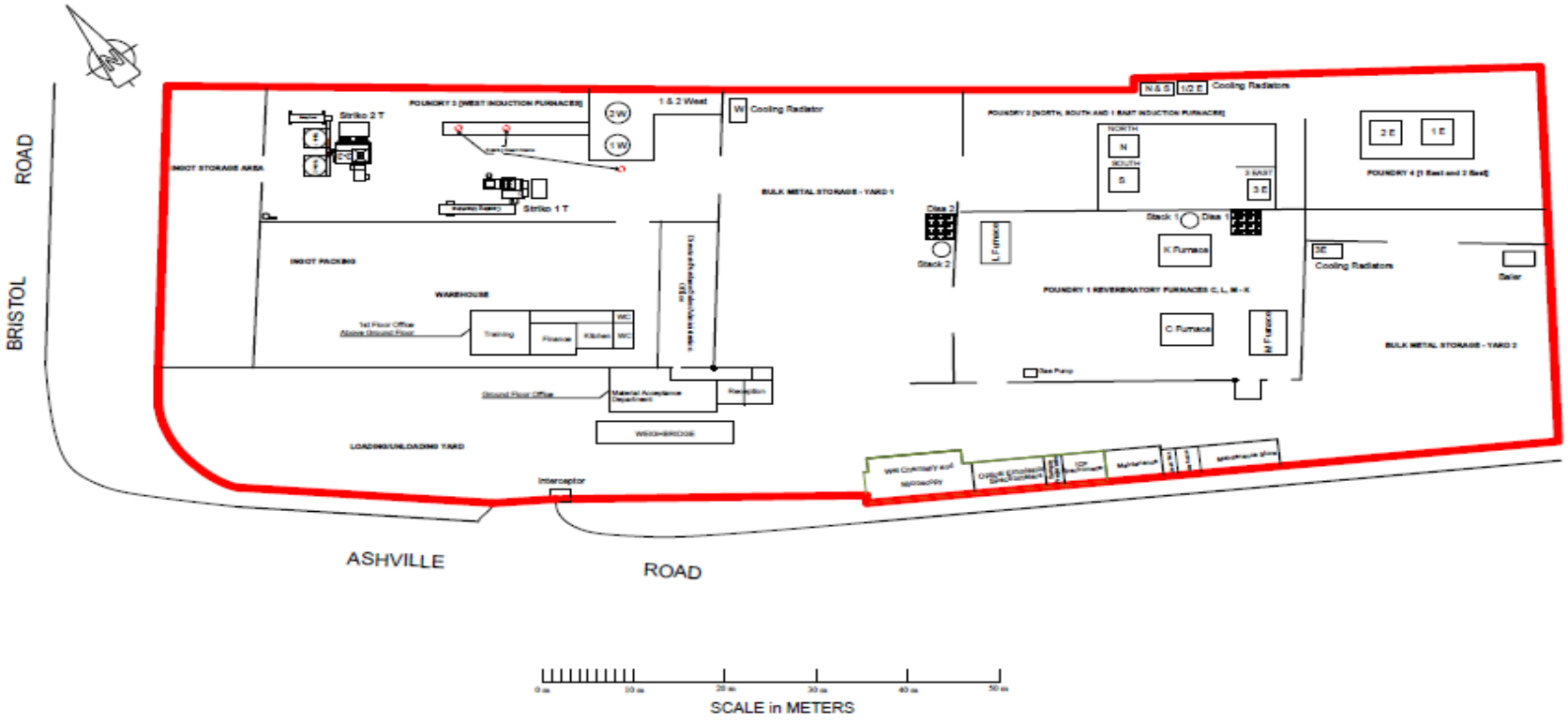
Imagery ©2017 DigitalGlobe, Getmapping plc, Infoterra Ltd & Bluesky. The GeoInformation Group, Map data ©2017 Google

GC/16/00002/A2 (Drawing 1) Site Layout

AVON METALS LTD

GENERAL SITE LAYOUT - ASHVILLE WORKS

EP/A2/001/2 Map 1 Rev 2 11-Jun-2019



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.

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(2) of the 2016 Regulations. A person guilty of an offence under this regulation could be liable to (i) an unlimited fine or imprisonment for a term not exceeding 6 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 2016 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 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 or 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 2016 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 2016 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

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.