

ENVIRONMENTAL PROTECTION ACT 1990

Part I - Authorisation.

Authorisation Number 032/93.

This Authorisation comprises 7 pages.

The Leicester City Council (hereinafter referred to as "the Council") hereby gives authorisation under Section 6 of the Environmental Protection Act 1990 to

CMB Foodcan plc,
Woodside,
Perrywood Walk,
Worcester. WR5 1EW.

(hereinafter referred to as "the Company") to operate a process prescribed under the above Act and under the Environmental Protection (Prescribed Processes and Substances) Regulations 1991, Schedule 1, Section 6.5, Part B, Paragraph (a) namely:

the application of coatings involving the use of more than 5 tonnes of organic solvents in any twelve-month period during the manufacture of metal packaging (hereinafter referred to as "the Process") at

CMB Foodcan plc,
Golf Course Lane,
Braunstone,
Leicester. LE3 1TX.
(hereinafter referred to as "the Premises").

Description of the Process:

The printing and coating of food and drink cans and operations ancillary thereto as described and specified in the application for authorisation duly made by the Company to the Council and dated 25th July 1992.

Notes:

Note A:

For the avoidance of doubt, this Authorisation shall be subject to replacement, variation or amendment as may be considered appropriate by the Council (or its successor as Authorising Authority) at any time according to the provisions of Section 6(6), 7 and 10 of the above Act.

Note B:

For the avoidance of doubt, nothing in this Authorisation shall be taken to imply a standard lower than that required under the provisions of the Health and Safety at Work etc Act 1974 or under "the relevant statutory provisions" as defined in Section 53 of the last mentioned Act.

Note C:

For the avoidance of doubt, Section 7(4) of the Environmental Protection Act 1990 provides, in relation to any aspect of the process hereby authorised not covered by Conditions 1 to 18 below, that the best available techniques not entailing excessive cost 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 substances which are so released, and
- (b) for rendering harmless any other substances which might cause harm if released into the air.

Note D:

Section 25(2) of the above act provides that where:

- (a) an entry is required under Section 7 of the Act to be made in any record as to the observance of any condition of an authorisation; and
- (b) the entry has not been made;

that fact shall be admissible as evidence that that condition has not been observed.

Note E:

Sections 6(1) and 23(1)(a) of the above Act make it an offence to carry on the process hereby authorised other than in compliance with the conditions of this Authorisation.

Note F:

Under Section 15(1) of the Act, there is a right of appeal to the Secretary of State for the Environment against any Condition of this Authorisation: The procedure is explained more fully in a note which accompanies this Authorisation.

Conditions

General.

Condition 1:

Pursuant to Section 7(8)(b) of the above Act, the Company shall give prior written notification to the Council of any proposed "relevant change" (within the meaning of Section 11(11) of the Act) in the manner of carrying out the process hereby authorised. Without prejudice to the generality of this requirement, "relevant change" shall be taken to include any departure from the Description of the Process above.

Condition 2

Not more than 6 months after the date of this Authorisation, the Company shall submit to the Council a written scheme for achieving the objective set down in Section 7(2)(a) of the Act, namely:-

ensuring that, in carrying on the Process, the best available techniques not entailing excessive cost ("BATNEEC") will 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 of such substances to a minimum and for rendering harmless any substances which are so released; and
- (b) for rendering harmless any other substances which might cause harm if released into the air.

The following Conditions shall be without prejudice to the generality of this requirement.

Condition 3:

For the purposes of Condition 2, and pursuant to Section 7(11) of the Act, the said scheme shall have regard to the guidance set out in the Process Guidance Note PG6/7(91) "Secretary of State's Guidance - Coating Manufacturing Processes" (Her Majesty's Stationery Office; ISBN 0-11-752462-X) (hereinafter referred to as "Guidance Note PG6/7").

Condition 4:

The scheme required by Condition 2 shall be so framed that the steps described therein for securing compliance with Conditions 2 and 3 shall be completed by 1st April 1997.

Condition 5:

Any "relevant change" [within the meaning of Section 11(11) of the Act] carried out to the Process more than 6 months after the date of this Authorisation, but before 1st April 1997 which is determined to constitute a "Substantial Change" [within the meaning of Section 11(2)d and 11(4) of the Act] shall comply fully

with the requirements of the scheme specified in Conditions 2 and 3 above before the process so changed comes into operation.

Condition 6:

For the purposes of this Authorisation, the term "compliant coatings" shall mean coatings which contain less than the amounts of volatile organic compounds specified in Clauses 22 and 23 of Guidance Note PG 6/7 when the said coatings are used and applied in the manner specified in the said Clauses. For the purposes of this Condition, the volatile organic compound and solids content of coatings shall be expressed as determined by the method set out in Appendix 2 of Guidance Note PG 6/7. The reckoning of volatile organic solvent content of a coating shall be for that coating as it is applied, taking account of any modification by the addition of thinners.

Condition 7:

The scheme required by Condition 2 shall identify all emission-sources of volatile organic compounds and place each into one of the following two categories:-

- (a) Final outlets from ducted exhaust ventilation systems serving elements of the process in which non-compliant coatings are used.
- (b) Final outlets from ducted exhaust-ventilation systems serving elements of the process where ONLY compliant coatings are used.

Condition 8:

With respect to the emission-sources prescribed in Condition 7(a), the scheme specified in Condition 2 shall contain the following items:-

- (a) The results of an assessment of levels of emission of volatile organic compounds from the said sources.
- (b) A strategy for achieving compliance with the emission-limits specified in Clause 19 of Guidance Note PG 6/7, where the assessment specified in (a) above indicates that this is necessary.
Any proposals made in the scheme shall include one or more of:-
 - (i) Abatement-plant complying with the requirements of Appendix 3 of Guidance Note PG 6/7.
 - (ii) A programme for the reduction or elimination of volatile organic compounds in coatings used in the Process, including methods set out in the guidance in Clause 21 of Guidance Note PG 6/7.
 - (iii) A programme for securing that coatings used in the Process have organic solvent contents less than those specified for the various uses and modes of application listed in Clauses 22 and 23 of Guidance Note PG 6/7.
- (c) Proposals for the continuing assessment of the emissions of volatile organic compounds from the said sources in order to demonstrate compliance with the requirements of Guidance Note PG 6/7. The said proposals for monitoring shall include:-

- (i) An identification of every element of the process for which assessment is to be carried out.
- (ii) An indication for each element of the process so identified as to whether it is proposed to use compliant coatings, in which case emissions of volatile organic compounds shall be calculated from the inventory required by Condition 16, or whether it is proposed to use non-compliant coatings, in which case actual emissions of volatile organic compounds shall be measured.
- (d) Where it is proposed to measure emissions of volatile organic compounds, the scheme shall specify:-
 - (i) The substances to be measured.
 - (ii) The locations at which measurements are to be performed.
 - (iii) The methods of measurement to be used.
 - (iv) Whether measurements at individual locations are to be intermittent or continuous and, if intermittent, the intervals at which they are to be taken.
 - (v) Arrangements for the testing and calibration of measurement equipment.

Condition 9.

With respect to the emission-sources prescribed in Condition 7(b), the scheme shall include proposals for the assessment of emissions of volatile organic compounds by means of the inventory specified in Condition 16.

Condition 10.

Where measurements of pollutant-concentrations are made in compliance with this Authorisation, the results shall be expressed at reference-conditions 273K, 101.3kPa, without correction for water-vapour content.

Condition 11.

Compliance with emission concentration-limits where carried out, shall not be achieved by the introduction of dilution-air into any extraction-system.

Condition 12.

The Process shall not give rise to any offensive odour outside the boundary of the Premises which would constitute a statutory nuisance within the meaning of Section 79(1)(d) of the Act were it not for the issue of this Authorisation.

Condition 13.

A visual and olfactory assessment of emissions from the Process shall be made not less than once on each day on which the Process is being operated.



Condition 14.

A Record shall be kept available on the Premises for inspection by an Authorised Officer of the Council, which shall contain the following items:

- (a) Dates, times and findings of all inspections made in compliance with Condition 13. Where abnormal emissions are detected, a note shall also be made of the cause and of any remedial action taken.
- (b) The results of any emission-monitoring undertaken in compliance with this Authorisation.

Each entry on the Record shall be kept for not less than 4 years after the date to which it relates.

Condition 15.

- (a) Where continuous monitoring is undertaken, a summary of results shall be forwarded to the Council not less than once every six months. This shall include 24-hour means and daily maximum 15-minute mean emission concentrations.

In any case where the measured emission-concentrations so measured exceed the concentration-limits specified in Guidance Note PG 6/7, the results shall be forwarded to the Council. In any case where a measured emission-concentration is more than twice the specified concentration-limit, the Council shall be advised before the end of the next working day following the exceedance.

- (b) The results of all non-continuous monitoring, other than that carried out in compliance with Condition 8(a) shall be forwarded to the Council no more than 8 weeks after the completion thereof.

Condition 16.

An inventory of volatile organic solvent usage by the Process shall be kept on the Premises which includes details of the following:-

- (a) Quantity and volatile organic solvent content of coatings purchased and applied.
- (b) Quantity of volatile organic compounds purchased and used as cleaning agents and diluents.

A copy of the said inventory shall be forwarded to the Council not less than once every six months and within four weeks of the end of the period to which it relates.

Condition 17.

The scheme required by Condition 2 shall include details of proposals for controlling emissions of volatile organic compounds from the unloading, storage and handling of process materials and waste materials.

Condition 18.

The scheme required by Condition 2 shall include a calculation of minimum discharge-heights for the final outlets specified in Condition 7(a) and (b) in accordance with the guidance given in Guidance Note PG 6/7 and in the current



edition of the Department of the Environment's guidance on the Determination of Discharge Stack Heights for Polluting Emissions.

The said scheme shall also include a statement of efflux-velocities for each discharge-point.

Signed (Authorised Officer) 

Date 4.8.92