

Notice of variation with introductory note

Environmental Permitting (England & Wales) Regulations 2010

G.H. Newbery & Son Ltd

G.H. Newbery & Son Ltd
Orchard Works
4 Ashton Road
Marsh Barton
Exeter
Devon
EX2 8LN

Variation application number
EPR/QP3391HY/V002

Permit number
EPR/QP3391HY

GH Newbery & Son Ltd
Permit number EPR/QP3391HY

Introductory note

This introductory note does not form a part of the notice

The following notice gives notice of the variation of an environmental permit.

This variation notice deletes all previous conditions of this permit and replaces them with Standard Rule Permit SR2012No14 Metal recycling, vehicle storage, depollution and dismantling (authorised treatment) facility. This notice also increases the permit boundary to consolidate activities previously carried out under an exemption. In line with our current guidance variations of this type are comparable to Administrative variations and such permit variation steps have been followed.

The schedules specify the changes made to the original permit.

The status log of a permit sets out the permitting history, including any changes to the permit reference number.

| Status log of the permit | | |
|---|-------------------------|--|
| Description | Date | Comments |
| Application received | Duly made 26/01/2004 | Application for end of life vehicle Depollution and dismantling (authorised treatment) facility. |
| Permit determined EAWML 21767 | 04/11/2004 | Original permit issued to GH Newbery & Son Ltd. |
| Application EPR/QP3391HY/V002 (variation) | Duly made 05/08/2013 | Application to vary to SR2012No14 and increase permit boundary. |
| Variation determined EPR/QP3391HY | 12/09/2013 | Varied permit issued. |

End of introductory note

Notice of variation

Environmental Permitting (England and Wales) Regulations 2010

The Environment Agency in exercise of its powers under regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010 varies

Permit number
EPR/QP3391HY

issued to:
G.H. Newbery & Son Ltd ("the operator")

whose registered office is:

Orchard Works
Ashton Road
Marsh Barton
Exeter
Devon
EX2 8LN

company registration number 00563681

to operate a regulated facility at:

Orchard Works
4 Ashton Road
Marsh Barton
Exeter
Devon
EX2 8LN

to the extent set out in the schedules.

The notice shall take effect from 12/09/2013

| Name | Date |
|-------------------|-------------------|
| Rob McHale | 12/09/2013 |

Authorised on behalf of the Environment Agency

Schedule 1 – conditions to be deleted

All conditions are deleted as a result of the application made by the operator.

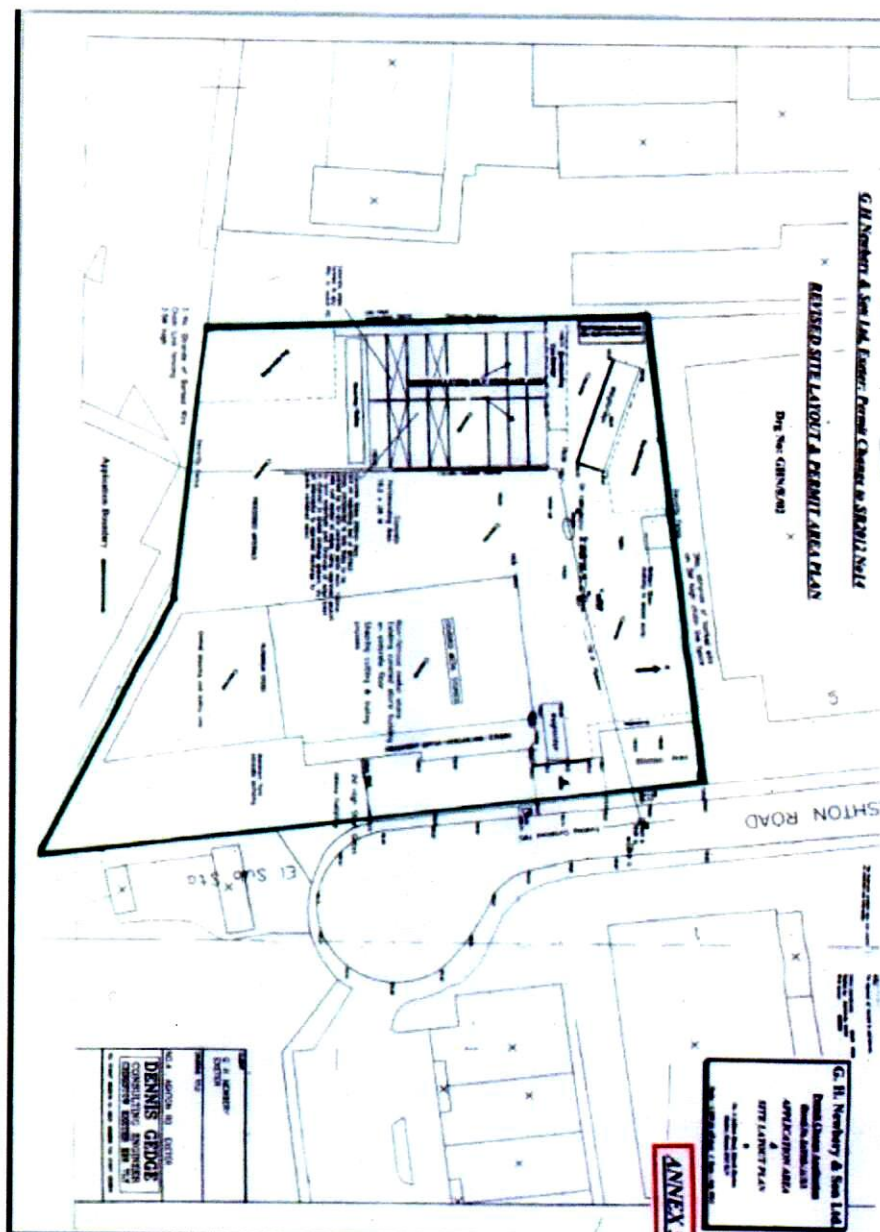
Schedule 2 – conditions to be amended

None.

Schedule 3 – conditions to be added

Under regulation 27(2) of the Regulations, standard rules SR2012 No14 are conditions of this permit.

This is the plan referred to in the standard rules SR2012 No14:



Standard rules SR2012No 14

Metal recycling, vehicle storage, depollution & dismantling (authorised treatment) facility

Introductory note

This introductory note does not form part of these standard rules

When referred to in an environmental permit, these rules will allow the operator to operate a Metal Recycling Site and a Vehicle Depollution and Dismantling Facility at a specified location.

These rules will permit the sorting, separation, grading, shearing, baling, compacting, granulating of cables and cutting using hand-held equipment only, of ferrous metals or alloys and non-ferrous metals for recovery as well as the recovery (including storage) of all waste motor vehicles. The total quantity of waste that can be accepted at a site under these rules must be less than 25,000 tonnes a year of waste metal and less than 5,000 tonnes a year of waste motor vehicles. The rules will not permit the burning of any wastes, either in the open, inside buildings or in any form of incinerator.

These rules do not allow any point source emission into surface waters or groundwater. However, under the emissions of substances not controlled by emission limits rule:

- liquids may be discharged into a sewer subject to a consent issued by the local water company;
- liquids may be taken off-site in a tanker for disposal or recovery;
- clean surface water from roofs, or from areas of the site that are not being used in connection with storing and treating waste, may be discharged directly to surface waters, or to groundwater by seepage through the soil via a soakaway.

End of introductory note

Rules

1 – Management

1.1 General management

- 1.1.1 The operator shall manage and operate the activities:
 - (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and
 - (b) using sufficient competent persons and resources.
- 1.1.2 Records demonstrating compliance with rule 1.1.1 shall be maintained.
- 1.1.3 Any person having duties that are or may be affected by the matters set out in these standard rules shall have convenient access to a copy of them kept at or near the place where those duties are carried out.
- 1.1.4 The operator shall comply with the requirements of an approved competence scheme.

1.2 Avoidance, recovery and disposal of wastes produced by the activities

- 1.2.1 The operator shall take appropriate measures to ensure that:
 - (a) the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by the activities; and
 - (b) any waste generated by the activities is treated in accordance with the waste hierarchy referred to in Article 4 of the Waste Framework Directive; and
 - (c) where disposal is necessary, this is undertaken in a manner which minimises its impact on the environment.
- 1.2.2 The operator shall review and record at least every four years whether changes to those measures should be made and take any further appropriate measures identified by a review.

2 – Operations

2.1 Permitted activities

- 2.1.1 The operator is only authorised to carry out the activities specified in table 2.1 below ("the activities").

| Table 2.1 activities | |
|--|--|
| Description of activities | Limits of activities |
| <p>R13: Storage of wastes pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)</p> <p>R4: Recycling/reclamation of metals and metal compounds</p> <p>R5: Recycling/reclamation of other inorganic materials</p> <p>D15: Storage pending any of the operations numbered D1 to D14 (excluding temporary storage, pending collection, on the site where it is produced)</p> | <p>Metal recycling: Treatment consisting only of sorting, separation, grading, shearing, baling, compacting, granulating of cables, and cutting using hand-held equipment only, of ferrous metals or alloys and non-ferrous metals into different components for recovery.</p> <p>Vehicle dismantling: Treatment consisting only of depollution of waste motor vehicles and sorting, separation, baling, compacting, or cutting using hand-held equipment only, of waste into different components for recovery.</p> <p>There shall be no treatment of lead acid batteries, other than sorting and separating from other wastes.</p> <p>Wastes shall be stored for no longer than 1 year prior to disposal and 3 years prior to recovery.</p> <p>The maximum quantity of hazardous waste stored at the site for disposal or recovery shall not exceed 50 tonnes. This does not include waste motor vehicles awaiting depollution.</p> <p>No more than 25 tonnes of intact waste vehicle tyres (waste code 16 01 03) shall be stored at the site.</p> |

2.2 Waste acceptance

2.2.1 Waste shall only be accepted if:

- (a) it is of a type and quantity listed in table 2.2a and 2.2b below; and
- (b) it conforms to the description in the documentation supplied by the producer and holder.

| Table 2.2a. Waste metal types and quantities | |
|---|--|
| Maximum Quantities | |
| The total quantity of metal waste accepted at the site shall be less than 25,000 tonnes a year. | |
| Exclusions | |
| Wastes having any of the following characteristics shall not be accepted: | |
| <ul style="list-style-type: none"> • Consisting solely or mainly of dusts, powders or loose fibres • Wastes that are in a form which is either sludge or liquid | |

| Waste Code | Description |
|-------------------|---|
| 02 | WASTES FROM AGRICULTURE, HORTICULTURE, AQUACULTURE, FORESTRY, HUNTING AND FISHING, FOOD PREPARATION AND PROCESSING |
| 02 01 | wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing |
| 02 01 10 | waste metal |
| 12 | WASTES FROM SHAPING AND PHYSICAL AND MECHANICAL SURFACE TREATMENT OF METALS AND PLASTICS |
| 12 01 | wastes from shaping and physical and mechanical surface treatment of metals and plastics |
| 12 01 01 | ferrous metal filings and turnings |
| 12 01 03 | non-ferrous metal filings and turnings |
| 15 | WASTE PACKAGING, ABSORBENTS, FILTER MATERIALS, WIPING CLOTHS AND PROTECTIVE CLOTHING NOT OTHERWISE SPECIFIED |
| 15 01 | Packaging (including separately collected municipal packaging waste) |
| 15 01 04 | metallic packaging |
| 16 | WASTES NOT OTHERWISE SPECIFIED IN THE LIST |
| 16 01 | end-of-life vehicles from different means of transport [including off-road machinery] and wastes from dismantling of end-of-life vehicles and vehicle maintenance (except 13,14, 16 06 and 16 08) |
| 16 01 17 | ferrous metal |
| 16 01 18 | non-ferrous metal |
| 16 01 22 | discarded components not otherwise specified |
| 16 06 | batteries and accumulators |
| 16 06 01* | lead batteries |
| 17 | CONSTRUCTION AND DEMOLITION WASTES (INCLUDING EXCAVATED SOIL FROM CONTAMINATED SITES) |
| 17 04 | metals (including their alloys) |
| 17 04 01 | copper, bronze, brass |
| 17 04 02 | Aluminium |
| 17 04 03 | Lead |
| 17 04 04 | Zinc |
| 17 04 05 | iron and steel |
| 17 04 06 | Tin |
| 17 04 07 | mixed metals |
| 17 04 11 | cables other than those mentioned in 17 04 10 |
| 19 | WASTES FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FOR INDUSTRIAL USE |
| 19 01 | wastes from incineration or pyrolysis of waste |
| 19 01 02 | ferrous metals removed from bottom ash |
| 19 10 | wastes from shredding of metal-containing wastes |
| 19 10 01 | iron and steel waste |
| 19 10 02 | non-ferrous waste |
| 19 12 | wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified |
| 19 12 02 | ferrous metal |
| 19 12 03 | non-ferrous metal |
| 20 | MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) INCLUDING SEPARATELY COLLECTED FRACTIONS |
| 20 01 | separately collected fractions (except 15 01) |
| 20 01 33* | lead batteries |
| 20 01 40 | Metals |

Table 2.2b. Waste motor vehicle types and quantities

Maximum Quantities

The total quantity of waste motor vehicles accepted at the site shall be less than 5,000 tonnes a year.

Exclusions

Wastes having any of the following characteristics shall not be accepted:

- Consisting solely or mainly of dusts, powders or loose fibres

| Waste Code | Description |
|-------------------|---|
| 16 | WASTES NOT OTHERWISE SPECIFIED IN THE LIST |
| 16 01 | end-of-life vehicles from different means of transport [including off-road machinery] and wastes from dismantling of end-of-life vehicles and vehicle maintenance (except 13,14, 16 06 and 16 08) |
| 16 01 03 | end-of-life tyres |
| 16 01 04* | end-of-life vehicles |
| 16 01 06 | end-of-life vehicles (containing neither liquids nor other hazardous components) |
| 16 01 07* | oil filters |
| 16 01 11* | brake pads containing asbestos |
| 16 01 12 | brake pads other than those mentioned in 16 01 11 |
| 16 06 | batteries and accumulators |
| 16 06 01* | lead batteries |
| 16 06 05 | other batteries and accumulators |

2.3 Operating techniques

- 2.3.1 The activities shall be operated using the techniques and in the manner described in Table 2.3 below.

Table 2.3 Operating techniques

1. Uncontaminated plastic and glass arising from the treatment of end-of-life vehicles, uncontaminated ferrous metal wastes or alloys and uncontaminated non-ferrous metal wastes shall be stored on hard standing or an impermeable surface with sealed drainage system. All other wastes shall be stored on an impermeable surface with sealed drainage system.
2. All wastes shall be treated on an impermeable surface with sealed drainage system.
3. Lead acid batteries shall be stored in containers with an impermeable, acid resistant base and a cover to prevent ingress of water.
4. Metal filings and turnings shall be stored in containers with an impermeable base and a cover to prevent the ingress of water. No more than 50 tonnes shall be stored at any one time

2.4 The site

- 2.4.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan attached to the permit.
- 2.4.2 The activities shall not be carried out within 200 metres of a European Site or a SSSI.

- 2.4.3 The activities shall not be carried out within a groundwater source protection zone 1, or if a source protection zone has not been defined then within 50 metres of any well, spring or borehole used for the supply of water for human consumption. This must include private water supplies.

2.5 Technical Requirements

- 2.5.1 The storage (including temporary storage) and treatment of waste motor vehicles shall meet the requirements of article 6(1) of the End-of-Life Vehicles Directive.
- 2.5.2 Storage of waste batteries and accumulators must meet the minimum requirements set out in Annex III, Part A of Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC.
- 2.5.3 Hazardous waste shall not be mixed, either with a different category of hazardous waste or with other waste, substances or materials, unless it is authorised by table 2.1 and appropriate measures are taken.

3 – Emissions and monitoring

3.1 Emissions of substances not controlled by emission limits

- 3.1.1 Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this rule if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.
- 3.1.2 The operator shall:
- (a) if notified by the Environment Agency that the activities are giving rise to pollution, submit to the Environment Agency for approval within the period specified, an emissions management plan;
 - (b) implement the approved emissions management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.
- 3.1.3 All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.

3.2 Odour

- 3.2.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable, to minimise, the odour.
- 3.2.2 The operator shall:
- (a) if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to odour, submit to the Environment Agency for approval within the period specified, an odour management plan;
 - (b) implement the approved odour management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

3.3 Noise and vibration

- 3.3.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable, to minimise, the noise and vibration.
- 3.3.2 The operator shall:
- (a) if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to noise and vibration, submit to the Environment Agency for approval within the period specified, a noise and vibration management plan;
 - (b) implement the approved noise and vibration management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

4 – Information

4.1 Records

4.1.1 All records required to be made by these standard rules shall:

- (a) be legible;
- (b) be made as soon as reasonably practicable;
- (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible or are capable of retrieval; and
- (d) be retained, unless otherwise agreed by the Environment Agency, for at least 6 years from the date when the records were made, or in the case of the following records until permit surrender:
 - (i) off-site environmental effects; and
 - (ii) matters which affect the condition of land and groundwater.

4.1.2 The operator shall keep on site all records, plans and the management system required to be maintained by these standard rules, unless otherwise agreed in writing by the Environment Agency.

4.2 Reporting

4.2.1 The operator shall send all reports and notifications required by these standard rules to the Environment Agency using the contact details supplied in writing by the Environment Agency.

4.2.2 Within one month of the end of each year, the operator shall submit to the Environment Agency using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous year.

4.3 Notifications

4.3.1 The Environment Agency shall be notified without delay following the detection of:

- (a) any malfunction, breakdown or failure of equipment or techniques, accident or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution;
- (b) the breach of a limit specified in these standard rules; or
- (c) any significant adverse environmental effects.

4.3.2 Written confirmation of actual or potential pollution incidents and breaches of emission limits shall be submitted within 24 hours.

4.3.3 Where the Environment Agency has requested in writing that it shall be notified when the operator is to undertake monitoring and/or spot sampling, the operator shall inform the Environment Agency when the relevant monitoring and/or spot sampling is to take place. The operator shall provide this information to the Environment Agency at least 14 days before the date the monitoring is to be undertaken.

4.3.4 The Environment Agency shall be notified within 14 days of the occurrence of the following matters except where such disclosure is prohibited by Stock Exchange rules:

- a) Where the operator is a registered company:
 - any change in the operator's trading name, registered name or registered office address; and
 - any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

- b) Where the operator is a corporate body other than a registered company:
 - any change in the operator's name or address; and
 - any steps taken with a view to the dissolution of the operator.
- c) In any other case:
 - the death of any of the named operators (where the operator consists of more than one named individual);
 - any change in the operator's name(s) or address(es); and
 - any steps taken with a view to the operator, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case them being in a partnership, dissolving the partnership.

4.4 Interpretation

4.4.1 In these standard rules the expressions listed below shall have the meaning given.

4.4.2 In these standard rules references to reports and notifications mean written reports and notifications, except when reference is being made to notification being made "without delay", in which case it may be provided by telephone.

"accident" means an accident that may result in pollution.

"authorised officer" means any person authorised by the Environment Agency under section 108(1) of The Environment Act 1995 to exercise, in accordance with the terms of any such authorisation, any power specified in Section 108(4) of that Act.

"baling" means baling that utilises a hydraulic machine that using compressive forces compacts various materials into regular-shaped dense bales (typically a cube). Bales may be belted with straps or steel wire to keep the bale in its compacted state; although for most metal bales this is not necessary. Baled scrap metal may be easier to handle, store and transport than loose scrap.

"compacting" means compacting involving the flattening or crushing of compactable metal wastes (typically depolluted end-of-life vehicles) to aid storage and economic transportation to the scrap processor; it is often a preparation for shredding. Compacting may be achieved using a waste handler's loading shovel (known as 'tapping') or specially-designed hydraulic flattener.

"cutting using hand-held equipment" means cutting typically utilising either an oxy-acetylene gas cutting torch or abrasive disc cutter tool to cut and/or resize large pieces of scrap metal into more manageable sizes; powder torches and plasma torches may be used to cut heat-resistant scrap (e.g. pig iron, copper, bronze).

"depollution" means the minimum technical requirements for the treatment of end-of-life vehicles as set out in Annex I (3) of the End-of-Life Vehicles Directive (2000/53/EC), namely:

- removal of batteries and liquefied gas tanks;
- removal or neutralisation of potential explosive components (e.g. air bags);
- removal and separate collection and storage of fuel, motor oil, transmission oil, gearbox oil, hydraulic oil, cooling liquids, antifreeze, brake fluids, air conditioning system fluids and any other fluid contained in the end-of-life vehicle unless they are necessary for the re-use of the parts concerned;
- removal, as far as feasible, of all components identified as containing mercury.

"End-of-Life Vehicles Directive" means Directive 2000/53/EC of the European Parliament and Council of 18 September 2000 on end-of-life vehicles.

"emissions of substances not controlled by emission limits" means emissions of substances to air, water or land from the activities, either from emission points specified in these standard rules or from other localised or diffuse sources, which are not controlled by an emission limit.

"European Site" means Special Area of Conservation or candidate Special Area of Conservation or Special Protection Area or proposed Special Protection Area in England and Wales, within the meaning of Council Directives 79/409/EEC on the conservation of wild birds and 92/43/EEC on the conservation of natural habitats and of wild flora and fauna and the Conservation of Habitats and Species Regulations 2010. Internationally designated Ramsar sites are dealt with in the same way as European sites as a matter of government policy and for the purpose of these rules will be considered as a European Site.

"grading" means the sorting of metals to industry-agreed specifications ready for use, without the need for further treatment, by the end consumer to manufacture new metals.

"granulating of cables" means cable is granulated to a very small size with metal/non-metal separation by air classification and flotation

"groundwater" means all water, which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

"groundwater source protection zone" has the meaning given in the document titled "Groundwater protection: Principles and practice" published by the Environment Agency in 2012.

"impermeable surface" means a surface or pavement constructed and maintained to a standard sufficient to prevent the transmission of liquids beyond the pavement surface, and should be read in conjunction with the term "sealed drainage system" (below).

"pollution" means emissions as a result of human activity which may—

- (a) be harmful to human health or the quality of the environment,
- (b) cause offence to a human sense,
- (c) result in damage to material property, or
- (d) impair or interfere with amenities and other legitimate uses of the environment.

"quarter" means a calendar year quarter commencing on 1 January, 1 April, 1 July or 1 October.

"R" means a recovery operation provided for in Annex IIB to Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on Waste.

"Ramsar site" means a wetland of international importance, designated under the Ramsar Convention (an international agreement signed in Ramsar, Iran, in 1971). It is government policy to treat Ramsar sites the same as European sites.

"sealed drainage system" in relation to an impermeable surface, means a drainage system with impermeable components which does not leak and which will ensure that:

- (a) no liquid will run off the surface otherwise than via the system;
- (b) except where they may lawfully be discharged to foul sewer, all liquids entering the system are collected in a sealed sump.

"separation" means separating wastes into different material types, components and grades.

"shearing" means utilises a range of hydraulic machinery that comprise hard steel blades which cut metals into manageable sizes. It may be hand-held, static, or attached to mobile plant (e.g. cranes).

"sorting" means sorting that may be undertaken by hand or machinery. Sorting enables materials to be processed/recycled appropriately. It may involve separation of different waste types or the separation of different metal types including:

- different ferrous metals;
- non-ferrous metals;
- non-metallic materials (e.g. paper and plastic).

The sorted metals are graded by visual inspection, supplemented by chemical and other laboratory tests. The physical sorting may be assisted by conveyors and electromagnets.

"SSSI" means Site of Special Scientific Interest within the meaning of the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

"waste code" means the six digit code referable to a type of waste in accordance with the List of Wastes (England) Regulations 2005, or List of Wastes (Wales) Regulations 2005, as appropriate, and in relation to hazardous waste, includes the asterisk.

"waste motor vehicle" means a wheeled vehicle for use on land and that does not operate on rails that is waste within the meaning of Article 3(1) of the Waste framework Directive.

"year" means calendar year commencing on 1st January.

End of standard rules