

Guidance notes on part C2 General – varying a bespoke permit



Please read these guidance notes carefully before you fill in the forms.

This guidance will help you complete part C2 of the application form pack.

Waste operation changing to installation or vice versa?

If your changes mean that a waste operation becomes an installation (or vice versa) you also need to fill in either part C3 (waste to installation) or part C4 (installation to waste).

Where you see the term ‘document reference’ on the form, give the document references and send the documents with the application form when you’ve completed it.

If you submit documents that are not required please note that they are not assessed.

Contents

- 1 About the permit
- 2 About your proposed changes
- 3 Your ability as an operator
- 4 Consultation
- 5 Supporting information
- 6 Environmental risk assessment
- 7 How to contact us
- Appendix 1 – Low impact installation checklist

1 About the permit

Note: If you are applying to convert your existing permit to a standard permit or add a standard facility you need to fill out form C1, not this form C2.

Change to add an inert mining waste operation?

If you have an existing permit for a water discharge activity that is integral to the mining waste operation and you wish to vary this permit by adding the requirements for an inert mining waste operation, complete forms A, C1 and F1. Please note that we will issue a bespoke permit but it will resemble the standard rules for mining waste as closely as possible but will not technically be a standard rules permit.

1a Discussions before your application

If you have already discussed this application with us, either tell us the permit reference number or give details in a separate document and tell us its document reference number.

We can then refer to the information you’ve already given us, to help us determine your application.

If you wish to have a pre-application discussion call 03708 506 506.

1b Permit number

Tell us what the current permit number is.

2 About your proposed changes

2a Type of variation

Tick one option to tell us which type of variation you are applying for: Standalone water discharge activity or point source groundwater activity variation, Minor Technical, Normal or Substantial.

Further information on these terms can be found in the current charging scheme guidance, which can be downloaded from our website www.gov.uk/government/organisations/environment-agency, or is available by calling 03708 506 506.

2b Changes or additions to existing activities

Fill in Table 1 with details of any changes or additions to existing regulated facilities on your permit. Fill in a separate table for each installation or waste facility you are applying to vary. You only need to fill in one table for your mining waste facilities.

Further information can be found in the current charging scheme guidance, which can be downloaded from our website www.gov.uk/government/organisations/environment-agency, or is available by calling 03708 506 506.

Waste operation changing to installation or vice versa?

If your changes means that a waste operation becomes an installation (or vice versa) you also need to fill in either part C3 (waste to installation) or part C4 (installation to waste).

You can find guidance on this in ‘Regulatory Guidance Note 2 – Understanding the meaning of regulated facility’. You can get this by calling 03708 506 506 or by downloading it from www.gov.uk/government/organisations/environment-agency.

2c Consolidating (combining or updating) existing permits

2c1 If you tick this, you are applying to have a modern style permit. To update the permit we will map the existing conditions across to modern ones.

2c2 If you have several permits on one site and you want to consolidate (combine) them into one permit, list the relevant permit numbers here in Table 2. You will need to apply to vary each of the permits you want to consolidate or combine. Please make sure you discuss your plans to consolidate (combine) your permits with us before you apply.

Note: please be aware that if you are applying to consolidate (combine) permits you are agreeing to have a modern style permit. When we consolidate the permits we create one permit of modern conditions to replace the former permits. If the permits being consolidated (combined) are not modern permits we will map the existing conditions across to modern ones. Therefore your final permit will be a modern-style one.

2d Treating batteries

If you are proposing to treat batteries you must tell us how you will do this, submit a copy and tell us the reference you have given the document.

The Batteries Government Guidance and updated Core Guidance is available at www.gov.uk/government/organisations/environment-agency

2e Ship recycling

If you are proposing to undertake ship recycling activities you must tell us how you will do this. You must submit a copy of your explanation and your facility recycling plan and tell us the references you have given these documents.

The Ship Recycling Regulations are available on <http://www.legislation.gov.uk/ukxi/2015/430/contents/made>

2f Low impact installations

This applies to lower risk Schedule 1 activities only. If you answer 'No' go straight to section 3 on this application form.

Read the low impact installation guidance in appendix 1 to check whether your installations fit the conditions. You must tell us how you meet the conditions in a separate document, giving the document reference in this section.

You must complete the low impact installation checklist in appendix 1. Tick the box to confirm that it has been filled in.

3 Your ability as an operator

If you are applying to add waste installations or waste operations to a permit that has not previously had them, you need to fill in all of section 3.

If you are applying to have an updated standalone water discharge permit you must fill in question 3d.

This section does not apply for applications to surrender a permit.

When deciding your application we must consider whether you will be a competent operator. We look at your technical ability and whether you have been convicted of a relevant offence. A relevant offence is one relating to the environment or environmental regulation. We also check to see if you have been declared bankrupt or insolvent and can check your financial standing by way of a credit check. We also check that you have a management system.

3a Relevant offences (installations and waste operations only)

Relevant people

Relevant people for these checks mean each applicant, and in the case of a company, a director, manager, company secretary or any similar officer or employee. In the case of a Limited Liability Partnership (LLP), it includes any partner. It also includes any person who has held a position in a company or LLP when it was convicted of a relevant offence.

Relevant offences

You must tell us if any of the relevant people or the company itself in your application have been convicted of a relevant offence. A relevant offence is one relating to the environment or environmental regulation. A list of relevant offences can be found by searching for 'Relevant conviction guidance for permit applications for waste activities and installations only' at www.gov.uk or by calling 03708 506 506.

If any of the relevant people in your application have been convicted of an offence you must look at our relevant offences guidance. This will help you complete this section and any extra information about the offence that you feel we should take into account.

Post conviction plan

If you are applying to add a waste operation or installation you should provide a post conviction plan. This is your opportunity to explain what steps you have taken to ensure you will not offend again. We will consider the severity of the offences along with your post conviction plan before deciding whether to proceed with your application or refuse it. If you have already provided a post conviction plan that covers all your relevant convictions and you have received a concern letter you only need provide a copy of that letter or, if that is not available, let us know who sent it out.

3b Technical ability (relevant waste management activities and waste operations only)

We need to be satisfied that you will have sufficient technical ability to operate your facility. Your management system should include information about how you will assess, develop and maintain technical ability.

You must have appropriate technical management in place before we can issue your permit. You need to give us details of each person who will provide technical management at your facility.

If your proposed mining waste operations include mining waste facilities, you must demonstrate that you have appropriate technical management in place and that your management system will provide the necessary staff training and development, but not for mining waste facilities for inert wastes or unpolluted soils.

Relevant waste operations

‘Relevant waste operation’ covers all former waste management licence operations as well as those waste operations carried out as, or within, installations that used to be categorised as specified waste management activities under PPC. This is mainly those in Sections 5.2 to 5.4 of Schedule 1 to the Regulations. It does not include Section 5.1 incinerators or ancillary waste operations such as the use of waste fuel. It is used in the Government Core Guidance on environmental permitting for the application of policy on approved technical competence schemes.

You will need to provide evidence that you have a ‘relevant qualification’ from one of the waste industry-based schemes if you are applying to operate a ‘relevant waste operation’.

If you are applying for a permit to carry out ‘relevant waste operations’ you must demonstrate technical competence to do this by complying with one of the government-approved technical competence schemes. The two schemes currently approved are:

- Chartered Institute of Wastes Management/Waste Management Industry Training and Advisory Board (CIWM/WAMITAB) scheme: <http://www.wamitab.org.uk/pg/competence> (for more information email either education@ciwm.co.uk or info.admin@wamitab.org.uk); or
- Environmental Services Association/Energy and Utility Skills (ESA/EU skills) scheme: <http://www.euskills.co.uk/competence-management-system-cms> (for more information email enquiries@euskills.co.uk).

3c Finances (installations, waste operations and mining waste operations only)

You will need to provide details of any insolvency or bankruptcy proceedings against the applicant or any relevant person, or a company in which you were a relevant person.

We may also want to contact a credit reference agency to verify your financial standing. You are giving your consent to this check by completing and submitting the application form.

Please note that if you knowingly or carelessly make a statement that is false or misleading to help you get an environmental permit (for yourself or anyone else), you may be committing an offence under the Environmental Permitting (England and Wales) Regulations 2010.

Landfill, Category A mining waste facilities and mining waste facilities for hazardous wastes only

If you want to operate a landfill or a mining waste facility as described above you will also need to show us that you are financially capable of meeting the obligations of the permit, including during closure and aftercare.

Tick one option relating to how you will make provision.

You also need to provide an expenditure plan. Tell us the document reference here and send the documents with the application form when you’ve completed it.

Search for ‘Guidance on financial provision for landfill’ at www.gov.uk/government/organisations/environment-agency or call 03708 506 506.

3d Management systems

You must have an effective, written management system in place that identifies and reduces the risk of pollution. You may show this by using a certified scheme or your own system.

Your permit requires you (as the operator) to ensure that you manage and operate your activities in accordance with a written management system. You can find guidance by searching for ‘Develop a management system: environmental permits’ at www.gov.uk/government/organisations/environment-agency.

Send us a summary of your management system

You must send us a summary of your management system. The summary should cover all the points in ‘Develop a management system: environmental permits’ at www.gov.uk/government/organisations/environment-agency. Give the document reference here and send the documents with the application form when you’ve completed it.

Additional guidance for all operators of small sewage treatment facilities

- Is your sewage treatment facility operating normally or not and what routine checks do you have to make; for example, is the power on, is the motor running?
- Do you know how to restart the system if there is a power or other failure? The supplier of the system or maintenance contractor should be able to advise on checks specific to the plant in question. These checks should be made and recorded as necessary.
- Do you have a service and maintenance contract in place with a contractor that is trained and competent to maintain and service your particular treatment plant? Service frequency should be in accordance with the manufacturer’s instructions. Sewage treatment plants require periodic de-sludging and you should have a contract in place to undertake this when required.
- Keep a record of the checks you have completed that are set out in your checklist along with any additional checks you have made. This could be recorded in a diary or alternatively you could adapt the form provided in the toolkits referred to above to create a record sheet.
- If you have a maintenance contract with a contractor, keep a record of any work carried out on your treatment plant by them. If invoices state the work carried out these will be sufficient.
- You need to understand what your treatment plant is designed to do, what its limitations are and the restrictions on its use (for example, chemicals that may prevent it from working properly). Anyone that inspects, maintains or repairs the system must be adequately trained and competent to do so.

- You should be aware of accidents or emergencies that may adversely affect the performance of your treatment plant and be aware of how to deal with them. This may involve contacting your supplier or maintenance engineer depending on the extent of the problem.
- You will also need to record any complaints made to you in connection with the operation of your facility.

For a group of domestic residential properties with a permit to discharge

- If the treatment plant is shared with others (for example, multiple houses) you are all jointly responsible for the proper operation of the plant, but you only need one management system.
- You should designate at least one person to have the knowledge required to ensure that the plant is being effectively operated and maintained.
- If you have a contract with a manufacturer or service company to maintain your treatment plant then you need to record this.

For an establishment such as a hotel, pub or campsite

You and/or your staff will need to be able to have the necessary skills to ensure the sewage treatment facility is effectively operated and maintained. However you may employ a contractor to undertake many tasks.

4 Consultation (Fill in 4a to 4c for installations and waste operations, 4d for installations only)

You only need to answer the following question if your variation involves an installation or a waste operation.

In question 4a tell us the name of the sewerage undertaker if you will release anything to a sewer.

In question 4b tell us the name of the harbour authority if you will release anything into a harbour.

In question 4c tell us the name of the fisheries committee if you will release anything into relevant territorial waters or coastal waters within the sea fisheries district of that fisheries committee.

In question 4d (installations only) we also need to know:

In question 4d1 if the site needs a nuclear site licence is needed under section 1 of the Nuclear Installations Act 1965.

In question 4d2 if the site needs a major accident prevention policy under Regulation 5 of the Control of Major Accident Hazards Regulations 1999 or a safety report under regulation 7 of the 1999 regulations.

5 Supporting information

5a Provide a plan or plans for the site

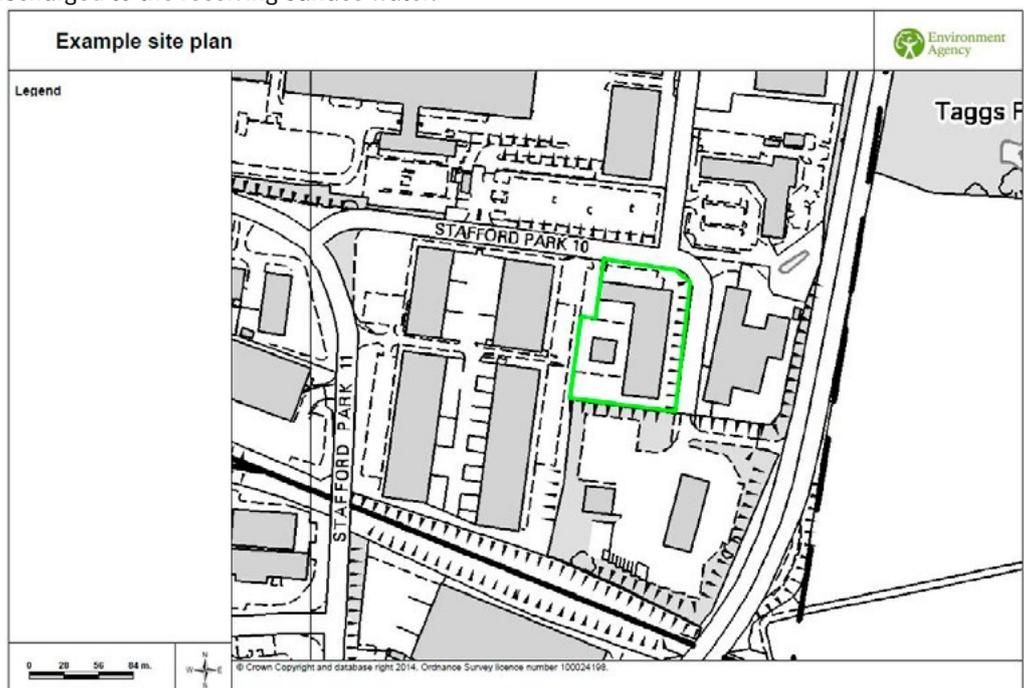
If you are adding land as part of your application to vary the your permit you must send us a revised site plan that identifies all of the land on which your activities or waste operations, or mining waste operations (including mining waste facilities) (or all both) take place. The site plan should provide a date and a reference and must be drawn accurately to a defined scale. The outline of the site must be clearly marked. It will be helpful if local features are shown on the plan to help us place the site in its local environment.

If you are sending us a paper copy of your site plan it must be either A3 or A4 size. Alternatively you can send us an electronic copy on CD. For an example of a suitable plan see opposite.

For **water discharge activity permits** your site plan must show:

- the sewage treatment plant
- the sample point identified in answer to 5f
- the point where the sewage is discharged to the receiving surface water.

Note: A groundwater point source activity can include discharges to ground via infiltration systems. These will be point source discharges and form C6 will have to be filled in, NOT form C7.



Copyright issue

Please note that some plans and maps will have copyright issues. Unless you are using your own maps or plans or have paid for the copyright (for example with Ordnance Survey) you may not have the right to reproduce the map or plan.

5b Do any of the variations you plan to make need extra land to be included in the permit?

Provide the relevant sections of a site condition/baseline report if this applies.

Note: This section does not apply to mining waste facilities.

For any new areas of land, you must provide us with an SCR with sections 1 to 3 completed with your application for any additional areas of land added to the permit. You must also send us a detailed site plan (or plans) showing:

- site location, the area covered by the SCR, and the location and nature of the activities and/or waste facilities on the site;
- locations of receptors, sources of emissions/releases, and monitoring points;
- site drainage; and
- site surfacing.

Search for 'Environmental permitting: H5 site condition report and template' at www.gov.uk/government/organisations/environment-agency or call 03708 506 506.

To surrender the permit you will need to be able to show that the site has been returned to a satisfactory state. In order to achieve this you will produce an SCR, which describes the condition of the site. It should identify any substance in, on or under the land that may constitute a pollution risk. The first part of this will be created at the permit application stage and it will then be updated and added to throughout the life of the permit. The SCR would then be completed and submitted in support of an application to surrender.

5c Provide a non-technical summary of your application

Write a summary that explains your application, in non-technical language as much as possible, avoiding technical terms, detailed data and scientific discussion. If necessary you will be asked to provide more detailed answers on risk assessment and technical standards later in the application.

This should include a summary of the regulated facility, a summary of the key technical standards and control measures arising from your risk assessment. If your application concerns mobile plant you must tell us how the activities you want to carry out could impact land quality, describe the mobility of your plant and how you intend to operate.

5d Provide a fire prevention plan if combustible wastes are stored

If you store combustible wastes you must send us a copy of your fire prevention plan that complies with the relevant Environment Agency fire prevention plan guidance. Search for 'Fire prevention plan guidance' at www.gov.uk/government/organisations/environment-agency.

You need to follow this guidance if you have to submit a fire prevention plan as part of your permit application.

Contact your local Environment Agency office for pre-application advice. You can get this by calling 03708 506 506.

6 Environmental risk assessment

Read the technical guidance notes for each activity you are applying for.

Copies of the technical guidance notes can be downloaded from www.gov.uk/government/organisations/environment-agency or are available by calling 03708 506 506.

Once you have worked through the relevant technical guidance, you will have developed a full set of proposals for your intended operations, including the nature, quantities and sources of your foreseeable emissions to air, water and land.

You should now describe the environmental risk posed by your proposals. This must take the form of an environmental risk assessment which should follow the methodology set out in 'Risk assessments for your environmental permit' at www.gov.uk/government/organisations/environment-agency.

Where you wish to use a different methodology, that methodology must address the same issues to an equivalent level of detail. The purpose of the environmental risk assessment is to demonstrate that the impacts of your proposals will be acceptable.

Water discharges

If you want to apply for a permit to discharge to surface waters or from a point source into groundwater you should start by reading 'Discharges to surface water and groundwater: environmental permits' at www.gov.uk/government/organisations/environment-agency.

7 How to contact us

If you need help filling in this form, please contact the person who sent it to you or contact us as shown below.

General enquiries: 03708 506 506 (Monday to Friday, 8am to 6pm)

Textphone: 03702 422 549 (Monday to Friday, 8am to 6pm)

Email: enquiries@environment-agency.gov.uk

Website: www.gov.uk/government/organisations/environment-agency

Appendix 1 – Low impact installation checklist

If you completed question 2e, Low impact installations, you must also complete this checklist.

Guidance for applicants on low impact installations

The Industrial Emissions Directive (IED) requires us to permit all installations regardless of their potential for environmental harm. Consequently we have developed the Low Impact Installation (LII) permit. If the criteria for LII are met, then a simpler permitting approach is adopted but all other aspects of the Environmental Permitting Regulations (EPR) still apply. LII sites are expected to require minimal regulatory effort by our staff.

Such reduction in regulatory effort can be reflected in lower application and subsistence charges for operators. The criteria for qualification as low impact remain deliberately demanding, as they are not designed to circumvent the purposes of the IED or the EP Regulations that implement them.

Apart from pet cemeteries and the simple storage of waste (e.g. lockable asbestos skips), we do not consider the following waste activities under Schedule 1 of the Environmental Permitting Regulations to be eligible for the low impact approach:

- Section 5.1 – Incineration and co-incineration of waste;
- Section 5.2 – Disposal of waste by landfill;
- Section 5.3 – Disposal of waste other than by incineration or landfill;
- Section 5.4 – Recovery of waste.

Requirements on the operator

If you are able to comply with this guidance you may pay the lower fees, as set out in our charges scheme, but you must first demonstrate to us that your installation can have only a low impact on the environment through your application for a permit. We will check that the application is duly made and meets the criteria set out in this guidance. If we do not agree that the installation meets these criteria, we will not proceed to determine the application. Your application will be returned and you will be advised to submit a full application for a bespoke permit.

An application for a permit must address all of the matters set out in the guidance on applications for an environmental permit, in sufficient detail to allow us to determine it, even if you believe that you are likely to satisfy the LII criteria. You must show through your application that your installation meets each of the conditions set out below. The application might not have to be as detailed as that required for installations that do not meet these criteria. However, it will still need to be made in the proper manner, advertised and entered on the Public Register in the usual way. In coming to our view, we will consider any comments that we receive about the application as part of the consultation process.

The permit that we issue to an operator of a LII will contain conditions that meet the requirements of the Environmental Permitting Regulations. The permit will also aim to ensure that an installation is operated in such a way that all appropriate measures are taken to avoid pollution, in particular through the application of best available techniques (BAT), and achieving a high level of protection of the environment as a whole. The operator will be required to report each year that the installation is still running as set out in the application and certify that actual releases remain below the levels set out in this guidance.

Determination of low impact installations

We will determine what constitutes a low impact installation according to the principles set out below. You must demonstrate to our satisfaction that such is the nature of the installation, there is no reasonable likelihood that you will fail to meet any of these conditions.

Management techniques: All of the criteria described below must be met without having to rely on significant management effort. In other words, the installation intrinsically must have only a low environmental impact, including under start up, shut down, or abnormal operating conditions.

Aqueous waste: The installation must not release more than 50 m³ per day of water from process activities conducted at the installation giving rise to effluent. No account need be taken of the volume of water exported from the installation as product. Characterise and quantify any aqueous effluents released from the installation on a daily basis and provide justification that the installation releases no more than 50 m³ per day of water from process activities.

Abatement systems/releases to air: The installation must comply with the criteria in this guidance without having to rely on active abatement for releases to the environment outside of any buildings. Releases must not be dependent on continuing or correct operation of equipment, where failure of active pollution prevention systems could result in an unacceptable external release. For example, if the installation depends on active abatement in the form of scrubbers, filters or electrostatic precipitators to achieve the releases to the environment set out in this guidance, it is unlikely that it can be treated as having only a low potential for impact. However, abatement systems installed solely for the protection of workers (where abatement is not to attenuate external environmental releases) need not be included in this assessment.

Groundwater regulations: There must be no planned or fugitive emission from the permitted installation into the ground, or any soakaway. This does not preclude the discharge of clean rain water run-off into soakaways. Pet cemeteries may be exempt from this criterion provided certain specified conditions are met:

- the landfill is not within a Groundwater Source Protection Zone 1 or 2;
- there is a minimum of one metre unsaturated zone between the bottom of the buried carcass or cremated remains and the groundwater table;
- there is a minimum of one metre of soil between the carcass and the surface; and
- burial density shall not exceed 20 kg of carcass or cremated remains per m².

Pet cemeteries fall within the Directive definition of ‘landfill’ and are landfills for non-hazardous waste. This interpretation has been confirmed by Defra. Where pet crematoria dispose of their ash on site, that activity will also constitute a landfill for non-hazardous waste.

Waste production: The installation must not give rise to more than one tonne of Directive waste or 10 kg of hazardous waste per day, averaged over a year, with not more than 20 tonnes of Directive waste or 200 kg of hazardous waste being released in any one day. For the purpose of this application, no information is required on the proposed recovery and disposal of waste streams arising from the installation.

Energy consumption: The installation must not consume energy at a rate greater than 3 MW or, if the installation uses a combined heat and power installation to supply any internal process heat, 10 MW. These limits apply to the sum of energy imported as electricity and produced on site through the combustion of fuels.

Accident prevention: You must have in place satisfactory containment measures to prevent fugitive emissions to surface water, sewer or land and ensure that these are adequately maintained at all times. This requirement applies to all substances present on site and in any quantity.

Noise: There must be only a low potential for causing offence due to noise. An installation will not be considered as a low impact installation if it may give rise to noise noticeable outside the installation boundary. This requires the exercise of judgement, taking account of any history of noise complaint arising from the installation and consideration of the likely offsite noise levels and proximity of sensitive receptors. Describe the main sources of noise from the installation, the nearest noise sensitive locations and any relevant noise measurement surveys which have been undertaken; and the proposed techniques and measures for the control of noise. Provide justification that there is only a low potential for offence due to noise.

Emissions of polluting substances: Justify that there will be no likelihood of a release to the environment of any particular substance from the whole installation at a rate greater than that determined as insignificant as set out in our guidance note (search for ‘Control and monitor emissions for your environmental permit’ on www.gov.uk/government/organisations/environment-agency).

Describe the nature, quantities and sources of foreseeable emissions from the installation.

Odour: There must be only a low potential for giving offence due to odour. An installation will not be considered as a low impact installation if it may give rise to an offensive smell noticeable outside the installation boundary. This requires the exercise of judgement, taking account of any history of odour complaint from the installation and whether this class of activity is known by experience to give rise to smells. A significant possibility or actual history of excursions or fugitive emissions, for example from stored materials, would suggest that the installation could not be treated as having a low impact. Provide details of potential sources of odour from the installation; for example, from stored materials, and justify that there is only a low potential for offence due to odour.

Compliance history: If any of the following enforcement actions have taken place at the same installation under the same management (and where appropriate, have not been overturned on appeal), then it will not normally be considered further as a low impact installation:

- prosecution;*
- formal caution;*
- suspension notice;*
- enforcement notice relating to an actual or potential environment incident.*

* (All under EPR or the equivalent under previous environmental regimes).