

MALDON DISTRICT COUNCIL
PART I, ENVIRONMENTAL PROTECTION ACT 1990
AUTHORISATION OF PRESCRIBED PROCESSES
EXPLANATORY NOTES - E T HERON AND COMPANY LIMITED, THE BENTALL COMPLEX,
COLCHESTER ROAD, HEYBRIDGE, MALDON, ESSEX

THESE NOTES ARE PROVIDED FOR PROCESS OPERATORS OF PRESCRIBED PROCESSES TO ASSIST IN THE INTERPRETATION OF THEIR DUTIES UNDER THE PROVISION OF THE ABOVE MENTIONED LEGISLATION, WITH PARTICULAR REFERENCE TO THE AUTHORISATION ISSUED BY MALDON DISTRICT COUNCIL. THESE NOTES DO NOT FORM PART OF THE AUTHORISATION OR CONDITIONS ATTACHED TO IT.

1. Residual BATNEEC Condition

You should note that section 7(4) of the Environmental Protection Act 1990 provides that, in respect of any aspect of a prescribed process not regulated by a specific condition attached to the authorisation, 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 such substances which are so released, and,
- b) For rendering harmless any other substances which might cause harm if released into the air.

Section 7(10) of the Act describes BATNEEC as including in addition to the technical means and technology, the number, qualifications, training and supervision of persons employed in the process and the design, construction, lay-out and maintenance of the buildings in which the process is carried on.

In relation to the authorisation relating to **E T Heron and Company Limited**, you should be aware that, amongst other aspects of the process operation and management, this residual duty will apply to :-

- i) the control of emissions to ensure that offensive odours are not caused beyond the process boundary,
- ii) maintenance, service and repair of equipment
- iii) keeping of spares and consumables
- iv) the training of process operators
- v) management of the process in relation to environmental matters
- vi) supervision of workers.

2. Interface with Health and Safety at Work etc. Act 1974

The authorisation issued by the local authority is issued under the provisions of Part I of the Environmental Protection Act 1990. It does not replace any responsibilities you may have under the workplace health and safety legislation.

3. Public Register

To comply with the requirements of section 20(1) of the Act, a copy of the authorisation issued, along with any monitoring data with the conditions require that you send to the local authority, will be placed on the public register. The public register is available for inspection free of charge at the:-

4. Fees

In accordance with section 8 of the Act, the holder of an authorisation is required to pay a fee for the subsistence of the authorisation. This fee is payable on 1 April, and you will be sent an invoice for the requisite amount accordingly. You are advised that under the provisions of section 8 (8) of the Act, if you fail to pay the fee due promptly, the local authority may revoke the authorisation.

5. Transfer of Authorisations

Under the provisions of section 9 of the Act, should the ownership of the process change, you may transfer the authorisation to the new process operator, provided that the new operator notifies the local authority of the change within 21 days of the date of transfer.

6. Process Changes

Your attention is drawn to the requirements of condition 35 of your authorisation which requires that you notify the local authority 28 days before undertaking certain changes in the process operation. Under the provisions of section 11 of the Act, if you propose a SUBSTANTIAL CHANGE to the process you will be required to submit an application, pay the relevant fee and advertise the application accordingly. You may serve a notice on the local authority requesting that they determine whether any change which is proposed would constitute a substantial change before you proceed with application.

7. Appeals

Anyone who is aggrieved by the conditions attached to an authorisation can appeal to the Secretary of State for the Environment. **Appeals must be sent to the Secretary of State no later than 6 months from the date of the decision (the date on which the authorisation was signed).**

Appeals should be sent to the following address:-

Secretary of State for the Environment,
APC Appeals Branch,
Romney House,
43 Marsham Street
LONDON, SW1P 3PY

Guidance on the appeal procedures is contained in 'Environmental Protection Act 1990, Part 1: Secretary of State's Guidance - Appeals'; available from HMSO, price £1.90, ISBN 0-11-752427-1.

The appeal must be in the form of a written notice or letter stating that the person wishes to appeal and listing the condition(s) which is/are being appealed against the following five items MUST be included:-

- a) a copy of the grounds of appeal
- b) a copy of any relevant application
- c) a copy any relevant correspondence between the appellant and the Council
- d) a copy of the relevant authorisation
- e) a statement indicating whether the appellant wishes the appeal to be dealt with

- by a hearing attended by both parties and conducted by an inspector appointed by the Secretary of State, or

- by both parties sending the Secretary of state written statements of their cases (and having the opportunity to comment on one anothers' statements).

At the same time, the notice of appeal and documents a) and e) must be sent to the Council, and the person making the appeal must notify the Secretary of State that this has been done.

IF YOU ARE CONCERNED IN RESPECT OF ANY CONDITION ATTACHED TO THE AUTHORISATION OR ARE UNSURE AS TO THE MEANING OF ANY PHRASE, PLEASE CONTACT THE DEPARTMENT TO DISCUSS THE MATTER.