

# THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2007

## The Environmental Protection (Wales) (Crematoria Mercury Emissions) Direction 2008

The Welsh Ministers, in exercise of the powers conferred upon them by regulation 61(1) and (2) of the Environmental Permitting (England and Wales) Regulations 2007 hereby give the following Direction—

### Citation and commencement

1. This Direction may be cited as the Environmental Protection (Wales) (Crematoria Mercury Emissions) Direction 2008 and shall come into force on 16<sup>th</sup> July 2008.

### Interpretation

2. In this Direction—

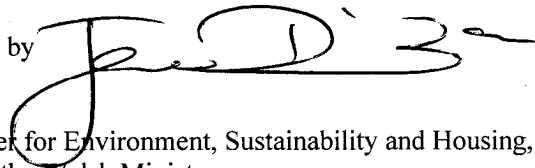
“regulator” has the same meaning as in regulation 2 of the Environmental Permitting (England and Wales) Regulations 2007;

“relevant regulator” means the regulator for any crematorium in Wales.

### Variation of an environmental permit

3. Every relevant regulator shall, by no later than 20<sup>th</sup> August 2008, vary the permit for each crematorium it regulates, to insert the condition in the Schedule to this Direction.

Signed by



Minister for Environment, Sustainability and Housing,  
one of the Welsh Ministers

16/7/08 ..... [date]

## SCHEDULE

1. The operator shall, by no later than 31 October 2008, provide written confirmation to its relevant regulator of the following matters:

- (a) whether it intends to fit equipment to abate mercury emissions from the crematorium by 31 December 2012, and
- (b) if abatement equipment will be fitted, specify how many of the cremators on the site it will be fitted to, and
  - (i) what proportion of cremations at the installation (*using as a baseline the number of cremations undertaken in 2003(1)*) it is intended will be subject to the abatement measures
  - (ii) what steps have been taken to arrange
    - financing of the purchase and installation of the abatement equipment
    - procurement of the abatement equipment, and
  - (iii) the dates when equipment will be installed and commissioned at each cremator and the evidence showing how those dates will be achieved, or
  - (iv) if those dates are not are not fixed by 31 October 2008, the likely date when they will be fixed,
- or
- (c) if abatement equipment will not be fitted, or will be fitted in relation to less than 50% of cremations (based on 2003 figures),
  - (i) specify what burden sharing arrangements it intends or has put in place to offset the cost of abatement at one or more other crematoria in accordance with the statutory guidance on burden sharing issued in guidance note AQ1(05)(2), including the name of the burden sharing scheme or the name of the crematoria with which arrangements have been made
  - (ii) provide written evidence of any such arrangements, and
  - (iii) specify when those arrangements were put in place, or
  - (iv) if the arrangements have not been fixed by 31 October 2008, the likely date when they will be fixed.

2. Where no date has been fixed in accordance with the sub-paragraphs (b)(iv) and (c)(iv), the operator shall notify its relevant regulator

- (a) as soon as the date or dates have been fixed, and supply at the same time the information in (b)(ii) and (iii) and (c)(i)-(iii), and
- (b) until such time as the dates remain to be fixed, notify the relevant regulator at least once before the expiry of each six-month period following 31 October 2008 of the progress made in fixing a date for compliance with the mercury emission requirements.

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(1) Based on the Federation of British Cremation Authorities annual statistics for 2003, and taking account of AQ9(06) which specified that the number of cremations involving stillbirths, perinatal deaths, and deaths of infants under 5 years should be subtracted.

(2) Additional Guidance from the Department for Environment, Food and Rural Affairs, and from the Welsh Assembly Government - Control of Mercury Emissions from Crematoria, AQ1(05) - makes amendments to the principal statutory guidance that is produced as PG5/02(04). Paragraph 3(d) AQ24(05) identifies three burden sharing options: a national burden sharing scheme, known as CAMEO; internal burden sharing between crematoria operated by the same cremation authority or company; and local sharing agreements reached with nearby crematoria. AQ1(05), 24(05) and 9(06) can be found at the following internet addresses: AQ1(05) [http://www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/notes/aqnotes/aq01\(05\).htm](http://www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/notes/aqnotes/aq01(05).htm) as amended by AQ24(05) <http://www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/notes/aqnotes/pdf/aq24-05.pdf> and AQ9(06) <http://www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/notes/aqnotes/pdf/aq09-06.pdf>

**Note**

It is an offence to contravene a condition contained in an environmental permit. In accordance with the Environmental Permitting (England and Wales) Regulations 2007, such offences are punishable in the magistrates' court by a maximum fine of £20,000 and/or up to 6 months imprisonment per offence and in the Crown Court by an unlimited fine and/or up to 5 years imprisonment.