

**THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES)
REGULATIONS 2007**

The Environmental Protection (England) (Crematoria Mercury Emissions
Burden Sharing Certification) Direction 2010

The Secretary of State, in exercise of the powers conferred upon him by regulation 61(1) and (2) of the Environmental Permitting (England and Wales) Regulations 2007 hereby gives the following Direction –

Citation and commencement

1. This Direction may be cited as the Environmental Protection (England) (Crematoria Mercury Emissions Burden Sharing Certification) Direction 2010 and shall come in to force on 18 March 2010.

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 England.

Variation of an environmental permit

3. Every regulator shall, by no later than 30 April 2010 vary the permit for each crematorium it regulates to insert the condition as specified in the Schedule.

Signed by the authority of the
Secretary of State for Environment, Food and Rural Affairs



..... Daniel Instone

A Senior Civil Servant in the Department for Environment, Food and Rural
Affairs

.....18 March 2010.....

THE SCHEDULE

1. The operator shall send the regulator, by no later than 1 June 2010 and 1 April in each year thereafter, a certificate from the CAMEO organisation* or appropriate evidence from a comparable audited burden sharing arrangement or scheme which specifies:-

- a) the total number of cremations in the past 12 months;
- b) the number of cremations undertaken in cremators fitted with operational mercury abatement equipment in the previous 12 months; or
- c) the number of cremations undertaken in the previous 12 months and the proportion of those subject to burden sharing arrangements under which money is paid for the benefit of abated crematoria; or
- d) in cases where mercury abatement is fitted but fewer than 50%¹ of cremations at the installation were undertaken in cremators fitted with it in the previous 12 months, the relevant information in both b) and c).

* Crematoria Abatement of Mercury Emissions Organisation

Note¹

It is an offence to contravene a condition contained in an environmental permit. In accordance with the Environmental Permitting Regulations, such offences are punishable in the Magistrates' court by a maximum fine of 50,000 and/or up to 12 months' imprisonment and in the Crown Court by a maximum unlimited fine and/or up to five years' imprisonment.

¹ using as a baseline the number of cremations undertaken in 2003 based on the Federation of British Crematorium 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.

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 (3d) AQ24 (05) identifies three burden sharing options: (1) a national burden sharing scheme, known as CAMEO; (2) internal burden sharing between crematoria operated by the same cremation authority or company; and (3) 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/quality/pollution/ppc/localauth/pubs/guidance/notes/aqnotes/aq01\(05\).htm](http://www.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/notes/aqnotes/aq01(05).htm) , as amended by AQ24(05) , as amended by <http://www.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/notes/aqnotes/documents/aq24-05.pdf> , and AQ9(06) <http://www.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/notes/aqnotes/documents/aq09-06.pdf>