

THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2010

The Environmental Protection (Crematoria Mercury Emissions) (Wales) Direction 2010

The Welsh Ministers, in exercise of the powers conferred upon them by regulations 61(1) and (2) of the Environmental Permitting (England and Wales) Regulations 2010, hereby give the following direction—

Citation and commencement

1. This direction may be cited as the Environmental Protection (Crematoria Mercury Emissions) (Wales) Direction 2010 and shall come into force on 19 April 2010.

Interpretation

2. In this direction—

“regulator” has the same meaning as in regulation 2 of the Environmental Permitting (England and Wales) Regulations 2010;

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

Variation of an environmental permit

3. Every relevant regulator shall, by no later than 31 May 2010, vary the permit for each crematorium it regulates, to insert the condition in the Schedule to this direction.

Signed by

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

16 April 2010

SCHEDULE

1. The operator shall send the regulator, by no later than 1 July 2010 and 1 April in each year thereafter, details of

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

which may be evidenced by a certificate from CAMEO (the Crematoria Abatement of Mercury Emissions Organisation) or by other appropriate evidence from a comparable audited burden sharing arrangement or scheme.

Note

It is an offence to fail to comply with or to contravene a condition contained in an environmental permit. In accordance with the Environmental Permitting (England and Wales) Regulations 2010, such offences are punishable in the magistrates' court by a maximum fine of £50,000 or up to 12 months imprisonment or both per offence and in the Crown Court by an unlimited fine or up to 5 years imprisonment or both.

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- (1) Using as a baseline the number of cremations undertaken in 2003 based on the Federation of British Cremation Authorities annual statistics for 2003, and taking into account guidance note AQ09(06) which specifies that the number of cremations involving stillbirths, perinatal deaths and deaths of infants under 5 years should be subtracted.

Guidance note AQ1(05) makes amendments to the principal statutory guidance note PG5/2(04), while paragraph 3(d) of guidance note 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 burden sharing agreements reached with nearby crematoria.

Guidance notes PG5/2(04), AQ1(05), AQ24(05) and AQ09(06) may be found at the following Internet addresses:

PG5/2(04)

<http://www.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/notes/pgnotes/documents/pg5-02.pdf>
as amended by 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)

<http://www.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/notes/aqnotes/documents/aq24-05.pdf>
as amended by AQ09(06)

<http://www.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/notes/aqnotes/documents/aq09-06.pdf>