

To the owner /operator
CSM (United Kingdom) Limited
Stadium Road
Bromborough
Wirral
CH62 3NU

Our ref: EPR/GMMC/F&D/AW/010818
Your ref:
Date: 02 August 2018

**OPERATION OF A SUSPECTED UNPERMITTED INSTALLATION - CSM (United Kingdom) Limited, Stadium Road, Bromborough, Wirral, CH62 3NU.
ENVIRONMENTAL PERMITTING (ENGLAND & WALES) REGULATIONS 2016**

Dear Graham,

Following review of information provided by CSM (United Kingdom) Limited describing the Stadium Road installation, we consider that you are operating an Installation in contravention of Regulation 12 & 38 of the above legislation, in that you do not have an Environmental Permit for the below installation activity:

- **Section 6.8 Part A(1)(d)(iii)**

Treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed (where the weight of the finished product excludes packaging)-

(iii) animal and vegetable raw materials (other than milk only), both in combined and separate products, with a finished product production capacity in tonnes per day greater than-

(bb) 300-(22.5 x 6.7)

Operation of this site without an Environmental Permit is an offence in contravention of Regulation 12 & 38 of the Environmental Permitting Regulations (England & Wales) 2016 (EPR). The Environment Agency's enforcement response to this offence would be considered in accordance with our Enforcement and Sanctions Statement.

CSM (United Kingdom) Limited do not have an Environmental Permit for operating the installation at the Stadium Road facility. The company must either:

- apply for a relevant Environmental Permit by **1 December 2018**
- or
- install sufficient technical and physical restrictions that limit maximum design capacity to below the aforementioned schedule 1 installation activity capacity by **1 December**

2018. Clearly, in order to be considered sufficient such a restriction must be secure and stable, and not easily overridden or removed.

The grant of a permit is not automatic - for information on what you will need to do and whether it is likely that you can obtain an Environmental Permit, you should contact the Environment Agency on;

Telephone: 03708 506 506 (Mon-Fri, 8am - 6pm)

Email: enquiries@environment-agency.gov.uk

Website: <https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>

You may also wish to seek the advice of a suitably qualified consultant.

We will continue to monitor your site to check progress.

Lead officer:

A handwritten signature in black ink, appearing to read 'A. Wilson'.

Alex Wilson

EPR Installations Officer

Greater Manchester, Merseyside and Cheshire

Telephone: 02030250391

Environment Agency (EA) Assessment

The Environment Agency has completed an assessment of activities undertaken at CSM (United Kingdom) Limited, Stadium Road, Bromborough, Wirral, CH62 3NU. This assessment has been completed as part of a process industry sector review for food & drinks production facilities in the Greater Manchester, Merseyside & Cheshire Area. The findings in this report have been determined based on assessment of the following sources of information:

- A completed food & drinks sector questionnaire
- Follow-up emailed responses from the company to EA queries

The report findings have been compiled with direct reference and in accordance with [EA Regulatory Guidance Series, No RGN 2 - Understanding the meaning of regulated facility Appendix 1 – Interpretation of Schedule 1 to the Regulations and Appendix 2 – Defining the scope of the installation](#). Specific sections of this guidance used as a reference for the EA's findings are detailed in this assessment. This guidance is referred to as RGN2 in this report.

RGN 2 Section A2.2 Page 2:

'We (the Environment Agency) decide on capacity on a case-by-case basis, starting with the operator's description of the installation.'

RGN 2 Section A2.3 Page 2:

*'Any reference to a capacity which is defined in terms of a rate, whether by cubic capacity, weight per hour or heat input rate, should be taken to mean the maximum rate at which the installation **can** operate. This may be different to the rate at which the installation **actually** operates (which may be considerably lower).'*

RGN 2 Note 6.8.14 page 70

'Finished product production capacity for an installation treating and processing animal or vegetable raw materials means design capability, or where not readily known, past or proposed future output based on operating 24 hours a day (subject to physical or legal constraints, for example planning constraints, down time for essential cleaning due to legal constraints (such as hygiene standards) and/or plant restrictions such as chilling capacity).'

RGN 2 Note 6.8.8 page 69

'Interpretation of "Treatment and Processing" For the purpose of the following sections "Treatment and Processing" is considered to be a singular activity. An activity is considered to be Treatment and Processing when the composition of the finished product materially changes, in a manner that is not readily reversible, when compared with the raw materials.

In assessing whether a particular activity meets this definition, the following should be taken into account:

RGN 2 Note 6.8.221 page 72

"Vegetable raw material" in this context should be taken to include fruits, grain and fungi.

RGN 2 Note 6.8.16 page 71

"Animal raw materials" means anything from a living or dead animal and includes minerals derived from an animal source, such as bone.

RGN 2 Note 6.8.17 page 71

'Honey is classed as an animal raw material'.

Site Capacity

The CSM (United Kingdom) Limited, Stadium Road facility maximum design finished product production capacity (excluding packaging) has been established from information provided by the company. This was reported as 237 tonnes per day. The proportion of animal material in percent of weight of the finished product production capacity is 6.7%.

Site Processes

Information provided by the company has confirmed that CSM (United Kingdom) Limited, Stadium Road facility treat and processes animal and vegetable derived raw materials through a variety of processes that materially change the raw materials in a manner that is not readily reversible. Treatment and processing techniques employed at the facility include (but are not limited to); mixing & blending, baking and frying. Finished products produced from treatment and processing include (but are not limited to); cookies, doughnuts, muffins, scones, yum yums and baking ingredients.

The site treats waste liquids in an effluent treatment plant before discharge to sewer. Steam raising boilers are also installed at the stadium road facility.

Conclusion

Based on the information supplied by the company, the process at CSM (United Kingdom) Limited, Stadium Road facility meets the description of the Treatment of Animal and Vegetable Matter and Food Industries Environmental Permitting Regulations (EPR) Schedule 1 Installation activity:

Section 6.8. Part A(1)(d)(iii)

Treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed (where the weight of the finished product excludes packaging)-

(iii) animal and vegetable raw materials (other than milk only), both in combined and separate products, with a finished product production capacity in tonnes per day greater than-
(bb) 300-(22.5 x 6.7).

Non-hazardous waste treatment undertaken in the effluent treatment plant at the Stadium Road facility may meet the description of the non-hazardous waste treatment EPR Schedule 1 Installation activity:

Section 5.4. Part A(1)(a)(ii)

(a) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day (or 100 tonnes per day if the only waste treatment is anaerobic digestion) involving one or more of the following activities and excluding activities covered by Council directive 91/271/EEC concerning urban waste water treatment -

(ii) physico-chemical treatment;

If CSM (United Kingdom) Limited are to operate an installation at the Stadium Road facility without an appropriate Environmental Permit, this is an offence in contravention of Regulation 12 & 38 of the Environmental Permitting Regulations (England & Wales) 2016 (EPR). The Environment Agency's enforcement response to this offence would be considered in accordance with our Enforcement and Sanctions Statement.

The next steps for the company are to develop an action plan that should include either:

1. Submitting a date and action plan in which the company will commit to compile and submit an environmental permit application

Or

2. Installing technical or physical restrictions limiting capacity to below schedule 1 installation activity capacity. Clearly, in order to be considered sufficient such restrictions must be secure and stable, and not easily overridden or removed.

This action plan is required to be submitted by Monday 3rd September 2018

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CSMB2(3d)



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