

Statutory Direction to English Local Authorities: Regulation of Air Pollution from Crematoria

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

The Environmental Protection (England) (Crematoria Mercury Emissions)
Direction 2008

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) Direction 2008 and shall come into force on 27 June 2008.

Interpretation

2. In this Direction-

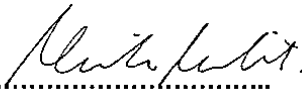
“regulator” has the same meaning as in regulation 2 of the Environmental Permitting (England and Wales) Regulations 2007;

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

Variation of an environmental permit

3. Every relevant regulator shall, by no later than 25 July 2008, 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


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MARTIN NESBITT.

A Director in the Department for Environment, Food and Rural Affairs

25/06/2008
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This direction requires that the Central Durham Crematorium Joint Committee, submit a report to the Regulator by 31st October 2008, indicating what actions have been taken towards the installation of Mercury Abatement Equipment and an outline of the plans in place to meet the deadline of 31st December 2012. The report will be forwarded to D.E.F.R.A. who will use the information provided to judge the progress of the Cremation Industry towards achieving the set targets in Mercury Emissions. **Failure to provide Reports within the required timescales (every six months) could result in the Licence to operate the Crematorium being revoked.**

The report prepared by the officers of the Central Durham Crematorium Joint Committee is as set out below:

Durham Crematorium Replacement of Cremators and Installation of Mercury Abatement Plant

Following the issue by D.E.F.R.A. of Process Guidance Notes AQ5/2 (04) in January 2005, which provided detailed guidance on the required performance of cremators and ancillary equipment, required that, 50% of cremations are to be subject to Mercury Abatement by 31/12/2012 and recognised the fact that Burden Sharing would be an acceptable way of the industry achieving the said 50% Abatement target.

D.E.F.R.A. Additional Guidance Note AQ1 (05) and D.E.F.R.A. Additional Guidance Notes AQ13 (05) have been issued subsequently.

In anticipating this requirement, the Central Durham Crematorium Joint Committee had commissioned a Feasibility Study from Jane Darbyshire and David Kendall Ltd., into how the Durham Crematorium could be adapted to comply with the new legislation.

This report was completed in May 2005 and was subsequently considered by the Central Durham Crematorium Joint Committee.

It must be pointed out that the Feasibility Study looked at all areas of the Crematorium operation and not only the Cremators and ancillary equipment.

The anticipated costs of implementing the findings of the Feasibility Study were very high, partly due to the fact that it would be a requirement that the Crematorium remain fully operational during the project.

The Central Durham Crematorium Joint Committee has, since the publication of the Feasibility Study looked at all options available to enable the proposed project to proceed and indeed agreed that new Cremators and Mercury Abatement equipment would be installed by 31.12.2012.

The prospect of Local Government Review halted any further progress on this major project.

In order to ensure that the Durham Crematorium could continue to operate efficiently and within the requirements of the Environmental Protection Act (1990), the three Cremators were relined in April 2007 and electrical upgrades have been made to the operating systems of each Cremator.

Quite where the Crematorium will fit into the New Authority - Durham County Council is as yet uncertain, but it is the intention of the Officers of the Crematorium to present a comprehensive report to the new Committee as soon after 1st April 2009 as possible.

That report will recommend that a firm of Architects and a Mechanical and Electrical Engineer will be commissioned to review the Feasibility Study and that a detailed performance specification will be drawn up in respect of the Cremator and Mercury Abatement equipment.

The time scale will be tight, as the revised plans for the building will need to be agreed and planning consent obtained (necessary because the new Cremators and Filtration equipment will take up about twice as much space as the existing equipment). The selection of a Cremator and Mercury Abatement equipment supplier will also be difficult.

To date, only one manufacturer, Facultatieve Technologies has installed new Cremators with Abatement Equipment to more than one Crematorium in the U.K. There is real concern that there is not enough manufacturing capacity within the industry to enable all the necessary Cremators to meet the 2012 deadline to be built in time.

The Superintendent & Registrar has during the past 12 months looked at an installation of a new Cremator by a German Company, IFZW, a major supplier of Cremation equipment in Europe, and an installation by Crawford Cremators which uses a wet system to collect Mercury and other substances as well as the installation of the Facultatieve equipment at four Crematoria across the U.K.

In February 2006, the Central Durham Crematorium Joint Committee imposed a £50.00 / Cremation Environmental Surcharge, this money being ring-fenced so as to provide funding towards the costs of installing new Cremators and Abatement equipment.

The Central Durham Crematorium Joint Committee is committed to providing the best possible standards of service to the community and is confident that a scheme for the replacement of the existing equipment will go ahead, and is hopeful of meeting the 31st December 2012 deadline.

Recommended:

That Members agree the report and that a copy be sent to the Crematorium Regulator by 31st October 2008.

