

## Permitting decisions- Surrender

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We have decided to accept the surrender of the permit for Nu-Pro Chemical Milling Facility operated by Nu-Pro Limited.

The permit number is EPR/XP3938SF.

We are satisfied that the necessary measures have been taken to avoid any pollution risk and to return the site to a satisfactory state. We consider in reaching this decision that we have taken into account all relevant considerations and legal requirements.

### Purpose of this document

This decision document provides a record of the decision-making process. It:

- highlights key issues in the determination
- summarises the decision-making process in the decisions considerations section to show how all relevant factors have been taken into account

Read the permitting decisions in conjunction with the environmental permit and the surrender notice.

### Key issues of the decision

#### Operation of Site and Fire in 2014.

The surrender application relates to a surface treatment installation that was permitted in 2005. A second operation at the facility was permitted by Stroud District Council and is not the subject of this surrender. The applicant did not provide a comprehensive report demonstrating the condition of the land at permit issue. At permitting we accepted that there was little likelihood that pollution or leaks to ground would occur during the life of the installation. We did not require the company to collect soil/groundwater reference data in the Site Protection and Monitoring Programme (SPMP). The SPMP included commitment from the operator to infrastructure maintenance and inspection programmes.

Most operations on the permitted site were mothballed in 2012/2013 and some of the inventory of chemicals, including waste acids, removed from site following loss of business from a significant customer. During this period of reduced activity on site, the building that housed the process was destroyed in a fire in July 2014. The landlord rebuilt the building and, until the Nu-Pro lease finished, Nu-Pro used the building for storage. Nu-Pro never restarted operations in that facility and the landlord subsequently leased it to a medical supply company. At the time of cessation of Nu-Pro operations, they did not carry out any intrusive ground sampling to determine the quality/contamination of the ground/groundwater when their operations had finished. Nu-Pro no longer have access to the building and play no part in its current operation.

Nu-Pro has stated that all their records relating to historical operation, maintenance and inspections were destroyed in the fire.

### **Risk-Based Acceptance of Surrender.**

Despite the lack of ground/groundwater monitoring data at time of permit issue and at time of cessation of operations, there is other evidence available that demonstrates no risk to ground was caused by either the site operations or the fire. We have made a risk-based decision that the information we do possess allows us to accept the surrender of the permit.

- The permitted facility was constructed in accordance with relevant guidance on a concrete floor with tanks fully bunded. All activities, including chemical storage, were carried out within the bunded areas.
- There are no records of any leaks or spillages or pollution events that could impact on ground/groundwater being reported by the operator or being identified by the Environment Agency Site Inspector during visits to site during the lifetime of the site operations.
- Although the site is located on limestone classed as principal aquifer with a high vulnerability to easily transmit pollution to groundwater, we are not aware of any drinking water abstractions.
- Significant aspects of the site operation were mothballed before the fire and some chemicals removed from site.
  - o The chemical milling process was mothballed although some liquors had been retained in their storage tanks.
  - o The aluminium etching process (alkaline based) and a titanium pre-clean process using hydrochloric acid and tartaric acid were operational.
- All evidence points to no significant pollution being caused by the fire or fire-fighting operation (if there was no indication of pollution into the River Frome, it is most likely an indication that no pollution was caused to the ground either):
  - o The operator confirmed that the fire service did not use any firefighting foam during their fire-fighting activities that may have contained per- or poly-fluorinated alkyl substances (PFAS) which could have contaminated ground or local watercourses.
  - o After the fire, the concrete flooring in the building was found to be intact with no signs of chemical attack, cracks or leakage to the ground below and no remediation was required other than re-coating of the concrete.
  - o The new building constructed after the fire was built on the same footings/flooring with no new foundations required, the digging of which could have represented a route for pollutants to reach ground/groundwater.
  - o The fire services decided to allow the fire to burn itself out and collapse the building rather than use significant amounts of water to extinguish the fire.
  - o The fire service put measures in place to contain firewater used and such firewater collected on site was removed to a Severn Trent treatment plant by tankers.
    - There was indication early in the incident of a milky appearance to the River Frome most probably due to firewater entering the river before containment measures were put into place but it cleared and brown trout were observed rising to the surface for food indicating no significant ecological damage.

- Samples from the River Frome were taken after the fire by Environment Agency staff and analyses of these indicated no significant impact on the water environment and no evidence of any significant loss of acid present on site (which could also have entered the ground). There was a minor change in pH downstream during the fire. A continuous monitor was also installed downstream of the site which would have sent an alarm to the Environment Agency if trigger levels of pollutants had been breached.
  - A sample taken from the River Frome on 10<sup>th</sup> July 2014 showed only a small elevation in the concentration of di-n-butyl phthalate to 2.8 µg/l which is regarded as a low risk as, in tests on fish and aquatic invertebrates, there were no adverse effects observed at concentrations up to 100 µg/l.
  - There was no risk to potable water supplies as the River Frome was not flowing into the canal from where drinking water may be abstracted.
  - A full inventory of chemicals present on site was available.
  - The remaining chemicals were either disposed of by road tanker or transferred from burnt out drums/IBC's into new ones and transported away for disposal.
  - Burnt plant and steel structures such as dip tank and etch tank within the building were washed down into a specially constructed bunded holding area with all washings being taken away by specialist contractors and damaged plastic was cut up and put into dedicated skips and removed from site for disposal.
  - Bristol Water confirmed they had not detected any pollution entering their wastewater treatment works.
- Evidence of elevated levels of metals such as aluminium, iron, manganese, chromium, lead and nickel in the ground were obtained from intrusive samples taken outside the permitted site boundary relating to this surrender with the monitoring carried out for their other (local authority) permitted site on the opposite side of the River Frome. These elevated levels of metals could therefore not be attributed to the operation of the permitted site which is subject to this surrender application.
  - There was some evidence of possible acid damage to blocks on a small, exposed area where a boiler was located outside of the building. When exposed ground areas were tested for alkalinity and acidity the samples were found to be effectively neutral and the retaining wall was reconstructed on behalf of the landlord to ensure the damaged wall did not collapse and potentially block a nearby culvert.
  - Following the reconstruction of the building by the landlord and before Nu-Pro could end their lease on it, they did not use the building for any processing operation – solely for storage of materials.

Based on these reasons, we have made the decision to accept the surrender of the permit.

## **Decision considerations**

### **Confidential information**

A claim for commercial or industrial confidentiality has not been made.

The decision was taken in accordance with our guidance on confidentiality.

### **Identifying confidential information**

We have not identified information provided as part of the application that we consider to be confidential.

### **Pollution risk**

We are satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the regulated facility.

### **Satisfactory state**

We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operation.

### **Growth duty**

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to accept this permit surrender.