

# Permitting decisions

## Surrender

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We have decided to accept the surrender of the permit for Impalloy Limited, operated by Impalloy Limited.

The permit number is EPR/JP3538LX.

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 that decision 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 [decision checklist](#) to show how all relevant factors have been taken into account

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the surrender notice. The introductory note summarises what the notice covers.

# Key issues of the decision

## Legal test for surrender

The legal test for surrender is - 'that the necessary measures have been taken –

- a) to **avoid a pollution risk** resulting from operation of the regulated facility; and
- b) to return the site of the regulatory facility to a **satisfactory state**, having regard to the state of the site before the facility was put into operation.'

## Types of surrender

This is a *low risk surrender* – i.e. where activities could in principle pollute land or groundwater but the operator can show through waste acceptance records (where applicable) and pollution control measures that the legal test set out above has been met. A report is required but not one involving intrusive monitoring data. Prior to duly making it was agreed with the operator that a low risk surrender was appropriate for the permitted facility.

## Summary of site history

Impalloy Limited's facility at Willenhall Lane Industrial Estate was permitted as an installation undertaking a Section 2.2 A (1)(b) Activity – the melting and alloying of non-ferrous metals (zinc and aluminium).

The installation manufactured a variety of sacrificial anodes for the protection of immersed steel using aluminium and zinc alloys. The installation utilised high grade virgin ingots of aluminium or zinc, which was subsequently melted and alloyed, finally the molten metal was cast into anodes.

The site operated 4 closed reverberatory furnaces each with a holding capacity of 6 tonnes for aluminium and 12 tonnes for zinc, one closed reverberatory furnace with a 3 tonne holding capacity for aluminium and a 4.5 tonne holding capacity for zinc, and a closed reverberatory furnace with a 1.5 tonne holding capacity for aluminium and 2 tonne holding capacity for zinc. Each furnace is served by its own electric holding pot, which acts as a receptor for any metal remaining in the launder and for topping up purposes following any metal shrinkage in the casting.

There were no stack emissions to air from the site processes. The site processes did not use water as the cast products were air cooled and there was no emissions to water or land from the process.

## Decommissioning

Impalloy Limited have applied for the surrender as they have recently moved to a new site on Fryers Road from the Willenhall Lane Industrial Estate. Following the site closure the site was decommissioned and cleared of all furnaces, fabrication equipment and ancillary items, raw materials, and waste. A site inspection by the Environment Agency was undertaken on the 13<sup>th</sup> June 2019 to assess the clearance of the site prior to permit surrender. The main purpose of the inspection was to confirm that:

- the permitted activities had stopped;
- there had been no pollution activities that may have affected the land on which the permitted activity took place;
- decommissioning was complete, and the pollution risk had been removed; and
- measures to protect land and ground water had worked and the land was in a satisfactory condition.

Following the site inspection undertaken on the 13<sup>th</sup> June 2019 the Environment agency confirmed via CAR form (Report ID: JP3538LX/0335517) dated 21/06/2019 that:

1. The majority of site equipment (furnaces and fabrication), and materials had been removed, or packed awaiting collection.
2. The concrete surfaces internally and externally are all concrete, with no areas of damage being noted.

3. Some minor clearance works still to be undertaken which amounts to the removal of wooded pallets, scrap metal and paint waste.
4. Following the removal of the above listed items a low risk surrender may be appropriate on this basis of the site history, the nature of the permitted activities (melting high grade metals), the impermeable surface (in good condition) and no recorded significant environmental incidents on site during the lifetime of the permit.

### Surrender Application

The operator provided a surrender Site Condition Report as part of the application which included:

1. **Nature of permitted activities including any changes** – Melting and alloying of non-ferrous metals (Zinc and Aluminium) in plant with a design capacity of greater than 20 tonnes per day and individual furnace with a holding capacity of greater than 5 tonnes. Associated casting of anodes, dressing, fettling, shot blasting, painting and packaging. The operator also outlined changes to the boundary (surrenders) undertaken by previous operators of the permit and confirmed the current boundary plan is correct.
2. **Measures taken to protect land** – The installation is entirely hardstanding. The site is monitored bi-monthly and internal audits would include deterioration in the condition of any hardstanding on site. Pollution prevention measures are limited to secondary containment for a diesel oil storage tank (for forklift truck use). This consists of a double skinned tank which is located externally on a concrete floor. This complies with oil storage regulations 2001 and one and this has been audited annual for the duration of the permit.
3. **Pollution incidents that may have had an impact on land, and their remediation** – There have been no pollution incidents at the installation for the duration of the permit.
4. **Decommissioning and removal of pollution risk** – The operator confirms that the majority of site equipment (furnaces and fabrication), and materials had been removed. They confirm that the only remaining items are old racking, pallets and steel moulds which are due to be removed and relocated to new site or disposed of via a licensed waste management company. They confirm there is no pollution risk remaining.
5. **Reference data and remediation:** no site investigation / intrusive monitoring was undertaken. The operator confirms that as the permitted area is completely hardstanding and there were sufficient secondary and tertiary containment measures in place at the time of permit issue, that the integrity of the site has been maintained and that there have been no pollution incidents on site since the permit was issued the operator concludes that reference data is not required.
6. **Condition of the land upon surrender** – The operator has concluded that the permitted activities has ceased at the installation, the site decommissioning of the site is complete and there is no pollution risk remaining. Finally the operator has concluded that there is no deterioration in the land and is no remediation required. The land is in a satisfactory condition.

### Our decision

We agree with the operator's conclusion and are satisfied that they have met the legal test for surrender and a low risk surrender application is appropriate in this instance.

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.  The decision was taken in accordance with our guidance on confidentiality.

Aspect considered	Decision
<b>The site</b>	
Pollution risk	<p>We are satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the regulated facility.</p> <p>Refer to <a href="#">key issues</a> for further detail.</p>
Satisfactory state	<p>We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state.</p> <p>In coming to this decision we have had regard to the state of the site before the facility was put into operation.</p> <p>Refer to <a href="#">key issues</a> for further detail.</p>
<b>Growth Duty</b>	
Section 108 Deregulation Act 2015 – Growth duty	<p>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 grant this permit surrender.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p>