



Tony Brown
Technical Director, Mouchel Ltd
Station House (1st Floor)
Mercury Court
Tithebarn Street
Liverpool L2 2QP
UK

Headquarters, PO Box 3000
Johnstown Castle Estate
County Wexford, Ireland
Ceanncheathrú, Bosca Poist 3000
Eastát Chaisleán Bhaile Sheáin
Contae Loch Garman, Éire
T: +353 53 916 0600
F: +353 53 916 0699
E: info@epa.ie
W: www.epa.ie
LoCall: 1890 33 55 99

15 July 2013

W0281-01

Notice in accordance with Article 14(2)(b)(ii) of the Waste Management (Licensing) Regulations

Dear Mr Brown,

I am to refer to the above referenced application for a waste licence relating to the Bord Gais Eireann Facility at Limerick Gasworks, Dock Road, Limerick. Having examined the documentation submitted, I am to advise that the Agency is of the view that the documentation does not comply with Article 12 and Article 13 of the Waste Management (Licensing) Regulations.

You are therefore requested, in accordance with Article 14(2)(b)(ii) of the regulations, to take the steps and supply the information detailed below:

ARTICLE 12 COMPLIANCE REQUIREMENTS

1. Appropriate Assessment

It is noted that the Appropriate Assessment screening report (referred to above) did not address the likelihood of significant effects on the proposed River Shannon and Fergus Estuaries SPA (Special Protection Area - site code: 4077). You are requested to undertake a screening for Appropriate Assessment and state whether the activity, individually or in combination with other plans or projects is likely to have a significant effect on the SPA, in view of best scientific knowledge and of the conservation objectives of the site.

Where it cannot be excluded, on the basis of objective scientific information, following screening for Appropriate Assessment, that an activity, either individually or in combination with other plans or projects, will have a significant effect on a European Site, you should provide a Natura Impact Statement, as defined in Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations (S.I. No. 477 of 2011). Where based on the screening it is considered that an Appropriate Assessment is not required, a reasoned response should be provided.

You are furthermore advised to refer to the document 'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities', issued in 2009 by the Department of the Environment, Heritage and Local Government, and revised in 2010. This document is available at:

http://www.npws.ie/publications/archive/NPWS_2009_AA_Guidance.pdf.

Under the section on 'Article 13 Compliance Requirements' below, you are requested to re-examine various elements of the EIS and to update the EIS if necessary. In a similar manner, you are also requested to update the Appropriate Assessment screening reports, where necessary, based on the outcome of those updated assessments.

2. Waste Hierarchy

Address the requirement of Article 12(1)(v) of the Waste Management (Licensing) Regulations in relation to the application of the waste hierarchy at the proposed facility.

3. Emissions to Atmosphere

It is noted that carbon filter(s) will be utilised to control emissions to air of volatile organic compounds during remediation works. This infers that there will be point source(s) through which there will be emissions to air of some nature. You are requested to:

- Provide an estimation of the number of predicted air emission points.
- Describe the nature of each emission, the concentration of constituents, and the discharge rate etc. as they are predicted to be (e.g. based on experience at other similar sites).
- Provide an estimate of the effectiveness of the carbon filter units (e.g. removal efficiency) in controlling emissions of volatile organic compounds and minimising odour impact.
- Provide details of any proposed monitoring of the emissions from the carbon filter units.

4. Discharge to Groundwater

- Confirm whether it is proposed to discharge treated water to groundwater. Where discharge(s) to groundwater are proposed provide a drawing clearly indicating (i) the location(s) at which the discharge(s) will occur and (ii) where monitoring of the discharge(s) will be carried out.
- Describe the nature of each discharge, the concentration of constituents, and the discharge rate etc. as they are predicted to be (e.g. based on experience at other similar sites).
- Complete Tables E.4(i) of the application form for each proposed ground water emission point.
- Complete Table F.2 for each groundwater monitoring and/or sampling point.
- Address the requirements of Article 12(1)(t) of the Regulations, if applicable to the activity. It is not specifically addressed in Attachment J of the application.

5. Discharge to Sewer

- Confirm whether it is known at this time where the discharges to sewer will occur. If known, provide a drawing clearly indicating the location(s) at which the discharge(s) to sewer will occur.
- Describe the nature of each discharge, the concentration of constituents, and the discharge rate etc. as they are predicted to be (e.g. based on experience at other similar sites).
- Complete Tables E.3(i) and E.3(ii) of the application form for each emission point to sewer.
- Complete Table F.3 for each proposed sewer discharge monitoring and/or sampling point.

You should note that the controls on any discharge to sewer will be included in the waste licence (should one be granted) and not in a separate discharge consent from the local authority. The EPA is obliged under Section 52 of the Waste Management Act 1996 to 2013 to consult with the local authority with regard to setting appropriate controls on the discharge to sewer.

6. Storm water run off

- Provide a description of the measures proposed to control storm water runoff (including contaminated run off) at the facility so as to prevent any significant impact on the environment.
- Confirm whether there are unused sewers or ducts at the site. If present, confirm whether they have been assessed in terms of acting as possible conduits to the River Shannon and thereby presenting a risk to water quality.

7. Pulverised Fuel Ash

It is noted that it is proposed to import pulverised fuel ash to the facility for Phase 2 stabilisation works. Confirm whether the fuel ash will be imported as a waste.

8. Compliance with BAT/Bref

Provide a clear description as to how the chosen remediation strategy will comply with the relevant requirements of BAT and/or Bref. You should identify the key BAT which is to be applied to manage the relevant environmental aspect/emission associated with each unit operation of the activity.

9. Compliance with Directives

Provide a clear description as to how the proposed activities at facility will comply with the requirements of the following legislation (where applicable): Waste Framework Directive, Water Framework Directive, European Communities Environmental Objectives (Surface Water) Regulations (2009); European Communities Environmental Objectives (Groundwater) Regulations (2010); IPPC Directive and the Environmental Liabilities Directive.

10. Liability, Closure and Financial Provision

In accordance with section 53(1) of the Waste Management Acts 1996 to 2013, please furnish particulars in respect of the ability of Bord Gais Eireann to meet the financial commitments of liabilities that will be entered into or incurred in carrying on the proposed activity and provide evidence that Bord Gais Eireann will be in position to

make financial provision that is adequate to discharge these financial commitments. Specifically:

- (a) Prepare a fully detailed and costed Closure, Restoration and Aftercare Management Plan (CRAMP) for the facility, to include as a minimum the following:
- A scope statement for the plan.
 - The criteria which define the successful closure and restoration of the facility or part thereof, and which ensure minimum impact to the environment.
 - A programme to achieve the stated criteria.
 - Where relevant, a test programme to demonstrate the successful implementation of the plan.
 - Details of the long-term supervision, monitoring, control, maintenance and reporting requirements for the restored facility.
 - Details of the costings for the plan and the financial provisions to underwrite those costs.
- (b) Prepare a fully detailed and costed Environmental Liabilities Risk Assessment (ELRA) which addresses the liabilities and potential liabilities from past and proposed activities, including those liabilities and costs identified in the CRAMP. Provide evidence that the assessment was prepared or reviewed, and was found to be complete and accurate, by an independent and appropriately qualified consultant or expert.
- (c) Provide a proposal for financial provision to cover any liabilities associated with the operation and identified in the ELRA (including closure, restoration and aftercare and unanticipated accidents, incidents and liabilities). Provide evidence that Bord Gais Eireann will be in a position to put such financial provision in place in the event that a waste licence is granted and prior to development works commencing.

The preparation of the CRAMP and ELRA and evaluation of the amount and form of financial provision should have regard to Environmental Protection Agency guidance including *Guidance on Environmental Liability Risk Assessment, Residuals Management Plans and Financial Provision (2006)*.

11. Remediation Contractor

- Confirm whether a remediation contractor has been appointed to the project.
- Confirm whether a detailed design for the proposed remediation works has now been prepared. If available, provide an updated description of the proposed remediation works.

12. Other

Confirm whether it is intended to carry out crushing works (i.e. of old slabs and foundations) at the site.

ARTICLE 13 COMPLIANCE REQUIREMENTS

1. Provide an updated assessment of human health and environmental impacts due to predicted worst case emissions to air, emissions to ground water, noise, dust and odour emissions that would occur during the carrying out of licensed remediation activities. Where possible, this updated impact assessment should be based on any increased knowledge of predicted emissions from the facility due to (i) completion of detailed design of remediation works and/or (ii) based on knowledge and experience of similar remediation activities at other facilities. The impact assessment should, where feasible, utilise impact modelling techniques.
2. Update the EIS as necessary based on the outcome of the updated impact assessment carried out under item 1 above.
3. Carry an assessment of potential impacts on material assets.
4. Carry out an assessment of the potentially significant impact interactions due to the proposed remediation activities. Include a matrix of the potentially significant impact interactions due to the proposed activities in the form of a table.

Your reply to this notice should include a revised non-technical summary (Application Form and EIS) which reflects the information you supply in compliance with the notice, insofar as that information impinges on the non-technical summary.

In the case where any drawings already submitted are subject to revision consequent on this request, a revised drawing should be prepared in each case. It is not sufficient to annotate the original drawing with a textual correction. Where such revised drawings are submitted, provide a list of drawing titles, drawing numbers and revision status, which correlates the revised drawings with the superseded versions.

Please supply the information in the form of a one (1) original plus one (1) copy in hardcopy format within 12 weeks of the date of this notice. In addition submit sixteen (16) copies of the requested information to the Agency in electronic searchable PDF format on CD-ROM. Please note that all maps/drawings should not exceed A3 in size.

Please note that the application's register number is **W0281-01**. Please direct all correspondence in relation to this matter to Administration, *Environmental Licensing Programme, Office of Climate, Licensing & Resource Use, Environmental Protection Agency, Headquarters, PO Box 3000, Johnstown Castle Estate, County Wexford* quoting the register number.

Yours sincerely,



Michael Owens

Inspector

Office of Climate, Licensing & Resource Use

