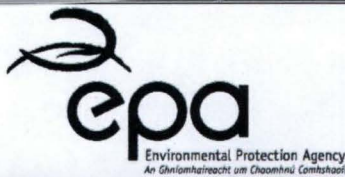


This memo has been approved to go to the Director  
by the Programme Manager, Frank Clinton.  
Signed M=02 Date: 20/2/14



**OFFICE OF CLIMATE, LICENSING &  
RESOURCE USE**

**ENVIRONMENTAL LICENSING PROGRAMME MEMORANDUM**

<b>TO:</b>	DARA LYNOTT, DIRECTOR
<b>C.C:</b>	Frank Clinton, Programme Manager
<b>FROM:</b>	Brian Meaney, Senior Inspector
<b>DATE:</b>	20 February 2014
<b>RE:</b>	Request for Technical Amendment to licence register number <b>W0009-03</b> , held by <b>Fingal County Council</b> in relation to a landfill facility at Balleally, Lusk, Co. Dublin.

Fingal County Council operates a landfill at Balleally, Lusk, Co. Dublin. Waste acceptance ceased in May 2012. A licence was originally granted in February 2000. Revised licences were granted in January 2003 and December 2009. The existing licence was technically amended in June 2010 and amended again on 19 December 2013 for the purpose of bringing it into conformity with the provisions and requirements of Council Directive 2010/75/EU on industrial emissions.

**Details of request for technical amendment under section 96 of the Environmental Protection Agency Act 1992, as amended**

The licensee has requested amendment of the licence to allow for the discharge of leachate to a newly constructed sewer that will take it to the new Portrane waste water treatment plant for treatment. The request was made under section 42B of the Waste Management Act 1996, as amended. The licence is now an Industrial Emissions licence and the technical amendment request will be processed and the recommended technical amendment made under the equivalent provisions of section 96 of the Environmental Protection Agency Act 1992, as amended.

The licence currently provides for the discharge of treated leachate to the Rogerstown Estuary. A purpose-built treatment facility was installed for this purpose, however it proved incapable of achieving the emission limit values in the licence. At present, instead of discharging to the Rogerstown Estuary, treated and untreated leachate is taken by tanker for treatment at the Ringsend waste water treatment plant. According to the AER for 2012, some 47,400m<sup>3</sup> of leachate was recorded leaving the facility by tanker.

Fingal County Council has built a 750m sewer that will connect the landfill with the existing Lusk-Portrane public sewer and proposes to discharge the leachate by this route. A waste water discharge licence (D0114-01) for the Portrane/Donabate agglomeration was issued in October 2009. A licence review application is currently before the Agency to increase the agglomeration size to include Lusk and Rush and

to replace the existing plant with a new 65,000 p.e. sequencing batch reactor plant with UV treatment of effluent. The AER for 2012 states that the new plant was commissioned during 2012 and is meeting the emission limit values of the licence. Ensuring compliance with the existing waste water discharge licence and any future licence as may be granted is a matter for Fingal County Council (the existing licensee).

On foot of the request for technical amendment, the Agency wrote separately to Fingal County Council, Sanitary Services, requesting authorisation to include a sewer discharge in the landfill licence and limitations on the sewer discharge. The Council provided emission limit values and standard licence conditions for inclusion in the licence, and these are reflected in the recommended technical amendment.

### **Appropriate Assessment**

The inspector's report for waste water discharge licence D0114-01 states that there are a number of designated areas within the vicinity of the Portrane Donabate agglomeration. The only designated European site into which there were (at that time) intermittent discharges is the Rogerstown Estuary, a designated site under the EU Habitats and Birds Directives. The Rogerstown Estuary is designated an SAC [site code 208], SPA [site code 4015] and Ramsar Wetland of International Importance [RS#412]. The site contains good examples of a number of estuarine and coastal habitats listed in Annex I of the EU Habitats Directive and is an important waterfowl site. Two of the SWOs from the Portrane Donabate agglomeration discharge to the Rogerstown Estuary. These SWOs operate in the event of heavy rainfall or power/pump failure at one or two of the pumping stations serving the agglomeration. Both of these pumping stations were due to be upgraded as part of the Portrane Donabate Rush Lusk Sewerage Scheme to incorporate 24-hour storage at the pumping stations thereby reducing the occurrence of overflows. Schedule C.2 of the waste water discharge licence D0114-01 requires this work to be completed by December 2011.

A screening for Appropriate Assessment was undertaken by the licensee in relation to the proposal to construct a sewer to carry the leachate to the main sewer (previously constructed) to the Portrane waste water treatment plant. In relation to the impact of the leachate on the discharge from the waste water treatment plant, the screening document referred to the screening for Appropriate Assessment carried out for the licence review application for the new waste water treatment plant. Both screenings for Appropriate Assessment concluded that full Appropriate Assessment was not required, neither for the pipeline project nor the licence review application.

A screening for Appropriate Assessment was undertaken to assess, in view of best scientific knowledge and the conservation objectives of the site, if the proposed activity (being the discharge of leachate to a sewer for treatment at the licensed Portrane waste water treatment plant), individually or in combination with other plans or projects is likely to have a significant effect on a European Site(s). In this context, particular attention was paid to the European sites at Rogerstown Estuary SPA [site code 004015], Rogerstown Estuary SAC [site code 00208], Malahide Estuary SAC [site code 00205], Malahide Estuary SPA [site code 004025], Lambay Island SAC [site code 000204], Lambay Island SPA [site code 004069] and the Agency considered, for the reasons set out below, that the proposed activity is not directly connected with or necessary to the management of those sites as European Sites and that it can be excluded on the basis of objective scientific information, that

the proposed activity, individually or in combination with other plans or projects, will have a significant effect on a European site, and accordingly the Agency determined that an Appropriate Assessment of the proposed activity is not required. The reasons for this determination are as follows: The discharge of leachate is to a sewer which discharges to the Portrane waste water treatment plant where it is treated prior to discharge to the Irish Sea. The Portrane waste water treatment plant is authorised by the Agency through licence register number D0114-01 and the Agency took into consideration at the time of grant of that licence the impact of the discharge on European sites. The Fingal County Council remains responsible for ensuring that the discharge from the waste water treatment plant is compliant with the conditions and emission limit values of the waste water discharge licence. The emission limit values are such that the Agency has determined that environmental pollution will not be caused by the discharge.

### **Recommendation**

I recommend that the Agency make a technical amendment of licence register number W0009-03 under Section 96(1)(c) of the Environmental Protection Agency Act 1992, as amended as proposed in the attached recommendation for a technical amendment.

Signed:



---

Brian Meaney