

Headquarters
P.O. Box 3000
Johnstown Castle Estate
County Wexford
Ireland

SECTION 76A(11) AMENDMENT
TO
INDUSTRIAL EMISSIONS LICENCE

Licence Register Number:	W0198-01
Licensee:	Bord na Móna Plc.
Location of Installation:	Kilberry, Athy, County Kildare.



Reason for the Decision

The Environmental Protection Agency has examined the terms of licence Reg. No. W0198-01 as required by the provisions of Section 76A(9)(a) of the Waste Management Act 1996 as amended, and determined that the licence can be brought into conformity with the provisions and requirements of Council Directive 2010/75/EU by the exercise of the powers conferred by Section 76A(11) of the Waste Management Act 1996 as amended.

The Environmental Protection Agency is satisfied, on the basis of the information available, that subject to compliance with the conditions of licence Reg. No. W0198-01 granted on 16th December 2004, any amendments granted to date, as well as any amendments noted herein, the carrying on of the activity will comply with and not contravene any of the requirements of Section 40(4) of the Waste Management Act 1996 as amended.

Amendment

In pursuance of the powers conferred on it by Section 76A(11) of the Waste Management Act 1996 as amended, the Agency amends Licence Reg. No. W0198-01 granted to Bord na Móna Plc, Leabeg, Tullamore, County Offaly.

Henceforth, the licence shall be read in conjunction with any other amendment to the licence and the amendments set out below.

From the date of this amendment, licence register number W0198-01 shall be deemed to be an Industrial Emissions Licence granted under Part IV of the Environmental Protection Agency Act 1992 as amended and shall not be a waste licence or revised waste licence.

This amendment is limited to the following Interpretation, Conditions and Schedule of Activities Licensed of Licence Reg. No. W0198-01:

Amendments

Amend the Interpretation as follows:

To be inserted into the Interpretation of the existing licence or where relevant replace the existing term.

BAT conclusions	A document containing the parts of a BAT reference document laying down the conclusions on best available techniques, their description, information to assess their applicability, the emission levels associated with the best available techniques, associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures.
BAT reference document	A document drawn up by the Commission of the European Union in accordance with Article 13 of the Industrial Emissions Directive, resulting from the exchange of information in accordance with that Article of that Directive and describing, in particular, applied techniques, present emissions and consumption levels, techniques considered for the determination of best available techniques as well as BAT conclusions and any emerging techniques.
Facility	A site or premises used for the purpose of the recovery or disposal of waste or an installation.
Groundwater	Has the meaning assigned to it by Regulation 3 of the European Communities Environmental Objectives (Groundwater) Regulations 2010 (S.I. No. 9 of 2010).
Industrial Emissions Directive	Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (Recast).
Installation	A stationary technical unit or plant where the activity concerned referred to in the First Schedule of EPA Act 1992 is or will be carried on, and shall be deemed to include any directly associated activity, which has a technical connection with the activity and is carried out on the site of the activity.
Waste	Any substance or object which the holder discards or intends or is required to discard.
Waste licensing under the Waste Management Act 1996	Any reference within Condition 1: <i>Scope</i> of this licence to "waste licensing under the Waste Management Act 1996" or any similar construed reference shall be deemed to mean a reference to "industrial emissions licensing under the Environmental Protection Agency Act 1992 as amended."

Amend the 'Schedule of Activities Licensed' as follows:

The licensed activities are amended to be as follows:

- 11.4(b)(i)** Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75tonnes per day involving one or more of the following activities, (other than activities to which the Urban Waste Water Treatment Regulations 2001 (S.I. No. 254 of 2001) apply):
Biological treatment.

Notwithstanding the foregoing, any limitations on waste recovery and disposal activities specified in this Part in accordance with the Third Schedule and Fourth Schedule of the Waste Management Act 1996 as amended including, where applicable, any refused waste disposal and recovery activities from the Third Schedule and Fourth Schedule of the Waste Management Act 1996 as amended shall continue to apply.

New Conditions or Amended Conditions

Replace existing Condition 2.3.2.3 of the licence, with the following:

Condition 2. Management of the Facility

2.3.2.3 Corrective and Preventative Action

- (i) The licensee shall establish, maintain and implement procedures to ensure that corrective and preventative action is taken should the specified requirements of this licence not be fulfilled. The responsibility and authority for persons initiating further investigation and corrective and preventative action in the event of a reported non-conformity with this licence shall be defined.
- (ii) Where a breach of one or more of the conditions of this licence occurs, the licensee shall without delay take measures to restore compliance with the conditions of this licence in the shortest possible time and initiate any feasible preventative actions to prevent recurrence of the breach.
- (iii) All corrective and preventative actions shall be documented.

Reason: *To make provision for management of the activity on a planned basis having regard to the desirability of ongoing assessment, recording and reporting of matters affecting the environment.*

Replace existing Condition 4 of the licence with the following:

Condition 4. Decommissioning & Residuals Management

- 4.1 Following termination, or planned cessation for a period greater than six months, of use or involvement of all or part of the site in the licensed activity, the licensee shall, to the satisfaction of the Agency, decommission, render safe or remove for disposal/recovery any soil, subsoil, buildings, plant or equipment, or any waste, materials or substances or other matter contained therein or thereon, that may result in environmental pollution.
- 4.2 Decommissioning Management Plan (DMP)
 - 4.2.1 The licensee shall prepare, to the satisfaction of the Agency, a fully detailed and costed plan for the decommissioning or closure of the site or part thereof. This plan shall be submitted to the Agency for agreement within six months of the date of this amendment.
 - 4.2.2 The plan shall be reviewed annually and proposed amendments thereto notified to the Agency for agreement as part of the AER. No amendments may be implemented without the agreement of the Agency.

4.2.3 The licensee shall have regard to the Environmental Protection Agency's Guidance on Assessing and Costing Environmental Liabilities (2014) and, as appropriate, Guidance on Financial Provision for Environmental Liabilities (2015) and, where available, the baseline report, when implementing Conditions 4.2.1 and 4.2.2 above.

4.3 The Decommissioning Management Plan shall include, as a minimum, the following:

- (i) a scope statement for the plan;
- (ii) the criteria that define the successful decommissioning of the activity or part thereof, which ensures minimum impact on the environment;
- (iii) a programme to achieve the stated criteria;
- (iv) where relevant, a test programme to demonstrate the successful implementation of the decommissioning plan; and
- (v) details of the costings for the plan and the financial provisions to underwrite those costs.

4.4 A final validation report to include a certificate of completion for the Decommissioning Management Plan, for all or part of the site as necessary, shall be submitted to the Agency within three months of execution of the plan. The licensee shall carry out such tests, investigations or submit certification, as requested by the Agency, to confirm that there is no continuing risk to the environment.

Reason: *To make provision for the proper closure of the activity ensuring protection of the environment.*

Insert New Condition 5.11, to read as follows:

5.11 Materials Handling

5.11.1 The licensee shall ensure that waste generated in the carrying on of the activity shall be prepared for re-use, recycling or recovery or, where that is not technically or economically possible, disposed of in a manner which will prevent or minimise any impact on the environment.

Reason: *To provide for the appropriate handling of material and the protection of the environment.*

Insert New Condition 9.1(g), to read as follows:

Condition 9. Contingency Arrangements

9.1 Incidents

(g) notify the Agency and other relevant authorities.

Insert New Condition 9.1.2 to read as follows:

9.1.2 Where an incident or accident that significantly affects the environment occurs, the licensee shall, without delay take measures to limit the environmental consequences of the incident or accident and to prevent further incident or accident.

Insert New Condition 9.2.1, to read as follows:

9.2.1 The Emergency Response Procedure referred to in condition 9.2 shall be reviewed annually and updated as necessary.

Insert New Condition 9.5, to read as follows:

9.5 The licensee shall, within six months of date of this amendment, ensure that a documented Accident Prevention Procedure is in place that addresses the hazards on-site, particularly in relation to the prevention of accidents with a possible impact on the environment. This procedure shall be reviewed annually and updated as necessary.

Reason: *To provide for the protection of the environment.*

Replace existing Condition 11.1 b) of the licence, with the following:

Condition 11. Reports and Notifications

11.1 b) Any changes in:

- site management, infrastructure or control with adverse environmental significance;

Reason: *To clarify the scope of this licence.*

Replace existing Condition 11.3 a) of the licence, with the following:

11.3 a) notify the Agency by both telephone and either email or webform, to the Agency's headquarters in Wexford, or to such other Agency office as may be specified by the Agency, as soon as practicable after the occurrence of any of the following:

- (i) an incident or accident that significantly affects the environment;
- (ii) any release of environmental significance to atmosphere from any potential emissions point including bypasses;
- (iii) any breach of one or more of the conditions attached to this licence;
- (iv) any malfunction or breakdown of key control equipment or monitoring equipment set out in this licence which is likely to lead to loss of control of the abatement system; and
- (v) any incident with the potential for environmental contamination of surface water or groundwater, or posing an environment threat to air or land, or requiring an emergency response by the Local Authority.

The licensee shall include as part of the notification, date and time of the incident, summary details of the occurrence, and where available, the steps taken to minimise any emissions.

Reason: *To provide for the collection and reporting of adequate information on the activity.*

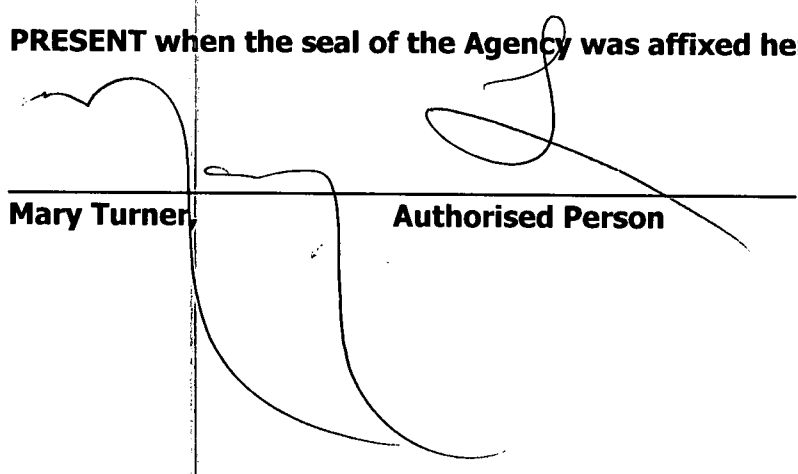
This amendment shall be cited as a Section 76A(11) Amendment and should be read in conjunction with licence Reg. No. W0198-01 granted on 16th December 2004 and any other amendments to the licence.

Sealed by the seal of the Agency on this the 16th day of December 2015

PRESENT when the seal of the Agency was affixed hereto:

Mary Turner

Authorised Person

A handwritten signature in black ink, appearing to be 'Mary Turner', is written over a horizontal line. The signature is cursive and extends across the line.