

 <p>epa Environmental Protection Agency <i>An Ghníomhaireacht um Chaomnú Comhshaoil</i></p>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME	
TO:	Eimear Cotter, Director
FROM:	Ewa Babiarczyk, Inspector, Environmental Licensing Programme
DATE:	18 June 2018
RE:	Technical Amendment to Industrial Emissions Licence Register Number W0078-03, held by Tipperary County Council for an installation at Ballaghveny Landfill, Ballymackey, Tipperary.

The Agency received a request on 14th November 2017 from Tipperary County Council to technically amend their Licence (Licence Reg. No. W0078-03). The request relates to a change to the licence boundary.

This memo recommends that the change may be accommodated by a Technical Amendment, in accordance with Section 96(1)(c) of EPA Acts 1992, as amended.

1. Background

The installation operates a non-hazardous waste landfill, a civic amenity facility, a composting facility and a construction and demolition (C&D) waste recovery facility. The accepted waste comprises of municipal and commercial waste, green waste for composting, non-hazardous C&D waste and pre-treated sludges.

The original licence for this activity (Licence Reg. No. W0078-01) was granted on 4th May 2001. This licence was revised and a revised licence (Licence Reg No: W0078-02) was issued on 15th June 2006. The existing licence (Licence Reg. No. W0078-03), which is the second revised licence, was issued on 21st December 2009.

The existing licence was amended three times. The first amendment (Technical Amendment A) was issued on 28th June 2010 under Section 42B(1)(b) of the Waste Management Acts 1996 to 2010 and related to the limits on acceptance of municipal waste at the installation, reporting and waste monitoring. A second technical amendment (Technical Amendment B) was issued on 15th January 2013 under Section 42B(1)(c) of the Waste Management Acts 1996 to 2012. The aim of Technical Amendment B was to bring the licence into conformity with the provisions and requirements of the European Communities Environmental Objectives (Groundwater) Regulations 2010, as amended. A third amendment (Section 76A(11) Amendment) was issued on 19th December 2013 under Section 76A(11) of the Waste Management Act 1996, as amended, in order to bring the licence Reg. No. W0078-03 into conformity with the provisions and requirements of Council Directive 2010/75/EU (Industrial Emissions Directive).

2. Technical Amendment request

On the 14th November 2017, the Agency received a request for a Technical Amendment of the IE licence Reg. No. W0078-03, to allow for a change to the existing site boundary. The licensee submitted a drawing showing the existing and proposed site boundaries.

The licensee proposes to reduce the extent of the installation by the lands located in the south-western part of the site. No landfilling or other waste activities have been carried out in the proposed exclusion area. The licensee intends to sell this area.

3. Consultation with the Office of Environmental Enforcement (OEE)

I have consulted with the OEE Inspector Joan Fogarty in relation to this technical amendment request. The OEE confirmed that the proposed change to the site boundary cannot be accommodated under the existing licence.

The OEE Exit Report issued on 23rd February 2018 states that the OEE does not object to the exclusion of these lands from the boundary of Licence Reg. No. W0078-03.

The OEE confirmed that no legal proceedings are in train.

4. Assessment

The proposed change to the site boundary is not considered to be a substantial change, i.e., it does not include any change in the nature or functioning of the installation and will not result in increase of emissions or cause new emissions from the installation.

5. Appropriate Assessment

There are five European Sites in the vicinity of the installation:

- Kilduff, Devilsbit Mountain SAC (Site Code: 000934);
- Scohaboy (Sopwell) Bog SAC (Site Code: 002206);
- Sharavogue Bog SAC (Site Code: 000585);
- Lough Derg, North-east Shore SAC (Site Code: 002241); and,
- Slievefelim to Silvermines Mountains SPA (Site Code: 004165).

Appendix 1 lists the European Sites assessed, their associated qualifying interests and conservation objectives.

A screening for Appropriate Assessment was undertaken to assess, in view of best scientific knowledge and the conservation objectives of the site, if the activity, individually or in combination with other plans or projects is likely to have a significant effect on any European Site. In this context, particular attention was paid to the European Sites at Kilduff, Devilsbit Mountain SAC (Site Code: 000934); Scohaboy (Sopwell) Bog SAC (Site Code: 002206); Sharavogue Bog SAC (Site Code: 000585); Lough Derg, North-east Shore SAC (Site Code: 002241) and Slievefelim to Silvermines Mountains SPA (Site Code: 004165).

The activity is not directly connected with or necessary to the management of any European Site and the Agency considered, for the reasons set out below, that it can be excluded, on the basis of objective information, that the activity, individually or in combination with other plans or projects, will have a significant effect on any European Site and accordingly determined that an Appropriate Assessment of the activity was not required.

The reasons for which the Agency determined that an Appropriate Assessment is not required are as follows:

- The activity is not located within the above European Sites.
- The activity will not result in damage to, or loss of, habitat in these European Sites.
- The proposed change to the installation's boundary will not result in any new emission from the installation.

6. Recommendation

This memorandum recommends that the requested changes be accommodated by a Technical Amendment of Licence Reg. No. W0078-03 (held by Tipperary County Council), in accordance with Section 96(1)(c) of the EPA Acts 1992, as amended.

I recommend that the licence amendment be approved as set out in the attached Recommended Technical Amendment C. The making of the amendment will not result in the relevant requirements of Section 83(5) of the EPA Acts 1992, as amended, ceasing to be satisfied.

Signed,



Ewa Babiarczyk
Inspector
Environmental Licensing Programme

Appendix 1

List of European Sites assessed, their associated qualifying interests and conservation objectives.

	European Site (site code)	Distance/ Direction from installation	Qualifying interests (* denotes a priority habitat)	Conservation objectives
1	Kilduff, Devilsbit Mountain SAC (Site Code: 000934)	11.1 km south-east of the installation	Habitats: <ul style="list-style-type: none"> • European dry heaths [4030] • Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)* [6230] Species None	As per NPWS (2018) Conservation objectives for Kilduff, Devilsbit Mountain SAC [000934]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht (dated 21/02/2018).
2	Scohaboy (Sopwell) Bog SAC (Site Code: 002206)	9.7 km north of the installation	Habitats: <ul style="list-style-type: none"> • Degraded raised bogs still capable of natural regeneration [7120] Species None	As per NPWS (2018) Conservation objectives for Scohaboy (Sopwell) Bog SAC [002206]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht (dated 21/02/2018).
3	Sharavogue Bog SAC (Site Code: 000585)	13.4 km north-east of the installation	Habitats: <ul style="list-style-type: none"> • Active raised bogs* [7110] • Degraded raised bogs still capable of natural regeneration [7120] 	As per NPWS (2015) Conservation Objectives: Sharavogue Bog SAC 000585. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht (dated 2/11/2015).

			<ul style="list-style-type: none"> • Depressions on peat substrates of the Rhynchosporion [7150] <p>Species None</p>	
4	Lough Derg, North-east Shore SAC (Site Code: 002241)	14.8 km north-west of the installation	<p>Habitats:</p> <ul style="list-style-type: none"> • Juniperus communis formations on heaths or calcareous grasslands [5130] • Calcareous fens with Cladium mariscus and species of the Caricion davallianae* [7210] • Alkaline fens [7230] • Limestone pavements* [8240] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)* [91E0] • Taxus baccata woods of the British Isles* [91J0] <p>Species None</p>	As per NPWS (2018) Conservation objectives for Lough Derg, North-east Shore SAC [002241]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht (dated 21/02/2018).
5	Slievefelim to Silvermines Mountains SPA (Site Code: 004165)	13.4 km south-east of the installation	<p>Birds</p> <ul style="list-style-type: none"> • Hen Harrier (<i>Circus cyaneus</i>) [A082] 	As per NPWS (2018) Conservation objectives for Slievefelim to Silvermines Mountains SPA [004165]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht (dated 21/2/2018).