


*Ana Bolger*

23<sup>rd</sup> November 2015.

|   |   |
|---|---|
| <br><b>Environmental Protection Agency</b><br><i>An tAidmhalceacht um Dtoimhu Comhshaoil</i> |   |
| <b>OFFICE OF CLIMATE, LICENSING &amp; RESOURCE USE</b>  |   |
| <b>Environmental Licensing Programme Memorandum</b>   |   |
| TO:   | Dara Lynott                             |
| FROM:   | Eimear O'Keeffe                         |
| DATE:   | 23 <sup>rd</sup> November 2015          |
| RE:   | Industrial Emissions Licence Amendments |

Section 82A(9) of the EPA Act 1992 as amended and Section 76A(9) of the WMA 1996 as amended require that all licences issued under the earlier Part IV (EPA Acts) and Part V (WMAs) be examined by the Agency with a view to determining whether they address the provisions of the IED. The Agency must then either: (i) declare that the licence does not require amendment; (ii) amend each licence that provides for the carrying on of an IED activity (for new activities specified in the IED, that were not previously covered by the IPPC Directive) to bring the licences into conformity with the IED; or (iii) if the licence cannot be brought into conformity with the IED by amending the licence, declare that a review of that licence may be required.

The required examinations have been made to the licences listed below, and recommended amendments have been drafted. These amendments have been made using the 'IE Licence Amendment Template' previously detailed and approved in the Memo dated 5<sup>th</sup> November 2015. (See attached for information).

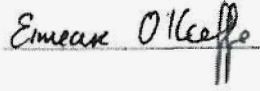
| <b>Reg. No.</b> | <b>Applicant</b>                        | <b>Address of Installation</b>                                    |
|-----------------|---|---|
| W0044-02        | Padraig Thornton Waste Disposal Limited | Thorntons Recycling Centre, Killeen Road, Ballyfermot, Dublin 10. |
| W0053-03        | Starrus Eco Holdings Limited            | Bray Depot, Fassaroe, Bray, Co. Wicklow.                          |

|          |  |   |
|----------|--|---|
| W0058-01 | Starrus Eco Holdings Limited   | Deepwater Quay, Sligo, Co. Sligo.   |
| W0116-02 | Starrus Eco Holdings Limited   | Six Cross Roads, Carriganard, Butlerstown, Co. Waterford.                       |
| W0136-03 | Starrus Eco Holdings Limited   | Sarsfieldcourt Industrial Estate, Sarsfieldcourt, Glanmire, Cork.               |
| W0177-03 | Starrus Eco Holdings Limited   | Carriganard, Six Cross Roads Business Park, Waterford City.                     |
| W0188-01 | Starrus Eco Holdings Limited   | Site 14B, Phase 3, Road 3A, Greenogue Industrial Estate, Rathcoole, Co. Dublin. |
| W0206-01 | Padraig Thornton Waste Disposal Limited                                | Dunboyne Industrial Estate, Dunboyne, Co. Meath.                                |
| W0218-01 | Kings Tree Services Limited  | Kings Tree Services Composting Facility, Coolbeg, Co. Wicklow                   |
| W0220-01 | Starrus Eco Holdings Limited   | Ramstown, Gorey, Co. Wexford.   |
| W0222-01 | Advanced Environmental Solutions (Ireland) Limited                     | Coldwinters, Blakescross, Lusk, Co. Dublin.                                     |
| W0227-01 | Lawlor Brothers (Waste Disposal) Limited, trading as Access Skip Hire. | Unit 28, John F. Kennedy Road, JFK Industrial Estate, Naas Road, Dublin 12.     |
| W0249-01 | Acorn Recycling Limited  | Ballybeg Composting Facility, Ballybeg, Littleton, Co. Tipperary.               |
| W0257-01 | Country Clean Recycling Limited  | Churchfield Industrial Estate, John F. Connolly Road, Co. Cork.                 |
| W0263-01 | Irish Packaging Recycling Limited                                      | Ballymount Road, Walkinstown, Dublin 12.  |
| W0267-01 | Hi-Volt Ireland Limited  | Ballyduff (Townland Shanballyduff and Piercetown), Thurles, Co. Tipperary.      |

**Recommendation**

I recommend that the Industrial Emissions Licence Amendments attached for the above named licences are issued.

Signed

Handwritten signature of Eimear O'Keeffe in cursive script, written over a horizontal line.

Eimear O'Keeffe







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

**Environmental Licensing Programme Memorandum**

|       |   |
|-------|---|
| TO:   | MR DARA LYNOTT, DIRECTOR                |
| FROM: | Eimear O'Keeffe                         |
| DATE: | 6 <sup>th</sup> November 2015           |
| RE:   | Industrial Emissions Licence Amendments |

**1. Background**

On the 23<sup>rd</sup> April 2013 the Industrial Emissions Directive (IED) [2010/75/EU] was substantially transposed in Ireland by the European Union (Industrial Emissions) Regulations 2013, S.I. No. 138 of 2013. These regulations amend both the Environmental Protection Agency Acts and the Waste Management Acts; hereafter referred to as the EPA Act 1992 as amended and WMA 1996 as amended.

This memo sets out how the Environmental Licensing Programme will meet the requirements of Section 82A(9) of the EPA Act 1992 as amended and Section 76A(9) of the WMA 1996 as amended in so far as it requires examination of the licences and bringing the relevant licences into conformance with the IED.

Key dates under the IED

From the date of implementation (23<sup>rd</sup> April 2013) the IED applies to all new applications from operators who propose to carry out an IED activity.

From the 30<sup>th</sup> September 2013 all applications on-hand that included an IED activity are required to be progressed as Industrial Emissions Licence applications under the Industrial Emissions Licensing Regulations 2013 (S.I. No. 137 of 2013).

By the 7<sup>th</sup> January 2014 all existing installations and facilities as listed in Section 82A(3) of the EPA Act 1992 as amended, or Section 76A(3) of the WMA 1996 as amended were required to comply with the IED. The licences that fall within this group will be referred to as "Group I Amendments" for the purposes of this memo.

By the 7<sup>th</sup> July 2015 all existing installations and facilities carrying out new activities specified in the IED; that were not previously covered by the IPPC Directive, and as listed in Section 82A(5) of the EPA Act 1992 as amended, or Section 76A(5) of the WMA 1996 as amended are required to comply with the IED. The licences that fall within this group will be referred to as "Group II Amendments" for the purposes of this memo.

## **2. Licence Examination**

Section 82A(9) of the EPA Act 1992 as amended and Section 76A(9) of the WMA 1996 as amended require that all licences issued under the earlier Part IV (EPA Acts) and Part V (WMAs) be examined by the Agency with a view to determining whether they address the provisions of the IED. The Agency must then either: (i) declare that the licence does not require amendment; (ii) amend each licence where the licensed installation is carrying on an IED activity (for new activities specified in the IED, that were not previously covered by the IPPC Directive) to bring the licences into conformity with the IED; or (iii) if the licence cannot be brought into conformity with the IED by amending the licence, declare that a review of that licence may be required.

## **3. Legal power to carry out the Amendment**

**S.I. No. 138 of 2013 amends the EPA Act 1992 as amended by inserting a new Section 82A(11), which states that:**

*If the bringing into conformity with the Industrial Emissions Directive of a licence or revised licence under subsection (8) or (9) can, in the opinion of the Agency, be achieved by amending one or more of the conditions of or schedules to the licence or revised licence (and the making of the amendment will not significantly alter the character of the licence or revised licence) then, the Agency **shall** make those amendments of the conditions of or schedules to the licence or revised licence (which, by virtue of this subsection, it has power to do),*

**and amends the Waste Management Act 1996 as amended by inserting a new Section 76A(11), which states that:**

*If the bringing into conformity with the Industrial Emissions Directive of a waste licence or revised waste licence under subsection (8) or (9) can, in the opinion of the Agency, be achieved by amending one or more of the conditions of or schedules to the waste licence or revised waste licence (and the making of the amendment will not significantly alter the character of the licence) then the Agency **shall** make those amendments of the conditions of or schedules to the waste licence or revised waste licence (which, by virtue of this subsection, it has power to do).*

The powers enacted in these legislative changes provide for the Agency to enter into consultation, where appropriate, with the licensee under Section 82A(10)(a) of the EPA Act as amended/Section 76A(10)(a) of the WMA 1996 as amended. This consultation was initiated in 2013 as part of the Group I project. The licensees that engaged with the consultation process in 2013 were issued with a letter in August 2015 to verify the licensable activities being carried out at the facility. The licensees who did not engage with the process in 2013 were issued letters and registration forms in July 2015, to be filled out and returned to the Agency.

Section 82A(10)(c) of the EPA Act 1992 as amended and Section 76A(10)(c) of the WMA 1996 as amended require the Agency to notify the particulars of the amendment to each person who made an objection to the licence or revised licence. The ELP administration team will complete this task, by issuing letters to relevant parties.



#### **4. Licence Amendment Template**

The amendments to licences for new activities specified in the IED that were not previously covered by the IPPC Directive (7<sup>th</sup> July 2015 deadline- Group II) will be more licence specific than the amendments that were completed for activities previously covered by the IPPC Directive (7<sup>th</sup> January 2014 deadline – Group I).

The IED Group II team<sup>1</sup> has developed an 'IE Licence Amendment Template' which specifies the amendments required to bring an existing IPC or Waste licence in to conformance with the IED. This amendment template uses the template developed previously for the Group I amendments and it expands it to cover the broader remit of the Group II amendments. The extent of the amendment to licences, that are required to be amended by 7<sup>th</sup> July 2015, is as set out below:

**i. Glossary Entries**

To include new definitions of terms specified in the IED: 'BAT conclusions', 'BAT reference documents', 'Groundwater', 'Industrial Emissions Directive' and 'Waste'.

Additional definitions for specific terms to be included in Waste licences being amended to Industrial Emissions Licences: 'Facility', 'Installation' and 'Waste licensing under the Waste Management Act 1996 as amended';

**ii. Amendment of the Class(es) of Activity**

To ensure all applicable IED classes of activity applicable to the installation are specified in the licence; and

**iii. New Conditions**

To implement the new and amended requirements specified in the IED.

The 'IE Licence Amendment Template' is attached in Appendix I of this memo. This template includes text boxes outlining the legislative driver for each proposed amendment. (Text to be included in an amendment of an IPC licence is shown in **blue**, text to be included in an amendment of a Waste licence is shown in **red** and the information that is licence specific and will be populated manually, is identified in **green**). The format of the template has been designed to allow for a systemised approach to the production of the licence amendment documents.

An important variable input into the IE Licence Amendment Template document will be the class or classes of activity under the First Schedule of the EPA Acts 1992 as amended. The class(es) included within each licence amendment will be determined and validated as outlined in Section 5 of this memo.

The amendment template text was taken from the current Industrial Emissions Licence Template and was circulated to ELP Senior Inspectors for comment. All comments have been considered and incorporated into the final version included in Appendix I.

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<sup>1</sup> Comprising of Sean O'Donoghue, Eimear O'Keeffe, Marie Fay and Michelle Reddy

## **5. Licence Examination Process**

As part of the Group I project in 2013, an 'Industrial Emissions Licensing Registration Web-form' was developed and issued to all existing IPPC and Waste licensees via ALDER/EDEN as a notice under Section 82A(10)(b) of the EPA Acts/Section 76A(10)(b) of the WMAs. All licensees were requested to complete this form to furnish the specified information to the Agency.

The IEL Registration Web-form was developed and designed to (i) obtain information to assist the Agency in determining the activities carried out under the new First Schedule of the EPA Acts; and (ii) obtain and verify additional licensee data stored in LEMA.

A number of licensees completed the IEL Registration Web-form in 2013. The licensees that provided the Agency with information previously were consulted again in 2015, by issuing them a letter with details of what was previously submitted to the Agency. Licensees were asked to advise the Agency if the information on activities being carried out on site was accurate, and if not, further information was required.

Furthermore, the IEL Registration Web-form was adapted in Word and a hard copy was issued to licensees who did not engage with the Agency previously. They were given 2 weeks to respond to the Agency with the required information.

As of 5<sup>th</sup> November 2015 60 out of 63 (95%) licensees with operational licensed installations/facilities, and subject to the requirements of Section 82A(4) of the EPA Act 1992 as amended or Section 76A(4) of the Waste Management Act 1996 as amended, have submitted a completed IEL Registration form.

There are expected to be approximately 50 out of the 63 existing IPPC and Waste licensees, listed for Group II examination that carry out an IED activity and whose licence is required to be amended, with the balance requiring declarations. The final number of amendments will be established through the validation, by ELP Inspectors, of the 'IEL Registration Form' responses. The selected class(es) of activity will be compared against the existing licence limitations.

The required 'Industrial Emissions Licence Amendments' will be generated in Word. Where possible, similar amendments will be grouped together and addressed in an accompanying Inspectors Report (IR); and will be sent for Director approval and issue. A Directors Approval Sheet should be signed for each group of licences.

## **6. Appropriate Assessment**

The requirements for Appropriate Assessment (AA) was considered and discussed with Senior Management. Section 82A(9) of the EPA Act 1992 as amended and Section 76A(9) of the Waste Management Act 1996 as amended sets out a mandatory statutory requirement on the Agency to carry out an amendment of the licence, following examination of each licence, to bring the licences into conformity with the IED, where required.

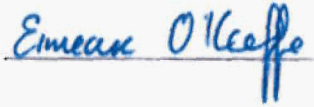
On interpretation of the requirements of Regulation 42 of the European Communities (Birds and Natural) Habitats Regulations 2011 and 2013, as there is no application for consent by the licensee, there is no requirement to screen. Therefore it was determined that there is no requirement for AA to be completed, in this instance.



**7. Recommendation**

I recommend that the 'Industrial Emissions Licence Amendment' template included in Appendix I be approved for use for all 'Group II' Industrial Emission Licence Amendments required to be completed by ELP.

Signed

A handwritten signature in blue ink that reads "Eimear O'Keeffe". The signature is written in a cursive style and is positioned above a horizontal line.

Eimear O'Keeffe

## **Appendix I: Industrial Emissions Licence Amendment Template**

BLACK Usually included  
RED Waste  
BLUE IPC  
GREEN To be reviewed  
ORANGE Instructional notes



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

### SECTION 82A(11)/76A(11) AMENDMENT TO INDUSTRIAL EMISSIONS LICENCE

|                                  |                  |
|----------------------------------|------------------|
| <b>Licence Register Number:</b>  | <<Reg. No>>      |
| <b>Licensee:</b>                 | <<Organisation>> |
| <b>Location of Installation:</b> | <<Site Address>> |

### ***Reason for the Decision***

The Environmental Protection Agency has examined the terms of licence Reg. No. <<Reg. No.>> as required by the provisions of Section 82A(9)(a) of the Environmental Protection Agency Act 1992 as amended /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 82A(11) of the Environmental Protection Agency Act 1992 as amended /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. <<Reg. No.>> granted on <<Licence Issued Date>>, 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 83(5) of the Environmental Protection Agency Act 1992 as amended./40(4) of the Waste Management Act 1996 as amended.

### ***Amendment***

In pursuance of the powers conferred on it by Section 82A(11) of the Environmental Protection Agency Act 1992 as amended/76A(11) of the Waste Management Act 1996 as amended, the Agency amends Licence Reg. No. <<Reg. No.>> granted to <<Licensee Name>> <<Address>>.

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 << Reg. No.>> 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 <<Glossary of Terms or Interpretation>>, <<Conditions>> and <<Schedule of Licensed Activities>> of Licence Reg. No. <<Reg. No.>>: (delete as appropriate)



## Amendments

Amend <<Glossary of Terms>> or the <<Interpretation>> (delete as appropriate) as follows:

To be inserted into the <<Glossary>> or <<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.

New Glossary entries due to new definitions in EPA Act 1992 as amended/WMA 1996 as amended

### **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.

Definition of 'Facility' amended to include an 'Installation' in Waste licences amended to IE licences.

### **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 as amended 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: *Scope 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

To be included in Waste licences amended to IE licences

**Amend the 'Schedule of Activities Licensed' as follows:**

*To be inserted into the Schedule of Activities Licensed of the existing licence or where relevant replace the existing term.*

The licensed activities are amended to be as follows:

**<<List IED Activity (including Class No.)>>**

To amend the classes of activity as provided for by Section 82A(11) of the EPA Acts/76A(11) of the WMAs.

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.

To retain the limitations of the recovery and disposal activities as included in the existing Waste licence.

**New Conditions or Amended Conditions**

*Amend Condition X of the licence, to read as follows / Amend Condition X to include the following after Condition X.X/ Insert New Condition X, to read as follows/ Replace existing Condition X with the following (delete as appropriate)*

**<Condition <<1>>. Scope**

**<<X>>** No alteration to, or reconstruction in respect of, the activity, or any part thereof, that would, or is likely to, result in

- (i) a material change or increase in:
  - the nature or quantity of any emission;
  - the abatement/treatment or recovery systems;
  - the range of processes to be carried out;
  - the fuels, raw materials, intermediates, products or wastes generated, or
- (ii) any changes in:
  - site management, infrastructure or control with adverse environmental significance;

shall be carried out or commenced without prior notice to, and without the agreement of, the Agency.

IED: Article 20(1)  
EPA Acts:  
Section 98A(1)

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



*Amend Condition X of the licence, to read as follows / Amend Condition X to include the following after Condition X.X/ Insert New Condition X, to read as follows/ Replace existing Condition X with the following (delete as appropriate)*

## Condition <<2>>. Management of the Installation

### <<X>> 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

IED: Article 8.2(b)  
EPA Acts: Section 86(1)(a)(x)(II)

**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.*

*Amend Condition X of the licence, to read as follows / Amend Condition X to include the following after Condition X.X/ Insert New Condition X, to read as follows/ Replace existing Condition X with the following (delete as appropriate)*

## Condition <<7>>. Resource Use and Energy Efficiency

- <<X.1>> The licensee shall carry out an audit of the energy efficiency of the site within one year of the date of this amendment. The audit shall be carried out in accordance with the guidance published by the Agency, "Guidance Note on Energy Efficiency Auditing". The energy efficiency audit shall be repeated at intervals as required by the Agency.
- <<X.2>> The audit shall identify all practicable opportunities for energy use reduction and efficiency and the recommendations of the audit will be incorporated into the Schedule of Environmental Objectives and Targets under **Condition 2 above.** *(check Condition 2 for schedule- under EMS- before inserting)*
- <<X.3>> The licensee shall identify opportunities for reduction in the quantity of water used on site including recycling and reuse initiatives, wherever possible. Reductions in water usage shall be incorporated into the **Schedule of Environmental Objectives and Targets.**

IED: Article 11(f)  
EPA Acts: section 83(5)(a)(viii)

IED: Article 11(e)  
EPA Acts: section 83(5)(a)(vii)



<<X.4>> The licensee shall undertake an assessment of the efficiency of use of raw materials in all processes, having particular regard to the reduction in waste generated. The assessment should take account of best international practice for this type of activity. Where improvements are identified, these shall be incorporated into the Schedule of Environmental Objectives and Targets.

**Reason:** To provide for the efficient use of resources and energy in all site operations.

Amend Condition X of the licence, to read as follows / Amend Condition X to include the following after Condition X.X/ Insert New Condition X, to read as follows/ Replace existing Condition X with the following (*delete as appropriate*)

**Condition <<8>>. Materials Handling**

<<X>>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.

IED: Article 11(e)  
EPA Acts: Section 83(5)(a)(viii)

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

Amend Condition X of the licence, to read as follows / Amend Condition X to include the following after Condition X.X/ Insert New Condition X, to read as follows/ Replace existing Condition X with the following (*delete as appropriate*)

**Condition <<9>>. Accident Prevention and Emergency Response**

<<X.1>> 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.

IED: Article 11(g)  
EPA Acts: Section 83(5)(a)(ix)

<<X.2>> The licensee shall, within six months of date of this amendment, ensure that a documented Emergency Response Procedure is in place, that addresses any emergency situation which may originate on-site. This procedure shall include provision for minimising the effects of any emergency on the environment. This procedure shall be reviewed annually and updated as necessary.

IED: Article 11(g)  
EPA Acts: Section 111(2)(j)

<<X.3>> Incidents

<<X.3.1>> In the event of an incident the licensee shall immediately:

- (i) carry out an investigation to identify the nature, source and cause of the incident and any emission arising therefrom;
- (ii) isolate the source of any such emission;
- (iii) evaluate the environmental pollution, if any, caused by the incident;
- (iv) identify and execute measures to minimise the emissions/malfunction and the effects thereof;
- (v) identify the date, time and place of the incident;
- (vi) notify the Agency and other relevant authorities.

IED: Article 7(c)  
EPA Acts: Section 81A (2)(e)

<<X.3.2>> 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.

IED: Article 7(c)  
EPA Acts: Section 86(1)(a)(ix)(II)

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

*Amend Condition X of the licence, to read as follows / Amend Condition X to include the following after Condition X.X/ Insert New Condition X, to read as follows/ Replace existing Condition X with the following (delete as appropriate)*

**Condition <<10>>. Decommissioning & Residuals Management**

<<X.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.

IED: Article 11(h)  
Article 22  
EPA Acts:  
Section 86(1)(a)(vii)  
Section 86(1)(a)(viii)

<<X.2>> Decommissioning Management Plan (DMP)

<<X.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.**

<<X.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.



<<X.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 Environmental Liability Risk Assessment, Residuals Management Plans, and Financial Provision \(2006\)](#) ([check if this has been up-dated](#)) and, where available, the baseline report, when implementing Condition <<X.2.1>> above.

<<X.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.

<<X.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.*

*Amend Condition X of the licence, to read as follows / Amend Condition X to include the following after Condition X.X/ Insert New Condition X, to read as follows/ Replace existing Condition X with the following ([delete as appropriate](#))*

**Condition <<11>>. Notification, Records and Reports**

<<X>> The licensee shall 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;

IED: Article 7(a) & 8(2)(a)  
EPA Acts:  
Section 86(1)(a)(ix)(I)  
Section 86(1)(a)(x)(I)



- (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 *Schedule C: Control and Monitoring*, of 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 82A(11)/76A(11) Amendment and should be read in conjunction with licence Reg. No. <<Reg. No.>>, granted on <<<<Licence Issued Date>> and any other amendments to the licence.

**Sealed by the seal of the Agency on this the XX day of MMM, YYYY**

**PRESENT when the seal of the Agency was affixed hereto:**

\_\_\_\_\_  
**Dara Lynott, Director/Authorised Person**