

This Report has been cleared for submission to the Director by Programme Manager, David Flynn

Dusling Kelsoe

Signed: _____ **Date:** 15/03/19



OFFICE OF ENVIRONMENTAL SUSTAINABILITY

INSPECTOR'S REPORT ON AN INDUSTRIAL EMISSIONS LICENCE, LICENCE REGISTER NUMBER W0270-02

TO: DIRECTOR, EIMEAR COTTER

FROM: Suzanne Wylde DATE: 15th March 2019

Licensee: Miltown Composting Systems Limited
CRO number: 381855
Location: Miltownmore, Fethard, Co. Tipperary
Application date: 9th January 2018

Class of activity (under EPA Act 1992 as amended):

11.4 (b) (i) and (ii) - Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes 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): (i) biological treatment; (ii) pre-treatment of waste for incineration or co-incineration.

Categories of activity under IED (2010/75/EU):

5.3 (b) (i) and (ii)

European Directives/Regulations (and international legal instruments) relevant to this assessment are listed in the appendix of this report.

Main Commission Implementing Decision:

Waste Treatments Industries

Activity description:

Proposal to treat up to 50,000 tonnes per annum of non-hazardous waste via aerobic composting.

Types of waste accepted:

Refer to *Schedule A.2: Waste Acceptance* of the Recommended Determination.

Additional information received:

14th August 2018, 27th August 2018

No of submissions received:

One

EIS submitted: 9th January 2018

NIS submitted: No

Site visit: 8th June 2018; 9th November 2018

Site notice check: 9th February 2018

1. Activity description

Miltown Composting Systems Limited (hereafter the licensee) operate an in-vessel composting facility in Fethard, Co. Tipperary. The predominant materials accepted at the facility are organic fines material from the treatment of mixed municipal solid waste, with smaller amounts of non-hazardous industrial and municipal wastewater sludges. The end-product produced can be used in the case of compost for horticultural and agricultural purposes, or in the case of bio-stabilised waste as landfill cover. The end use will depend on the quality of the end-product produced.

2. Licence History

Licence	Details	Date
W0270-01	Waste licence issued.	9 th September 2010
W0270-01 TA (A)	Technical amendment to incorporate the Agency guidance " <i>Guidance on Fire Safety at Non-Hazardous Waste Transfer Stations</i> ".	20 th July 2016

The licensee has applied to increase the waste tonnage accepted at the facility from 24,500 tonnes to 50,000 tonnes. This change will bring the licensee into the industrial emissions licensing regime. Furthermore, the reason for a new licence application is to include an integrated constructed wetland (ICW) to treat non-process roof and yard water and the relocation of the existing surface water monitoring point.

3. Compliance and Complaints Record

There have been no complaints or significant non-compliance issues in relation to the operation of this installation under the current licence (W0270-01). The compliance history is discussed further under Section 18 of this report.

4. Best Available Techniques

BAT for the installation was assessed against the BAT conclusions contained in the relevant Commission Implementing Decision (CID)/BREF documents.

For existing installations, for which a CID on BAT conclusions is published, article 21(3) of the IED (in relation to the main activity of the installation) requires that within four years, the EPA must ensure that '*all permit/licence conditions for the installation concerned are reconsidered, and where necessary updated*' and '*ensure compliance with the BAT*'.

BAT for the installation was assessed against the BAT Conclusions contained in the following documents:

- CID for the Waste Treatment Industries (August 2018) (CID 2018/1147);
- BREF Document on Energy Efficiency (February 2009);
- BREF Document for Emissions from Storage (July 2006);

- BAT Guidance Note for Disposal or Recycling of Animal Carcasses & Animal Waste Sector (2008).

The assessment has demonstrated that the installation will comply with all applicable BAT Conclusion requirements specified in the CID and will be in line with the guidance specified in the relevant BREF Document(s).

I consider that the applicable BAT Conclusion requirements are addressed through: (i) the technologies and techniques as described in the application; (ii) the standard conditions specified in the RD; and (iii) where applicable, the inclusion of additional specific conditions.

5. Planning Permission, EIS and EIA Requirements

5.1 EIA Screening

In accordance with Section 83(2A) of the EPA Act 1992 as amended, the Agency must ensure that before a licence is granted, that the application is made subject to an environmental impact assessment (EIA), where the activity meets the criteria outlined in Section 83(2A)(b) and 83(2A)(c). In accordance with the EIA Screening Determination, the Agency has determined that the activity is likely to have a significant effect on the environment, and accordingly is carrying out an assessment for the purposes of EIA.

An Environmental Impact Statement (EIS) was submitted by the applicant in support of this IE licence application on 9th January 2018. The same EIS was submitted to the planning authority in Tipperary County Council in support of a planning application prior to 16th May 2017. Therefore, the EIA for this licence application will be carried out under the 2011 EIA Directive (Directive 2011/92/EU) requirements.

5.2 Planning Status

A number of planning applications have been made by the licensee for the area within the installation boundary. Full details of these planning applications and permissions have been provided in the application form.

Tipperary County Council determined that the development associated with an increase in waste tonnage is likely to have a significant effect on the environment and that an EIA was required. Tipperary County Council required an EIS in support of the planning application for an increase in waste tonnage intake (Planning reference: [17/600372](#)). Planning permission was granted by Tipperary County Council, subject to conditions on 19th December 2017.

The planning permission permits the operating hours of the installation from 0600 to 1900, Monday to Saturday. In addition, the planning permission permits waste acceptance at the facility from 0700 to 1900, Monday to Saturday. Waste acceptance is not permitted at the installation between 0830 and 0930, which constitute peak traffic hours in the area. These hours are reflected in the Recommended Decision.

The EIS was submitted to the planning authority in Tipperary County Council in support of the planning application referenced above on 11th April 2017.

Tipperary County Council granted planning permission to the licensee on 12th June 2018 (Planning reference: [18/600472](#)) in relation to the installation of a new biofilter and associated extract and input fans to the compost maturation shed with an embankment screen. The planning also permitted the installation of a roof water harvesting storage tank. This planning permission did not require an EIS.

5.3 Content of EIS and licence application

I have considered and examined the content of the licence application, the EIS and other relevant material submitted with it. Further information was sought from the applicant including information on waste storage, odour dispersion, composting technology upgrade and BAT conclusions.

On receipt of further information from the applicant, all of the documentation received was examined and I consider that the EIS complies with the requirements of the *EPA (Industrial Emissions)(Licensing) Regulations 2013*.

5.4 Environmental Impact Assessment Directive

Having specific regard to EIA, this Inspector's report as a whole is intended to identify, describe and assess, for the Agency, the likely significant direct and indirect effects of the proposed activity on the environment, as respects the matters that come within the functions of the Agency, for each of the following environmental factors: human beings, flora, fauna, soil, water, air, climate, the landscape, material assets and cultural heritage.

This inspector's report addresses the interaction between those effects and the related development forming part of the wider project. The cumulative effects, with other developments in the vicinity of the activity have also been considered, as regards the combined effects of emissions. The main mitigation measures proposed to address the range of predicted significant effects arising from the activity have been outlined. This inspector's report proposes conclusions to the Agency in relation to such effects.

In preparing this inspector's report I have considered and examined:

- the existing licence, Register Number: W0270-01
- the licence application, Register Number: W0270-02 and the supporting documentation received from the applicant;
- the EIS;
- the submission(s) received;
- the documents associated with the assessments carried out by Tipperary County Council, and the issues that interact with the matters that were considered by that authority and which relate to the activity.

While the environmental factors have been considered throughout my entire assessment, table 1 identifies, for ease of reference, the sections of this report where each environmental factor has been predominantly discussed.

Table 1: Table of Environmental Factors

Environmental Factor	Addressed in the following Sections:
Human Beings	Emissions to air, discharges to water and ground, noise, waste generation and other matters relating to EIA.
Flora & Fauna	
Water	Discharges to water and ground, cessation of activity
Soils and Geology	
Air Quality and Climate	Emissions to air, Other matters relating to EIA
Landscape and Visual Impact	Other matters relating to EIA
Archaeology and Cultural Heritage	Other matters relating to EIA
Material Assets	Other matters relating to EIA

5.5 Consultation with Competent Authorities

The Agency consulted with Tipperary County Council under Section 87(1)(D)(a) of the EPA Act, as amended. Tipperary County Council responded outlining that planning permission was granted subject to conditions, planning reference 17/600372.

6. Submission

One submission was received in respect of this licence application. While the main points raised in the submission are briefly summarised in the table below, the original submission should be referred to at all times for greater detail and expansion of particular points.

The issues raised in the submissions are noted and addressed in this inspector's report and the submission was taken into consideration during the preparation of the Recommended Determination

Submissions			
1	Name & Position: <i>Principal Environmental Health Officer</i>	Organisation: <i>HSE South, Clonmel, Co. Tipperary</i>	Date received: <i>12th October 2018</i>
	Issues raised: <i>Air quality, water quality, noise and vibration and pest control. HSE South concluded that the existing licence conditions are stringent and set relevant emission limits. The licence conditions adequately address any concerns from the activity.</i>		Agency response: <i>All relevant impacts have been assessed in this report and the recommended decision also includes conditions to address any concerns from this activity.</i>

7. Emissions to Air

7.1 Climate Impact

The RD has regard to the requirement to reduce climate impact by the installation. The RD requires an energy efficiency audit and an assessment of resource use efficiency to be undertaken in accordance with Condition 7.

It is considered that the likelihood of accidental emissions occurring which could affect climate is low in light of the measures outlined in the "Prevention of Accidents" section below and the proposed conditions in the RD. I am satisfied that there will not be significant effects on climate from the operation of the activity when the installation is operating in accordance with the conditions of the Recommended Determination.

7.2 Dust

Dust generation is associated mainly with vehicle movements within the installation on paved and unpaved areas. The existing waste licence W0270-01 requires monthly dust monitoring to be carried out at three locations around the site. This monitoring has not shown exceedances of the licence emission limit value of 350mg/m²/day, with one exception due to a sample contaminated with bird droppings.

For the purposes of EIA, the environmental factors potentially affected by dust emissions from the activity include human beings, flora and fauna and air.

Dust arising from the activity could have the potential to deposit beyond the site boundary, causing nuisance for sensitive receptors nearby and potentially affect habitats located close to the site boundary.

The RD requires the licensee to maintain a programme for the identification and reduction of any fugitive emissions using an appropriate combination of best available techniques.

There are no other industries or developments in the vicinity of the installation that are likely to discharge emissions to air which would lead to likely or significant cumulative effects. It is considered that there will be no significant cumulative effect from fugitive air emissions from the activity. It is also considered that no secondary or indirect effects are likely as a result of these air emissions from the activity.

Dust is not a significant issue at the installation. The licensee has not received any complaints relating to dust from the activity. The dust monitoring results for 2017 show that the dust levels at the installation did not exceed emission limit values. The on site bowser will be used to dampen site surfaces during dry weather to control dust emissions at the site. Condition 6.17 of the RD, as drafted, requires the licensee to install measures to control dust emissions, including fugitive dust. These measures include spraying hard standing areas with water during dry weather and making sure that dust curtains, or equivalent, are installed on all entry and exit points from the process buildings.

Accidental fugitive dust emissions could occur if there was a failure in the rapid close doors to the waste reception area, causing increased dust emissions. However, the likelihood of accidental fugitive dust emissions is considered low in light of the measures outlined in the "Prevention of Accidents" section below and in light of the proposed conditions discussed above.

Based on the above assessment, I consider that dust emissions from the operation of the activity are not likely to have a significant effect on the environment when the installation is operating in accordance with the conditions of the Recommended Determination.

7.3 Odour

The activity relates to the processing and storage of waste which will take place entirely indoors. Due to the presence of loose untreated waste in the building, the ambient air within the building is likely to be odorous.

For the purposes of EIA, the environmental factors potentially affected by odour emissions from the activity include human beings, fauna and air.

Air is extracted from the waste reception area and processing sheds via extraction fans to biofilters. The air from shed 1 and the waste reception area is extracted to biofilter 1, located to the south of shed 1. The fans provide 2.5 air changes for shed 1 and 2.0 air changes for the waste reception area. The air from sheds 2, 3 and 4 is extracted by two extraction fans to a new biofilter located to the north of shed 3. These fans provide 2.5 air changes in shed 2 and 2.0 air changes in shed 3 and 4.

The licensee carried out an odour impact assessment to determine if there is potential for the generation of odour impact on the surrounding population from the proposed operations at the composting facility. The closest sensitive receptor to the facility is 570m west of the installation. The prevailing winds at the installation are from a southerly direction so the closest sensitive receptor to the north of the installation is 800m.

The modelling used was in accordance with published Agency Guidance Note AG4¹, and was considered sufficiently detailed and conservative to adequately assess the impact of the odour on the surrounding population.

An odour threshold value of 1.50 ou_E/m³ was applied to the nearest sensitive receptors to apply a high level of regard to those receptors in relation to odour. The assessment took account of fifteen sensitive receptors in a 1km radius from the installation. The assessment demonstrated the lowest odour impact, on sensitive receptors, of 0.06 ou_E/m³, 800-1000m south west of the installation. The model predicted the highest ground level odour impact of 1.43 ou_E/m³ at the sensitive receptor 850m to the north of the composting installation, below the threshold value of 1.5 ou_E/m³. This is in line with the prediction that the plume shape is oriented towards the north, matching the wind data with prevailing winds from the south. The odour impact assessment concluded that the levels of odours from the proposed activity are not likely to impact on the sensitive receptors in the facility. The worst case odour generated is predicted to be <1.5 ou_E/m³, and therefore not likely to generate nuisance odour.

Odour has not been an issue at the installation to date and the licensee has not received any complaints in relation to odours from the installation. The activity is entirely enclosed with negative pressure in the composting building.

The RD, as drafted, requires the licensee to provide adequate measures for the control of odours from the installation (Condition 3). The RD also prohibits allowing nuisance

¹ Air Dispersion Modelling from industrial Installations Guidance Note (AG4), EPA 2010.

from odour (Condition 5). Furthermore, the RD, as drafted, requires all odour forming waste other than wrapped or baled waste to be removed from the installation within 72 hours of its arrival or generation on site, including any organic fines generated through treatment of municipal waste (Condition 6). The schedules of the RD require regular monitoring of the odour and air emissions.

Accidental odour emissions could occur if there was a failure with the rapid close doors to the waste reception area or a failure with the biofilter, causing excessive odours from the activity. However, the likelihood of accidental odour emissions occurring is considered low in light of the measures outlined in the "Prevention of Accidents" section below and in light of the proposed conditions relating to odour emissions discussed above.

There are no other developments, installations or activities in the vicinity which are likely to give rise to odours that could lead to likely or significant cumulative effects from odour beyond the installation boundary.

Based on the above assessment, I consider that the odour emissions from the activity are not likely to have a significant effect on the environment when the installation is operating in accordance with the conditions of the Recommended Determination.

Overall Conclusions in relation to effects of air emissions from the activity on the environment

I am satisfied that there will not be significant effects on climate, air quality, human beings, flora and fauna or any other aspect of the environment from air emissions arising from the operation of the activity when operated in accordance with the conditions of the Recommended Determination.

8. Discharges to Water and Ground

8.1 Discharges to Waters

Stormwater from the roofs of site buildings and non-process related yard areas at present is discharged to a land drain (discharge point SW1). The licensee proposes to divert non-process surface water from the site building roofs and non-process yard areas to an existing integrated constructed wetlands (ICW) on site. The ICW ponds will provide treatment to this water prior to it being discharged from the site to the land drain.

The ICW was constructed in 2015. It is located on the southern end of the site and occupies an area of 4,417m². The ICW ponds are lined with 1m of cohesive sub-soil material and a further 0.5m of material with a permeability of $<1 \times 10^{-8}$ m/s. Based on site investigation and soil testing these requirements have been achieved and provide the necessary protection for groundwater.

For the purposes of EIA, the environmental factors potentially affected by storm water discharges to surface waters include water, soil, flora and fauna and human beings.

Should any accidental emission occur it has the potential to discharge to the ICW. This could have the potential to affect surface water quality downstream of the outfall from the ICW, as well as aquatic habitats within that surface water. Should any accidental emission discharge to ground, this could potentially affect the quality of soil and groundwater directly, which could affect those using the groundwater body as a source of drinking water and could potentially indirectly affect surface quality downstream.

Condition 6.13 of the licence requires the licensee to set trigger values for total organic carbon, ammonia and suspended solids. The RD requires the licensee to maintain the

storm water collection system. It requires that the storm water discharge is visually inspected daily and that the constituents are monitored quarterly (*Schedule C.2.2 Monitoring of Storm Water Emissions*). The RD, as drafted, requires that there are no unauthorised emissions of polluting matter to the storm water drainage system.

The RD contains standard conditions in relation to the storage and management of materials and wastes. The RD also requires that accident and emergency response procedures are put in place. The controls pertaining to accidents and emergencies are addressed below. These measures will help to control any impacts which could occur should any mitigation measures fail. It is therefore considered that direct effects as a result of storm water emissions are considered to be neither likely nor significant.

There are no other sources of significant storm water emissions in the general vicinity of the installation. Therefore, it is considered that there will be no significant cumulative effect from storm water emissions from the activity or other water emissions from other activities in the area to the Moyle River. It is also considered that no indirect effects are likely as a result of these surface water emissions from the activity.

Based on the above assessment, I consider that the water emissions are not likely to have a significant effect on the environment when the installation is operating in accordance with the conditions of the Recommended Determination.

8.2 Emissions to Sewer

There are no process emissions to sewer at the installation.

8.3 Discharges to ground

8.3.1 Emissions to ground

There are no process emissions to ground from the installation.

8.3.2 Other emissions to ground

An on-site waste water treatment system and percolation area are installed for the treatment of sanitary effluent. For the purposes of EIA, the environmental factors potentially affected by a percolation discharge to ground/ground water include water quality and soil. Should the septic tank fail or become overloaded, untreated sewage could potentially affect the quality of soil in the percolation area and groundwater.

The RD includes a standard condition which requires the applicant to provide and maintain a wastewater treatment plant for the treatment of sanitary effluent, the waste water treatment system and percolation area shall satisfy the criteria set out in the Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (≤ 10 p.e.), published by the EPA (Condition 3.18).

There are less than ten people employed at the site, and the nature of the sanitary effluent, it is considered that even in the unlikely event of the septic tank failing, the effect on soil beneath the tank and in the percolation area would be localised and would not be significant and the attenuation provided by the underlying soil would ensure that groundwater would not be affected significantly. It is therefore considered that direct effects as a result of sewage emissions to ground are considered to be neither likely nor significant.

The area in which the composting installation is located is a largely agricultural environment. Therefore, it is considered that there will be no significant cumulative

effect from septic tank emissions to ground from the activity and ground emissions from other activities in the area. It is also considered that no secondary or indirect effects are likely as a result of these ground emissions from the activity.

Based on the above assessment, I consider that domestic sewage emissions to ground through the percolation area are not likely to have a significant effect on the environment when the installation is operating in accordance with the conditions of the Recommended Determination.

Overall Conclusions in relation to effects of emissions to water and ground on the environment

I am satisfied that there will not be significant effects on human beings, flora and fauna, water quality, soil quality or any other aspect of the environment from emissions to water and ground arising from the operation of the activity when the installation is operating in accordance with the conditions of the Recommended Determination.

9. Noise

Noise at the installation is associated with movements of waste delivery vehicles and operation of machinery. For the purposes of EIA, the environmental factors potentially affected by noise emissions from the activity include human beings and flora and fauna.

Noise arising from site could have the potential to cause nuisance for those living in the vicinity of the activity or on noise sensitive species near the site.

The existing licence requires the licensee to carry out a noise monitoring survey annually. There has been no history of noise complaints or breaches of the noise limits in the licence at the installation. Standard noise conditions and emission limit values, which apply at the noise sensitive location, have been included in the RD. It is therefore considered that direct significant effects as a result of noise from the activity are unlikely. There are no other developments, installation or activities in the vicinity that are likely to generate noise to an extent that could lead to likely or significant cumulative effects beyond the site boundary.

Overall Conclusions in relation to effects of noise from the activity on the environment

Based on the above assessment and the controls in place, I am satisfied that there will not be significant effects on the environment from noise from the activity when the installation is operating in accordance with the conditions of the Recommended Determination.

10. Waste Generation

The activity does not produce significant quantities of waste and is limited to municipal type waste from office and welfare facilities onsite. The oversize materials recovered from pre and post screening of the compostable material are stored on site. Depending on their nature they may either be added to the bulking agents used in subsequent composting batches or sent off-site for disposal or recovery. All waste generated on site is transported and recovered/disposed off-site in accordance with national and European legislation. For the purposes of EIA, the environmental factors potentially affected by waste generated by the activity include material assets, human beings and flora and fauna.

If dealt with in accordance with the conditions of the RD, the management of waste generated at the facility will be in accordance with the requirements of Article 11(e) of the Industrial Emissions Directive. In relation to pests and rodents, the RD requires the implementation of a pest control programme that shall include mitigation measures to further reduce the likelihood of a negative effect on the environment.

A fire took place on the site on 6th August 2018, caused by over compaction and non-removal of their overs stockpile². The fire caused runoff of leachate which was collected in the underground leachate collection tank. The RD requires the licensee to ensure all waste handling/processing plant is cleared of all waste at least weekly, or as otherwise required by the Agency (Condition 8.13.4). The air extraction system and biofilters provides protection from any air emissions that may arise as a result of fire in the process buildings. The RD also includes conditions relating to fire prevention, waste handling and storage.

The controls in the RD in relation to waste will prevent the occurrence of possible direct and indirect negative effects on the environment.

Significant cumulative effects on the environment from the generation of waste by this installation and other developments are not likely due to the absence of other major developments or activities close to the installation.

Overall Conclusions in relation to effects of the generation of waste from the activity on the environment

Based on the above assessment and the mitigation measures in place, I am satisfied that there will not be significant effects on the environment from the generation of wastes from the operation of the activity or from pests or vermin when the installation is operating in accordance with the conditions of the Recommended Determination.

11. Use of Resources

The operation of the installation involves the consumption of groundwater, gas oil and electricity.

Resource	Quantity per annum
Electricity	187,850 kWh (to increase to 190,000 kWh if the licence is granted)
Groundwater Abstraction	20 m ³
Gas oil	200 m ³

For the purposes of EIA, the environmental factors potentially affected by resource use include material assets.

The use of natural resources by the activity will not be significant.

Condition 7 of the licence provides for the efficient use of resources and energy in all site operations. This condition also requires an energy audit to be carried out and

² Materials screened out of the end-product.

repeated at intervals as required by the Agency. The BREF on Energy Efficiency should be referred to in the context of the Resource Use and Energy Programme.

The installation is located in a rural area with most of the developments in the vicinity of the installation being dwelling houses and farms, all of which would use minimal amounts of resources. Therefore, significant cumulative effects on the environment from the use of resources by this installation and other developments are not likely.

Overall Conclusions in relation to effects of the use of resources by the activity on the environment

I am satisfied that there will not be significant effects on the environment from the use of natural resources from the operation of the activity when the installation is operating in accordance with the conditions of the Recommended Determination.

12. Prevention of Accidents

The application details a range of measures that will help to prevent accidents at the installation and limit their environmental consequences. These include:

- Reuse of process wastewater in the biological treatment process.
- Provision of an additional biofilter.
- An Emergency and Incident Response Procedure.

Condition 9 of the RD requires procedures to be put in place to prevent accidents with a possible impact on the environment and to respond to emergencies so as to minimise the impact on the environment. An Environmental Liabilities Risk assessment (ELRA) has also been submitted with the application and is discussed later in this report.

The risk of accidents and their consequences, and the preventative and mitigation measures listed in the table above, have been considered in full in the assessments carried out throughout this report.

It is considered that the conditions of the RD and the mitigation measures proposed will significantly reduce the likelihood of accidental emissions occurring and limit the environmental consequences of an accidental emission should one occur.

13. Cessation of activity

Condition 10 of the RD requires the proper closure of the activity with aim of protecting the environment. A Closure, Restoration and Aftercare Management Plan (CRAMP) has also been submitted with the application. (see Fit and Proper Person Assessment section below for further details).

Baseline Report

Article 22(2) of the IED requires that where the activity involves the use, production or release of relevant hazardous substances and having regard to the possibility of soil and groundwater contamination at the site of the installation, the operator shall prepare and submit to the competent authority a baseline report.

A baseline screening assessment was undertaken by the applicant in accordance with Stages 1 to 3 of the European Commission Guidance concerning baseline reports under Article 22(2) of Directive 2010/75/EU on industrial emissions. The screening concluded that a baseline report is not required because:

- (i) Limited quantities of hazardous substances (i.e. mercury tubes and disinfectants) are stored on site. The proper storage of these materials and their location inside buildings with hard standing floors provide added protection to soil and groundwater receptors;
- (ii) Diesel storage on site is in a dedicated tank. The area surrounding the tank bunds is concrete, providing additional protection; and,
- (iii) Leachate is stored in a containment tank and recirculated into the composting process. Any leak or spills of leachate are directed to the dedicated leachate drainage system, which directs all leachate back through the process.

Taking the reasons above into account and the measures to be taken to prevent accidents and incidents, the possibility of soil and groundwater contamination at the site of the installation is considered to be low. Having regard to the possibility of soil and groundwater contamination and to the European Commission Guidance concerning baseline reports under Article 22(2) of Directive 2010/75/EU the Agency is satisfied that a baseline report is not required.

On cessation of the activity where the installation has caused significant pollution of soil or groundwater, Condition 10 of the RD requires the licensee to take measures to address the pollution and to return the site to the state established in the Baseline Report, or otherwise to take actions aimed at the removal, control, containment or reduction of hazardous substances so that the site ceases to pose a significant risk to human health or the environment.

I am satisfied that there will not be significant effects on the environment from the measures that will be taken upon cessation of the activity when the installation has been operated in accordance with the conditions of the Recommended Determination.

14. Other matters relating to EIA

14.1 Effects on landscape, material assets and cultural heritage

(a) Disturbance of archaeology and architecture from the operation of the activity

The licensee carried out an Archaeological Impact Assessment (2015) in support of their planning application for the constructed wetland. The planning authority dealt with the matters of the impact assessment through their planning system.

(b) Landscape, visual and cultural effects

The installation is located in an agricultural area, with the buildings constructed of similar size and colour. Emissions from the operation of the activity will not affect the agricultural landscape and culture of the area.

No mitigation measures have been proposed in relation to (a) and (b) above.

I am satisfied that there will not be significant effects on landscape, material assets and cultural heritage from the operation of the activity.

Accordingly, if the activity is carried out in accordance with the RD and the conditions attached, the operation of the activity will not cause environmental pollution.

14.2 Interaction of effects

I have considered the interaction between human beings, flora and fauna, soil, water, air, climate, landscape, material assets, cultural heritage and the interaction of the likely effects identified throughout this report.

The most significant interactions are between water, soil, flora and fauna. These interactions have been discussed in detail in the earlier parts of this report and the likelihood of significant effects on the environment from these interactions are not considered to be likely or significant.

Based on the assessment carried out throughout this report, and the mitigation measures proposed (including the relevant conditions in the licence), I do not consider that the interactions identified are likely to cause or exacerbate any potentially significant environmental effects of the activity.

15. Reasoned Conclusion on Environmental Impact Assessment

Having regard to the effects (and interactions) identified, described and assessed throughout this report, I consider that the mitigation measures proposed will enable the activity to operate without causing environmental pollution. I also consider that the potential effects on the environment identified above, even if they occur, are unlikely to damage the environment, and the risk of them occurring is not unacceptable.

Accordingly, if the activity is carried out in accordance with the RD and the conditions attached, the operation of the activity will not cause environmental pollution. The conditions of the RD and the mitigation measures proposed will significantly reduce the likelihood of accidental emissions occurring and limit the environmental consequences of an accidental emission should one occur.

16. Appropriate Assessment

Table 2 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 Site(s) at Lower River Suir SAC (002137).

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. This decision was made for the following reasons:

- Surface water emissions consist of run off from site building roofs and non-process related yard areas; and,
- The prevailing wind at the site is from a southerly direction, whereas the European site is located approximately 6km to the south east of the site.

Table 2: List of European Sites assessed, their associated qualifying interests and conservation objectives.

Site Code	Site Name	Qualifying Interests (* denotes priority habitat)	Conservation Objectives
002137	Lower River Suir SAC	<p>Habitats</p> <p>1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)</p> <p>1410 Mediterranean salt meadows (Juncetalia maritimi)</p> <p>3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation</p> <p>6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles</p> <p>91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)*</p> <p>91J0 Taxus baccata woods of the British Isles*</p> <p>Species</p> <p>1092 White-clawed Crayfish (<i>Austropotamobius pallipes</i>)</p> <p>1029 Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)</p> <p>1099 River Lamprey (<i>Lampetra fluviatilis</i>)</p> <p>1096 Brook Lamprey (<i>Lampetra planeri</i>)</p> <p>1355 Otter (<i>Lutra lutra</i>)</p> <p>1095 Sea Lamprey (<i>Petromyzon marinus</i>)</p> <p>1103 Twaite Shad (<i>Alosa fallax fallax</i>)</p> <p>1106 Salmon (<i>Salmo salar</i>)</p>	NPWS (2017) Conservation objectives for Lower River SuirSAC [002137]. Version 1.0. Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

17. Fit & Proper Person Assessment

The Fit & Proper Person test requires three elements of examination:

Technical Ability

The licensee has provided details of the qualifications, technical knowledge and experience of key personnel. The licence application also includes information on the on-site management structure. It is considered that the licensee has demonstrated the technical knowledge required.

Legal Standing

Neither the licensee nor any relevant person has relevant convictions under the Environmental Protection Agency Act 1992, as amended, or under any other relevant environmental legislation.

Financial Provision/Strength

The licence category and installation was assessed for the requirements of Environmental Liabilities Risk Assessment (ELRA), Closure, Restoration and Aftercare Management Plan (CRAMP) and Financial Provision (FP), in accordance with Agency

guidance. Under this assessment it has been determined that ELRA, CRAMP and FP were not required.

Fit & Proper Conclusion

It is my view, and having regard to the provisions of section 84(5) of the EPA Acts 1992 as amended and the Conditions of the RD, that the applicant can be deemed a Fit & Proper Person for the purpose of this application.

18. Cross Office Consultation

I consulted with the Office of Environmental Enforcement (OEE) Inspectors, Joan Fogarty in relation to this site and Caoimhín Nolan in relation to financial provision.

The OEE made the following comments in relation to the compliance history and general management of the installation:

- There was a fire at the installation in August 2018 caused by over compaction and non-removal of their overs stockpile.
- The housekeeping of the building and plant (in particular the screening plant) may need to be cleaned down more frequently than weekly, given the nature of the material they handle and dust levels, particularly in dry months.
- The storage of compost in the maturation bay needs improvement. There needs to be clear separation of stockpile contents to ensure no mixing of batches and an appropriate tracking system needs to be put in place to ensure inspectors can identify batches at any time. The licensee has argued that this is irrelevant as the batches are comprised of waste transfer station fines that are bio-stabilised prior to landfilling and that separation of batches would only be relevant if the site was producing compost (ref. LR036876).
- The dust monitoring location D2 is surrounded by trees and often gets contaminated with vegetation. This monitoring location is not at the site boundary so is not giving an indication of offsite receptor experiences; it may need to be moved.
- Odour assessments undertaken by site staff should be undertaken in accordance with EPA guidance AG5.

These comments have been addressed through the conditions of the RD. Condition 8.13.4 of the RD, as drafted, requires the plant to be cleared of all waste weekly, as is a standard requirement, and allows for this frequency to be amended should the Agency require more frequent cleaning of plant. Condition 8.11 of the RD, as drafted, includes a requirement for the licensee to establish, maintain and implement a waste storage plan. As part of the storage plan, the licensee must ensure that all waste is clearly labelled, appropriately segregated and visibly or physically delineated. This is in line with the requirements of waste storage in CID 2018/1147 on waste treatment. In general, the OEE have no significant concerns regarding the proposed increase in tonnage and other proposed changes to the activity. Condition 6.8.1 requires that the location of the D2 dust monitoring point be relocated to a more suitable location to the satisfaction of the Agency, within 1 month of the date of grant of this licence.

19. Charges

The annual enforcement charge recommended in the RD is €9,701, which reflects the anticipated enforcement effort required and the cost of monitoring.

20. Recommendation

The RD specifies the necessary measures to provide that the installation shall be operated in accordance with the requirements of Section 83(5) of the EPA Act 1992 as amended, and has regard to the appropriate assessment screening and EIA screening. The RD gives effect to the requirements of the Environmental Protection Agency Acts 1992 as amended and has regard to submissions made.

I recommend that a Proposed Determination be issued subject to the conditions and for the reasons as drafted in the RD.

Signed



Suzanne Wylde

Environmental Licensing Programme

Procedural Note

In the event that no objections are received to the Proposed Determination on the application, a licence will be granted in accordance with Section 87(4) of the Environmental Protection Agency Acts 1992 as amended, as soon as may be after the expiration of the appropriate period.

Appendices

Appendix 1: Map showing location of compost installation, surface waters and European sites



Appendix 2: Relevant European (and international) legal instruments

The following Irish and European instruments are regarded as relevant to this application assessment and have been considered in the drafting of the Recommended Determination.

Industrial Emissions Directive (IED) (2010/75/EU)

Environmental Impact Assessment (EIA) Directive (85/337/EEC, as amended)

Habitats Directive (92/43/EEC) & Birds Directive (79/409/EC)

Water Framework Directive (2000/60/EC)

Air Quality Directives (2008/50/EC and 2004/107/EC)

Environmental Liability Directive (2004/35/CE)

Waste Framework Directive (2008/98/EC)

Energy Efficiency Directive (2012/27/EU)