



**OFFICE OF  
ENVIRONMENTAL  
SUSTAINABILITY**

**Environmental Licensing Programme Memorandum**

**To:** Director Dr Eimear Cotter

**From:** Inspector Áine Murphy

**Date:** 20 January 2020

**RE:** Request from Waterford City & County Council for an extension to the commencement period of Waste Licence Reg. No. W0234-02 in respect of a proposed anaerobic digestion facility.

**Background**

The facility was constructed by Waterford City Council in 2003. The Agency granted a Certificate of Registration (Register No. R1600) in 2005 which authorised the operation of a composting facility. The facility was issued with a waste licence (Register No. W0234-01) on 20 December 2007 to allow for an increase in waste acceptance at the facility. The composting operations stopped in September 2009 and the licensee subsequently applied for a licence review to redevelop the facility to allow for anaerobic digestion activities, as composting activities would not recommence at the facility.

The revised Waste Licence was granted on 06 February 2014 to Waterford City & County Council for carrying out the following classes of activity, as specified in the Third and Fourth Schedule to the Waste Management Act 1996 (WMA), at a facility located at Green Road, Kilbarry, Six Cross Roads Business Park, Waterford City, County Waterford:

- D4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.).
- D13 Blending or mixing prior to submission to any of the operations numbered D1 to D12 (if there is no other D code appropriate, this can include preliminary operations prior to disposal including pre-processing such as, amongst others, sorting, crushing, compacting, pelletising, drying, shredding, conditioning or separating prior to submission to any of the operations numbered D1 to D12).
- D15 Storage pending any of the operations numbered D1 to D14 (excluding temporary storage (being preliminary storage according to the definition of 'collection' in section 5(1)), pending collection, on the site where the waste is produced).
- R1 Use principally as a fuel or other means to generate energy: This includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:
  - 0.60 for installations in operation and permitted in accordance with applicable Community acts before 1 January 2009,
  - 0.65 for installations permitted after 31 December 2008, using the following formula, applied in accordance with the reference document on Best Available Techniques for Waste Incineration:

$$\text{Energy efficiency} = (E_p - (E_f - t E_i)) / (0.97 \times (E_w + E_f))$$

- R3 Recycling /reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes), which includes gasification and pyrolysis using the components as chemicals.
- R12 Exchange of waste for submission to any of the operations numbered R1 to R11 (if there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing such as, amongst others, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11).
- R13 Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage (being preliminary storage according to the definition of "collection" in section 5(1)), pending collection, on the site where the waste is produced).

The proposed facility is authorised to accept non-hazardous biodegradable wastes (household and commercial organic solids and industrial organic liquids). The waste activities authorised to take place at the facility include the anaerobic digestion of biodegradable waste and the operation of a combined heat and power plant.

The licensed activity has not commenced to-date.

### **Request**

On 29 November 2019, Waterford City & County Council submitted a request to extend the licence commencement date for a period of six months to 06 August 2020. The correspondence states that the site has been unused since the composting operations ceased in September 2009, and that the proposed anaerobic digestion facility has not been developed to-date. Waterford City & County Council indicated that the redevelopment of the facility was held up due to legal reasons. After these issues were resolved, FLI International Ltd signed the lease to develop and operate the site but subsequently went into liquidation in October 2017. Following this, Waterford City & County Council put the site on the market and Rathdrinagh Land Ltd, part of the Panda Waste Group, signed the contracts for the sale of the site.

Waterford City & County Council state that the extension of the current licence commencement date is required to allow the completion of the contract and the transfer of the current licence to Rathdrinagh Land Ltd. The Agency notes a licence transfer request was submitted by the licensee in relation to this facility on 21 November 2019.

### **Assessment**

Given that the licence Reg. No. W0234-02, as issued, did not specify a commencement date (as provided for in section 49(2)(a) of the WMA), the commencement date for the licence is taken as three years after the licence grant date or as is appropriate in this case, the period referred in the extension provided by the Agency i.e. 06 February 2020 (as per section 49(1)). As the licence was granted on 06 February 2014, the licence would have expired on 06 February 2017, in the normal course of events. In this case, Waterford City & County Council sought and were granted a three-year extension to the period of the licence by the Agency in 2017. This current request is the second extension request to the period of the licence.

Section 49(1) of the WMA outlines that where the activity to which a waste licence relates has not been substantially commenced within the period of three years beginning on the date on which the licence was granted, or the extension period granted, then that licence shall cease to have effect on the expiry of the said period. If the period has not expired, the Agency can extend the period referred to in section 49(1) as may be appropriate. The licence will expire on 06 February 2020 if an extension period is not granted.

In order to assess this extension of duration request, a screening for Appropriate Assessment has been carried out and this is documented in the attached Appropriate Assessment Screening Determination, dated 17 December 2019. It has been determined that an Appropriate Assessment is required.

The waste licence authorises the acceptance of up to 22,000 tonnes of waste annually, including biowaste and industrial non-hazardous organic liquids. The anaerobic digestion of this waste will generate odour, which will be treated by the biofilter abatement system, and biogas, which will be combusted in the combined heat and power plant (CHP). The resultant air emissions will be subject to licence emission limit values, and licence control and monitoring requirements. In addition, the licence provides for measures to prevent noise, odour, dust and other potential sources of nuisance beyond the site boundary.

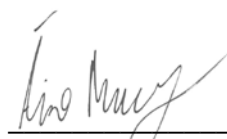
Sanitary effluent, process effluent and the liquid fraction of the digestate will be collected in the foul sewer on-site and will discharge via municipal sewer to the Waterford City wastewater treatment plant. The existing surface water collection system will be upgraded to allow all surface water run-off to be collected and directed through a Class 1 full retention interceptor to a settlement pond at the facility. The pond will discharge to the Knockeen tributary of the Suir which flows through three separate river tributaries prior to joining the estuary of the Lower River Suir SAC, approximately 9km downstream of the facility. The licensee must comply with storm water trigger levels for the discharges to the stream. Monitoring of the storm water emissions is required daily, weekly and quarterly for different parameters.

It cannot be excluded, on the basis of objective information, that the activities, individually or in combination with other plans or projects, will have a significant effect on any European site and accordingly it is determined that an Appropriate Assessment of the activities is required. This determination has been made on the basis of the potential significant effects on the qualifying interests of the Lower River Suir SAC resulting from the emissions to air from the generation and combustion of biogas at the installation.

The Agency's Office of Environmental Enforcement were consulted in relation to this extension.

### **Recommendation**

Waterford City & County Council have had over five years to commence the licence activity, and while the challenges encountered during this period are acknowledged, the site has been left vacant for ten years since the composting operations ceased in 2009. As an Appropriate Assessment is required, I recommend that the extension of duration request from Waterford City & County Council for Licence Reg. No. W0234-02 is refused.



Aine Murphy  
Inspector

Date: 20 January 2020

## Appropriate Assessment Screening Determination

In accordance with Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, the Agency has undertaken Appropriate Assessment screening to assess, in view of best scientific knowledge and the conservation objectives of the site, if the activities individually or in combination with other plans or projects is likely to have a significant effect on European Sites. In this context, particular attention was paid to the European Sites listed below.

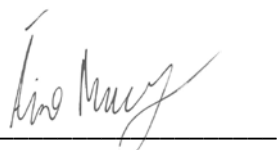
### Consent Details:

<b>Reg. No.</b>	W0234-02
<b>Applicant Name:</b>	Waterford City & County Council
<b>Type of Consent Sought:</b>	An extension of the period to commence a Waste Licence
<b>Location of installation:</b>	Green Road, Kilbarry, Six Cross Roads Business Park, Waterford City, Co. Waterford.
<b>Licence Extension Application Date:</b>	29 November 2019
<b>European Sites assessed:</b>	Lower River Suir SAC (Site Code: 002137)
<b>Date of AA Screening Determination:</b>	17 December 2019

### AA Screening Determination:

That the activities are not directly connected with or necessary to the management of any European site and that it cannot be excluded, on the basis of objective information, that the activities, 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 activities is required.

This determination has been made on the basis of the potential significant effects on the qualifying interests of the Lower River Suir SAC resulting from the emissions to air from the generation and combustion of biogas at the installation.



Áine Murphy

Office of Environmental Sustainability

Date: 17 December 2019