


This report has been cleared for submission to the Board by Marie O'Connor, Programme Manager. Eve O'Sullivan 20/04/2020

 <p>epa Environmental Protection Agency <i>An Ghriomhaireacht um Chaomhnú Comhshaoil</i></p>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME	
TO:	Each Director
FROM:	Áine Murphy, Inspector, Environmental Licensing Programme
DATE:	20 April 2020
RE:	Technical Amendment to Industrial Emissions Licence Register Number: W0232-01, held by Dublin Waste to Energy Limited, 10 Earlsfort Terrace, Dublin 2.

The Agency received a request on 15 April 2020 from Dublin Waste to Energy Limited, Licence Reg. No. W0232-01 to technically amend their licence. The request relates to the addition of two List of Waste (LoW) codes for non-hazardous medical waste.

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

1. Background

Dublin City Council was granted a waste licence, Register Number W0232-01, on 01 December 2008 for a facility located at Pigeon House Road, Poolbeg Peninsula, Dublin 4. The licence (Reg. No. W0232-01) was amended on 07 January 2014 for the purposes of Section 76A(11) Amendment of the Waste Management Act 1996 as amended. This amendment gives effect to the requirements of Directive 2010/75/EU (Industrial Emissions Directive).

The installation is licensed under classes 11.1 and 11.3(a) of the First Schedule to the EPA Act 1992 as amended.

The Industrial Emissions licence was transferred to Dublin Waste to Energy Limited on 31 October 2014. The licence was amended on 11 April 2017 (Technical Amendment A), 27 March 2018 (Technical Amendment B) and 25 April 2019 (Technical Amendment C).

Dublin Waste to Energy Limited is licensed for the operation of a non-hazardous waste to energy plant (incinerator). The installation is currently licensed to accept up to 600,000 tonnes per annum of non-hazardous residual, commercial and industrial waste for the purposes of incineration and energy recovery.

An application to review the licence, to increase the maximum annual tonnage of residual municipal non-hazardous solid waste accepted on-site, was received on 27 June 2019 and is currently being processed by the Environmental Licensing Programme within the Agency's Office of Environmental Sustainability.

2. Technical Amendment request

With the emergency measures currently in place nationally, it is considered important to have contingency capacity in place to ensure the proper disposal or recovery of certain waste streams. This was confirmed by the Agency's Office of Environmental Enforcement (OEE) and in discussions with the Waste Management Group in the Department of Communications, Climate Action and the Environment (DCCAE). On the 15 April 2020, the Agency received a request for a Technical Amendment of IE Licence Reg. No. W0232-01, in order to include two new LoW codes in Schedule A.1 'Waste Categories and Quantities for Acceptance at the Incineration plant'. The codes requested were as follows:

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|----------|--|
| 18 01 04 | wastes whose collection and disposal is not subject to special requirements in order to prevent infection (for example dressings, plaster casts, linen, disposable clothing, diapers). |
| 18 01 09 | medicines other than those mentioned in 18 01 08*. |

These non-hazardous wastes are expected to originate from sources such as hospitals, healthcare facilities and COVID-19 testing facilities. It is the Agency's understanding that this Technical Amendment is necessary to provide the contingency capacity in the Irish waste treatment infrastructure by enabling the acceptance of non-infectious COVID-19 waste material at the Dublin Waste to Energy installation if required during the COVID-19 outbreak.

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

I have consulted with the OEE in relation to this Technical Amendment request. The OEE confirmed that the proposed technical amendment cannot be accommodated under the existing licence. OEE has confirmed that there are no legal proceedings in train in respect of this licence.

4. Assessment

Dublin Waste to Energy Limited is licensed to accept non-hazardous wastes as outlined above. The licensee has indicated that these waste streams can be managed on-site to ensure that the immediate combustion of these waste streams takes place. A dedicated tipping bay can be allocated for this operation. Once the waste is tipped into the waste bunker, the waste can be directly fed into the waste hopper for immediate combustion. The licensee has also stated that they 'are ensuring all contingencies have been addressed so that the Dublin Waste to Energy facility can be kept operational and available when called upon'. The licensee indicated that the proposed alteration requires a change to a schedule of the licence.

The waste codes requested are categorised as "Chapter 18: Wastes from Human or Animal Health Care and /or related research (except kitchen and restaurant wastes not arising from immediate health care)" in the Agency's guidance note "*Waste Classification List of Waste & Determining if Waste is Hazardous or Non-hazardous*" dated 05 July 2018. To-date the existing licence does not authorise the acceptance of waste codes from this chapter. The sub-chapter '18 01' is for "wastes from natal care, diagnosis, treatment or prevention of disease in humans" which includes 10 waste codes. As outlined above, the licensee has requested that two of these non-hazardous waste codes are added to the licence.

The Appropriate Assessment Screening report submitted as part of this Technical Amendment clarified that the addition of the new waste streams will not increase the licensed maximum annual tonnage of 600,000 tonnes and will not alter the existing nature or volume of emissions to air and water. In addition, this will not result in increased operational traffic, lighting, noise, or human presence at the installation. The licensee stated that there is no planning permission required for this technical amendment and no change to the installation boundary or emissions to sewer.

The Health Act 1947 (Section 31A -Temporary Restrictions) (COVID-19) Regulations 2020 (S.I. No. 121 of 2020) came into operation on 08 April 2020 and was amended, through S.I. No. 128 of 2020, to allow the Regulations to remain in operation until 05 May 2020. The Minister may extend the date of operation of the Regulations by another amendment in coming weeks.

Waste Management is listed as an Essential Service in Schedule 2(4)(e) of this Act, which includes waste management treatment and disposal activities. The Technical Amendment request is therefore assessed in light of these exceptional circumstances.

The proposed Technical Amendment allows for the additional wastes to be accepted for incineration on-site and has been limited to the timeframe as set out in the COVID-19 Regulations and allows for any amendments to that timeframe by amending Regulations.

In addition, Condition 8.2.3 of the existing licence requires the licensee to submit detailed written procedures for the acceptance and handling of these two LoW codes to the Agency, prior to the commencement of waste acceptance at the installation.

5. Appropriate Assessment

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

A screening for Appropriate Assessment was undertaken to assess, in view of best scientific knowledge and the conservation objectives of the site, if the activities, individually or in combination with other plans or projects are likely to have a significant effect on any European Site. In this context, particular attention was paid to the European Sites listed in Appendix 1.

The activities are 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 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 was not required. The reasons for this determination are as follows:

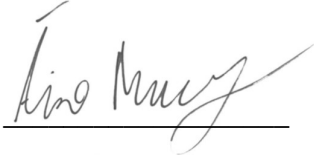
- The technical amendment, as requested, will not change the nature of the consent.
- There will be no emissions of environmental significance from the activities.
- The activities will not result in damage to, or loss of, species and habitats of these European Sites.

6. Recommendation

This memo recommends that the requested changes be accommodated by a Technical Amendment of Licence W0232-01 (held by Dublin Waste to Energy Limited), in accordance with Section 96(1)(c) of the EPA Act 1992 as amended.

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

Signed,

A handwritten signature in black ink, appearing to read 'Aine Murphy', is written over a horizontal line.

Áine Murphy
Inspector
Environmental Licensing Programme

Appendix 1: List of European Sites assessed, their associated qualifying interests and conservation objectives.

	European Site (site code)	Distance & Direction from Installation	Qualifying interests (* denotes a priority habitat)	Conservation objectives
1	South Dublin Bay SAC (000210)	200 m south of the installation	Habitats 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 2110 Embryonic shifting dunes	As per NPWS (2013) Conservation objectives for South Dublin Bay SAC [000210]. Version 1. Department of Arts, Heritage and the Gaeltacht (dated 22/08/2013).
2	North Dublin Bay SAC (000206)	2.5 km north of the installation	Habitats 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 2190 Humid dune slacks Species 1395 Petalwort (<i>Petalophyllum ralfsii</i>)	As per NPWS (2013) Conservation objectives for North Dublin Bay SAC [000206]. Version 1. Department of Arts, Heritage and the Gaeltacht (dated 06/11/2013).
3	Rockabill to Dalkey Island SAC (003000)	7 km east of the installation	Habitats 1170 Reefs Species 1351 Harbour Porpoise (<i>Phocoena phocoena</i>)	As per NPWS (2013) Conservation objectives for Rockabill to Dalkey Island SAC [003000]. Version 1. Department of Arts, Heritage and the Gaeltacht (dated 07/05/2013).
4	Howth Head SAC (000202)	7.5 km north of the installation	Habitats 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 4030 European dry heaths	As per NPWS (2016) Conservation objectives for Howth Head SAC [000202]. Version 1. Department of Arts, Heritage and the Gaeltacht (dated 06/12/2016).
5	Baldoyle Bay SAC (000199)	8 km north of the installation	Habitats 1140 Mudflats and sandflats not covered by seawater at low tide 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	As per NPWS (2012) Conservation objectives for Baldoyle Bay SAC [000199]. Version. Department of Arts, Heritage and the Gaeltacht (dated 19/11/2012).

6	South Dublin Bay and River Tolka Estuary SPA (004024)	50 m south of the installation	<p>Birds A144 Sanderling (<i>Calidris alba</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A149 Dunlin (<i>Calidris alpina</i>) A162 Redshank (<i>Tringa totanus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A143 Knot (<i>Calidris canutus</i>) A192 Roseate Tern (<i>Sterna dougallii</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A194 Arctic Tern (<i>Sterna paradisaea</i>) A193 Common Tern (<i>Sterna hirundo</i>) A137 Ringed Plover (<i>Charadrius hiaticula</i>)</p> <p>Habitats Wetlands</p>	As per NPWS (2015) Conservation objectives for South Dublin Bay and River Tolka Estuary SPA [004024]. Version 1. Department of Arts, Heritage and the Gaeltacht (dated 09/03/2015).
7	North Bull Island SPA (004006)	2.5 km north-east of the installation	<p>Birds A160 Curlew (<i>Numenius arquata</i>) A149 Dunlin (<i>Calidris alpina</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A162 Redshank (<i>Tringa totanus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A144 Sanderling (<i>Calidris alba</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) A143 Knot (<i>Calidris canutus</i>) A169 Turnstone (<i>Arenaria interpres</i>) A054 Pintail (<i>Anas acuta</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A052 Teal (<i>Anas crecca</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A056 Shoveler (<i>Anas clypeata</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>)</p> <p>Habitats Wetlands</p>	As per NPWS (2015) Conservation objectives for North Bull Island SPA [004006]. Version 1. Department of Arts, Heritage and the Gaeltacht (dated 09/03/2015).
8	Baldoye Bay SPA (004016)	8 km north of the installation	<p>Birds A137 Ringed Plover (<i>Charadrius hiaticula</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>Habitats Wetlands</p>	As per NPWS (2013) Conservation objectives for Baldoye Bay SPA [004016]. Version 1. Department of Arts, Heritage and the Gaeltacht (dated 27/02/2013).

9	Dalkey Islands SPA (004172)	9.5 km south of the installation	Birds A194 Arctic Tern (<i>Sterna paradisaea</i>) A193 Common Tern (<i>Sterna hirundo</i>) A192 Roseate Tern (<i>Sterna dougallii</i>)	As per NPWS (2018) Conservation objectives for Dalkey Islands SPA [004172]. Generic Version 6.0. Department of Arts, Heritage and the Gaeltacht (dated 21/02/2018).
10	Howth Head Coast SPA (004113)	10 km north of the installation	Birds A188 Kittiwake (<i>Rissa tridactyla</i>)	As per NPWS (2018) Conservation objectives for Howth Head Coast SPA [004113]. Generic Version 6.0. Department of Arts, Heritage and the Gaeltacht (dated 21/02/2018).