

 <p>epa Environmental Protection Agency An Ghníomhaireacht um Chaomhnú Comhshaoil</p>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME	
TO:	Dr. Eimear Cotter, Director
FROM:	Michelle Reddy, Inspector, Environmental Licensing Programme
DATE:	21 May 2020
RE:	Technical Amendment to Industrial Emissions Licence Register Number: W0025-04, held by Carlow County Council, County Buildings, Athy Road, Carlow Town.

The Agency received a request on 23 January 2020 from Carlow County Council, Licence Reg. No. W0025-04 to technically amend their Licence.

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

1. Background

Carlow County Council was granted a waste licence; Reg. No. W0025-01, on 24 March 2000 for an installation located at Powerstown Landfill and Recycling Centre, Kilkenny Road, Carlow. A revised licence was issued Licence Reg. No. W0025-02, on the 11 April 2005 and a further revised licence, Licence Reg. No. W0025-03 was issued to Carlow County Council on the 21 December 2009. This licence was amended on 28 June 2010 (Technical Amendment A), which related to landfill operation and the acceptance of biodegradable municipal waste and on 15 January 2013 (Technical Amendment B), to bring the licence into compliance with the European Communities Environmental Objectives (Surface Waters) Regulations 2009 and European Communities Environmental Objectives (Groundwater) Regulations 2010 and 2012.

Licence Reg. No. W0025-03 was amended for the purposes of Section 82A(11) of the EPA Act 1992 as amended, on 19 December 2013. This amendment gives effect to the requirements of Directive 2010/75/EU (Industrial Emissions Directive).

A revised Industrial Emissions licence, Licence Reg. No. W0025-04 was issued to Carlow County Council on 21 October 2015 authorising an increase in waste acceptance from 40,000 tonnes of non-hazardous waste per annum to 50,000 tonnes per annum and landfilling to cease by the end of 2016.

The installation is licenced under Class 11.1 and Class 11.5 of the First Schedule to the EPA Act 1992 as amended.

2. Technical Amendment request

On the 23 January 2020, the Agency received a request for a Technical Amendment of IE Licence Reg. No. W0025-04, in order to allow for changes in Schedule C: Control and Monitoring and specifically the leachate locations listed in Table C.1.1 in relation to leachate composition.

Schedule C: Control & Monitoring, Table C.1.1 currently lists the following leachate locations to be sampled for leachate composition: Leachate Lagoon and Leachate Tank L1, L2, L3, L4, L7, L10, L11, L12, L13, L15, L16, L17, L18.

The licensee requests to reduce the number of locations listed for annual leachate sampling and proposes to sample annually at two locations: the Leachate Lagoon and Leachate Tank only.

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

I have consulted with the OEE Team, in relation to this technical amendment request. The OEE confirmed that the amendment request 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

The proposed alteration refers only to the leachate locations listed in Schedule C Table C.1.1 of W0025-04. It relates to the annual leachate monitoring requirements at the landfill at 15 locations. The licensee is finding this very costly and too onerous due to the number of samples involved stating that the monitoring is not providing any relevant information as the cells are lined and capping is complete.

All of the leachate locations specified in the amendment request (L1 to L18) are located in the lined cells of the landfill. Very little leachate is evident in the unlined area of the site and there is no leachate collection in that area of the site. New groundwater wells (BH1 to BH4) were installed offsite between the old unlined area of the landfill and the River Barrow in 2016 with trigger levels put in place. There have been no exceedances of the trigger levels in this area of the site.

All leachate from the leachate locations go to the leachate lagoon or the storage tank. L1 to L4 and L11 to L13 are pumped or gravity fed to the lagoon and L7, L10, L15 to L18 are pumped to the leachate tank for disposal at Mortarstown Waste Water Treatment Plant. Leachate levels are continuously measured at the leachate collection sumps (lowest collection points) as specified in the licence as well as the Leachate Tank and Leachate Lagoon.

As all leachate goes to either the Leachate Lagoon or Leachate Tank it is acceptable to reduce the number of sampling locations to the Leachate Tank and Leachate Lagoon only to ascertain leachate composition. It is recommended to remove all reference of leachate locations L1 to L18.

5. Appropriate Assessment

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

A screening for Appropriate Assessment was undertaken to assess, in view of best scientific knowledge and the conservation objectives of the site, if the activity, individually or in combination with other plans or projects is likely to have a significant effect on any European Site. In this context, particular attention was paid to the European Site(s) at River Barrow and River Nore SAS (Site Code: 002162), Slaney River Valley SAC (Site Code: 000781) and Blackstairs Mountains SAC (Site Code: 000770).

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

The proposed amendment is solely to reduce the number of leachate locations listed for annual sampling of leachate composition. There are no changes in emissions, therefore there are no significant effects on the qualifying interests of the European Sites.

6. Recommendation

This memo recommends that the requested changes be accommodated by a Technical Amendment of Licence W0025-04 (held by Carlow County Council), in accordance with Section 96(1)(b) 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,



Michelle Reddy
Inspector
Environmental Licensing Programme

Table 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	River Barrow and River Nore SAC (002162)	0.2km from the installation.	<p>Habitats:</p> <p>1130 Estuaries</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1170 Reefs</p> <p>1310 Salicornia and other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>3260 Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</p> <p>4030 European dry heaths</p> <p>6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>)*</p> <p>91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)*</p> <p>Species</p> <p>1029 Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)</p> <p>1016 Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>)</p> <p>1355 Otter (<i>Lutra lutra</i>)</p> <p>1092 White-clawed Crayfish (<i>Austropotamobius pallipes</i>)</p> <p>1106 Salmon (<i>Salmo salar</i>)</p> <p>1421 Killarney Fern (<i>Trichomanes speciosum</i>)</p> <p>1103 Twaite Shad (<i>Alosa fallax fallax</i>)</p> <p>1990 Nore Pearl Mussel (<i>Margaritifera durrovensis</i>)</p> <p>1095 Sea Lamprey (<i>Petromyzon marinus</i>)</p> <p>1096 Brook Lamprey (<i>Lampetra planeri</i>)</p> <p>1099 River Lamprey (<i>Lampetra fluviatilis</i>)</p>	As per NPWS (2011) Conservation objectives for River Barrow and River Nore SAC [002162]. Version 1.0 National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht (dated 11 July 2011)
2	Slaney River Valley SAC (000781)	14 km from the installation.	<p>Habitats:</p> <p>1130 Estuaries</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p>	As per NPWS (2011) Conservation objectives for Slaney River Valley SAC [000781]. Version 1.0. National Parks and Wildlife

			<p>3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation</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>Species</p> <p>1365 Harbour Seal (<i>Phoca vitulina</i>)</p> <p>1355 Otter (<i>Lutra lutra</i>)</p> <p>1103 Twait Shad (<i>Alosa fallax fallax</i>)</p> <p>1106 Salmon (<i>Salmo salar</i>)</p> <p>1099 River Lamprey (<i>Lampetra fluviatilis</i>)</p> <p>1029 Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)</p> <p>1096 Brook Lamprey (<i>Lampetra planeri</i>)</p> <p>1095 Sea Lamprey (<i>Petromyzon marinus</i>)</p>	Service, Department of Arts, Heritage and the Gaeltacht (dated 21 October 2011).
3	Blackstairs Mountains SAC (000770)	16Km from the installation	<p>Habitats</p> <p>4010 Northern Atlantic wet heaths with Erica tetralix</p> <p>4030 European dry heaths</p>	