

 <p>epa Environmental Protection Agency An Ghníomhaireacht um Chaomhnú Comhshaoil</p>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME	
TO:	Dr Eimear Cotter, Director
FROM:	Róisín Griffin, Inspector, Environmental Licensing Programme
DATE:	17 November 2020
RE:	Technical Amendment to Industrial Emissions Licence Register Number: W0201-03, held by Bord na Móna Public Limited Company (PLC), Licensee Name, Main St., Newbridge, Kildare.

The Agency received a request on 11th June 2020 from Bord na Mona PLC, Licence Reg. No. W0201-03 to technically amend their Licence. The request relates to the approval to allow an incinerator bottom ash processing and materials recovery treatment process at the existing installation at Drehid Waste Management Facility.

This memo recommends that the change should not be accommodated by a Technical Amendment.

1. Background

Bord na Móna PLC was granted a waste licence; Reg. No. W0201-01 in August 2005 for a landfill facility located at Killinagh Upper, Carbury, County Kildare.

A revised licence (W0201-02) was granted in April 2009 to allow for an increase in the footprint of the landfill and authorised an increase in the acceptance of waste per annum for a set time period of seven years.

The licence was reviewed again in March 2010 and a new licence (W0201-03) issued. This review was initiated by the Agency. The licence (W0201-03) was amended in January 2013 for the purposes of the European Communities Environmental Objectives (Groundwater) Regulations 2010 and again in December 2013 to give effect to the requirements of Directive 2010/75/EU (Industrial Emissions Directive). In March 2016 the licence was amended further to allow an increase in waste acceptance.

The installation is licensed for the landfill of non-hazardous waste under Class 11.5 (Landfill of waste) of the First Schedule to the EPA Act 1992 as amended.

A licence review application (W0201-04) was submitted to the Agency in December 2018. A planning application was made directly to An Bord Pleanála (ABP) in December 2017. An ABP decision has not been granted to date. The following additional classes of activity are applied for in the IE licence application:

- Class 11.1: The recovery or disposal of waste in a facility, within the meaning of the Act of 1996, which facility is connected or associated with another activity specified in this Schedule in respect of which a licence or revised licence under Part IV is in force or in respect of which a licence under the said Part is or will be required;

- Class 11.2(b): Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico-chemical treatment;
- Class 11.2(c): Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving blending or mixing prior to submission to any of the other activities listed in paragraph 11.2 or 11.3;
- Class 11.4(a): Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving physico-chemical treatment;
- Class 11.4(b): Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving (i) biological treatment; and (iii) treatment of slags and ashes;
- Class 13.6: Independently operated treatment of waste water (to which the Urban Waste Water Treatment Regulations 2001 do not apply) and discharged by an installation to which Part IV applies.

2. Technical Amendment request

On the 11th June 2020, the Agency received a request for a Technical Amendment of Licence Reg. No. W0201-03, in order to process up to 4,800 tonnes per annum of incinerator bottom ash (IBA) at the installation. The process involves a mobile system situated on the footprint of the landfill with a series of grading screens for material size, and ferrous/non-ferrous metal separation. The IBA will be sourced from the Dublin Waste to Energy installation at Poolbeg (Licence Reg. No W0232-01).

The licensee has submitted predicted noise modelling with the amendment request. The mobile facility would also be surrounded by a clay berm. The licensee states there would not be issues related to noise or dust emissions from the installation.

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

I have consulted with the OEE Inspector Ciaran Cuddihy, in relation to this technical amendment request. The OEE confirmed that the proposed 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 proposal to treat and recover IBA waste is in itself listed as an activity in Class 11.4 (b)(iii) *treatment of slags and ashes in the First Schedule of the EPA Act 1992 as amended*, for which the licensee has included in a full review application already submitted. It is not appropriate that an addition of a class of activity be authorised by way of technical amendment, a process that does not provide for third party participation. Further, the planning application related to the activity proposed has not been granted to date, and from the information provided in this technical amendment request, evidence that the original planning permission is appropriate is not provided.

In addition, the licensee's own screening assessment of the licence alteration request submitted using the Agency's online change request tool concluded a licence review would be necessary to accommodate the proposed changes.

5. Recommendation

This memo recommends that the requested changes cannot be accommodated by a Technical Amendment of Licence W0201-03 (held by Bord na Móna PLC).

Signed,



Róisín Griffin
Inspector
Environmental Licensing Programme