

 <p>Environmental Protection Agency An Ghníomhaireacht um Chaomhnú Comhshaoil</p>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME	
TO:	Micheál Lehane, Director
FROM:	Aisling Connolly, Inspector, Environmental Licensing Programme
DATE:	3 March 2021
RE:	Licence Amendment to Waste Licence Register Number: W0217-02, held by Killarney Waste Disposal Unlimited Company, Aughacurreen, Killarney, County Kerry.

1. Background

Killarney Waste Disposal Limited was granted a licence; Reg. No. W0217-01, on 1 August 2006 for a facility located at Aughacurreen, Killarney, County Kerry. The license was issued for disposal activities D13, D14 and D15 and recovery activities R3, R4, R5, R11, R12 and R13, under the Waste Management Act, 1996, as amended.

A technical amendment request was rejected on 1 October 2008, for the increase in intake of dry recyclable waste as the change was deemed to require a licence review. The licence (Reg. No. W0217-01) was amended on 29th June 2016 for the insertion of conditions to bring the licence in line with the Agency's *modus operandi* for addressing fire risk at Waste Transfer Stations (Technical Amendment A).

A revised licence, Licence Reg. No. W0217-02, was issued on 8 February 2019 for reasons including an increase in waste acceptance threshold. The revised licence included a change in name to "*Killarney Waste Disposal Unlimited Company*", in order to reflect the company's registration with the Companies Registration Office.

The facility operates a waste recovery and transfer facility. Activities carried out at the facility include treatment of mixed dry recyclable waste, sorting of Construction and Demolition waste, buking of organic waste and the preparation of recovered waste for dispatch to authorised waste facilities.

2. Technical Amendment request

On the 11 November 2019, the Agency received a request from Killarney Waste Disposal Unlimited Company (KWDUC), for an amendment of Waste Licence Reg. No. W0217-02.

The request firstly relates to authorisation of the use of two reed beds installed on-site as part of the installation's storm water treatment system. OEE have confirmed the reed beds are not currently in use at the facility. The licensee proposes the following amendment to condition 6.15.5, in order to authorise the use of the reed beds to treat storm water, following passing through a silt trap and oil separator (W0217-02);

Current Condition Wording		Licensee's suggested New Wording
6.15.5	Treated storm water from paved areas shall be directed to the percolation areas described in drawing no 02-034-J4-MCOS2F03 after treatment in a silt trap and oil separator.	Treated stormwater from paved areas shall be directed to the percolation area described in Drawing 2 Site Drainage in the review application after treatment in a silt trap, oil separator and reed beds.

The use of the vertical flow reed bed and lagoon reed bed as part of the storm water treatment system can provide additional suspended solids attenuation and increase storm water treatment capacity at the facility. As part of the storm water treatment system, the reed beds may only treat uncontaminated storm water. Condition 6.12.2 of the licence requires that process effluent shall be collected and stored, prior to disposal off-site, in effluent holding tanks. Condition 6.11 of the licence requires weekly visual inspections of the storm water drainage system. Schedule C.2.3 requires weekly monitoring for a range of storm water parameters for which trigger levels are required to be met. Current trigger levels that have been agreed with OEE include; 0.63 mg/l ammonia, 97.66 mg/l COD and 45.49 mg/l chloride. Condition 6.15.2 requires the diversion for retention and disposal for storm waters which exceed trigger levels. The Recommended Technical Amendment proposes an amendment to condition 6.15.5 in order to authorise the use of the reed beds.

Secondly, the request relates to authorisation of the storage of metals and wood waste in outdoor areas where run-off is collected and diverted for safe disposal. The licensee proposes that 'safe disposal' refers to the on-site storm water treatment system;

Current Condition Wording		Licensee's suggested New Wording
8.13.1	All waste reception, storage and processing shall be carried out inside a building or a suitably enclosed structure. No waste shall be stored or handled outdoors.	All waste reception, storage and processing shall be carried out inside a building or a suitably enclosed structure, or in areas where run-off is collected and diverted for safe disposal.

The requirement of condition 8.13.1 that "*no waste shall be stored or handled outdoors*", is required to be maintained in order to comply with the conditions of planning permission Reference Number 2131/04 which states; "*Building [sic] for storage and sorting of waste must be enclosed and have doors capable of being closed. No finished materials or materials waiting to be processed shall be stored outside*".

"Storm water" is defined in the *Glossary of Terms* of the licence (W0217-02) as "*Rain water runoff from roof and non-process areas*". Run-off from waste storage, reception or processing is therefore not storm water and would not be suitable for discharge to the on-site storm water treatment system, which proceeds storm water discharge point SW-1. An emission of run-off from storage, reception or processing is considered a new main emission point from the activity. In accordance with the EPA Guidance for Licensees on requests for alterations to an installation, '*Guidance on Requests for Alterations to a Licenced Industrial or Waste Activity*', dated June 2019, a licence review is likely to be required for the addition of a new main emission point.

On these grounds I recommend the refusal of the authorisation of reception, storage or processing of waste in outdoor areas where run-off is diverted to the storm water treatment system, being accommodated by way of a Technical Amendment.

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

I have consulted with OEE Inspectors, Jose Alonso and Denise O’Riordan, in relation to this technical amendment request. The OEE confirmed that the proposed changes cannot be accommodated under the existing licence. OEE has confirmed that there are no legal proceedings in train in respect of the current licence.

4. 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 sites, 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 Sites at Killarney National Park, Macgillycuddy’s Reeks and Caragh River Catchment SAC (000365), Castlemaine Harbour SAC (000343), Sheheree (Ardagh) Bog SAC (000382), Killarney National Park SPA (004038) and Castlemaine Harbour SPA (004029).

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 reasons for which the Agency determined that an Appropriate Assessment of the activity is not required are as follows:

- Only uncontaminated storm water is passed through the reed beds discharging to a percolation area, therefore, the proposed amendment will not result in a significant effect on species and habitats of the European Sites.
- The recommended technical amendment, for the inclusion of the reed bed systems in the storm water treatment system, will not change the nature of the activity.

5. Recommendation

This memo recommends that the use of the reed beds in the on-site storm water treatment system shall be accommodated by a Technical Amendment of Licence W0217-02 (held by Killarney Waste Disposal Unlimited Company), in accordance with Section 42B(1)(b) of the Waste Management Act 1996, as amended.

I recommend that the requested amendment to condition 8.13.1 be refused based on the information outlined above.

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 40(4) of the Waste Management Act 1996 as amended ceasing to be satisfied.

Signed,



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 facility	Qualifying interests (* denotes a priority habitat)	Conservation objectives
1	Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (000365)	2.3 km	<p>Habitats:</p> <p>3110 Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)</p> <p>3130 Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea</p> <p>3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation</p> <p>4010 Northern Atlantic wet heaths with Erica tetralix</p> <p>4030 European dry heaths</p> <p>4060 Alpine and Boreal heaths</p> <p>5130 Juniperus communis formations on heaths or calcareous grasslands</p> <p>6130 Calaminarian grasslands of the Violetalia calaminariae</p> <p>6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)</p> <p>7130 Blanket bogs (* if active bog)</p> <p>7150 Depressions on peat substrates of the Rhynchosporion</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>1065 Marsh Fritillary (Euphydryas aurinia)</p> <p>1095 Sea Lamprey (Petromyzon marinus)</p> <p>1096 Brook Lamprey (Lampetra planeri)</p> <p>1099 River Lamprey (Lampetra fluviatilis)</p> <p>1029 Freshwater Pearl Mussel (Margaritifera margaritifera)</p> <p>1106 Salmon (Salmo salar)</p> <p>1303 Lesser Horseshoe Bat (Rhinolophus hipposideros)</p> <p>1024 Kerry Slug (Geomalacus maculosus)</p> <p>1833 Slender Naiad (Najas flexilis)</p> <p>1355 Otter (Lutra lutra)</p>	As per NPWS (2017) Conservation Objectives: Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC 000365. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht (23/10/2017).

			1421 Killarney Fern (<i>Trichomanes speciosum</i>) 5046 Killarney Shad (<i>Alosa fallax killarnensis</i>)	
2	Castlemaine Harbour SAC (000343)	2.4 km	<p>Habitats:</p> <p>1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1220 Perennial vegetation of stony banks 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</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)* 2170 Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) 2190 Humid dune slacks 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>1106 Salmon (<i>Salmo salar</i>) 1099 River Lamprey (<i>Lampetra fluviatilis</i>) 1395 Petalwort (<i>Petalophyllum ralfsii</i>) 1355 Otter (<i>Lutra lutra</i>) 1095 Sea Lamprey (<i>Petromyzon marinus</i>)</p>	As per NPWS (2011) Conservation Objectives: Castlemaine Harbour SAC 000343 and Castlemaine Harbour SPA 004029. Version 2.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. (dated 19/07/2011).
3	Sheheree (Ardagh) Bog SAC (000382)	6.9 km	<p>Habitats</p> <p>7120 Degraded raised bogs still capable of natural regeneration 7110 Active raised bogs*</p>	As per NPWS (2015) Conservation Objectives: Sheheree (Ardagh) Bog SAC 000382. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. (dated 12/11/2015).
4	Killarney National Park SPA (004038)	2.4 km	<p>Birds</p> <p>A098 Merlin (<i>Falco columbarius</i>) A395 Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)</p>	As per NPWS (2020) Conservation objectives for Killarney National Park SPA [004038]. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht (dated 07/04/2020).

5	Castlemaine Harbour SPA (004029)	14.9 km	<p>Birds</p> <p>A346 Chough (<i>Pyrrhocorax pyrrhocorax</i>)</p> <p>A062 Scaup (<i>Aythya marila</i>)</p> <p>A017 Cormorant (<i>Phalacrocorax carbo</i>)</p> <p>A065 Common Scoter (<i>Melanitta nigra</i>)</p> <p>A144 Sanderling (<i>Calidris alba</i>)</p> <p>A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>A050 Wigeon (<i>Anas penelope</i>)</p> <p>A130 Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>A157 Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>A162 Redshank (<i>Tringa totanus</i>)</p> <p>A001 Red-throated Diver (<i>Gavia stellata</i>)</p> <p>A054 Pintail (<i>Anas acuta</i>)</p> <p>A137 Ringed Plover (<i>Charadrius hiaticula</i>)</p> <p>A053 Mallard (<i>Anas platyrhynchos</i>)</p> <p>A164 Greenshank (<i>Tringa nebularia</i>)</p> <p>A169 Turnstone (<i>Arenaria interpres</i>)</p> <p>Habitats</p> <p>Wetlands</p>	As per NPWS (2011) Conservation Objectives: Castlemaine Harbour SAC 000343 and Castlemaine Harbour SPA 004029. Version 2.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht (dated 19/07/2020).
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