


This report has been cleared for submission by *Marie O'Connor* Marie O'Connor, Programme Manager. Eve O'Sullivan, Programme Officer. Dated 01/04/2021

 <p>Environmental Protection Agency An Ghníomhaireacht um Chaomhnú Comhshaoil</p>	<b>OFFICE OF ENVIRONMENTAL SUSTAINABILITY</b>
<b>ENVIRONMENTAL LICENSING PROGRAMME</b>	
<b>TO:</b>	Each Director
<b>FROM:</b>	Jim Johnson, Inspector, Environmental Licensing Programme
<b>DATE:</b>	1 April 2021
<b>RE:</b>	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 16<sup>th</sup> October 2020 from Dublin Waste to Energy Limited, Licence Reg. No. W0232-01, to technically amend their Licence. The request relates to a temporary increase in the quantity of waste to be accepted for the year 2020. The current licence limits the maximum annual quantity to be accepted to 600,000 tonnes. It is requested to increase this to 620,000 tonnes for 2020.

This memo recommends that the change **cannot be** accommodated by a Technical Amendment, in accordance with Section 96(1) of Environmental Protection Agency Act 1992 as amended.

## 1. Background

Dublin City Council was granted a licence; Reg. No. W0232-01, on 01<sup>st</sup> December 2008 for a facility located at Pigeon House Road, Poolbeg Peninsula, Dublin 4. The licence (Reg. No. W0232-01) was amended on 07<sup>th</sup> 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 to carry out waste activities including incineration under classes 11.1 and 11.3(a) of the First Schedule to the EPA Act 1992 as amended.

The Industrial Emissions (IE) licence was transferred to Dublin Waste to Energy Limited on 31<sup>st</sup> October 2014. The licence was amended on 11<sup>th</sup> April 2017 (Technical Amendment A), 27<sup>th</sup> March 2018 (Technical Amendment B), 25<sup>th</sup> April 2019 (Technical Amendment C) and 29<sup>th</sup> April 2020 (Technical Amendment D).

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.

On 27<sup>th</sup> June 2019 an application was made to review the licence. The application is seeking to increase the tonnage of non-hazardous residual waste by 90,000 tonnes per annum. On

19<sup>th</sup> of December 2020 the Agency wrote to the licensee requesting evidence of planning permission for the additional 90,000 tonnes or confirmation from An Bord Pleanála that additional Planning Permission was not required. On 07<sup>th</sup> July 2020 the licensee indicated that a planning application, including an EIAR for the additional tonnage was being prepared for submission to An Bord Pleanála.

## **2. Technical Amendment request**

On the 16<sup>th</sup> October 2020, the Agency received a request for a Technical Amendment of IE Licence Reg. No. W0232-01, in order to allow for a temporary increase in the maximum amount of waste to be accepted from 600,000 tonnes/year to 620,000 tonnes/year for the year 2020.

The licensee proposes to amend Schedule A1 'Waste Categories and Quantities for Acceptance at the Incineration plant' and Condition 1.4 'The maximum tonnage to be accepted at the facility shall not exceed 600,000 tonnes per annum'.

The increase was to apply to the maximum annual quantity accepted. The main waste categories that the increase is being sought for is 20 03 01 (Mixed municipal waste) and 19 12 12 (other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11).

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

I have consulted with the OEE Inspector, Mr. Oliver Gray, in relation to this technical amendment request. The OEE confirmed that the proposed temporary increase in waste to be accepted 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 application was made on the basis that the installation has received a higher than anticipated amount of municipal waste this year due to the Covid-19 pandemic, that further Covid-19 measures could give rise to a backlog of municipal waste at facilities nationwide and that the increase in tonnage would not require any modifications to the plant or require a change in emission limit values in the current licence.

Having regard to EPA guidance on technical amendments<sup>1</sup>, an increase in capacity over the limitations specified in a licence would not normally be carried out by way of a technical amendment. It is noted that planning permission for the installation is limited to a maximum waste acceptance of 600,000 tonnes/year. Any increase would normally require planning approval and EIA and constitute a substantial change to the licence. In the absence of a direction from the Department of Environment, Climate and Communications of a critical shortfall in municipal waste disposal/recovery capacity, it is not considered that the proposal would be allowable by way of technical amendment.

## **5. Recommendation**

This memo recommends that the requested change cannot 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.

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<sup>1</sup> Guidance on Requests for Alterations to a Licensed Industrial or Waste Activity (June 2019)

Signed,

A handwritten signature in cursive script that reads "Jim Johnson". The signature is written in black ink on a light-colored background and is positioned above a thin horizontal line.

Jim Johnson  
Inspector  
Environmental Licensing Programme