

Eve O'Sullivan

From: Licensing Staff
Sent: 22 April 2021 09:55
To: 'mheffernan@covanta.com'
Cc: 'Caroline.Donnolly@aecom.com'
Subject: W0232-01 Dublin Waste to Energy - Technical Amendment Request (CR07846)
Attachments: Letter to Applicant.pdf; Inspector's Report.pdf

Dear Mark,

Please find a letter and the Inspector's Report from the Environmental Protection Agency for your attention. All documents relating to above mentioned amendment request will be on the Agency's website tomorrow afternoon.

Regards

Environmental Licensing Programme
Office of Environmental Sustainability, Wexford
An Clár um Cheadúnú Comhshaoil
An Oifig um Inmharthanacht Comhshaoil, Loch Garman



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22 April 2021

Reg No W0232-01

Dear Mr Heffernan

We refer to your technical amendment request dated 16 October 2020 in respect of your existing licence.

The EPA has considered your request for an amendment to your existing licence.

We are to advise that the EPA has decided not to amend your existing licence.

Should you wish to proceed with the proposed changes, please apply for an Industrial Emissions licence review application using the online application form. Access to the online application form is via the Environmental Data Exchange Network (EDEN) online portal. Instructions and guidance documents are available on the Agency's website at the following link <http://www.epa.ie/pubs/forms/lic/industrial%20emissions/>


If you have any further queries please contact the Environmental Licensing Programme at Telephone No 053 9160600 or email licensing@epa.ie.

Yours sincerely

Environmental Licensing Programme
Office of Environmental Sustainability

cc Ms Caroline Donnelly, AECOM Ireland Limited

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>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME	
TO:	Each Director
FROM:	Jim Johnson, Inspector, Environmental Licensing Programme
DATE:	1 April 2021
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 16th 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 01st December 2008 for a facility located at Pigeon House Road, Poolbeg Peninsula, Dublin 4. The licence (Reg. No. W0232-01) was amended on 07th 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 31st October 2014. The licence was amended on 11th April 2017 (Technical Amendment A), 27th March 2018 (Technical Amendment B), 25th April 2019 (Technical Amendment C) and 29th 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 27th 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

19th 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 07th 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 16th 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 amendments¹, 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.

¹ 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