 <p>epa Environmental Protection Agency <i>An Ghníomhaireacht um Chaomhnú Comhshaoil</i></p>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME	
TO:	Gerard O'Leary, Director
FROM:	Aisling Connolly, Inspector, Environmental Licensing Programme
DATE:	27 April 2021
RE:	Technical Amendment to Waste Licence Register Number: W0045-01, held by Key Waste Management Limited, Greenview, Greenhills Road, Walkinstown, Dublin 12.

1. Background

Dean Waste Company Limited was granted a licence; Reg. No. W0045-01, on 18th December 2000 for a facility located at Greenhills Road, Walkinstown, Dublin 12. The licence was issued for disposal activities Class 11 and Class 13 and recovery activities Class 2, Class 3, Class 4 and Class 13, under the Waste Management Act, 1996, as amended.

The licence (Reg. No. W0045-01) was transferred from Dean Waste Company Limited to Key Waste Management Limited (KWML), on the 31st May 2013. The licence was amended on 29th June 2016 (Technical Amendment A) for the insertion of conditions to bring the licence into line with the Agency's *modus operandi* for addressing fire risk at waste transfer stations.

The licence for KWML is for the operation of a non-hazardous waste transfer station. Activities carried out at the facility consist of sorting, bulking, shredding and storage of commercial and industrial wastes, sorting and recovery of plastics and cardboard, recovery of steel and other metals from construction and demolition waste and reclamation of construction rubble.

2. Technical Amendment request

On the 26th May 2020, the Agency received a request from KWML, for a Technical Amendment of Waste Licence Reg. No. W0045-01. The request relates to the proposed temporary acceptance and storage of health care waste. On the 22nd February 2021, the licensee responded to a request for further information clarifying the List of Waste (LoW) codes the licensee wishes to include in this request as follows, LoW codes; 18 01 01, 18 01 03*, 18 01 08* and 18 01 10*¹.

The licensee states that the outbreak of COVID-19 has resulted in a dramatic increase in demand for KWML to provide additional waste collection services in the nursing home and care home sector. The licensee requests permission to temporarily accept and store at the facility, a maximum of 50(no.) 770 litre locked wheelie bins of health care waste for 48 hour

¹ Asterisk (*) in the LoW code denotes that the waste is hazardous.

time periods, pending transfer to Sterile Technologies Ireland Limited (Reg. No. W0055-02) for treatment and disposal.

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

I have consulted with the OEE Inspector, Lisa Noone, in relation to this technical amendment request. The OEE confirmed that the amendment request cannot be accommodated under the existing licence. This is due to the limitation on waste types authorised for storage under activity Class 13 of the licence. The OEE additionally confirmed that there are no legal proceedings in train in respect of this licence.

4. Assessment

The Health Act 1947 (Section 31A -Temporary Restrictions) (COVID-19) (No. 10) Regulations 2020 ("SI 701/2020"), as amended, came into operation on 08th April 2020. Waste Management is listed as an Essential Service in Schedule 2(4)(e) of this Act, which includes waste management treatment and disposal activities. The Technical Amendment request is therefore assessed in light of these exceptional circumstances.

KWML is licensed to accept non-hazardous wastes. The licensee has requested the following non-hazardous LoW code:

18 01 01 sharps (except 18 01 03)

The LoW code is categorised as "Chapter 18: Wastes from Human or Animal Health Care and /or related research (except kitchen and restaurant wastes not arising from immediate health care)" in the Agency's guidance note "*Waste Classification List of Waste & Determining if Waste is Hazardous or Non-hazardous*" dated 05 July 2018. It is noted that LoW code 18 01 01 is listed twice in the licensee response received 22nd February 2021, the second identifying it as 'sharps' and the first identifying it as 'waste arising from care, diagnosis, treatment or prevention of disease in humans'. This description refers to the title of sub-chapter '18 01' of the Waste Classification List, which covers all of the LoW codes requested by the licensee as well as a range of LoW codes not specified under this request. This assessment is therefore limited to the LoW codes specified by the licensee under this request.

The licensee has outlined how LoW code 18 01 01 will be contained in UN approved, locked wheelie bins at all times. The licensee proposes a designated hardstanding holding area for storage at the facility. The proposed Technical Amendment therefore allows for non-hazardous, non-infectious health care waste coded as LoW 18 01 01 to be accepted for storage, limited to the timeframe set out in the COVID-19 Regulations, as amended. Condition 5.3.1 of the licence requires the licensee to submit to the Agency detailed written procedures for the acceptance and handling of all waste. An amendment to the waste acceptance table in Schedule G. is proposed to include the term "*Health Care non-hazardous*", limited to LoW code 18 01 01. In addition, an amendment to the limitation on waste types authorised under activity Class 13 is proposed.

In order to authorise the storage of hazardous health care waste at the facility, the licensee proposes to amend condition 5.1. of the licence which states; '*No hazardous or liquid wastes shall be accepted at the facility*'. KWML is not authorised to accept hazardous waste therefore the authorisation of hazardous infectious health care waste acceptance would adversely affect the environmental risk of the facility significantly. Emissions are identified in The BAT Guidance Note on Best Available Techniques for the Waste Sector: Waste Transfer and Materials

Recovery (2011) and the potential impacts to air and water and the potential for infection from infectious organism/pathogen emissions, are not contemplated by the the terms of licence taken as a whole. 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 proposed alteration which adversely affects the environmental risk of the facility significantly is not considered likely to be accomodated by way of a Technical Amendment. On these grounds I recommend the proposed acceptance of hazardous waste should not be accommodated by a Technical Amendment.

5. 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 site, if the activitiy, 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 listed in Appendix 1.

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 activities is not required are as follows:

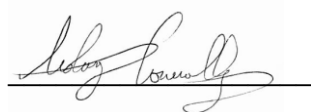
- The proposed technical amendment, to accept non-hazardous LoW code 18 01 01 for storage, will not change the nature of the consent.
- There will be no emissions of environmental significance from the activities.
- The activities will not result in damage to, or loss of, species and habitats of these European Sites.

6. Recommendation

I recommend that, based on the information outlined above, the requested amendment for the temporary storage of hazardous waste at the facility should not be accommodated by way of a Technical Amendment.

I recommend that the licence amendment, for the temporary storage of non-hazardous LoW code 18 01 01, 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,



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	Glenasmole Valley SAC (001209)	6.5 km	Habitats: 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) 6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) 7220 Petrifying springs with tufa formation (Cratoneurion)*	As per NPWS (2020) Conservation objectives for Glenasmole Valley SAC [001209]. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht. (dated 07/04/2020).
2	South Dublin Bay SAC (000210)	8.6 Km	Habitats: 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 2110 Embryonic shifting dunes	As per NPWS (2013) Conservation Objectives: South Dublin Bay SAC 000210. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. (dated 22/08/2013).
3	Wicklow Mountains SAC (002122)	9 Km	Habitats 3110 Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) 3160 Natural dystrophic lakes and ponds 4010 Northern Atlantic wet heaths with Erica tetralix 4030 European dry heaths 4060 Alpine and Boreal heaths 6130 Calaminarian grasslands of the Violetalia calaminariae 6230 Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)* 7130 Blanket bogs (* if active bog) 8110 Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) 8210 Calcareous rocky slopes with chasmophytic vegetation 8220 Siliceous rocky slopes with chasmophytic vegetation 91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles Species 1355 Otter (Lutra lutra)	As per NPWS (2017) Conservation Objectives: Wicklow Mountains SAC 002122. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. (dated 31/07/2017).

4	Rye Water Valley/Carton SAC (001398)	11.5 Km	<p>Habitats</p> <p>7220 Petrifying springs with tufa formation (Cratoneurion)*</p> <p>Species</p> <p>1016 Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>)</p> <p>1014 Narrow-mouthed Whorl Snail (<i>Vertigo angustior</i>)</p>	As per NPWS (2020) Conservation objectives for Rye Water Valley/Carton SAC [001398]. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht. (dated 07/04/2020).
5	North Dublin Bay SAC (000206)	11.6 Km	<p>Habitats</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1210 Annual vegetation of drift lines</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>2110 Embryonic shifting dunes</p> <p>2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*</p> <p>2190 Humid dune slacks</p> <p>Species</p> <p>1395 Petalwort (<i>Petalophyllum ralfsii</i>)</p>	As per NPWS (2013) Conservation Objectives: North Dublin Bay SAC 000206. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. (dated 6/11/2013).
6	Knocksink Wood SAC (000725)	14 Km	<p>Habitats</p> <p>7220 Petrifying springs with tufa formation (Cratoneurion)*</p> <p>91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>)*</p>	As per NPWS (2020) Conservation objectives for Knocksink Wood SAC [000725]. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht. (dated 7/04/2020).
7	South Dublin Bay and River Tolka Estuary SPA (004024)	8.6 Km	<p>Birds</p> <p>A144 Sanderling (<i>Calidris alba</i>)</p> <p>A157 Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>A149 Dunlin (<i>Calidris alpina</i>)</p> <p>A162 Redshank (<i>Tringa totanus</i>)</p> <p>A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</p> <p>A143 Knot (<i>Calidris canutus</i>)</p>	As per NPWS (2015) Conservation Objectives: South Dublin Bay and River Tolka Estuary SPA 004024. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. (dated 9/03/2015).

			<p>A192 Roseate Tern (<i>Sterna dougallii</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A194 Arctic Tern (<i>Sterna paradisaea</i>) A193 Common Tern (<i>Sterna hirundo</i>) A137 Ringed Plover (<i>Charadrius hiaticula</i>)</p> <p>Habitats Wetlands</p>	
8	Wicklow Mountains SPA (004040)	8.8 Km	<p>Birds A098 Merlin (<i>Falco columbarius</i>) A103 Peregrine (<i>Falco peregrinus</i>)</p>	NPWS (2020) Conservation objectives for Wicklow Mountains SPA [004040]. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht. (dated 7/04/2020).
9	North Bull Island SPA (004006)	11.6 Km	<p>Birds A160 Curlew (<i>Numenius arquata</i>) A149 Dunlin (<i>Calidris alpina</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A162 Redshank (<i>Tringa totanus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A144 Sanderling (<i>Calidris alba</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) A143 Knot (<i>Calidris canutus</i>) A169 Turnstone (<i>Arenaria interpres</i>) A054 Pintail (<i>Anas acuta</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A052 Teal (<i>Anas crecca</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>)</p>	NPWS (2015) Conservation Objectives: North Bull Island SPA 004006. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. (dated 9/3/2015).

			A056 Shoveler (<i>Anas clypeata</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) Habitats Wetlands	
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