

 <p>Environmental Protection Agency An Ghníomhaireacht um Chaomhú Comhshaoil</p>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
ENVIRONMENTAL LICENSING PROGRAMME	
TO:	Gerard O'Leary, Director
FROM:	Yvonne English, Inspector, Environmental Licensing Programme
DATE:	14 May 2021
RE:	Licence Amendment Request to Industrial Emissions Licence Register Number: W0211-02, held by ERAS ECO Limited, Foxhole, Youghal, County Cork.

1. Background

Eras Eco Limited was initially granted a licence; Reg. No. W0211-01, on 9th November 2006 for an installation located at Foxhole, Youghal, County Cork. This licence was reviewed and a revised licence was issued 5th July 2018. The installation is licenced under 11.1 and 11.4(b) and 11.4(c) of the First Schedule to the EPA Act 1992 as amended.

Eras Eco Limited operate a waste recovery, transfer and treatment installation, including anaerobic digestion and a combined heat and power plant. A maximum 65,000 tonnes per annum of waste is authorised to be accepted under the current licence including commercial and industrial waste, non hazardous sludge and food waste and leachate from landfill.

2. Licence Amendment Request

Schedule B.1.3 Emission Limit Values for Biogas Combustion specifies a maximum flow volume of 3,000 Nm³/hr for the emissions from the combined heat and power plant gas engine. Condition 4.2.2 of the licence states that the concentration and volume flow limits for emissions to atmosphere from a Combined Heat and Power plant (CHP) at the site shall be achieved without the introduction of dilution air and shall be based on gas volumes under standard conditions of temperature 273.15 K, pressure 101.3 kPa and after correction for the water vapour content of the waste gases and at a standard O₂ content of 15%.

As stated, *Schedule B.1.3 Emission Limit Values for Biogas Combustion* specifies a maximum flow volume of 3,000 Nm³/hr for the emissions from the CHP. Eras Eco Limited are requesting that the maximum flow volume from the CHP be increased to 6,200 Nm³/hr. Eras Eco Limited are of the opinion that the 3,000 Nm³/hr maximum flow volume specified in the licence is a typographical error. Information proved in the licence application form (W0211-02) and air dispersion modelling provided as part of the application specify a flow volume rate of 6,200 Nm³/hr for the CHP at emission point A4. In addition, an email was received by the Agency in June 2020 from Eras Eco stating that the air dispersion model carried out as part of the original licence application was based on a flow rate from the CHP of 6,200 Nm³/hr (5% O₂). The email outlined that this is the equivalent of 16,708 Nm³/hr (15% O₂).

On examination of the licence application, it cannot be fully determined if the reference to 3,000 Nm³/hr in *Schedule B.1.3 Emission Limit Values for Biogas Combustion* is a technical

error. While this requested increase in flow is based on modelling carried out at licence application stage, allowing the proposed increased flow rate from that which is specified in the licence, for the CHP, would result in a significant increase in the permitted mass emissions from the installation.

The flow volume rates specified and assessed in the air dispersion model submitted to the Agency as part of the licence review application for Eras Eco Limited (W0211-02) specifies a volume flow rate of 6,200 Nm³/hr. The air dispersion model predicted that the proposed emissions modelled would not breach air quality regulations. It should be noted that the air dispersion model did indicate that in one of the modelled scenarios when compared to the annual average, sulphur dioxide (SO₂) air quality impact criterion is only 5% lower than the impact criterion. The emission limit value set in the licence for sulphur dioxide is 40 mg/Nm³ compared to the modelled value of 500mg/Nm³ for the CHP at emission point A4.

In a notification dated 29th May 2018, Eras Eco Limited were notified that a proposed determination (PD) in relation to their licence application had been issued by the Agency. At this stage of the application process Eras Eco Limited were provided with the opportunity to review the PD and had one month to make any objections or observations on the PD or to highlight any errors in the PD. This notification outlined the mechanism and timeframe for making any objections. It is noted in this instance that Eras Eco Limited did not make any objection to the PD and therefore a final determination was issued on the 5th July 2018.

It is noted in relation to the emission point in question, i.e., A4, the Office of Environmental Enforcement (OEE) have an ongoing compliance investigations open against Eras Eco Limited. Eras Eco Limited have installed an additional CHP engine without agreement from OEE and this engine is discharging through the emission point at A4. This additional CHP engine is not something which was anticipated by the licence.

The Inspector's report for the Eras Eco Limited licence states a flow rate of 3,000 Nm³/hr for the emissions from the CHP at A4. Therefore, it is unclear as to whether the licence assessment, including EIA and appropriate assessment, were carried out at the higher flow rate.

It should be noted that OEE have highlighted that there are a number of interested third parties in the Eras Eco Limited licence who may have issue with these proposed changes.

3. Recommendation

I recommend that the requested amendment for the increase in volumetric flow rate from the CHP biogas engine be refused based on the information outlined above.

I believe that the Agency may be open to a number of risks if the Technical Amendment (TA) were to proceed.

- A TA does not allow for public participation therefore excluding any potential interested third parties making comment on the proposed changes, which may be deemed to be significant changes.
- Allowing what is deemed to be a significant change to be authorised by way of TA is not in line with our published [guidance](#).
- It is unclear as to whether the Inspector's assessments at the time of licensing were carried out at the higher volumetric flow rate. Therefore, allowing the TA to proceed could be outside of the scope of the Inspector's Environmental Impact Assessment and Appropriate Assessment.

Signed,


Yvonne English
Inspector
Environmental Licensing Programme