


This Report has been cleared for submission to the Board by Programme Manager: Marie O'Connor

Date: 08 March 2023

 Environmental Protection Agency An Ghníomhaireacht um Chaomnú Comhshaoil	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
MEMORANDUM	
TO:	DIRECTOR
FROM:	Jim Johnson Environmental Licensing Programme
DATE:	08 March 2023
RE:	Application for an Industrial Emissions Licence Application, licence register number P1190-01 – Submission of Confidential Information
Applicant:	Microsoft Ireland Operations Limited
CRO number:	256796
Location/address:	Microsoft Dublin Data Center Campus, Unit 74-76 Grange Castle Business Park, Nangor Road, Clondalkin, Dublin, D22 A259
Application date:	06 December 2022
Classes of Activity (under EPA Act 1992 as amended):	2.1 Combustion of fuels in installations with a total rated thermal input of 50 MW or more.
Category/ies of activity under IED (2010/75/EU):	1.1 Combustion of fuels in installations with a total rated thermal input of 50 MW or more

Background

Microsoft Ireland Operations Limited (hereafter 'the applicant') has applied for an Industrial Emissions licence (P1190-01) for the operation of a data storage facility with back up diesel generators that have a combined thermal input capacity greater than 50 MW. The located at Microsoft Dublin Data Center Campus, Unit 74-76 Grange Castle Business Park, Nangor Road, Clondalkin, Dublin, D22 A259.

Request

On 14 December 2022, as part of the licence application, the applicant submitted with a cover letter Attachment 4.6.1 – Water Energy Usage, marked as 'confidential'.

The quantities of water and energy usage have been provided in the confidential information submission. The applicant's reason for withholding this information is that it is commercially sensitive.

Assessment

The quantities of water and electricity usage are not publicly available in the application documents. The quantities in 'Attachment 4.6.1 – Water Energy Usage' on the public file have not been provided — the attachment refers instead to the confidential information submitted. Electricity usage is publicly available in the Environmental Impact Statement (EIS) associated with the planning application (SD07A/0632) for one data hall but not for the other two.

I consider the confidential information is necessary for the processing of the licence application. Regulation 9(2) of the Environmental Protection Agency (Industrial Emissions) (Licensing) Regulations 2013 (S.I. No. 137/2013) sets out the information to be included in a licence application. This includes the raw materials and energy used in the activity. This information is necessary for the Agency to determine the environmental impact of the activity, to evaluate whether best available techniques are being used as well as to carry out an Environmental Impact Assessment (EIA) of the activity¹.

I have assessed the information and consider that it should be considered Not Confidential. The quantities of water and electricity (energy) usage are a key consideration in the assessment of the activity and the public should have access to this information in order to be able to fully participate in the decision-making process related to the issuing of an industrial emissions licence for the activity.

Recommendation

Following assessment of this information, I consider this information is necessary for the processing of the application.

I recommend:

- That the information be deemed Not Confidential, and
- That the Applicant be informed that the information is deemed Not Confidential thereby it will be returned to the Applicant requesting that it be resubmitted in a format whereby it can become part of the Application, thus be assessed and be included on the public record.

Signed: *Jim Johnson*
Jim Johnson
Inspector

Date: 01 March 2023

¹EPA 2022 Guidelines on the information to be contained in Environmental Impact Assessment Reports