 <p>Environmental Protection Agency An Ghníomhaireacht um Chaomhú Comhshaoil</p>	<b>OFFICE OF ENVIRONMENTAL SUSTAINABILITY</b>
<b>ENVIRONMENTAL LICENSING PROGRAMME</b>	
TO:	Eimear Cotter, Director
FROM:	Jennifer Cope, Inspector, Environmental Licensing Programme
DATE:	28/06/2023
RE:	Agency initiated Technical Amendment to Industrial Emissions Licence Register No. W0167-03 held by Indaver Ireland Limited, for an installation located at Carranstown, Duleek, County Meath to comply with the Commission Implementing Decision establishing best available techniques (BAT) conclusions for waste incineration CID (CID 2019/2010/EU).

## 1. Background

The Agency, in accordance with Regulation 96(1)(c) of the Environmental Protection Agency Act 1992 as amended, proposes to amend the IE licence Register No. W0167-03 granted to Indaver Ireland Limited, Carranstown, Duleek, County Meath.

The amendment relates to updating the licence conditions and emission limit values to ensure that the operation of the installation is in line with the Commission Implementing Decision establishing best available techniques (BAT) conclusions for waste incineration (CID 2019/2010/EU) (WI CID).

Article 14(3) of the Industrial Emissions Directive (IED) makes BAT conclusions the mandatory reference for setting permit conditions and Article 21 of the IED requires that licence Conditions and/or Schedules be **'reconsidered and, if necessary, updated'** within 4 years of publication of the CID relevant to the main activity. The installation must comply with those conditions within 4 years following the publication of the relevant CID.

## 2. Engagement with waste incineration sector

Regulation 96(2) of the Environmental Protection Agency Act 1992 as amended allows the Agency to consult with the licensee before amending a licence.

The Agency engaged with the waste incineration sector, including the licensees, and the group the confederation of European Waste-To-Energy (CEWEP).

A workshop was held on 14/9/2022, which was attended by licensees and stakeholders including the CEWEP. The workshop covered the process for examining the licences, and the requirements for filling in the waste incineration BAT conclusion CID assessment document. A cover letter and the waste incineration BAT conclusion CID assessment document were emailed to the licensees on 14/09/2022 following the workshop.

On 27/04/2023 Indaver Ireland Limited, IE licence Register No. W0167-03 was advised that the EPA has decided to amend its licence under Regulation 96(1)(c) of the Environmental Protection Agency Act 1992 as amended, to incorporate the requirements of the Commission Implementing Decision (CID) on Best Available Techniques (BAT) conclusions for waste incineration (2019/2010/EU). All correspondence was made available on the EPA website.

### 3. Changes required through Technical Amendments

The Agency has reconsidered the existing waste incineration licence, which authorises a non-hazardous waste incineration plant with a capacity exceeding 3 tonnes per hour and hazardous waste incineration plant with a capacity exceeding 10 tonnes per day, which indicates that the Waste Incineration CID requirements need to be incorporated into the existing licence (Register No. W0167-03 and Indaver Ireland Limited).

The overall requirements are to ensure that emissions do not exceed those set out in the WI CID, the operation of the installation is in line with the latest developments in best available techniques (BAT) and to ensure that a high level of protection of the environment is achieved.

In relation to Mercury (Hg) emission monitoring for waste incineration, BAT 4 specifies continuous monitoring of Mercury. However, Note 5 of BAT 4 states: *"For plants incinerating wastes with a proven low and stable mercury content (e.g. mono-streams of waste of a controlled composition), the continuous monitoring of emissions may be replaced by long-term sampling (no EN standard is available for long-term sampling of Hg) or periodic measurements with a minimum frequency of once every six months. In the latter case the relevant standard is EN 13211."*

The WI CID specifies BAT-AELs for mercury as <5- 20 µg/Nm<sup>3</sup> (daily average or average over the sampling period) or 1-10 µg/Nm<sup>3</sup> (long-term sampling period).

The licensee provided mercury monitoring data for the following period; 2011 to 2014 (4 times per year) and 2015 to 2022 (two times per year); and additional mercury testing carried out in 2022 from 20 April to 16 May 2022 (16 samples), which demonstrates that the mercury results are consistently below the long-term sampling period threshold of 10 µg/Nm<sup>3</sup>, with one exception of a sample in 2017 which was above the 10 µg/Nm<sup>3</sup> but was below 20 µg/Nm<sup>3</sup>. The licensee proposed an emission limit value of 20 µg/Nm<sup>3</sup> (average over the sampling period) for mercury.

Based on the above the Technical Amendment specifies a mercury emission limit value of 0.02 mg/l and the monitoring frequency is specified as quarterly.

The remaining WI CID specific changes to the licence, in order to fulfil the requirements, are set out in Appendices 1 and 2 of this report.

#### Section 96(1) of the EPA Act:

Section 96(1) of the EPA Act states that

"The Agency may amend a licence or revised licence for the purposes of -

- (a) correcting any clerical error therein,
- (b) facilitating the doing of anything pursuant to a condition attached to the licence where the doing of that thing may reasonably be regarded as having been contemplated by the terms of the condition or the terms of the licence taken as a whole but which was not expressly provided for in the condition, or
- (c) otherwise facilitating the operation of the licence and the making of the amendment does not result in the relevant requirements of section 83(5) ceasing to be satisfied".

It is considered that the proposed amendment may be accommodated under Section 96(1)(c). To amend the licence under this criterion, two parts need to be satisfied, Part (i) otherwise facilitating the operation of the licence and Part (ii) does not result in the relevant requirements of Section 83(5) ceasing to be satisfied. The changes proposed will impose the same or stricter limits and control on the licensee to ensure compliance with the WI CID and

are considered as otherwise facilitating the operation of the licences and will not result in the relevant requirements of Section 83(5) ceasing to be satisfied.

Based on the above assessment, it is recommended that the changes to the licence be accommodated by Technical Amendment. The proposed amendments will satisfy the criteria under Section 96(1)(c) of the EPA Act 1992 as amended allowing the Agency to amend a licence or revised licence.

The Recommended Amendment (RA) provides for the incorporation of the requirements of the Commission Implementing Decision (CID) on Best Available Techniques (BAT) conclusions for Waste Incineration (BAT) (2019/2010/EU). The specific changes relate to the conditions and schedules of the licence, as specified in Appendix 1 of this report. Appendix 2 outlines the changes required through technical amendment for the installation.

#### **4. Appropriate Assessment**

Appendix 3 lists the European Sites assessed, their associated qualifying interests and conservation objectives for the installation.

A screening for Appropriate Assessment was undertaken to assess, in view of best scientific knowledge and the conservation objectives of the site, if the activity, individually or in combination with other plans or projects is likely to have a significant effect on any European Site.

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 this determination are as follows:

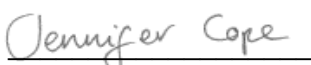
- The installation is not located within any European site;
- This amendment is for the purposes of updating the licence to ensure compliance with the Commission Implementing Decision for Waste Incineration (2019/2010/EU). This amendment updates the licence conditions and maintains or tightens the emission limit values to ensure the operation of the installation is in line with the latest developments in best available techniques (BAT) and to achieve a high level of protection of the environment;
- The proposed changes do not substantially change the nature or extent of the operations at the installation.

#### **5. Recommendation**

This memo recommends that the changes be accommodated by a Technical Amendment of the Reg No. W0167-03 Indaver Ireland Limited licence, in accordance with Section 96(1)(c) of the EPA Act 1992 as amended.

I recommend that the licence amendment 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,



Jennifer Cope

Inspector

Environmental Licensing Programme

## Appendix 1: Specific conditions in the TA to address BAT conclusion requirements

<b>CID/BREF/BAT Document</b>	<b>Section</b>	<b>Additional requirements introduced into TA</b>	<b>Glossary/Condition/Schedule</b>
Waste Incineration (2019/2010)	Definitions	Additional definitions included in the Glossary Of Terms	Glossary Of Terms
	BAT 1, BAT 9, BAT 11, BAT 18, BAT 23, BAT 37	Additional Management Systems requirements	Condition 2.3, 6.2
	BAT 2, BAT 19, BAT 20	Determine gross electrical efficiency, gross energy efficiency or boiler efficiency, Use of heat recovery boiler, Measure to increase energy efficiency and BAT-AEEL	Condition 7
	BAT 3	Monitoring of Emissions to Air	Schedule C
	BAT 4	Monitoring of emissions to air	Schedule C
	BAT 5	Monitoring channelled emissions to air during OTNOC.	Condition 6
	BAT 7, BAT 14, BAT 15	Reduce content of unburnt substances in slags and bottom ashes and reduce emissions to air. BAT-AEPLs for TOC or loss on ignition	Condition 3 and <i>Schedule C.7</i>
	BAT 16	Operational procedures to limit shutdown and start-up operations	Condition 3
	BAT 17	Appropriate design, operation and maintenance of Flue-gas cleaning (FGC) system	Condition 3
	BAT 21	Reduction of diffuse emissions using all of the techniques in BAT 21.	Condition 6.12
	BAT-AELs for waste incineration	Interpretation of emission limit values, BAT-AELs	Condition 4.1, Schedule B

**Appendix 2: Changes required through technical amendment for W0167-03, Indaver Ireland Limited**

<b>BAT conclusions (Waste Incineration CID) (Fuel Type)</b>	<b>Reg. No. W0167-03 and Indaver Ireland Limited, MW (Electrical Efficiency (EE))</b>	<b>Changes required through technical amendment</b>
(Waste Incineration CID) (Waste)	W0167-03, Indaver Ireland Limited, Carranstown, Duleek, County Meath. (EE = 20%)	<p>Updated the glossary of terms.  Updated the EMS.  Update the incineration plant operations- additional requirements.  Requirement to ensure that the flue gas cleaning system is operated within its design range.  Update of reference to emissions to air parameter from TOC to TVOC.  Update of condition to refer to the Waste Incineration Regulations and the WI CID.  Requirement for odour, noise, OTNOC management plans.  Update of the Interpretation Condition in line with the WI CID.  Inclusion of BAT-AEEL in line with the WI CID.  Maintain/tighten ELV's in line with the WI CID.  Update monitoring frequency, analysis method and technique for required parameters in line with the WI CID.</p>

**Appendix 3: List of European Sites assessed, their associated qualifying interests and conservation objectives for register no. W0167-03 and Indaver Ireland Limited**

<b>Site Name</b>	<b>Distance To (km)</b>	<b>Qualifying Interests (* denotes a priority habitat)</b>	<b>Conservation Objectives</b>
River Boyne and River Blackwater SAC (002299)	3.3 km north of the installation	<b>Habitats</b>	NPWS (2021) Conservation Objectives: River Boyne and River Blackwater SAC 002299. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
		7230 Alkaline fens	
		91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> )*	
		<b>Species</b>	
		1355 Otter ( <i>Lutra lutra</i> )	
		1106 Salmon ( <i>Salmo salar</i> )	
		1099 River Lamprey ( <i>Lampetra fluviatilis</i> )	
Boyne Coast and Estuary SAC (001957)	7.4 km northeast of the installation	<b>Habitats</b>	NPWS (2012) Conservation Objectives: Boyne Coast and Estuary SAC 001957. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
		1130 Estuaries	
		1140 Mudflats and sandflats not covered by seawater at low tide	
		1210 Annual vegetation of drift lines	
		1310 <i>Salicornia</i> and other annuals colonising mud and sand	
		1330 Atlantic salt meadows ( <i>Glaucopuccinellietalia maritimae</i> )	
		2110 Embryonic shifting dunes	
		2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)	

		2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*	
River Boyne and River Blackwater SPA (004232)	3.6 km north of the installation	<b>Birds</b>	NPWS (2022) Conservation objectives for River Boyne and River Blackwater SPA [004232]. First Order Site-specific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage.
		A229 Kingfisher ( <i>Alcedo atthis</i> )	
Boyne Estuary SPA (004080)	6.3 km northeast of the installation	<b>Birds</b>	NPWS (2013) Conservation Objectives: Boyne Estuary SPA 004080. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
		A162 Redshank ( <i>Tringa totanus</i> )	
		A140 Golden Plover ( <i>Pluvialis apricaria</i> )	
		A142 Lapwing ( <i>Vanellus vanellus</i> )	
		A143 Knot ( <i>Calidris canutus</i> )	
		A169 Turnstone ( <i>Arenaria interpres</i> )	
		A130 Oystercatcher ( <i>Haematopus ostralegus</i> )	
		A141 Grey Plover ( <i>Pluvialis squatarola</i> )	
		A156 Black-tailed Godwit ( <i>Limosa limosa</i> )	
		A048 Shelduck ( <i>Tadorna tadorna</i> )	
		A144 Sanderling ( <i>Calidris alba</i> )	
		A195 Little Tern ( <i>Sterna albifrons</i> )	
		<b>Habitats</b>	
Wetlands			
River Nanny Estuary and	8.3 km	<b>Birds</b>	NPWS (2012) Conservation Objectives: River Nanny Estuary and Shore SPA
		A184 Herring Gull ( <i>Larus argentatus</i> )	

Shore SPA (004158)	east of the installation	A140 Golden Plover ( <i>Pluvialis apricaria</i> )	004158. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
		A137 Ringed Plover ( <i>Charadrius hiaticula</i> )	
		A144 Sanderling ( <i>Calidris alba</i> )	
		A143 Knot ( <i>Calidris canutus</i> )	
		A130 Oystercatcher ( <i>Haematopus ostralegus</i> )	
		<b>Habitats</b>	
		Wetlands	