 <p>Environmental Protection Agency An Ghníomhaireacht um Chaomnú Comhshaoil</p>	<b>OFFICE OF ENVIRONMENTAL SUSTAINABILITY</b>
<b>ENVIRONMENTAL LICENSING PROGRAMME</b>	
TO:	Eimear Cotter, Director
FROM:	Neasa Diviney, Inspector, Environmental Licensing Programme
DATE:	29 June 2023
RE:	Technical Amendment to Waste Licence Register Number: W0004-04, held by South Dublin County Council for a facility located at Arthurstown, Kill, Co. Kildare.

The Agency received a request on 12<sup>th</sup> April 2023 from South Dublin County Council, Licence Reg. No. W0004-04 to technically amend its Licence. The request relates to a proposed alteration of a number of emission limit values (ELVs) for emissions to sewer.

This memo recommends that the change may be accommodated by a Technical Amendment, in accordance with Section 42B(1)(c) of the Waste Management Act 1996 as amended.

## 1. Background

South Dublin County Council was granted a licence, Reg. No. W0004-01, for a facility located at Arthurstown, Kill, Kildare on 04/03/1999. Revised licences, Licence Reg. No. W0004-02, W0004-03, W0004-04, were issued on 27<sup>th</sup> March 2003, 11<sup>th</sup> March 2005 and 21<sup>st</sup> December 2009 respectively.

The facility is licenced under Classes 1 (main activity)<sup>1</sup>, 4, 5, 6, 7 of the Third Schedule (Waste Disposal Activities) of the Waste Management Act 1996 as amended. See Appendix 2 for full details.

Licence Reg. No. W0004-04 was amended twice, Amendment A issued on 28<sup>th</sup> June 2010 brought the licence into conformity with the Landfill Directive (1993/31/EC), and amendment B issued 15<sup>th</sup> January 2013, for the purpose of bringing the licence into conformity with the Environmental Objectives (Surface Water) Regulations 2009, as amended and the Environmental Objectives (Groundwater) Regulations 2010, as amended.

The landfilling of waste at the facility has ceased and the landfill is now fully capped. To manage the facility, leachate is pumped from the lined and capped landfill cells to a leachate storage tank prior to treatment in the on-site leachate treatment facility. Treated leachate is then discharged to a leachate balance tank and pumped to a foul sewer which discharges to the Upper Liffey Valley Sewerage Scheme WWTP (Registration No. D0002-01).

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<sup>1</sup> Deposit on, in or under land (including landfill): This activity is limited to the deposit of baled municipal waste at the facility.

## 2. Technical Amendment Request

On the 12<sup>th</sup> April 2023, the Agency received a request for a Technical Amendment of Waste Licence Reg. No. W0004-04, in order to increase the emission limit values (ELVs) for treated leachate discharge from Arthurstown Landfill to the foul sewer.

The existing licence includes emission limit values (ELVs) which specify the maximum concentrations in mg/l and in kg/day for emissions to sewer in accordance with consents issued by the licensing local authority and now Uisce Éireann.

The licensee contacted Uisce Éireann seeking approval to increase the current emissions limits for discharges to sewer (mg/l and kg/day) for a number of parameters in *Schedule C.6 Emissions to Sewer*. There is no proposal to increase the volume of leachate being discharged, nor is any process change proposed.

The licensee submitted consent from Uisce Éireann, dated 7<sup>th</sup> October 2022, supporting the amendment of *Schedule C.6 Emissions to Sewer* as proposed. Uisce Éireann proposed to name the emission point reference number SE1, as the licence currently does not name this emission point.

Table 1 below shows the existing parameter limits from *Schedule C.6 Emission to Sewer* and the limit changes proposed as part of this amendment request.

Parameter	Existing Limit		Proposed Limit	
Temperature	-		30°C	
	Existing Limit (mg/l)	Proposed Limit (mg/l)	Existing kg/day limit	Proposed kg/day limit
BOD	200	400	40	80
COD	750	2000	150	400
Ammonia (as N)	5	20	1	4
Nitrate (as N)	1000	2000	200	400
Orthophosphate (as P)	20	-	4	-
TOC	300	600	60	120
Sulphate	-	800	-	160
Chloride	2250	2250	450	450
Suspended Solids	250	250	50	50

An appropriate assessment screening report has been submitted as part of the technical amendment request. Planning permission is not required for the proposed changes.

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

I have consulted with the OEE Inspector, Joan Fogarty in relation to this technical amendment request. The OEE confirmed that the proposed change in emissions to sewer 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 proposed amendment request was assessed against the relevant criteria in the Agency's guidelines for licence alterations<sup>2</sup>.

The licensee has requested an increase in the ELVs for emissions to sewer which are treated at the Upper Liffey Valley Sewerage Scheme WWTP. The Municipal WWTP (MWWTP) has a peak daily hydraulic capacity of 85,500 m<sup>3</sup>/day and the annual maximum daily hydraulic loading recorded for 2020 was 66,997 m<sup>3</sup>/day. The overall flow from the Arthurstown landfill facility will remain at 200m<sup>3</sup> per day which represents 0.24% of the overall network flow. Additionally, the increase requested for BOD and COD in kg/day represents 1.7% and 3% of the overall sewer network capacity respectively. Therefore, the sewer network has sufficient capacity to accept the proposed discharges from the installation.

As Uisce Éireann has consented to the requested change, it is Uisce Éireann's responsibility to ensure that effluent is treated and discharged from the Upper Liffey Valley Sewerage Scheme WWTP in compliance with its waste water discharge licence Reg. No. D0002-01. The discharge from the Arthurstown landfill facility will continue to undergo tertiary level of treatment at the receiving Municipal WWTP and will continue to achieve a level of treatment considered equivalent to BAT.

Based on the assessment above, it is considered that the proposed amendments are in accordance with the Agency's guidelines and are not expected to have a significant impact on the Upper Liffey Valley Sewerage Scheme WWTP.

There was one non-compliance noted with regard to discharges to sewer in 2023. There are no compliance investigations open by the OEE against the facility. The inspector notes the OEE have no significant concerns with regard to the proposed changes to the emissions limits requested.

The inspector notes the existing licence does not name the emission point to sewer in the schedules of the licence. The recommended amendment provides for the updated title of the emission point to sewer in *Schedule C.6 Emission to Sewer* of the existing licence as 'SE-1' in accordance with the Uisce Éireann consent.

For an amendment to be accommodated by way of technical amendment it would need to satisfy Section 42B (1) of the Waste Management Act 1996 as amended which 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 40(4) ceasing to be satisfied".

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<sup>2</sup> Guidance for Licensee on Request for Alterations to a Licensed Industrial or Waste Activity (EPA, June 2019).

It is considered that the proposed amendment request may be accommodated under Section 42B(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 40(4) ceasing to be satisfied. The proposed increase in emissions to sewer will continue the discharge of leachate from the facility to the municipal sewer network as consented to in the existing licence by Uisce Éireann. The inclusion of new sewer emission limits are in accordance with the consent issued by Uisce Éireann and can therefore be considered as otherwise facilitating the operation of the Licence. The increase in emissions will not result in discharges contravening any relevant quality standard, or cause environmental pollution and treatment will continue to be equivalent with BAT and therefore the relevant requirements of Section 40(4) will continue to be satisfied.

Based on the above assessment, it is recommended that the changes to the licence to amend the ELVs of Schedule C.6 be accommodated by Technical Amendment. The proposed amendments will satisfy the criteria under Section 42B (1) (c) of the EPA Act allowing the Agency to amend a licence or revised licence.

The recommended amendment (RA) provides for the changes requested and these are set out in *Schedule C.6 Emission to Sewer*.

## **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 activities, individually or in combination with other plans or projects are likely to have a significant effect on any European Site. In this context, particular attention was paid to the European Site(s) at Red Bog, Kildare SAC (000397), Poulaphouca Reservoir SPA (004063), Wicklow Mountains SAC (002122), Wicklow Mountains SPA (004040), Glenasmole Valley SAC (001209), Mouds Bog SAC (002331), Ballynafagh Bog SAC (000391), Ballynafagh Lake SAC (001387), Rye Water Valley/Cartron SAC (001398).

The activities are 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 activities, 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 activities was not required.

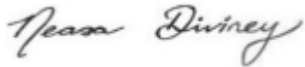
The reasons for this determination are:

- The facility is not located within any European site.
- Process effluent from the facility discharges to sewer and is ultimately treated in the EPA Licensed Upper Liffey Valley Sewerage Scheme urban wastewater treatment plant (WWTP) (Registration No. D0002-01), which is designed to provide tertiary treatment. Taking into account the nature of the discharges from the facility, the change in daily mass emissions to sewer and the capacity of the receiving sewer network and WWTP, it is considered that it will not indirectly have a significant effect on European Sites in the vicinity of the WWTP discharge to the Liffey River (Liffey\_100).

## **6. Recommendation**

This memo recommends that the requested changes be accommodated by a Technical Amendment of Licence W0004-04 (held by South Dublin County Council), in accordance with Section 42B (1)(c) of the Waste Management Act 1996 as amended.

Signed,



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Neasa Diviney  
Inspector  
Environmental Licensing Programme

**Appendix 1: List of European Sites assessed, their associated qualifying interests and conservation objectives.**

	<b>European Site (Site Code)</b>	<b>Distance/Direction from Facility</b>	<b>Qualifying Interests (* denotes a priority habitat)</b>	<b>Conservation Objectives</b>
1	Red Bog, Kildare SAC (000397)	4.1km south-east of the facility.	Habitats 7140 Transition mires and quaking bogs	As per NPWS (2019) Conservation Objectives: Red Bog, Kildare SAC [000397]. Version 1. Department of Culture, Heritage and the Gaeltacht (dated 17/07/2019).
2	Poulaphouca Reservoir SPA (004063)	7.2km south of the facility.	Birds A183 Lesser Black-backed Gull ( <i>Larus fuscus</i> ) A043 Greylag Goose ( <i>Anser anser</i> )	As per NPWS (2022) Conservation objectives for Poulaphouca SPA [004063]. First Order Site-specific Version 1.0. Department of Housing, Local Government and Heritage (dated 12/10/2022).
3	Wicklow Mountains SAC (002122)	9.4km south-east of the facility.	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 <i>Erica tetralix</i> 4030 European dry heaths 4060 Alpine and Boreal heaths 6130 Calaminarian grasslands of the <i>Violetalia calaminariae</i> 6230 Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)* 7130 Blanket bogs (* if active bog)	As per NPWS (2017) Conservation Objectives: Wicklow Mountains SAC [002122]. Generic Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (dated 31/07/2017).

			<p>8110 Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>8210 Calcareous rocky slopes with chasmophytic vegetation</p> <p>8220 Siliceous rocky slopes with chasmophytic vegetation</p> <p>91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>Species</p> <p>1355 Otter (<i>Lutra lutra</i>)</p>	
4	Wicklow Mountains SPA (004040)	12.5km south-east of the facility.	<p>Birds</p> <p>A098 Merlin (<i>Falco columbarius</i>)</p> <p>A103 Peregrine (<i>Falco peregrinus</i>)</p>	As per NPWS (2022) Conservation objectives for Wicklow Mountains SPA [004040]. First Order Site-specific Version 1.0. Department of Housing, Local Government and Heritage (dated 12/10/2022).
5	Glenasmole Valley SAC (001209)	13km east of the facility.	<p>Habitats</p> <p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)</p> <p>6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)</p> <p>7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>)*</p>	As per NPWS (2021) Conservation Objectives: Glenasmole Valley SAC [001209]. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage (dated 10/12/2021).
6	Mouds Bog SAC (002331)	14.7km west of the facility.	<p>Habitats</p> <p>7110 Active raised bogs*</p> <p>7120 Degraded raised bogs still capable of natural regeneration</p> <p>7150 Depressions on</p>	As per NPWS (2015) Conservation Objectives: Mouds Bog SAC [002331]. Version 1. National Parks and Wildlife Service, Department of Arts,

			peat substrates of the Rhynchosporion	Heritage and the Gaeltacht (dated 20/11/2015).
7	Ballynafagh Bog SAC (000391)	14.8km north-west of the facility.	Habitats 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion	As per NPWS (2015) Conservation Objectives: Ballynafagh Bog SAC [000391]. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht (dated 10/11/2015).
8	Ballynafagh Lake SAC (001387)	15km north-west of the facility.	Habitats 7230 Alkaline fens Species 1065 Marsh Fritillary ( <i>Euphydryas aurinia</i> ) 1016 Desmoulin's Whorl Snail ( <i>Vertigo moulinsiana</i> )	As per NPWS (2021) Conservation Objectives: Ballynafagh Lake SAC [001387]. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage (dated 10/12/2021).
9	Rye Water Valley/Carton SAC (001398)	15.6km north of the facility.	Habitats 7220 Petrifying springs with tufa formation (Cratoneurion)* Species 1014 Narrow-mouthed Whorl Snail ( <i>Vertigo angustior</i> ) 1016 Desmoulin's Whorl Snail ( <i>Vertigo moulinsiana</i> )	As per NPWS (2021) Conservation Objectives: Rye Water Valley/Carton SAC [001398]. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage (dated 22/12/2021).



## **Appendix 2: detail of classes of activities licensed at the installation**

### **Main Activity:**

Class 1. Deposit on, in or under land (including landfill): This activity is limited to the deposit of baled municipal waste at the facility

### **Other classes of activity:**

Class 4. Surface impoundment, including placement of liquid or sludge discards into pits, ponds or lagoons:

This activity is limited to the storage of leachate in the storage and treatment tank and lagoons and the storage of surface water and groundwater at the facility.

Class 5. Specially engineered landfill, including placement into limited discrete cells which are capped and isolated from one another and the environment.

The activity is limited to the deposit of bales municipal waste into line cells at the facility.

Class 6. Biological treatment not referred to elsewhere in the schedule which results in final compounds or mixtures which are disposed of by means of any activity referred to in paragraphs 1. to 10. of this Schedule:

The activity is limited to the biological treatment of leachate arising from the waste disposed of on-site.

Class 7. Physico-chemical treatments not referred to elsewhere in this Schedule (including evaporation, drying and calcination) which results in final compounds or mixtures which are disposed of by means of any activity referred to in paragraphs 1 to 10 of this Schedule:

This activity is limited to the physico-chemical treatment of leachate arising from the waste disposed of on-site.