 <p>Environmental Protection Agency An Ghníomhaireacht um Chaomhnú Comhshaoil</p>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
WATER, ENERGY AND BUSINESS SUPPORT PROGRAMME	
TO:	Gerard O’Leary, Director
FROM:	Niamh Connolly and Katelyn Grant, Inspectors, Water, Energy and Business Support Programme
DATE:	26/06/2024
RE:	Agency initiated Technical Amendment (TA) to Industrial Emissions (IE) licence Register No. W0198-01, held by Bord na Mona Public Limited Company, for an installation located at Kilberry, Athy, County Kildare, to comply with the Commission Implementing Decision establishing best available techniques (BAT) conclusions for Waste Treatment (CID 2018/1147).

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. W0198-01, granted to Bord na Mona Public Limited Company, Kilberry, Athy, County Kildare.

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 Treatment (CID 2018/1147) (WT 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 the Waste Treatment 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 Treatment sector, including the licensees, O’Callaghan Moran & Associates, JFK Environmental Limited, Enviroguide Consulting, RPS Group, and NRGE. A workshop was held on the 21/11/2023, which was attended by licensees and stakeholders including O’Callaghan Moran & Associates, Enviroguide Consulting, RPS Group, and NRGE. The workshop covered the process for examining the licences, and the requirements for filling in the WT BAT conclusion CID assessment document. A cover letter and the WT BAT conclusion CID assessment document were emailed to the licensees on the 22/11/2023, following the workshop.

On 15/03/2024, Bord na Mona Public Limited Company, W0198-01 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

Treatment (CID 2018/1147). The public were invited to participate via newspaper notice, which was published on 15/03/2024, however, no submissions were received. All correspondence was made available on the EPA website.

3. Changes required through Technical Amendments

The Agency has reconsidered the existing licence for sub-sector biological treatment-composter (Class 11.4 b (i)), which indicates that the WT CID requirements need to be incorporated into the existing licence (W0198-01, Bord na Mona Public Limited Company).

The overall requirements are to ensure that emissions do not exceed those set out in the WT CID, 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 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 WT 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 Treatment (CID 2018/1147). 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 Treatment (CID 2018/1147). 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; and
- the proposed changes do not substantially change the nature or extent of the operations at the installation.

5. Recommendation

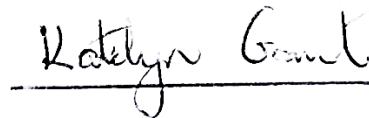
This memo recommends that the changes be accommodated by a Technical Amendment of the W0198-01, Bord na Mona Public Limited Company licence in accordance with Section 96(1)(c) of the EPA Act 1992 as amended.

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,



Niamh Connolly
Inspector
Water, Energy and Business Support Programme



Katelyn Grant
Inspector
Water, Energy and Business Support Programme.

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

CID/BREF/BAT Document	Section	Additional requirements introduced into TA	Glossary/Condition/Schedule
Waste Treatment CID 2018/1147	Definitions	Additional definitions included in the Glossary of Terms.	Glossary of Terms
	BAT 1	Requirement for EMS to be updated.	Condition 2
	BAT 2, 12, 21	Use of BAT techniques to improve the overall environmental performance. Requirement to use BAT techniques to prevent or limit the environmental consequences of accidents or incidents.	Condition 2
	BAT 12, 13, 14, 18, 33, 37	Use of BAT techniques to reduce emissions to water and air, requirement to implement an odour management plan, use of BAT techniques to reduce noise, dust and odour emissions.	Condition 5 & 7
	BAT 36	Requirements to monitor/control key waste and process parameters.	Condition 7 & Schedule D
	BAT 11, 19, 22, 23, 35	Requirement to monitor annual consumption of water, energy and raw materials. Requirement to use BAT techniques to increase energy efficiency and water use efficiency. Requirement to use materials efficiently and reduce the quantity of waste sent for disposal.	Condition 5 & 7
	BAT 4, 5	Reduce storage of waste, handling and storage of waste	Condition 5
		Requirement to identify BAT techniques used and submit as part of the AER.	Condition 11

Appendix 2: Changes required through technical amendment for W0198-01, Bord na Mona Public Limited Company.

BAT conclusions (WT CID)	Reg. No.	Changes required through technical amendment
CID 2018/1147	W0198-01, Bord na Mona Public Limited Company	Updated glossary of terms.
		EMS updated in the licence.
		Emissions to air conditions tightened in line with the WT CID using BAT techniques.
		Updated licence to incorporate use of BAT techniques to increase energy and water use efficiency.

Appendix 3: List of European Sites assessed, their associated qualifying interests and conservation objectives for W0198-01, Bord na Mona Public Limited Company.

Site Name & Code	Distance To SAC/SPA (km)	Qualifying Interests	Citation
		(* denotes a priority habitat)	
River Barrow and River Nore SAC (002162)	1.29 West	Habitats	NPWS (2011) Conservation Objectives: River Barrow and River Nore SAC 002162. 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	
		1310 <i>Salicornia</i> and other annuals colonising mud and sand	
		1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)	
		1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	
		3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation	
		4030 European dry heaths	
		6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels	
		7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>)*	
		91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles	
		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>)*	
		Species	
1016 Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>)			

		1029 Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)	
		1092 White-clawed Crayfish (<i>Austropotamobius pallipes</i>)	
		1095 Sea Lamprey (<i>Petromyzon marinus</i>)	
		1096 Brook Lamprey (<i>Lampetra planeri</i>)	
		1099 River Lamprey (<i>Lampetra fluviatilis</i>)	
		1103 Twaite Shad (<i>Alosa fallax</i>)	
		1106 Atlantic Salmon (<i>Salmo salar</i>) (only in freshwater)	
		1355 Otter (<i>Lutra lutra</i>)	
		1421 Killarney Fern (<i>Trichomanes speciosum</i>)	
		1990 Nore Pearl Mussel (<i>Margaritifera durrovensis</i>)	
Ballyprior Grassland SAC (002256)	10.04 South West	Habitats	NPWS (2021) Conservation Objectives: Ballyprior Grassland SAC 002256. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
		6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)	