 <p>Environmental Protection Agency An Ghníomhaireacht um Chaomhnú Comhshaoil</p>	OFFICE OF ENVIRONMENTAL SUSTAINABILITY
WATER, ENERGY AND BUSINESS SUPPORT PROGRAMME	
TO:	Micheál Lehane, Director
FROM:	Niamh Connolly and Katelyn Grant, Inspectors, Water, Energy and Business Support Programme
DATE:	16/07/2024
RE:	Agency initiated Technical Amendment (TA) to Industrial Emissions (IE) licence Register No. W0106-02, held by Brúscar Bhearna Teoranta, for an installation located at Carrowbrowne, Headford Road, County Galway, 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. W0106-02, granted to Brúscar Bhearna Teoranta, Carrowbrowne, Headford Road, County Galway.

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 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 02/04/2024, Brúscar Bhearna Teoranta, W0106-02 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 02/04/2024, 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 pre-treatment of waste for incineration or co-incineration (11.4 b (ii)), which indicates that the WT CID requirements need to be incorporated into the existing licence (W0106-02, Brúscar Bhearna Teoranta).

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

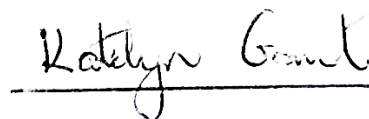
This memo recommends that the changes be accommodated by a Technical Amendment of the W0106-02, Brúscar Bhearna Teoranta licence in accordance with Section 96(1)(c) of the EPA Act 1992 as amended.

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, 3, 12, 21, 24	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, 25, 33, 34	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 6
	BAT 6, 7, 8, 10, 36	Requirements to monitor emissions to water, air, and monitor/control key waste and process parameters.	Condition 6, Schedules C & D
	BAT 11, 19, 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 4
	BAT 4, 5	Reduce storage of waste, handling and storage of waste	Condition 4
		Requirement to identify BAT techniques used and submit as part of the AER.	Condition 10

Appendix 2: Changes required through technical amendment for W0106-02, Brúscar Bhearna Teoranta.

BAT conclusions (WT CID)	Reg. No.	Changes required through technical amendment
CID 2018/1147	W0106-02, Brúscar Bhearna Teoranta	Updated glossary of terms.
		EMS updated in the licence.
		Emissions to air conditions/schedules tightened in line with the WT CID using BAT techniques.
		Updated emissions to sewer conditions to use BAT techniques in line with the WT CID.
		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 W0106-02, Brúscar Bhearna Teoranta.

Site Name & Code	Distance To SAC/SPA (km)	Qualifying Interests	Citation
		(* denotes a priority habitat)	
Lough Corrib SAC (000297)	0.43 West	Habitats	NPWS (2017) Conservation Objectives: Lough Corrib SAC 000297. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
		3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>)	
		3130 Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i>	
		3140 Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp.	
		3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation	
		6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)	
		6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)	
		7110 Active raised bogs*	
		7120 Degraded raised bogs still capable of natural regeneration	
		7150 Depressions on peat substrates of the <i>Rhynchosporion</i>	
		7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> *	
		7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>)*	
		7230 Alkaline fens	
		8240 Limestone pavements*	

		<p>91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>91D0 Bog woodland*</p> <p>Species</p> <p>1029 Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)</p> <p>1092 White-clawed Crayfish (<i>Austropotamobius pallipes</i>)</p> <p>1095 Sea Lamprey (<i>Petromyzon marinus</i>)</p> <p>1096 Brook Lamprey (<i>Lampetra planeri</i>)</p> <p>1106 Salmon (<i>Salmo salar</i>)</p> <p>1303 Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>)</p> <p>1355 Otter (<i>Lutra lutra</i>)</p> <p>1833 Slender Naiad (<i>Najas flexilis</i>)</p> <p>6216 Slender Green Feather-moss (<i>Hamatocaulis vernicosus</i>)</p>	
Galway Bay Complex SAC (000268)	5.22 South	<p>Habitats</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1150 Coastal lagoons*</p> <p>1160 Large shallow inlets and bays</p> <p>1170 Reefs</p> <p>1220 Perennial vegetation of stony banks</p> <p>1310 <i>Salicornia</i> and other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>3180 Turloughs*</p> <p>5130 <i>Juniperus communis</i> formations on heaths or calcareous grasslands</p>	NPWS (2013) Conservation Objectives: Galway Bay Complex SAC 000268. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht

		6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)	
		7210 Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion davallianae*	
		7230 Alkaline fens	
		Species	
		1355 Otter (<i>Lutra lutra</i>)	
		1365 Harbour Seal (<i>Phoca vitulina</i>)	
Ross Lake and Woods SAC (001312)	12.6 West	Habitats	NPWS (2018) Conservation Objectives: Ross Lake and Woods SAC 001312. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.
		3140 Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp.	
		Species	
		1303 Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>)	
Gortnandarragh Limestone Pavement SAC (001271)	14.33 North West	Habitats	NPWS (2019) Conservation Objectives: Gortnandarragh Limestone Pavement SAC 001271. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.
		8240 Limestone pavements*	
Connemara Bog Complex SAC (002034)	14.81 West	Habitats	NPWS (2015) Conservation Objectives: Connemara Bog Complex SAC 002034. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
		1150 Coastal lagoons*	
		1170 Reefs	
		3110 Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)	
		3130 Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea	
		3160 Natural dystrophic lakes and ponds	
		3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation	

		4010 Northern Atlantic wet heaths with <i>Erica tetralix</i>	
		4030 European dry heaths	
		6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)	
		7130 Blanket bogs (* if active bog)	
		7140 Transition mires and quaking bogs	
		7150 Depressions on peat substrates of the Rhynchosporion	
		7230 Alkaline fens	
		91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles	
		Species	
		1065 Marsh Fritillary (<i>Euphydryas aurinia</i>)	
		1106 Salmon (<i>Salmo salar</i>)	
		1355 Otter (<i>Lutra lutra</i>)	
		1833 Slender Naiad (<i>Najas flexilis</i>)	
Lough Corrib SPA (004042)	1.58 West	Birds	NPWS (2023) Conservation Objectives: Lough Corrib SPA 004042. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
		A051 Gadwall (<i>Anas strepera</i>)	
		A056 Shoveler (<i>Anas clypeata</i>)	
		A059 Pochard (<i>Aythya ferina</i>)	
		A061 Tufted Duck (<i>Aythya fuligula</i>)	
		A065 Common Scoter (<i>Melanitta nigra</i>)	
		A082 Hen Harrier (<i>Circus cyaneus</i>)	
		A125 Coot (<i>Fulica atra</i>)	
		A140 Golden Plover (<i>Pluvialis apricaria</i>)	
		A179 Black-headed Gull (<i>Chirocephalids ridibundus</i>)	
		A182 Common Gull (<i>Larus canus</i>)	
		A193 Common Tern (<i>Sterna hirundo</i>)	
		A194 Arctic Tern (<i>Sterna paradisaea</i>)	
		A395 Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)	

		Habitats	
		A999 Wetlands	
Inner Galway Bay SPA (004031)	5.22 South	Birds	NPWS (2013) Conservation Objectives: Inner Galway Bay SPA 004031. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
		A003 Great Northern Diver (<i>Gavia immer</i>)	
		A017 Cormorant (<i>Phalacrocorax carbo</i>)	
		A028 Grey Heron (<i>Ardea cinerea</i>)	
		A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)	
		A050 Wigeon (<i>Anas penelope</i>)	
		A052 Teal (<i>Anas crecca</i>)	
		A056 Shoveler (<i>Anas clypeata</i>)	
		A069 Red-breasted Merganser (<i>Mergus serrator</i>)	
		A137 Ringed Plover (<i>Charadrius hiaticula</i>)	
		A140 Golden Plover (<i>Pluvialis apricaria</i>)	
		A142 Lapwing (<i>Vanellus vanellus</i>)	
		A149 Dunlin (<i>Calidris alpina</i>)	
		A157 Bar-tailed Godwit (<i>Limosa lapponica</i>)	
		A160 Curlew (<i>Numenius arquata</i>)	
		A162 Redshank (<i>Tringa totanus</i>)	
		A169 Turnstone (<i>Arenaria interpres</i>)	
		A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>)	
		A182 Common Gull (<i>Larus canus</i>)	
		A191 Sandwich Tern (<i>Sterna sandvicensis</i>)	
A193 Common Tern (<i>Sterna hirundo</i>)			
		Habitats	
		A999 Wetlands	
Cregganna Marsh SPA (004142)	9.64 South East	Birds	NPWS (2023) Conservation Objectives: Cregganna Marsh SPA 004142. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
		A395 Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)	