 <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:	19/07/2024
RE:	Agency initiated Technical Amendment (TA) to Industrial Emissions (IE) licence Register No. W0222-01, held by Bord Na Móna Recycling Limited, for an installation located at Coldwinters, Blakescross, Lusk, County Dublin, 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. W0222-01, granted to Bord Na Móna Recycling Limited, Coldwinters, Blakescross, Lusk, County Dublin.

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 22/11/2023, following the workshop.

On 02/04/2024, Bord Na Móna Recycling Limited, W0222-01 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 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 (W0222-01, Bord Na Móna Recycling Limited).

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

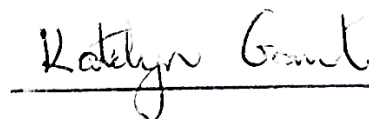
This memo recommends that the changes be accommodated by a Technical Amendment of the W0222-01, Bord Na Móna Recycling Limited licence in accordance with Section 96(1)(c) of the EPA Act 1992 as amended.

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,



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	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	Requirements to monitor emissions to water, air, and monitor/control key waste and process parameters.	Condition 6 & Schedule C
	BAT 11, 19, 23	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 7
	BAT 4, 5	Reduce storage of waste, handling and storage of waste	Condition 8
		Requirement to identify BAT techniques used and submit as part of the AER.	Condition 11

Appendix 2: Changes required through technical amendment for W0222-01, Bord Na Móna Recycling Limited.

BAT conclusions (WT CID)	Reg. No.	Changes required through technical amendment
CID 2018/1147	W0222-01, Bord Na Móna Recycling Limited	Updated glossary of terms.
		EMS updated in the licence.
		Emissions to air conditions tightened in line with the WT CID using BAT techniques.
		Updated emissions to water 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 W0222-01, Bord Na Móna Recycling Limited.

Site Name and Code	Distance To SAC/SPA (km)	Qualifying Interests	Citation
		(* denotes a priority habitat)	
Rogerstown Estuary SAC (000208)	0.15 South	Habitats	NPWS (2013) Conservation Objectives: Rogerstown Estuary SAC 000208. Version 1. 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>Glaucopuccinellietalia maritimae</i>)	
		1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	
		2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)	
		2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*	
Malahide Estuary SAC (000205)	4.03 South	Habitats	NPWS (2013) Conservation Objectives: Malahide Estuary SAC 000205. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
		1140 Mudflats and sandflats not covered by seawater at low tide	
		1310 <i>Salicornia</i> and other annuals colonising mud and sand	
		1320 <i>Spartina</i> swards (<i>Spartinion maritimae</i>)	
		1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)	

		1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	
		2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)	
		2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*	
Rockabill to Dalkey Island SAC (003000)	8.07 East	Habitats	NPWS (2013) Conservation Objectives: Rockabill to Dalkey Island SAC 003000. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
		1170 Reefs	
		Species	
		1351 Harbour Porpoise (<i>Phocoena phocoena</i>)	
Baldoyle Bay SAC (000199)	10.02 South	Habitats	NPWS (2012) Conservation Objectives: Baldoyle Bay SAC 000199. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
		1140 Mudflats and sandflats not covered by seawater at low tide	
		1310 Salicornia and other annuals colonising mud and sand	
		1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)	
		1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	
Lambay Island SAC (000204)	10.51 East	Habitats	NPWS (2013) Conservation Objectives: Lambay Island SAC 000204. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
		1170 Reefs	
		1230 Vegetated sea cliffs of the Atlantic and Baltic coasts	
		Species	
		1364 Grey Seal (<i>Halichoerus grypus</i>)	
		1365 Harbour Seal (<i>Phoca vitulina</i>)	
Ireland's Eye SAC (002193)	13.45 East	Habitats	NPWS (2017) Conservation Objectives: Ireland's Eye SAC 002193. Version 1. National Parks and Wildlife Service, Department of
		1220 Perennial vegetation of stony banks	

		1230 Vegetated sea cliffs of the Atlantic and Baltic coasts	Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
North Dublin Bay SAC (000206)	13.56 South East	Habitats	NPWS (2013) Conservation Objectives: North Dublin Bay SAC 000206. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
		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 maritima</i>)	
		1410 Mediterranean salt meadows (<i>Juncetalia maritimi</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)*	
		2190 Humid dune slacks	
		Species	
		1395 Petalwort (<i>Petalophyllum ralfsii</i>)	
Rogerstown Estuary SPA (004015)	0.76 South East	Birds	NPWS (2013) Conservation Objectives: Rogerstown Estuary SPA 004015. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
		A043 Greylag Goose (<i>Anser anser</i>)	
		A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)	
		A048 Shelduck (<i>Tadorna tadorna</i>)	
		A056 Shoveler (<i>Anas clypeata</i>)	
		A130 Oystercatcher (<i>Haematopus ostralegus</i>)	
		A137 Ringed Plover (<i>Charadrius hiaticula</i>)	
		A141 Grey Plover (<i>Pluvialis squatarola</i>)	
A143 Knot (<i>Calidris canutus</i>)			

		A149 Dunlin (<i>Calidris alpina</i>)	
		A156 Black-tailed Godwit (<i>Limosa limosa</i>)	
		A162 Redshank (<i>Tringa totanus</i>)	
		Habitats	
		A999 Wetlands	
Malahide Estuary SPA (004025)	4.03 South	Birds	NPWS (2013) Conservation Objectives: Malahide Estuary SPA 004025. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
		A005 Great Crested Grebe (<i>Podiceps cristatus</i>)	
		A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)	
		A048 Shelduck (<i>Tadorna tadorna</i>)	
		A054 Pintail (<i>Anas acuta</i>)	
		A067 Goldeneye (<i>Bucephala clangula</i>)	
		A069 Red-breasted Merganser (<i>Mergus serrator</i>)	
		A130 Oystercatcher (<i>Haematopus ostralegus</i>)	
		A140 Golden Plover (<i>Pluvialis apricaria</i>)	
		A141 Grey Plover (<i>Pluvialis squatarola</i>)	
		A143 Knot (<i>Calidris canutus</i>)	
		A149 Dunlin (<i>Calidris alpina</i>)	
		A156 Black-tailed Godwit (<i>Limosa limosa</i>)	
		A157 Bar-tailed Godwit (<i>Limosa lapponica</i>)	
		A162 Redshank (<i>Tringa totanus</i>)	
		Habitats	
		A999 Wetlands	
North-west Irish Sea SPA (004236)	6.18 East	Birds	NPWS (2023) Conservation Objectives: North-west Irish Sea SPA 004236. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
		A001 Red-throated Diver (<i>Gavia stellata</i>)	
		A003 Great Northern Diver (<i>Gavia immer</i>)	
		A009 Fulmar (<i>Fulmarus glacialis</i>)	
		A013 Manx Shearwater (<i>Puffinus puffinus</i>)	

		A017 Cormorant (<i>Phalacrocorax carbo</i>) A018 Shag (<i>Phalacrocorax aristotelis</i>) A065 Common Scoter (<i>Melanitta nigra</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A182 Common Gull (<i>Larus canus</i>) A183 Lesser Black-backed Gull (<i>Larus fuscus</i>) A184 Herring Gull (<i>Larus argentatus</i>) A187 Great Black-backed Gull (<i>Larus marinus</i>) A188 Kittiwake (<i>Rissa tridactyla</i>) A192 Roseate Tern (<i>Sterna dougallii</i>) A193 Common Tern (<i>Sterna hirundo</i>) A194 Arctic Tern (<i>Sterna paradisaea</i>) A195 Little Tern (<i>Sterna albifrons</i>) A199 Guillemot (<i>Uria aalge</i>) A200 Razorbill (<i>Alca torda</i>) A204 Puffin (<i>Fratercula arctica</i>) A862 Little Gull (<i>Hydrocoloeus minutus</i>)	
Skerries Islands SPA (004122)	9.8 North East	Birds A017 Cormorant (<i>Phalacrocorax carbo</i>) A018 Shag (<i>Phalacrocorax aristotelis</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A148 Purple Sandpiper (<i>Calidris maritima</i>) A169 Turnstone (<i>Arenaria interpres</i>) A184 Herring Gull (<i>Larus argentatus</i>)	NPWS (2022) Conservation objectives for Skerries Islands SPA [004122]. First Order Site specific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage.
Baldoyle Bay SPA (004016)	10.02 South	Birds A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)	NPWS (2013) Conservation Objectives: Baldoyle Bay SPA 004016. Version 1. National Parks and Wildlife Service, Department of

		A048 Shelduck (<i>Tadorna tadorna</i>) A137 Ringed Plover (<i>Charadrius hiaticula</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) Habitats A999 Wetlands	Arts, Heritage and the Gaeltacht.
Lambay Island SPA (004069)	10.44 East	Birds A009 Fulmar (<i>Fulmarus glacialis</i>) A017 Cormorant (<i>Phalacrocorax carbo</i>) A018 Shag (<i>Phalacrocorax aristotelis</i>) A043 Greylag Goose (<i>Anser anser</i>) A183 Lesser Black-backed Gull (<i>Larus fuscus</i>) A184 Herring Gull (<i>Larus argentatus</i>) A188 Kittiwake (<i>Rissa tridactyla</i>) A199 Guillemot (<i>Uria aalge</i>) A200 Razorbill (<i>Alca torda</i>) A204 Puffin (<i>Fratercula arctica</i>)	NPWS (2022) Conservation objectives for Lambay Island SPA [004069]. First Order Sitespecific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage.
Rockabill SPA (004014)	11.11 South West	Birds A148 Purple Sandpiper (<i>Calidris maritima</i>) A192 Roseate Tern (<i>Sterna dougallii</i>) A193 Common Tern (<i>Sterna hirundo</i>) A194 Arctic Tern (<i>Sterna paradisaea</i>)	NPWS (2013) Conservation Objectives: Rockabill SPA 004014. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
Ireland's Eye SPA (004117)	12.94 South East	Birds A017 Cormorant (<i>Phalacrocorax carbo</i>) A184 Herring Gull (<i>Larus argentatus</i>) A188 Kittiwake (<i>Rissa tridactyla</i>) A199 Guillemot (<i>Uria aalge</i>) A200 Razorbill (<i>Alca torda</i>)	NPWS (2022) Conservation objectives for Ireland's Eye SPA [004117]. First Order Sitespecific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage.
North Bull Island SPA (004006)		Birds	

13.56 South East	A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)	NPWS (2015) Conservation Objectives: North Bull Island SPA 004006. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
	A048 Shelduck (<i>Tadorna tadorna</i>)	
	A052 Teal (<i>Anas crecca</i>)	
	A054 Pintail (<i>Anas acuta</i>)	
	A056 Shoveler (<i>Anas clypeata</i>)	
	A130 Oystercatcher (<i>Haematopus ostralegus</i>)	
	A140 Golden Plover (<i>Pluvialis apricaria</i>)	
	A141 Grey Plover (<i>Pluvialis squatarola</i>)	
	A143 Knot (<i>Calidris canutus</i>)	
	A144 Sanderling (<i>Calidris alba</i>)	
	A149 Dunlin (<i>Calidris alpina</i>)	
	A156 Black-tailed Godwit (<i>Limosa limosa</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>)	
Habitats		
A999 Wetlands		