

**TECHNICAL AMENDMENT MEMO**

TO:	Micheál Lehane, Director
FROM:	Guy Price, Inspector, Industrial and Carbon Emissions Regulation Programme, Office of Environmental Sustainability
DATE:	01 October 2024
RE:	Request for Technical Amendment to Waste Licence Register Number: W0021-02, held by Mayo County Council, for a facility located at Derrinnumera Landfill Facility, Derrinnumera/Drumilra (Townlands), Newport, County Mayo; received on 18 September 2023.
RECOMMENDATION:	Cannot Accommodate

1. Licenced activity

Mayo County Council was granted a licence, Reg. No. W0021-02, on 21 December 2009 for Derrinnumera Landfill Facility, located at, Derrinnumera/Drumilra (Townlands), Newport, County Mayo (licence ref. W0021-01 was granted on 21 December 1999). The facility is licensed for the following waste activities¹: Class 1, 5, 6, 7 and 13 of the Third Schedule (Waste Disposal Activities) and Class 2, 3, 4, and 13 of the Fourth Schedule (Waste Recovery Activities) of the Waste Management Act 1996 as amended (hereafter WM Act).

The licence was technically amended on the 28 June 2010 (Technical Amendment A) for the purpose of bringing the licence into compliance with the Landfill Directive and on the 15 January 2013 (Technical Amendment B) for the purpose of bringing it into compliance with the Environmental Objectives (Surface Water) and Environmental Objectives (Groundwater) Regulations.

The facility currently operates as a Civic Amenity Centre. The facility also includes a closed landfill, which stopped accepting waste in 2012 but requires continuous monitoring and aftercare. Aftercare activities include the management of landfill leachate; collection and storage before removal by tanker for treatment offsite.

2. Technical Amendment Request

The request for a Technical Amendment of Licence Reg. No. W0021-02, is to allow for the installation of an Integrated Constructed Wetland (ICW) for onsite treatment of leachate. It is proposed that the treated leachate will be discharged to surface water. The licensee has proposed changes to a number of conditions of the current licence to provide for the treatment and discharge of leachate (conditions 4, 7, & 9), and the addition of a new emission point to surface waters with emissions limits to schedule G and new monitoring requirements to schedule F.

As part of the proposed amendment, the licensee requests a new emission point to surface water (D1) be added to the licence along with an associated maximum volumetric discharge limit of 110m³/day and emission limit values (ELVs) and associated monitoring requirements for 15 no. pollutant parameters with.

The licensee also provided a copy of a preliminary design report for the ICW dated March 2023 as part of the amendment application.

¹ For full details see Appendix 1.

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

I have consulted with the OEE Inspector, Sean Burke, in relation to this technical amendment request. The OEE confirmed that the proposed amendment 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 licensee is proposing the addition of a new ICW at the facility for the treatment of leachate generate onsite. The licensee is proposing the emission of the treated leachate to surface water via a new main emission point D1. This will include 15 no. new parameters and associated maximum ELVs to be monitored for compliance including the following, each listed alongside its classification under the surface waters regulations²:

- Chromium, Copper, Zinc and phenol, which are specific pollutants;
- Lead and Nickel, which are priority substances;
- Cadmium and Mercury which are priority hazardous substances.

The proposed amendment has been assessed with reference to the Agency's guidance document³, which clarifies that any alteration that results in a new main emission point or a significant increase in total mass emissions from the facility for any parameter or results in a substantial change that may have a significant adverse impact on the environment, cannot be undertaken by way of a technical amendment and is likely to require a review of the licence.

The increase in mass emissions that would result from the new surface water emission was not considered during the determination of the current licence, W0021-02. Amending the licence to allow for the new emission to surface water would result in an increase of the permitted mass emissions from the facility, the impact of which has not been considered or provided for in the current licence.

Section 42B(1) of the WM Act:

Section 42B(1) of the WM Act states that

"The Agency may amend a waste 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
- bb) facilitating compliance by the holder of a licence with technical requirements that may be established, or amended, arising from the introduction of new Community acts or amendments to existing Community acts, 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".

The amendment request cannot be considered to be (a) correcting any clerical error or (b) facilitating the doing of anything pursuant to a condition attached to a licence where the doing of that thing may reasonably be regarded as having been contemplated by the terms of the condition or terms of the licence when taken as a whole or (bb) facilitating compliance by the holder of the licence with any new legislative requirements or updates.

It is also considered that the amendment cannot be accommodated by way of section 96(1)(c). For an amendment to be accommodated under section 96(1)(c) it must satisfy **both** criteria Part (i) *otherwise facilitating the operation of the licence* and Part (ii) *does not result in section 40(4) failing to be satisfied*.

² The European Communities Environmental Objectives (Surface Waters) Regulations 2009 (as amended)

³ EPA Guidance for Licensees on Requests for Alterations to the installation/facility (EPA 2019)

In relation to Part (i) the requested change cannot be interpreted as otherwise facilitating the operation of the licence as to allow the change would result in an increase in mass emissions to the environment from the facility that were not considered during the assessment of the original licence. In relation to Part (ii) the licensee did not submit an assessment of the impact of the proposed emission on surface water quality, and so has failed to establish that the increase in emissions from the facility will demonstrate that section 40(4) will continue to be satisfied.

It is therefore considered that the proposed amendment cannot be accommodated by way of a technical amendment and a licence review would be required to consider the proposed changes as requested.

5. Recommendation

This memo recommends that the requested changes cannot be accommodated by a Technical Amendment of Licence W0021-02 (held by Mayo County Council), in accordance with section 42B(1) of the WM Act as amended.

Signed,



Guy Price
Inspector
Industrial and Carbon Emissions Regulation Programme
Office of Environmental Sustainability

Appendix 1: full details of the licensed activities of the facility

Waste disposal activities, in accordance with the Third Schedule of the Waste Management Act 1996, as amended:

<i>Class 1:</i>	Deposit on, in or under land (including landfill).
<i>Class 5:</i>	<i>Specially engineered landfill, including placement into lined discrete cells which are capped and isolated from one another and the environment.</i>
<i>Class 6:</i>	<i>Biological treatment not referred to elsewhere in this 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.</i>
<i>Class 7:</i>	<i>Physico-chemical treatment not referred to elsewhere in this Schedule (including evaporation, drying and calcination) which results in final compounds or mixtures which are disposed of by any means of any activity referred to in paragraph 1. to 10. of this Schedule.</i>
<i>Class 13:</i>	<i>Storage prior to submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned is produced.</i>

Waste recovery activities, in accord with the Fourth Schedule of the Waste Management Act 1996, as amended:

<i>Class 2:</i>	Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes).
<i>Class 3:</i>	Recycling or reclamation of metals and metal compounds.
<i>Class 4:</i>	Recycling or reclamation of other inorganic materials.
<i>Class 13:</i>	Storage of waste intended for submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where such waste is produced.