



WATER, ENERGY AND BUSINESS SUPPORT PROGRAMME

TO:	Eimear Cotter, Director
FROM:	Niamh Connolly, Katelyn Grant and Rebecca McGovern, Inspectors, Office of Environmental Sustainability
DATE:	01 October 2024
RE:	Agency initiated Technical Amendment (TA) to Industrial Emissions (IE) licence Register No. W0113-04, held by KMK Metals Recycling Limited, for an installation located at Cappincur Industrial Estate, Daingean Road, Tullamore, County Offaly, 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. W0113-04, granted to KMK Metals Recycling Limited, Cappincur Industrial Estate, Daingean Road, Tullamore, County Offaly.

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 four years of publication of the CID relevant to the main activity. The installation must comply with those conditions within four 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 NRG. A workshop was held on the 21 November 2023, which was attended by licensees and stakeholders including O'Callaghan Moran & Associates, Enviroguide Consulting, RPS Group, and NRG. 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 November 2023, following the workshop.

On 29 April 2024, KMK Metals Recycling Limited, W0113-04 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 29 April 2024, however, no submissions were received. All correspondence was made available on the EPA website.

3. Changes required through Technical Amendment

The Agency has reconsidered the existing licence for sub-sector: recycling or reclamation of inorganic materials other than metals or metal compounds (11.2 (f)), which indicates that the WT CID requirements need to be incorporated into the existing licence (W0113-04, KMK Metals 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.

Recommendation

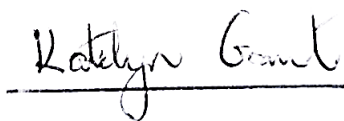
This memo recommends that the requested changes can be accommodated by a Technical Amendment of Licence W0113-04 (held by KMK Metals Recycling Limited), in accordance with section 96(1)(c) of the EPA Act 1992 as amended.

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



Katelyn Grant
Inspector



Rebecca McGovern
Inspector

Office of Environmental Sustainability

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, 40	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 & 8
	BAT 12, 13, 14, 18, 22	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	Requirements to monitor emissions to water, air, and monitor/control key waste and process parameters.	Condition 6, Schedule B and C
	BAT 11, 19, 20, 23, 25, 26, 27, 28, 32	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 6 & 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 W0113-04, KMK Metals Recycling Limited.

BAT conclusions (WT CID)	Reg. No.	Changes required through technical amendment
CID 2018/1147	W0113-04, KMK Metals Recycling Limited	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 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 W0113-04, KMK Metals Recycling Limited.

Site Name and Code	Distance To SAC/SPA (km)	Qualifying Interests	Citation
		(* denotes a priority habitat)	
Charleville Wood SAC (000571)	3.41 West	Habitats	NPWS (2021) Conservation Objectives: Charleville Wood SAC 000571. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
		91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*	
		Species	
		1016 Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>)	
Raheenmore Bog SAC (000582)	9.65 North East	Habitats	NPWS (2015) Conservation Objectives: Raheenmore Bog SAC 000582. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
		7110 Active raised bogs*	
		7120 Degraded raised bogs still capable of natural regeneration	
		7150 Depressions on peat substrates of the Rhynchosporion	
Clara Bog SAC (000572)	9.81 North West	Habitats	NPWS (2016) Conservation Objectives: Clara Bog SAC 000572. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
		6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)	
		7110 Active raised bogs*	
		7120 Degraded raised bogs still capable of natural regeneration	
		7150 Depressions on peat substrates of the Rhynchosporion	
		91D0 Bog woodland*	
River Barrow and River Nore SAC (002162)	10.26 South	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 maritimae</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 fallax</i>)	
		1106 Salmon (<i>Salmo salar</i>)	
		1355 Otter (<i>Lutra lutra</i>)	
		1421 Killarney Fern (<i>Trichomanes speciosum</i>)	
		1990 Nore Pearl Mussel (<i>Margaritifera durrovensis</i>)	
Split Hills and Long Hill Esker SAC (001831)	10.5 North	Habitats 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)	NPWS (2018) Conservation Objectives: Split Hills and Long Hill Esker SAC 001831. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.
		Habitats 7230 Alkaline fens	NPWS (2019) Conservation Objectives: Clonaslee Eskers and Derry Bog SAC 000859. Version 1.

Clonaslee Eskers and Derry Bog SAC (000859)	14.61 South East	Species	National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.
		1013 Geyer's Whorl Snail (<i>Vertigo geyeri</i>)	
Slieve Bloom Mountains SPA (004160)	14.46 South East	Birds	NPWS (2022) Conservation Objectives: Slieve Bloom Mountains SPA 004160. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
		A082 Hen Harrier (<i>Circus cyaneus</i>)	