

Eve O'Sullivan

Subject: Representations on draft CoA for Prusselstown (Former Refuse Depot) Landfill, Athy, Co. Kildare
Attachments: 210726 Response to Draft CoA under 7(5).pdf

From: Colum Fagan <Cfagan@kildarecoco.ie>
Sent: Wednesday 28 July 2021 16:14
To: Licensing Staff <licensing@epa.ie>
Cc: Colm Flynn <CFlynn@kildarecoco.ie>; Ken Kavanagh <Kkavanagh@kildarecoco.ie>
Subject: Representations on draft CoA for Prusselstown (Former Refuse Depot) Landfill, Athy, Co. Kildare

To whom it may concern,

Further to receiving notification of a draft Certificate of Authorisation for Prusselstown (Former Refuse Depot) Landfill, Athy, Co. Kildare in accordance with Regulation 7(5) of the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008, I would like to make representation on behalf of Kildare County Council to the proposed decision as per the attached letter.

Please do not hesitate to contact me if you wish to discuss any of the above in further detail.

Regards,
Colum Fagan

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Tá an ríomhphost seo príobháideach agus ní ceadmhach úsáid an ríomhphoist seo d'éinne ach don té ar seoladh chuige é. D'fhéadfadh go mbeadh eolas ann atá faoi phribhléid agus rúnda de réir an dlí. Munar duit an ríomhphost seo, déan teagmháil leis an seoltóir chomh luath agus is féidir. D'fhéadfadh nach iad tuairimí Chomhairle Contae Chill Dara na tuairimí atá curtha in iúl sa ríomhphost seo. Déanann Comhairle Contae Chill Dara iarracht ríomhphoist a chosaint ó víris. Mar sin féin, moltar duit gach ríomhphost a scanadh, mar ní ghlacann an Chomhairle aon dliteanas i leith damáiste do do chórais. Le haghaidh eolas ar do chearta príobháideachta agus ar conas a bhainistimid sonraí pearsanta, logáil isteach ar

<https://kildare.ie/CountyCouncil/YourCouncil/GovernanceandCompliance/DataProtection/> Chun do chuid sonraí pearsanta a nuashonrú cuir ríomhphost chugainn ag customercare@kildarecoco.ie Caithfidh tú deis a thógáil don Chomhairle cé thú féin a chinntiú trí cruthúnas céannachta agus/nó seoladh a sholáthar, sula ndéanaimid aon athruithe.

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Office of Environmental Sustainability
Environmental Protection Agency
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28th July 2021

Reg. No. H0209-01

**Re: Prusselstown (Former Refuse Depot) Landfill, Athy, Co. Kildare
Notification in accordance with Regulation 7(5) of the Waste Management
(Certification of Historic Unlicensed Waste Disposal and Recovery Activity)
Regulations 2008, of a draft Certificate of Authorisation**

Further to receiving notification of a draft Certificate of Authorisation for Prusselstown (Former Refuse Depot) Landfill, Athy, Co. Kildare in accordance with Regulation 7(5) of the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008, I would like to make representation on behalf of Kildare County Council to the proposed decision.

As you are aware, the application for Certificate of Authorisation was made following the completion of an Environmental Risk Assessment [hereafter referred to as the 'ERA'] as required under Section 6 of the Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008. This ERA was prepared in accordance with the Environmental Protection Agency's (EPA) published Code of Practice: Environmental Risk Assessment for Unregulated Waste Disposal Sites (2007) hereafter referred to as the 'CoP'. To ensure the quality of the data and conclusions presented in the ERA, all work was carried out by a Competent Person who is qualified, trained and experienced to the standard set out in section 2.3 of the CoP and listed on the IGI Register of Qualified Geoscientists/Competent Persons.

The ERA carried out concluded that the imported materials have not resulted in any impacts on the identified human receptors or environmental receptors in strict accordance with the CoP, and that no further remedial actions were required. Kildare County Council would like to appeal a number of the conditions proposed under the draft Certificate of Authorisation. The conditions specifically of concern are as follows:

- *Condition 3.1 (b); Install a low permeability landfill cap, minimum 1m, with 1mm thick low permeability geomembrane, or equivalent, to achieve a hydraulic conductivity of less than or equal to 1×10^{-9} m/s. The cap shall be installed over all areas where waste is deposited excluding the hard standing areas.*

The ERA clearly identifies that the existing capping material encountered during the site investigations (trial pit) was identified as brown gravelly clay with a thickness of 0.6 to 1.4m. According to the geotechnical results the capping material was classified as brown very gravelly very sandy CLAY, with low permeability 4.9×10^{-9} m/s. The low permeability of the capping material overlying the imported material would impede rainfall infiltration and therefore reduce the generation of leachate. The ERA also states that any remedial measures are proposed depending on the results of the Qualitative Risk Assessment carried out. Following the Qualitative Risk Assessment for this site, it was concluded that in its current status, it did not require any further actions, hence no landfill cap was deemed necessary or required.



- Condition 3.1 (c); Install gas management system in all areas where waste is deposited, within six months of the date of grant of this Certificate of Authorisation.

The gas management system shall include the following elements:

- (i) Gas vent pipes with fans or cowls, as appropriate;
- (ii) The gas vent pipes shall not be perforated above the ground level; and
- (iii) Spacing between the gas vent pipes shall be in accordance with EPA Landfill Manuals - Landfill Site Design.

As stated in Section 7.5 of the Environmental Assessment, the flow rate indicates the level of gas movement through the permeable layers. Furthermore, surface emission rate measures the potential for gas to escape from a particular area on the ground. The very low flow rates observed, and the results of the VOC monitoring surveys, on and off-site and within the hotel building, demonstrated that the imported material is not actively generating landfill gas and it is therefore not migrating vertically or laterally. Therefore, it would not affect any potential receptors (on or off-site).

In addition, Section 8.2 of the Environmental Risk Assessment states that the linkages of greatest concern according to the preliminary conceptual site model include the risk of landfill gas migration to off-site receptors (SPR10) and the risk of landfill gas migration to onsite receptors (SPR11). These linkages reported a normalised score of 42% in both cases. As described in section 7.5, due to the site location, the low flow rates observed in all monitoring locations and the findings of the VOC monitoring surveys inside and outside the site boundary and within the hotel building, it can be concluded that the observed landfill gas concentrations do not pose a risk to human health or the environment and that the pollutant linkages SPR10 and SPR11 are no longer valid.

As such a gas venting system was not deemed necessary for the site.

Schedule 1 of the Draft Certificate of Authorisation, states that *Landfill leachate is being generated within the site and there is a risk of its migration into the underlying sand and gravel aquifer.* However, this is contrary to the ERA carried out which explicitly states that *"The groundwater results (GW1A to GW3A and the private well) confirm that the imported material has not negatively impacted upon the underlying aquifer."*

It is the view of Kildare County Council that the draft Conditions and proposed remediation works greatly outweigh the risks identified in the Qualitative Risk Assessment carried out as part of the Environmental Risk Assessment. It is considered that any potential environmental risk to the underlying aquifer or potential receptors could be managed by the proposed monitoring of leachate monitoring boreholes, groundwater monitoring boreholes, Athy Stream and private well on site as specified in Condition 3.9 of the draft Certificate of Authorisation

As such, Kildare County Council would request that the Conditions proposed as part of the draft Certificate of Authorisation are reviewed to remove the requirement for both landfill capping and gas management system and associated Conditions.

Should you wish to discuss any of the above in further detail, please do not hesitate to contact me

Yours Sincerely,

Colum Fagan
Acting Senior Executive Engineer