

Eve O'Sullivan

Subject: Representations on draft CoA for H0223-01; Digby Bridge, Barretstown, Sallins, Co. Kildare
Attachments: 211220 Response to Draft CoA under 7(5).pdf

From: Colum Fagan <Cfagan@kildarecoco.ie>
Sent: Monday 20 December 2021 17:00
To: Licensing Staff <licensing@epa.ie>
Cc: Colm Flynn <CFlynn@kildarecoco.ie>; Ken Kavanagh <Kkavanagh@kildarecoco.ie>
Subject: Representations on draft CoA for H0223-01; Digby Bridge, Barretstown, Sallins, Co. Kildare

To whom it may concern,

Further to receiving notification of a draft Certificate of Authorisation for Closed Landfill at Digby Bridge, Barretstown, Sallins, Co. Kildare and 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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(by email to licensing@epa.ie)

20th December 2021

Reg. No. H0223-01

**Re: Closed Landfill at Digby Bridge, Barretstown, Sallins, 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 Authorization**

Further to receiving notification of a draft Certificate of Authorization for Closed Landfill at Digby Bridge, Barretstown, Sallins, Co. Kildare and 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 (KCC) to the proposed decision.

As you are aware, the application for Certificate of Authorization was made following the completion of an Environmental Risk Assessment [hereafter referred to as the 'ERA'] as required under Section 6 of the 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 concluded that the key linkages that need to be addressed by the Remediation Plan were the lateral migration of landfill gas to nearby properties (SPR10) and impacted groundwater migration offsite in the Gravel Formation and Rickardstown Formation impacting local groundwater and potentially impacting the drains to the north of the site (SPR 5 & SPR 6).

A minimum viable solution was recommended to address these linkages. This involved Landfill Gas (LFG) Management System to address SPR 10 and Adaptive Monitoring for Groundwater to address SPR 5 & 6.

Kildare County Council would like to appeal the conditions proposed under the draft Certificate of Authorization relating to the installation of a low permeability landfill cap which was deemed not to be warranted by the current known risks to groundwater at the site. The condition specifically of concern is as follows:



- *Condition 3.2 (b); Install a low permeability landfill cap over the entire waste body, minimum 1m, with 1mm thick low permeability geomembrane, or equivalent, to achieve a hydraulic conductivity of less than or equal to $1 \times 10^{-9} \text{m/s}$.*

Consideration was given to the installation of a Low Permeability Cap in the Remediation Plan (Section 2.2) however it was concluded that one would not be warranted. This was due to the scale of such works on lands that were not in ownership of Kildare County Council (KCC) and that the risks identified to groundwater at the site did not warrant such an undertaking.

Furthermore, the Tier 3: Refinement of CSM and Quantitative Risk Assessment submitted as part of the CoA application states that *it has been proven that the landfill cap/cover acts as a barrier to gas flow* and that the installation of a landfill cap/cover could have a detrimental effect on SPR 10 (lateral migration of landfill gas) in the short term.

In May 2021, representatives from Regional Waste Management Project Office (RWMPO) met with representatives from the EPA's Office of Environment Enforcement (OEE). KCC were informed that as discussed in this meeting, the *OEE have recommended to their Licensing Section that the LA should clarify the relationship with private landowners as part of the CoA application process. The LA should provide evidence that the landowner is aware of and agreeable to the proposed remediation works.*

KCC would like to point out that such agreement for the works as identified in Condition 3.2 (b) of the draft CoA have not been agreed with the landowner. Furthermore, due to the scale of the works identified over the entire waste body that agreement from the landowner to carry out these works would be highly unlikely. As such, to proceed with remediation works would likely require purchase of these lands. As well as the financial constraints for such a purchase since this would not be covered under DoECC grant assistance, it is unlikely that the landowners in question at this site would be willing to sell. Should KCC be obligated to proceed with these works to comply with Condition 3.2 (b), Compulsory Purchase of these lands may have to be carried out.

To proceed with a Compulsory Purchase Order for any lands, it would be necessary to satisfy the requirements that it would be constitutional, by proving that such development works are both necessary and of a pressing social need. It is the opinion of KCC that this could not be proven without first carrying out adaptive monitoring for groundwater as recommended in the remediation plan as submitted in the application for CoA.

Considering the above, KCC would have concerns about the viability of complying with Condition 3.2(b) of the draft CoA in particular and the associated 24-month deadline.

In its Reasons for Decision in the draft CoA, it stated that the Conditions were *specified as further necessary measures in addition to those identified by the risk assessment*. KCC would like clarity on how it was established that such additional measures were required. As mentioned above, the ERA was prepared in accordance with the EPA's Code of Practice. 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.



For the reasons identified in this submission, KCC would request that the Conditions in relation to the installation of a low permeability landfill cap be removed and replaced with the Adaptive Monitoring for Groundwater as proposed in the Remediation Plan as part of the original CoA application. Further assessment of further remedial options could be considered pending results of such adaptive groundwater monitoring.

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

Yours Sincerely,

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