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Via email only to: [ByProduct@epa.ie](mailto:ByProduct@epa.ie)

22<sup>nd</sup> May 2026

Re. Regulation 27 Consultation - Guidance for brownfield soil and stone by-product material, incorporating a PFAS screening tool

Dear Sir/Madam,

The IGI promotes and advances the science of geology and its professional application in Ireland. It ensures that its members uphold, develop and maintain the highest professional standards. A stated objective of the IGI is to promote improvements in the law and take any other steps and proceedings as may be deemed necessary in the interests of the IGI and its members. Accordingly, the IGI makes the following observations and wishes to note the role of the geoscientist in achieving Ireland's transition to a Circular Economy.

The IGI consider the reuse of brownfield soil and stone as a key factor contributing to the sustainable redevelopment of brownfield sites in Ireland and the development of this guidance document by the EPA is welcomed by the IGI and our members.

This guidance for consultation is very detailed and will have significant potential impacts for the industry as a whole. Given that the guidance was revised during the consultation period we respectfully suggest that either a) the consultation period be extended or b) that a longer consultation period is provided for prior to finalisation to allow a more detailed and consistent industry view/response.

As such, given the extent of the document and given the short consultation period provided, we have provided high level feedback on the proposed guidance and focused only on areas which are of relevance to our membership.

The guidance in itself, as it relates to brownfield soil and stone, cannot be understated in the complexity of the subject as well as the typical sites and associated risk that are likely to fall under the remit of the guidance. The potential impact to the environment and the industry is great and we would request that an regulatory impact assessment is carried out to assess all of the unintended consequences, arising as a result of the proposed guidance. If such an impact assessment has been carried out already, we would request that it is published to go alongside the proposed guidance.





Assessment of soil quality requires input by a competent qualified environmental professional. Involvement of an independent qualified professional (e.g. PGeo, CSci, CEng, MCIWM etc) who holds appropriate P.I. insurance would be required complete these assessments.

A designated qualified person is not a stated requirement within the proposed guidance. We would suggest, as a minimum, that the definition of a qualified person is included within the guidance (as per the Guidance on waste acceptance criteria at authorised soil recovery facilities, (EPA, 2020), Greenfield Soil & Stone Guidance, (EPA, 2024), or the Ireland Brownfield Network – Guidance on Demonstrating Competency (2021)). This we believe will improve the quality of the submission provided to the EPA for evaluation.

The IGI maintain a register of competent persons with respect to contaminated land/unregulated waste assessment following the EPA Code of Practice. We feel these individuals would hold the relevant knowledge and experience to fulfil this “designated qualified person” in relation to soil condition for the purposes of the evaluation of brownfield soil and stone material.

In the absence of a contaminated land legislative regime in Ireland, the guidance would benefit from setting out the legislative context for this guidance, relative to existing guidance and screening criteria and the suggested adoption. This would help set context on appropriate use of these soils and avoid confusion.

The adoption of a deterministic approach whilst may have its merits as a preliminary screening exercise does not represent International best practice for the management of brownfield soil and stone, where site specific risk assessment allows for a more pragmatic, practical and site specific approach. This proposed approach has the potential to condemn large volumes of brownfield soil and stone as a waste creating additional material requiring disposal, where disposal routes are already under pressure. Further, the reliance on various sources for the establishment of the PLVs, e.g. human health, SRF values and leachate values, is not coherent or robust. It would be beneficial to industry for the EPA to make available the research that has been undertaken in the establishment of the proposed limit values to facilitate detailed review and the provision of meaningful and relevant feedback.

Whilst it is stated within the guidance that the assumption is made that all of the other requirements of Regulation 27(1)(a)-(d), such as certainty of use, lawfulness of use etc have been met, explicit mention of these requirements are missing from flow diagrams. This needs to be highlighted within the guidance. In addition, the suitability for use of the materials from a geotechnical perspective has also not been highlighted.

Finally, with respect to the incorporation of a PFAS screening tool, the IGI welcome the consideration of PFAS by the EPA and your support to industry in the evaluation of PFAS compounds and their associated environmental risk. However, the approach adopted in the guidance feels retrospective and appears to have not had the appropriate time and consideration as warranted for such a significant subject. We respectfully suggest given the





gravity of the consequences of this element of that guidance that the PFAS screening is removed from the current guidance so that this subject is addressed separately.

We would be delighted to assist with any further queries you might have regarding any of the above.



Category No.	IGI Comments	IGI Comment
1	Notified Material	<ol style="list-style-type: none"> <li>1. Regulatory impact assessment is carried out to assess all of the unintended consequences, arising as a result of the proposed guidance.</li> <li>2. The definition of a qualified person is included within the guidance as per the Guidance on waste acceptance criteria at authorised soil recovery facilities, (EPA, 2020), Greenfield Soil &amp; Stone Guidance, (EPA, 2024), or the Ireland Brownfield Network – Guidance on Demonstrating Competency (2021).</li> </ol>
2	Solid Soil PLVs	<ol style="list-style-type: none"> <li>1. Reliance on various sources for the establishment of the PLVs, e.g. human health, SRF values and leachate values, is not coherent or robust. It would be beneficial to industry for the EPA to make available the research that has been undertaken in the establishment of the proposed limit values to facilitate detailed review and the provision of meaningful and relevant feedback.</li> </ol>
3	Leachate PLVs	
4	Solid PLVs Decision Flow	<ol style="list-style-type: none"> <li>1. Whilst it is stated within the guidance that the assumption is made that all of the other requirements of Regulation 27(1)(a)-(d), such as certainty of use, lawfulness of use etc have been met, explicit mention of these requirements are missing from flow diagrams. This needs to be highlighted within the guidance.</li> <li>2. The suitability for use of the materials from a geotechnical perspective has also not been highlighted.</li> </ol>
5	PFAS Risk Table	<ol style="list-style-type: none"> <li>1. We respectfully suggest, given the gravity of the consequences of PFAS within the environment, that guidance on PFAS screening is removed from the current guidance so that this subject is addressed separately.</li> </ol>
6	PFAS Decision Flow	
7	Others	