

# **Contaminated Land Management Policy development in Europe: Evolution in Member States Evolution at EU Level Need for harmonisation or common ground**

Dr. Dominique DARMENDRAIL



*COMMON FORUM on Contaminated land in the European Union*

## **“COMMON FORUM”**

- Network of contaminated land policy experts and advisors (since 1994)
- Mission:
  - Being a platform for exchange of knowledge and experiences, for initiating and following-up of international projects among members,
  - Establishing a discussion platform on policy, research, technical and managerial concepts of contaminated land,
  - Offering an exchange of expertise to the European Commission and to European networks.



*COMMON FORUM on Contaminated land in the European Union*

## The European and International Networks on contaminated land management

- NATO CCMS
- **Common forum on contaminated land in Europe**
  - CARACAS
  - CLARINET
- Ad Hoc Working group on contaminated land
- NICOLE
- Sednet
- Cabernet
- Eurodemo / Eurodemo+
- SNOWMAN



*COMMON FORUM on Contaminated land in the European Union*

## Evolution of contaminated land policies at national level

- **First generation: the early days 1980**
  - Drastic risk control,
  - systematic approaches (protocols, national inventories),
  - priorities focussed on soil contamination
- Some countries still focused on this type of policy



*COMMON FORUM on Contaminated land in the European Union*

## Evolution of contaminated land policies at national level

- **Second generation: contaminated land risk assessment 1990**
  - Possibilities for tailor-made approaches
    - Cost effective investigations
    - Accuracy and precision where it is most needed.
    - Do not investigate what is already known
  - Land use becomes very important in assessment and decision making



*COMMON FORUM on Contaminated land in the European Union*

## Evolution of contaminated land policies at national level

- **Third generation: Risk Based Land Management and solution design 2000**
  - Integration with spatial planning, water management, socio-economy
  - Economic development vs protection of the Environment
  - Land use becomes even more important



*COMMON FORUM on Contaminated land in the European Union*

## CLARINET proposed a new policy concept

- **Scope**
  - Pan -European , allowing for regional and site specific solutions
  - Targeted at legacies from the past when preventive regulations were not in force
- **Aims**
  - Integration of soil and water protection, spatial planning, engineering
  - Ensure protection of health and environment
  - Environmental social and economic sustainability
- **Key dimensions**
  - Fitness for use
  - Protection of the environment
  - Long term care



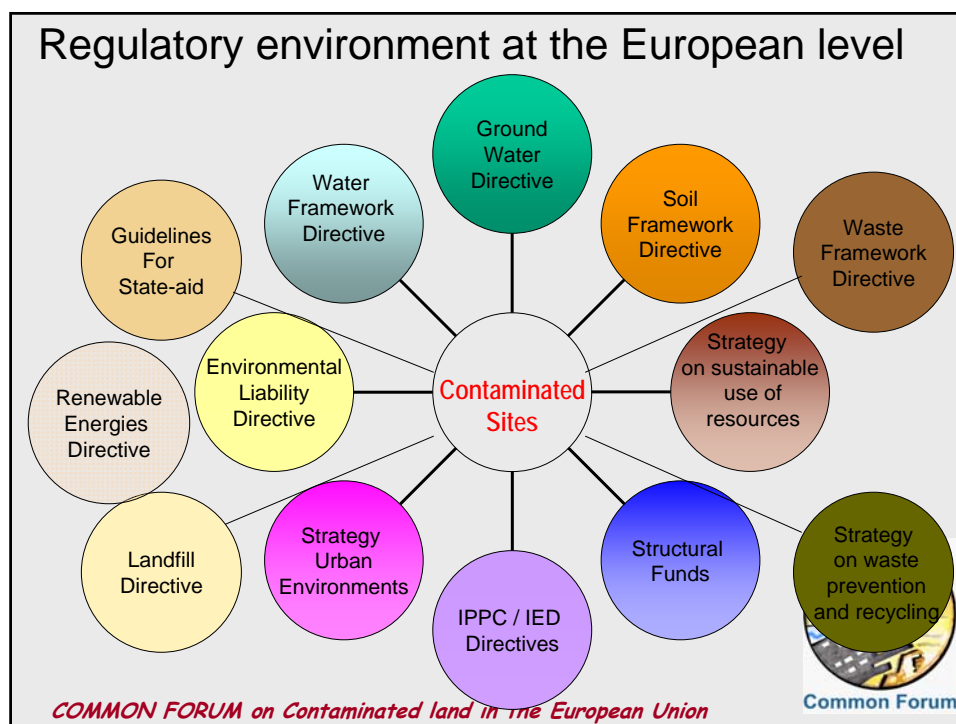
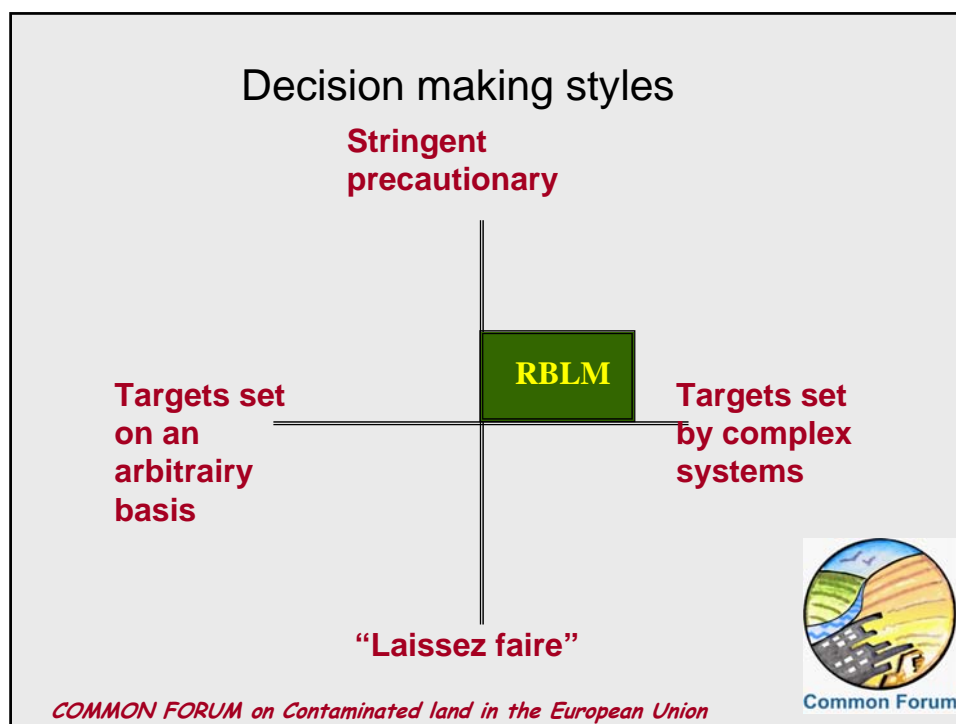
*COMMON FORUM on Contaminated land in the European Union*

## The solution landscape

- **Risk reduction requirements**
  - Source, Pathway or Target ?
  - Slow (bio) remediation or fast civil engineering approaches?
  - Certainty versus uncertainty?
- **Landuse related requirements**
  - Landuse may prohibit capping
  - Soil removal is necessary for construction
- **Spatial planning requirements**
  - Is landuse likely to change in future
- **Management requirements**
  - funding
  - communication
  - legal constraints



*COMMON FORUM on Contaminated land in the European Union*



## Main focus at the time at the European Level

- Draft Soil Protection Directive
- IPPC /IED
- New Wastes Directive
- Biofuels? Reach?



*COMMON FORUM on Contaminated land in the European Union*

## Draft Soil Protection Directive / The Inter-institutional debate

- Commission Proposal in April 2007
- Favourable opinions:
  - Committee of the Regions, February 2007
  - European Economic and Social Committee, April 2007
  - European Parliament : Adoption in November 2007, with amendments providing more flexibility in some provisions and strengthening others
- Portuguese Presidency:
  - Substantial changes for trying to find a compromise
  - No Political agreement on the Ministers Council the 20 December 2007 - Blocking minority formed by Austria, France, Germany, Netherlands and United Kingdom



*COMMON FORUM on Contaminated land in the European Union*

## Second part of the discussion

- French Presidency / new proposal:
  - Different objectives
  - New methodology
- Czech Presidency:
  - Intense discussions but No Proposal for a vote at the June European Council (risk for a new blocking minority – Same Five + Malta)
- Nothing under the Swedish Presidency
- Could be at the agenda of the 2010 EU presidencies (Spain, Belgium).



*COMMON FORUM on Contaminated land in the European Union*

## IPPC Review - IED / Discussion points

- **Periodic monitoring**
  - periodic monitoring not for all installations, reference (art. 15(d)) to dangerous substances likely to be found ...;
  - if monitoring is required, it has to be periodic
  - frequency of at least every 5 years (GW), 10 years (Soil)
- **Monitoring of soil and groundwater and BREF-documents**
  - How to tackle monitoring of soil and groundwater and remediation of the site in BREF-documents?
- **Should monitor IPPC plant integrity and not only environmental impacts (too late!)**



*COMMON FORUM on Contaminated land in the European Union*

## IPPC Review - IED / Discussion points

- **Remediation to initial state from baseline report**

- zero-tolerance as a principle
- how to deal with small elevation of concentrations not reaching remediation standards?
- what with update of a permit?
- only risk approach when baseline report wasn't necessary
- Art. 23.4: does this imply that all operators have to conduct a soil investigation at definitive cessation?



*COMMON FORUM on Contaminated land in the European Union*

## New waste directive / Soil related issues

- New waste directive will enter into force this year.
  - National implementation before end of 2010
- According to Article 2 (*Scope*) para 1 subpara (b) unexcavated contaminated soil is excluded from the scope of WFD.
- According to the subpara (c) uncontaminated soil excavated in the course of construction activities where it is certain that the material will be used for the purpose of construction in its natural state on the site which it was excavated is also excluded from the scope.
  - BUT what if it is reused somewhere else?
    - It is either waste - permit / notification needed for the reuse
    - Or not - if no waste status



*COMMON FORUM on Contaminated land in the European Union*



## SUSTAINABILITY CRITERIA FOR BIOFUELS

Directive 2009/28/EC

### Calculating GHG emissions savings (Annex V)

Bonus (29 gCO<sub>2</sub>eq/MJ) if the land:

- (a) was not in use for agriculture or any other activity
- (b) falls into one of the following categories:
  - (i) severely degraded land, including such land that was formerly in agricultural use;
  - (ii) heavily contaminated land (land that is unfit for the cultivation of food and feed due to soil contamination)



- Bonus applies for up to 10 years provided that [...] that soil contamination for land is reduced

- Commission to make a proposal by March 2010 for criteria to define heavily contaminated land under the Renewable Energy Directive



*COMMON FORUM on Contaminated land in the European Union*

## Needs for Harmonisation or Common Ground? (1/2)

- **Geographical level: Impossible! Too different**

- Soil / aquifer materials
- Climate,
- Vegetable, food and water consumptions
- Land use scenarios (time scale options, ...)

☐ One set of Soil Quality Standards?  
No!

☐ The same blueprint? No!



*COMMON FORUM on Contaminated land in the European Union*

## Needs for Harmonisation or Common Ground? (2/2)

- **Technical level:**

- Tool box for Risk Assessment, with several models, different levels of details
- Common protocol for choosing the appropriate models
- Common set of exposure factors, reference doses?
- Recommendations for i.e. use of safety factors? Taking into consideration background levels?

- **Political level:**

- Acceptable risk for different land uses?
- Targets to be protected (Human Health, Ecosystems? Ground water, Surface waters, Others?)
- Substances to be covered / excluded



*COMMON FORUM on Contaminated land in the European Union*

## Conclusions

- Risk assessment – the common tool in developed countries,
- But with national / regional adaptations
- A general move to Risk Management
- Need for taking into consideration public & private interests but also the protection of the environment
  - On the long term
  - With a dynamic way for acting/reacting if any evolution



*COMMON FORUM on Contaminated land in the European Union*

## Conclusions

- Persistent needs for :
  - Collaboration:
    - Not reinventing the wheel!
    - Avoid the errors made in the past!
    - How to tackle the same problems!
    - Identification of the best solutions!
  - Research and development: i.e.
    - Detection methods and fast & cost effective screening methods
    - Bioavailability quantification
    - Acceptance of new innovative remediation techniques



*COMMON FORUM on Contaminated land in the European Union*

- Thanks for your attention!



- More information on  
[www.commonforum.eu](http://www.commonforum.eu)



*COMMON FORUM on Contaminated land in the European Union*