

INTERNATIONAL COMMITTEE ON CONTAMINATED LAND

QUESTIONNAIRE ABOUT LEGAL FRAMEWORK FOR SOIL/SITE CONTAMINATION MANAGEMENT

COUNTRY:

CONTACT FOR FURTHER INFORMATION: (Name / Email address)

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OVERALL CONTEXT

1. Does your national policy have a specific definition of “contaminated site”, “contaminated soil”? If yes, please provide the definition. **no**
2. Is Groundwater included in this definition? **no, because there is no definition, but in practice groundwater is included in contaminated sites management**
3. Does your policy on contaminated sites/land/soil include other definitions (i.e. brownfield, sediment)? **no**
4. Which sources are you considering? Industrial operations? Transport? Urban contamination? Etc. **all potential sources are considered in practice. Current laws do not mention the sources of concern, but the future law will specify this.**

LEGAL FRAMEWOK

5. Does your country have legislation with respect to contaminated land management?
 - a. Whatever the situation is, please be precise if it's a specific or a common legislation, if integrated in a more general one (including prevention of emissions, soil protection, land planning, environment & health, etc.)
 - b. If there is no legislation, please be precise how you tackle the problem.
 - c. What are the main policy objectives?
 - d. What are the foundational principles on which the national policy is based? (e.g., polluter pays, risk-based, fit-for-use, stand-still, transparency, ...).



- a. **There is no specific legislation for contaminated land management up to now. A preliminary project of law is under elaboration.**
 - b. **Contaminated land is tackled through the following law texts:**
 1. **Law on environmental permits (baseline reports on soil quality are required before starting operation, analytical soil assessment,... is performed at site closure and remediation work need an environmental permit according to this law)**
 2. **Law on waste management (contaminated soil is considered to fall under the scope of waste law)**
 3. **Law on environmental liability (for new contamination only)**
 - c. **No specific objective is known**
 - d. **The polluter pays principle is linked to waste law and environmental liability law, in practice a fit-for-use approach is applied.**
6. What is the Chain of Liability for the management of contaminated land?
- a. **Polluter? Land owner? Last operator? Occupier? According to environmental permit law: last operator, according to waste law: land owner. the complex application of the chain of liability is due to the absence of a law dealing specifically with contaminated sites. The future law will include the short chain but it will include the volunteer who wants to develop a site on top of the chain, so this will also clarify the transfer of liability issue: in practice there is no confidence in transfer of liability under contract.**
 - b. **Is there any difference between new and historic contamination? Officially there is only a difference in law on environmental liability which is only applicable to new contamination, in practice however historic contamination remediation is often based on a risk reduction approach whereas new contamination is focuses on pollution removal**
 - c. **Can a responsible party pass on the liability to a purchaser? (under statutory law? Contractually?) liability can only be passed on contractually**
 - d. **Do you separate the obligation to remediate soil pollution and the liability regarding the damage caused by soil pollution and the related remediation measures? no**
 - e. **Are you facing specific situations (e.g. privatization of the industrial activities, war impacted areas, ...) needing special programme? no special programme but case per case decisions are very common**
7. **Are there any specifications at regional / local level? no**
8. **Are there specifications for site closure? environmental permit law enables the Minister of environment to impose conditions for site remediation**



9. Is there any legal requirement to conduct investigation for potential contamination in the sale of the property? **no**
10. Does your national policy have any kind of inventories/registers? If yes, please be precise regarding which sites are registered, how the data are collected and if the databases are public. **CASIPO-SPC-GIS database contains all sites where on behalf of possible former or current activities soil contamination cannot be excluded; the information is public on demand CASIPO-SCA-GIS database contains all sites where soil assessment has been performed (it includes information on remediation works also of they have been performed).**
11. What are the strong, weak points and the major bottlenecks with respect to the current regulations in your country? **the main bottleneck is the lack of a specific legislation on soil protection**

TECHNICAL ISSUES RELATED TO THE LEGAL FRAMEWORK

12. Are there site investigation requirements? **there is technical guidance for site investigation**
13. Are Risk Assessment & Management the main tools? **no, we use a list of quality standards (guideline values) depending on soil use**
14. Are there specific technical approaches used?
 - a. For Human Health (HH), Ecosystems, Groundwater (GW), Surface waters (SW), other targets (i.e. buildings, infrastructures, ... please be precise). **No existing national guidance. risk based is only specifically mentioned in environmental liability law (so for new pollution). In practice it is often considered on a case per case decision (in the future law risk based approach will be limited to historical contamination)**
 - b. On a site by site specific approach, or by derivation of guideline values? If possible, please detail your answer. **There is no guidance yet. The existing generic threshold values consider all targets, with a focus on the "Pollution – Pathway – Receptor" chain. The future law will use a combined approach: first generic value, then site specific approach if needed).**
 - c. Do you take into consideration others sources of pollution in the risk assessment? **no**
15. If the national policy uses guideline values, please be precise in describing the following points: **the standards used are those from "rheinland pfalz" in Germany**
 - a. Reasons for derivation of generic values



- b. Objectives / levels of implementation (investigation, risk assessment, remediation)
- c. Priority substances
- d. Protocols of derivation (including acceptable risk levels used).

16. What are the drivers for remediation? **the main drivers are land development projects**

- a. To what level is clean-up required? (i.e. acceptable risk, land use values, ...) **land use values**
- b. Does your national policy use cost-benefits analysis for the choice of the remedial solution? **cost benefit analysis can be done but is not often used since in most cases the remediation is coupled with excavation works**

17. What are the main remediation strategies or treatment techniques used in your countries (including Natural Attenuation)? **there is a case per case approach for the choice of the technique, the most used technique is excavation of the pollution because remediation is often linked to site development coupled with excavation works**

- a. Distribution of techniques?
- b. Evolution in time?
- c. Acceptance of innovative treatment techniques?

18. Are you considering sustainability in the national approach? **at the moment there is no national approach based on sustainability**

- a. If yes, how? In particular, how the three pillars of sustainability are considered and balanced.
- b. If no, explain the reasons and the future challenges.

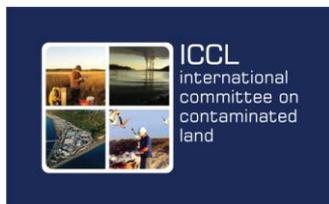
19. How does your country bridge the CLM approach with:

- a. Land planning programmes? **the municipalities have access to CASIPO and they are invited to consider the data when elaborating their land planning programmes**
- b. Public health programmes (aggregation of impacts on surrounding populations) **public health in remediation works is considered on a case per case basis**

FINANCIAL ISSUES

20. What are the specific practices with respect to “Orphan sites”? **no specific practice**

21. Do you have an idea of the annual budget allocated to Soil Contamination Management? **there is no special Government budget allocated to soil contamination management**



- a. How is it divided between public, private and others? **soil remediation is mainly funded but private initiatives and public bodies that need the land in the scope of a specific project**
- b. What are the main financial / funding systems in place in your country? (e.g. Financial guarantees, insurance, public – private partnerships, special foundation, industrial consortium, enforcement, ...). **rarely on case per case basis**
- c. Between the different steps of management (investigation, remediation, monitoring...)? **no figures available because most of the financing comes from private sector**

ORGANISATIONAL ISSUES

22. How are stakeholders and in particular communities involved in the approach?
on a case per case basis

23. Is there a specific approach for:

- a. Brownfields? **no**
- b. Megasites? **no**
- c. Widespread pollutions? **no**
- d. Reuse of excavated soils? (e.g., in relation to their quality) **no**

24. Does your national policy include any accreditation system for consultants or service providers? If yes, please provide some details. **yes, the consultant that perform soil contamination assessment, risk studies, remediation, ... fall under a specific law**

25. Do you have any training / capacity building programme, any management accountability and performance measurement-? **no**

26. How is the necessary inter-governmental coordination for CLM organized? (e.g. with Health Protection Department, with the public site owners, with state or local public sector environmental organizations, with special interest advocacy groups,) **there is no such coordination**

CRUCIAL DEVELOPMENTS IN THE FUTURE

Are there any additional issues to be further developed in the following months/years whatever they are (Research and Development needs, organisational issues, ...)?
Luxembourg is working on a law text for soil protection, this law is meant to contain a chapter on the management of contaminated sites



Unofficially or officially, do you see any opportunities for collaboration in the coming months or years that may improve overall coordination among international organizations? (e.g., conferences, workshops, international (technical or policy) initiatives, growing alliances (e.g., in support of redevelopment /reuse of contaminated lands, etc.). **Luxembourg participates in international networks like "common forum on contaminated land", "nicole" and "ICCL" because they are a very important platform for knowledge exchange and advisory work for official bodies like the European Commission,...**

REFERENCES

Please give most important references (documents, website, projects, and case studies) that could be relevant for explaining your national approach