



International Committee on Contaminated Land

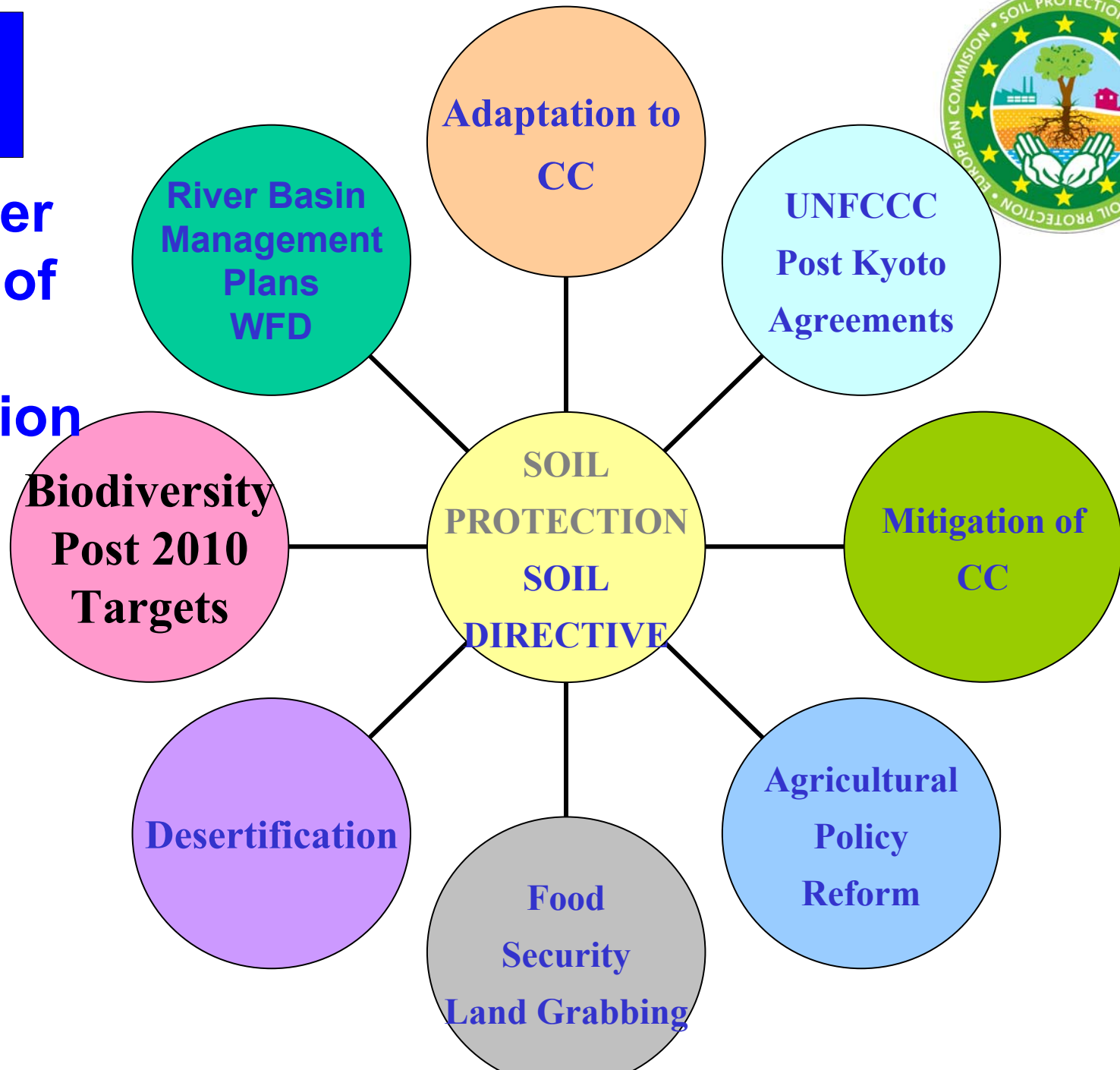


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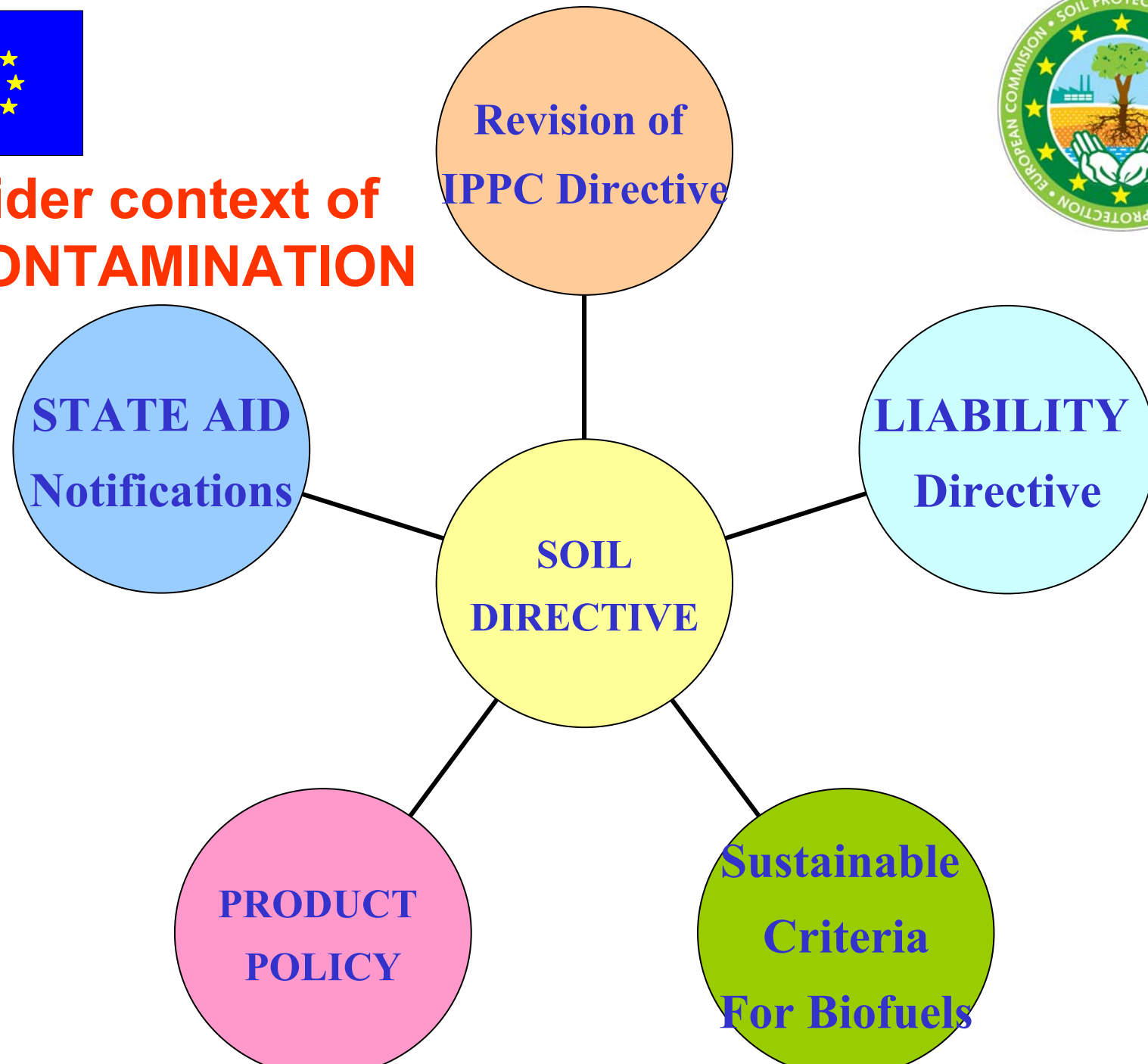


The wider context of soil degradation



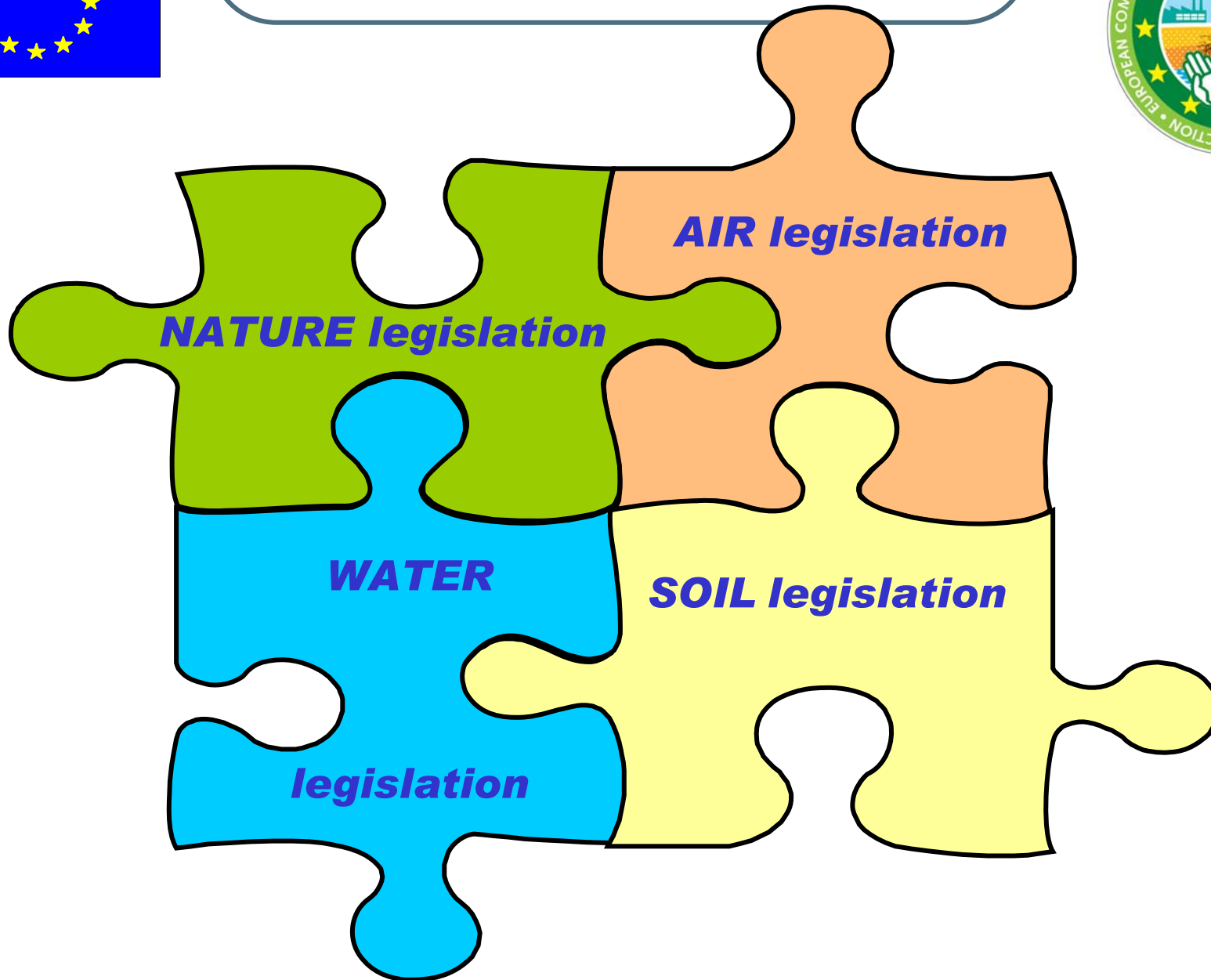


The wider context of SOIL CONTAMINATION





FILLING THE GAP





SOIL THREATS ADDRESSED DIRECTIVE



CONTAMINATION

SEALING

EROSION

ORGANIC MATTER DECLINE

SALINISATION

COMPACTION

LANDSLIDES



STRUCTURE



Objectives – Protection of soil functions

- Precautionary measures
- Integration in sectoral policies
- Prevention of contamination

- Identification of **priority areas** for erosion, organic matter decline, compaction, salinisation, landslides
- Identification of **contaminated sites** within 25 years

NOITCA

- Programmes of Measures
- National Remediation Strategy
- Measures to limit or mitigate sealing

2014-2020

2014-2020



**The contamination aspects
of the COMMISSION
proposal for a
Soil Framework Directive
and changes under
discussion**



CONTAMINATION



Contaminated site

confirmed presence

caused by man

of dangerous substances

pose significant risk to human health or the environment

taking account current and approved future use of land





CONTAMINATION



Common **DEFINITION**
in Directive

Common **LIST**
OF POTENTIALLY
POLLUTING ACTIVITIES
in Directive

Member States establish an **INVENTORY** of contaminated sites

Soil Status Report

MECHANISM FOR
"ORPHAN SITES"

Member States adopt **NATIONAL REMEDIATION STRATEGY** to achieve target

REPORT to Commission





INVENTORY Changes under discussion



Obligation for MS to establish an **INVENTORY OF CONTAMINATED SITES** in **25 YEARS** and made **PUBLIC**

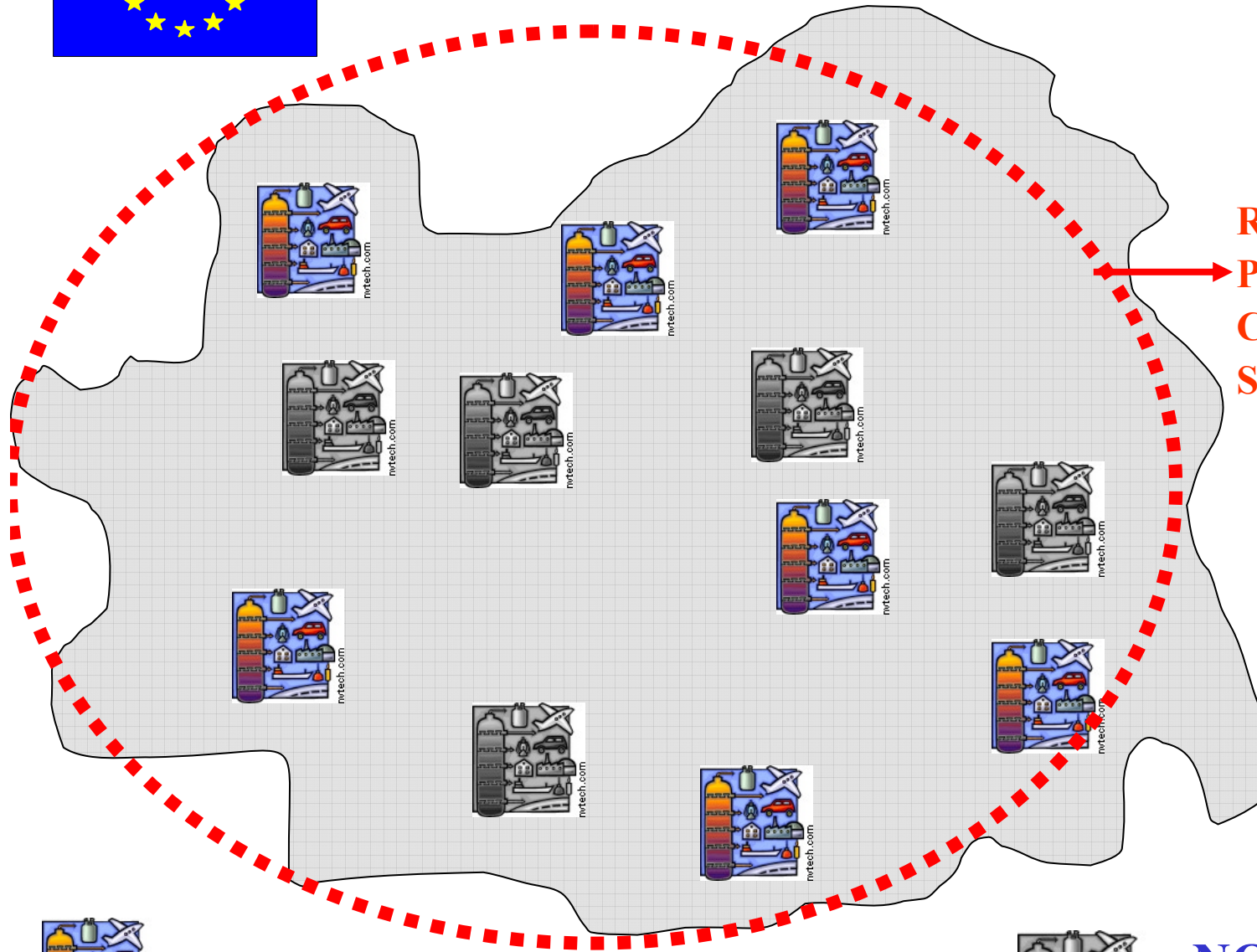
based on **AT LEAST** the following list of **SOIL POLLUTING ACTIVITIES**

- ❖ Seveso installations
- ❖ Airports
- ❖ Former military sites.
- ❖ Dry cleaners.
- ❖ Waste facilities
- ❖ Water treatment plants
- ❖ IPPC installations
- ❖ Ports.
- ❖ Petrol and filling stations.
- ❖ Mining installations
- ❖ Landfills of waste
- ❖ Pipelines for dangerous substances.



FIRST STEP-INVENTORY- LOCATE THE ACTIVITIES

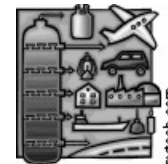
- 5 YEARS **Changes under discussion**



**REGISTER OF
POTENTIALLY
CONTAMINATED
SITES**



Active Installation



**NON Active
Installation**



INVENTORY- 2nd and 3rd STEPS



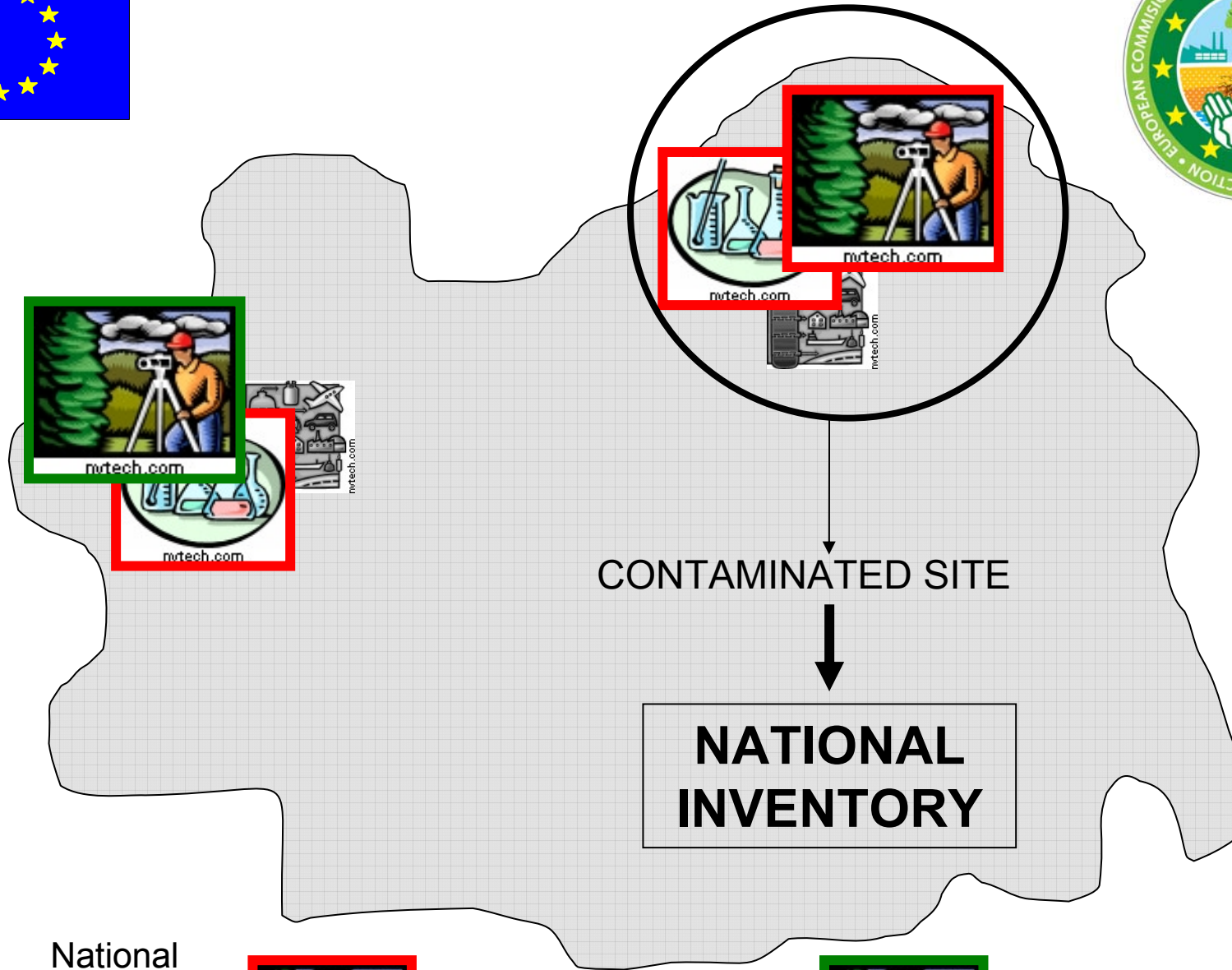
Soil Chemical Analysis



National references values exceeded



On-site Risk Assessment



National Reference values exceeded



Assessment concludes significant risk for HH and ENV

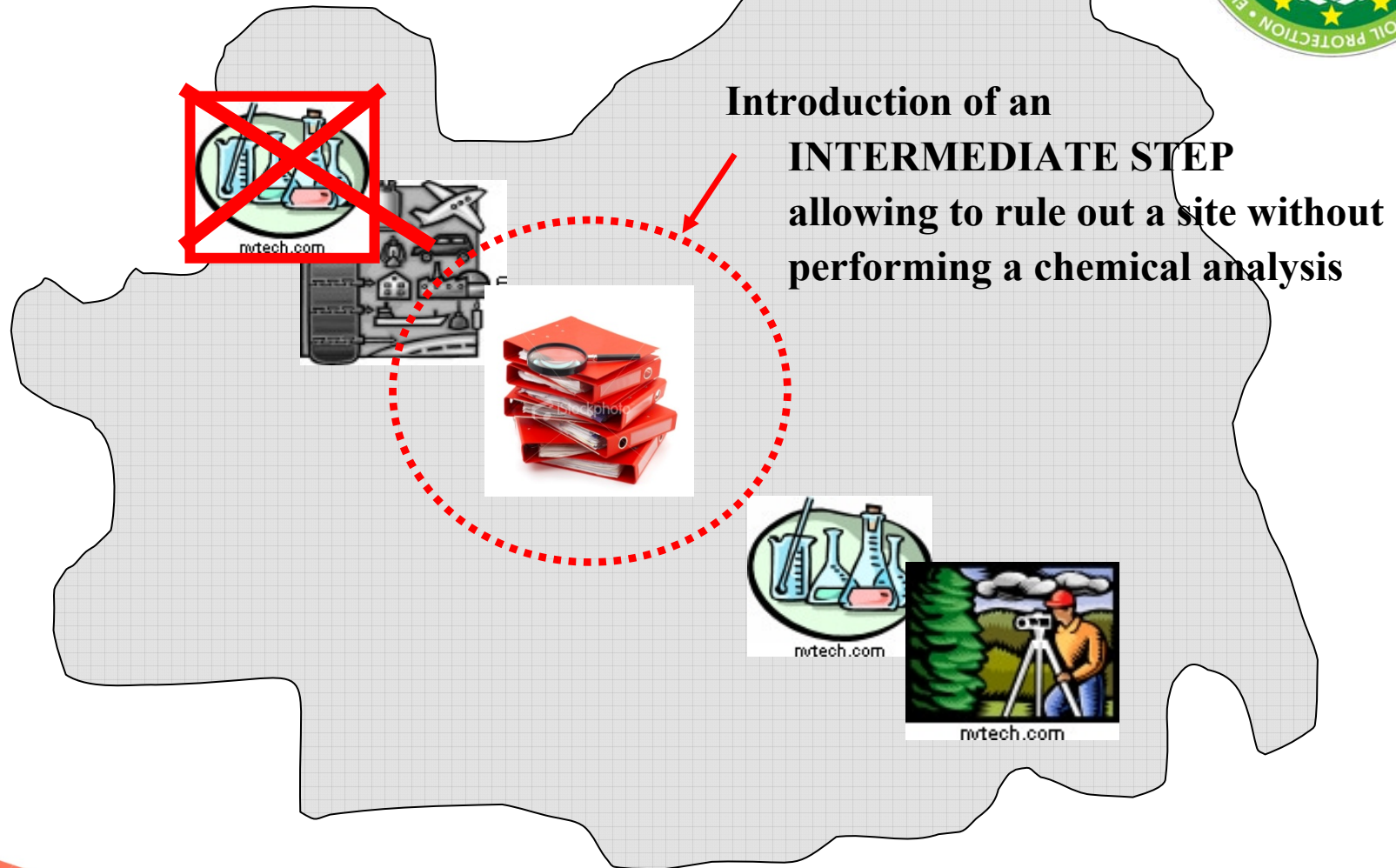


Assessment concludes NO significant risk for HH and ENV



INVENTORY- 2nd and 3rd STEPS

changes under discussions

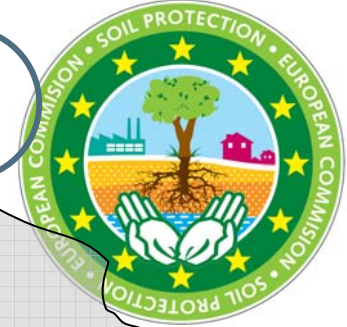


Desk study on the basis of documents

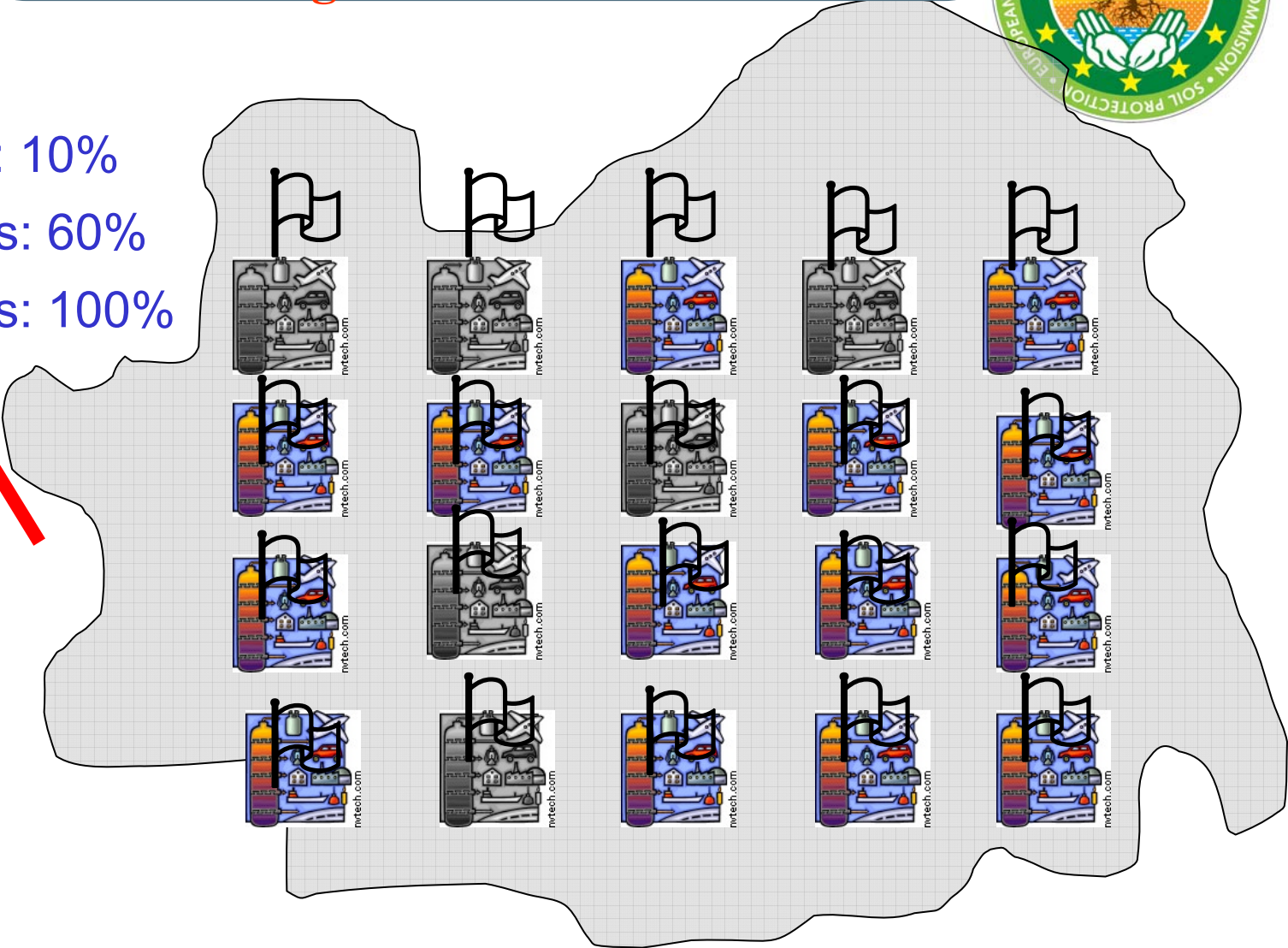


INTERMEDIATE OBJECTIVES

Changes under discussion



Within 5 years: 10%
 Within 15 years: 60%
 Within 25 years: 100%



: Investigation concluded to determine if contaminated site



NATIONAL REMEDIATION STRATEGY changes under discussion



❖ **Obligation to remediate contaminated sites- no deadline fixed**

REMEDIATION

actions on the soil aimed at the **removal, control, containment or reduction** of contaminants, taking account of its **current use and approved future use**, no longer poses **any significant risk to human health or the environment**

Introduction of cost benefit aspects + land use restrictions as remediation

❖ **NATIONAL REMEDIATION STRATEGY- 7 years- including:**

- remediation targets
- a prioritisation
- a timetable for implementation + public funds allocated



SOIL STATUS REPORT- Changes under discussion



- ❖ When selling a site + **when there is a land use change** where there is or there has been a SOIL POLLUTING ACTIVITY
- ❖ Buyer or seller provides it to the **COMPETENT AUTHORITY** and the **OTHER PARTY** in the transaction a report on the state of the soil
 - the background history of the site
 - a chemical analysis
 - concentration levels posing a risk

OBJECTIVES

- ❖ **Inform** the possible buyer – very similar provision in **Energy Efficiency Directive**
- ❖ **Inform** the competent authorities and **facilitate and speed up** the set up of the inventory of contaminated sites



MECHANISM FOR ORPHAN SITES



- ❖ Set up **appropriate mechanisms to fund** the remediation of the contaminated sites for which the polluter
 - cannot be identified
 - cannot be held liable under Community or national legislation
 - may not be made to bear the costs of remediation



The interinstitutional debate - 1



- ❖ **Favourable opinions from the Committee of the Regions and the European Economic and Social Committee adopted in 2007**

- ❖ **First reading by the European Parliament adopted in Nov 2007:**
 - **Favourable opinion on Soil Strategy:**
Supporting the Commission in its general approach and underlining the importance for climate change mitigation, biodiversity loss and desertification

 - **Favourable opinion on the Directive:**
The amendments adopted **maintain all the key elements** of the Commission proposal, providing **more flexibility** in some provisions and **strengthening** others.



The interinstitutional debate - 2

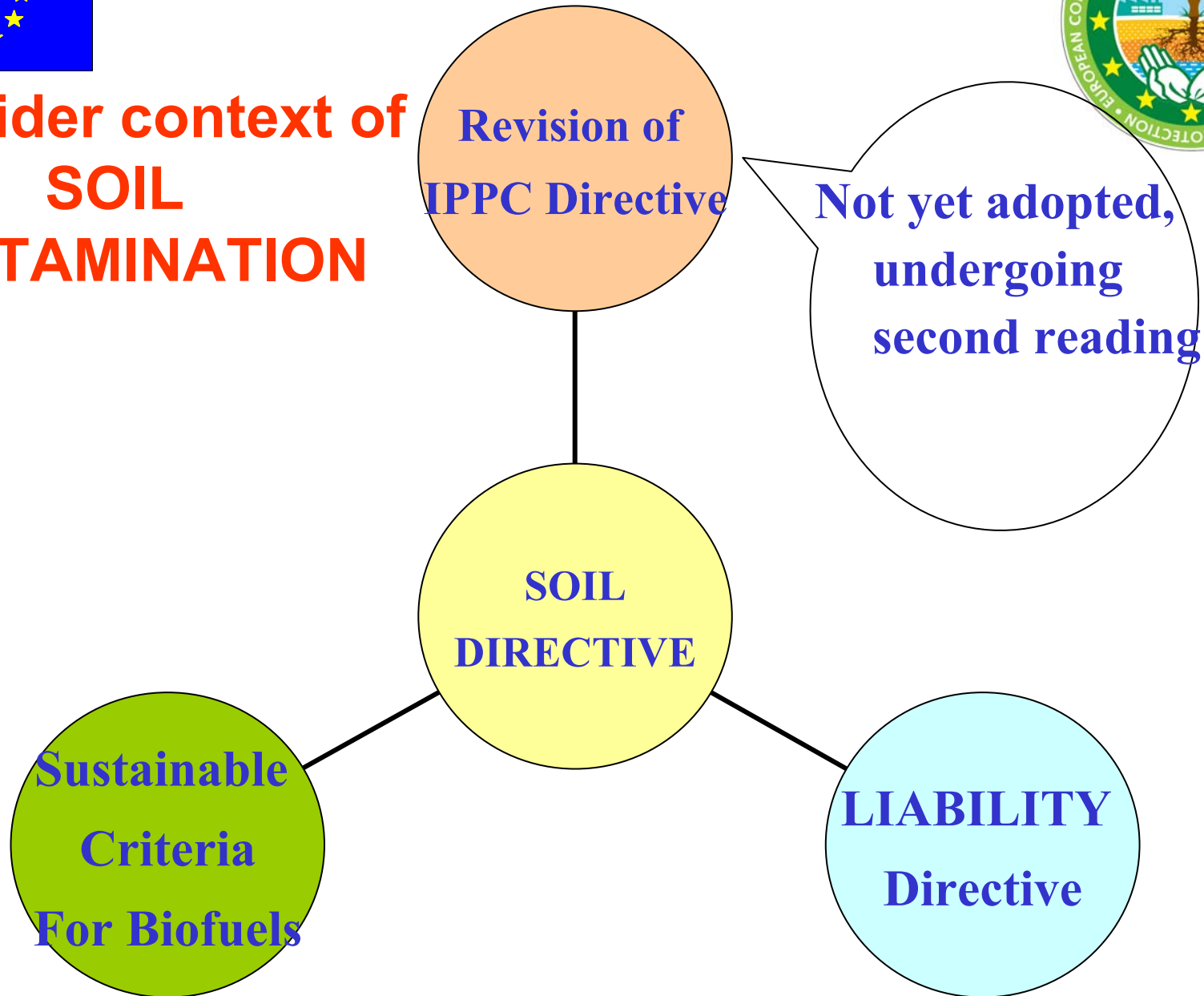


Council of Ministers

- ❖ Intense discussions during several presidencies
- ❖ Substantial changes were introduced in the **Presidency compromise texts** in the direction of adding **flexibility** and more **margin of manoeuvre** to the Member States
- ❖ Member States have **not** yet reach **political agreement**, despite numerous efforts:
 - **Blocking minority** formed by DE, FR, UK, NL, AT
 - For reasons of **subsidiarity** (DE, AT, NL) and **proportionality/costs** (UK, FR) and **methodology** (FR)



The wider context of SOIL CONTAMINATION





STRENGTHENING SOIL PROTECTION IN THE IPPC DIRECTIVE



- ❖ Activities carried out by IPPC installations can lead to serious soil and groundwater contamination
- ❖ The REVISION focuses on three key aspects with regard to soil and groundwater protection:
 - Preventive measures AND Monitoring;
 - Site closure and remediation upon definitive cessation of activities.



STRENGTHENING SOIL PROTECTION IN THE IPPC DIRECTIVE



❖ Introduction in the permit requirements of **periodic monitoring of the soil and groundwater:**

- A combination of **soil and groundwater monitoring** and surveillance of **prevention systems**
- Frequency: at least once every 5 years for groundwater and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination



STRENGTHENING SOIL PROTECTION IN THE IPPC DIRECTIVE



- ❖ Introduction of a **non deterioration approach** for NEW contamination:
based on a **BASELINE report** -quantified information on the state of soil and groundwater -established when the permit is issued
- ❖ Upon cessation of activities, operator **assesses** the state of soil and **compares** the final assessment and the initial baseline report.
- ❖ Where the comparison indicates **significant** contamination then the operator must **return the site to the initial state** established in the baseline report



STRENGTHENING SOIL PROTECTION IN THE IPPC DIRECTIVE



SAFETY NET

- ❖ If upon cessation of the activities, there is a significant risk to human health or the environment as a result of the activities of the operator, the latter will have to remediate the site



SUSTAINABILITY CRITERIA FOR BIOFUELS

Directive 2009/28/EC



- Target 10% of energy for transport to come from renewable energy by 2020 (A3)
- Introduction of sustainability criteria for biofuels (A17) produced in or outside of EU (!)
 - 35% GHG emission savings by 2010
 - 50% GHG emission savings by 2017
 - 60% GHG emission savings by 2018



Rules for calculating GHG emissions savings



SUSTAINABILITY CRITERIA FOR BIOFUELS

Directive 2009/28/EC



Calculating GHG emissions savings (Annex V)



Bonus (29 gCO₂eq/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



SUSTAINABILITY CRITERIA FOR BIOFUELS

Directive 2009/28/EC



Rules for calculating GHG emissions savings (Annex V)

- ❖ ‘heavily contaminated land’ means 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



CONCLUSIONS



- ❖ **Increasing importance of soil protection** in many topics very high up in the political agenda
- ❖ **Political impasse** on the SFD is preventing the EU from facing together in a more efficient manner very pressing challenges
- ❖ Deprived of a common approach to address soil protection, the EU will be **unable to establish a coherent foundation** upon which to build other related legislative and non legislative actions
- ❖ **Commission** will make its utmost to make progress in the adoption of this Directive and to overcome this political impasse
- ❖ The **SWEDISH Presidency** has decided to take a time for political reflection and contemplation and will not resume the discussions



<http://ec.europa.eu/environment/soil/index.htm>