How to secure remediations?

The Flemish system of soil remediation experts

Eddy Van Dyck
Legislation

Decree 22 February 1995: Soil remediation

Decree 27 October 2006: Soil remediation and soil protection
OVAM tasks are

→ Sustainable Waste and Material Management

→ Soil Management
Aims of soil remediation

To deal with soil contamination that has taken place in the past, over a period of 40 years, starting in 1996

To prevent or immediately remedy new soil pollution
Most essential topics in the decree

- REGISTER OF CONTAMINATED LAND
- HISTORICAL AND NEW CONTAMINATION
- OBLIGATION FOR REMEDIATION /LIABILITY
- SPECIAL RULES FOR THE TRANSFER OF LAND
- SOIL SURVEY IN THE CASE OF RISK ACTIVITIES
DIFFERENT PHASES in the procedure

- Preliminary soil investigation
- Descriptive soil investigation
- Soil remediation project
- Soil remediation works
EXECUTION AND SUPERVISION
BY ACCREDITED EXPERTS

- Accredited by minister after OVAM-procedure

- Two types:  
  - for research activities (type 1)  
  - for remediation activities (type 2)
Conditions to get the accreditation for type 1:

1) having personnel with thorough knowledge of:
   • biology, physics, geology, chemistry, soil science
   • regulation concerning the environment

2) having personnel with at least 3 years of experience in the soil investigation or waste sector during 6 years before the demand for accreditation
Conditions to get the accreditation for type 1:

3) having a mathematical groundwater model and a model for risk analysis of soil contamination + being able to work with them

4) having an insurance for professional activities

1) + 2) + 3) + 4) => accreditation type 1
Conditions to get the accreditation for type 2:

1) having personnel with thorough **knowledge** of:
   - biology, physics, geology, chemistry, soil science
   - civil engineering, soil mechanics and microbiology
   - regulation concerning the environment,
     *groundwatercontrol, urban development*

2) having personnel with at least 3 years of **experience** in the soil investigation or waste sector during 6 years before the demand for accreditation
Conditions to get the accreditation for type 2:

3) having personnel with at least 5 years of experience with

- soil remediation projects and soil remediation works
- contractor law, contracting specifications during 10 years before the demand for accreditation

4) having instruments to design and conduct infrastructural works
Conditions to get the accreditation for type 2:

5) having a **mathematical groundwater model** and a **model for risk analysis of soil contamination** + being able to work with them

6) having an **insurance for professional activities**

1) +2) + 3) + 4) + 5) + 6) => accreditation Type 2
Accreditation procedure:

Demand for accreditation on standard form to OVAM, enclosed with

- diploma’s, CV’s, certificates,
- proves of models, experience and assurance
- prove that the company or person is solvable
Accreditation procedure:

1) within 14 days: examination on completeness
2) within 120 days: investigation of the demand and decision
3) within 150 days: decision is communicated officially
4) official publication in Belgian Law Gazette
Conditions of incompatibility:

1) accredited company/person (A) is directly or indirectly connected to the employer (B)
   example: A is member of board of directors B
   example: A is family of B

2) activities of accredited company/person are controlled, financed by employer
Possibilities of suspension and/or withdrawal of the accreditation

(max. 6 months suspension)

in case of

1) tasks are not reglementary or objectively performed
2) no longer fulfilling the accreditation requirements
3) irregularities in the execution
4) conviction for a crime
5) conditions are not followed
Duration of the accreditation:

- accreditation is given for **max. 5 years**
- accreditation is **not transferable**
Actual situation:

number of accredited firms/persons: 91

- type 1: 64
- type 2: 27
Effect evaluation of the system

Basis: HIVA study on effectiveness and effects of soil remediation policy

specialisation in sector

employment 2004: 1320 FTE

turn-over soil sector: 579 mio euro

40% notice change in skill level due to decree

40% notice change in technology; 20% see spill-over on other environmental activities

mostly focussed on flemish market

11/09/2007 Soil Management Department
Advantages for responsible authority:

- Accredited experts are known by OVAM, so it is easy to contact them
- OVAM can inform them easily about new items
- Through the possibility of suspension quality stays on a high level
- Reports follow the required standards
Cost effective for the responsible authority

Soil surveys are paid by the “pollutor”, but the responsible authority can be sure of the quality and the impartiality of the expert
Cost effective for the “pollutor”:

- Assured that the report follows the required standards.
- Low prices due to competition, without loss of quality.
For more information: WWW.OVAM.BE