The Contaminated Land Policy in Flanders.

Els Gommeren
Introduction

Present legislation

Actual situation-results

New topics
Legislation

Decree 2 July 1981: Waste management

Decree 22 February 1995: Soil remediation
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.
Role of OVAM

- Inventory
- Identify
- Assessment
- Execute
Most essential topics in the decree

**REGISTER OF CONTAMINATED LAND**

- Contains every known contaminated ground (Parcel)
- Soil certificates as information tool
- Based on preliminary soil investigation or identification
SOIL = FIXED PART OF THE EARTH + GROUNDWATER
Distinction is made between HISTORICAL AND NEW CONTAMINATION

**New soil contamination**
- taken place > 28 October 1995
- clean-up if standards are exceeded
- immediate clean-up as prevention

**Historical soil contamination**
- taken place < 29 October 1995
- clean-up if serious risk
- clean-up according to priority
SPECIAL RULES FOR THE TRANSFER OF LAND

Soil certificate is needed

Soil investigation obligation by risk activities

Soil remediation requested before transfer or financial guarantee obliged

Optimal protection of new owner
Present legislation

OBLIGATION FOR SOIL SURVEY IN THE CASE OF RISK ACTIVITIES

• Transfer of land
• Closure of activities
• Periodically
DIFFERENT PHASES in the procedure

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

- Accredited by minister after OVAM-procedure
- Two types:  
  - for research activities
  - for remediation activities
A FEW FIGURES SINCE 1996:

• more than 1,800,000 soil certificates are delivered
• more than 25,000 preliminary soil investigations are evaluated
• more than 7000 descriptive soil studies are evaluated
• more than 40,000 parcels are put into the register
• more than 2500 soil remediation projects are approved
• about 2000 soil remediation works have been started and about 700 have already been finished
Investigated sites versus sites in the register of contaminated land

- Amount of contaminated sites (register)
- No remediation necessary
- Descriptive soil investigation needed
- Amount of investigated sites
- Objective MINA-plan 3
Overview Descriptive soil investigations (BBO) - Soil remediation projects (BSP) - cumulative
Overview Soil remediation projects (BSP) - Soil remediation works (BSW) - cumulative
NEW TOPICS

- Policy on excavated soil - “SOIL BANK”
- GIS - registration
- Integrated approach : sites - living areas
- Brownfield approach
- Alternative financing models: funds (Bofas…)
- Company agreements - Covenants
- International cooperation
The new Decree on Soil Remediation and Soil Protection

After 10 years of experience, a broad inquiry and a hearing in the Parliament:

a new Decree on Soil Remediation and Soil protection ratified by the Flemish Government on 27 October 2006. (Into force beginning 2008)
Improvements to existing key points:

- Transforming the Register of Contaminated Land in a Land Information Register
- Remediation objective = better soil quality with guarantee that soil can fulfill all functions
- Multi-stage approach in remediation obligation
- Simplification and flexibility in administrative procedures
- Regulation concerning excavated soil
New items and instruments:

- Treatment of soil contamination in case of an accident
- Limited action and administration in case of contamination with remediation in less than 180 days
- Possibility to choose for Risk Management
- Regulation in case of bankruptcy
- Accredited and sectoral soil remediation organisations
New items and instruments:

- Organisation of the remediation of water bottoms
- A chapter concerning soil protection for items not regulated in other legislations.
For more information:
WWW.OVAM.BE

e-mail: egommere@ovam.be