

# The Contaminated Land Policy in Flanders.



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Soil Management Department

- ▶ 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

► Present legislation



**SOIL = FIXED PART OF THE EARTH +  
GROUNDWATER**

## ► Present legislation

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

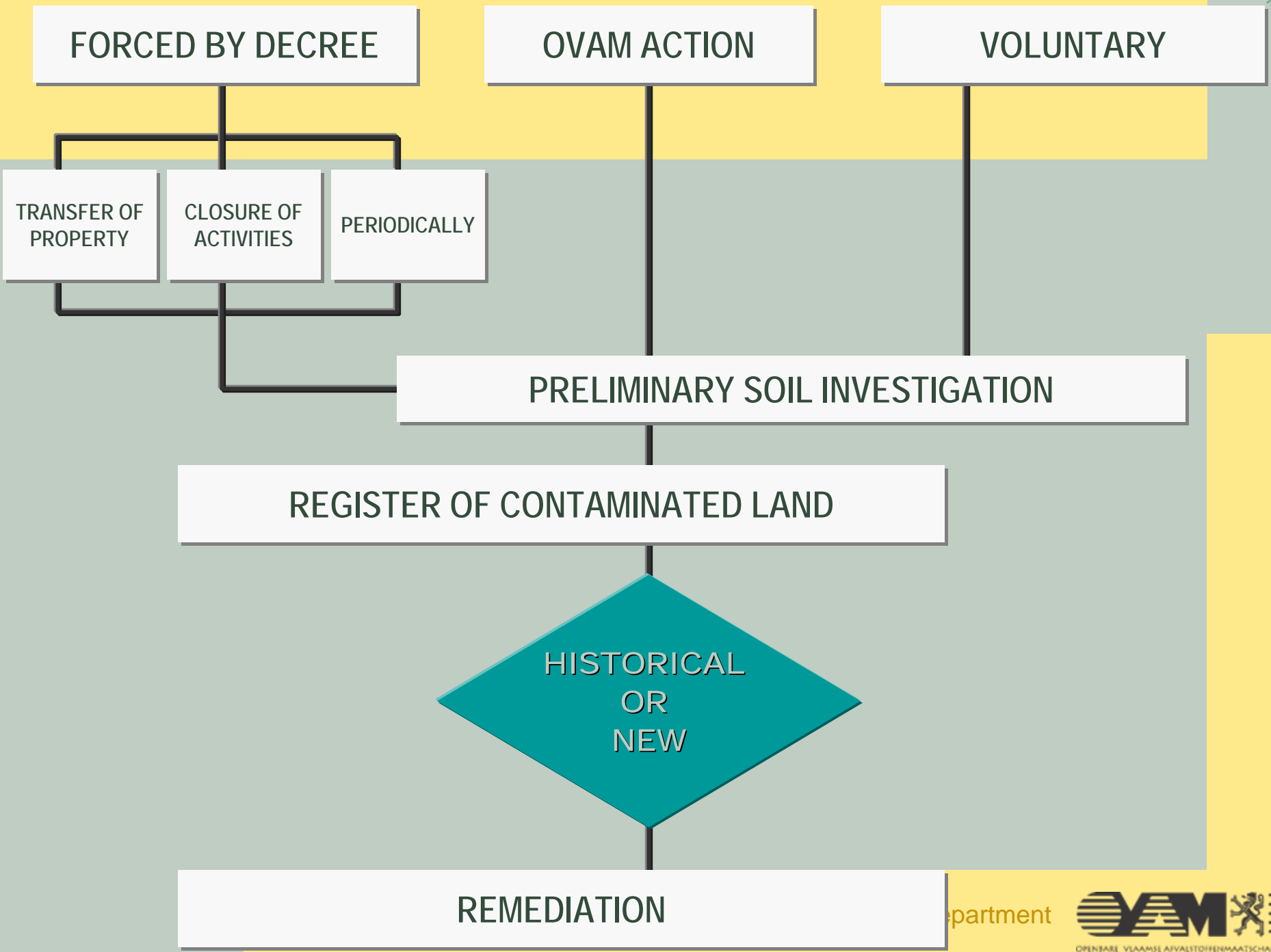
Soil investigation obligation by risk activities

Soil remediation requested before transfer or  
financial guarantee obliged

**Optimal protection of new owner**

 **OBLIGATION FOR SOIL SURVEY IN  
THE CASE OF RISK ACTIVITIES**

- Transfer of land
- Closure of activities
- Periodically



## ► Present legislation

# ➔ DIFFERENT PHASES in the procedure

- Preliminary soil investigation
- Descriptive soil investigation
- Soil remediation project
- Soil remediation works

**SOIL  
REMEDICATION**

## ► Present legislation

# EXECUTION AND SUPERVISION BY QUALIFIED EXPERTS

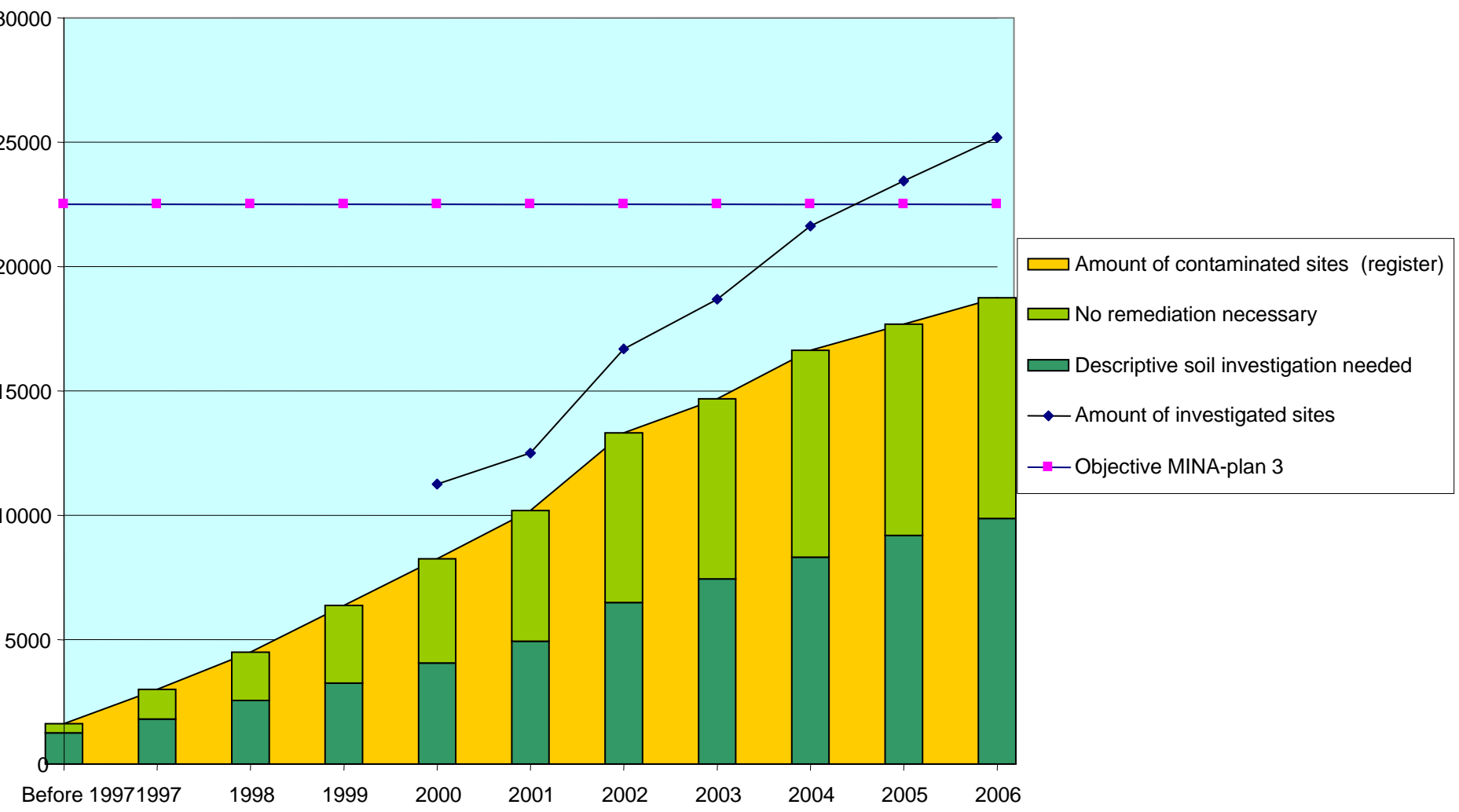
- Accredited by minister after OVAM-procedure
- Two types: - **for research activities**  
- **for remediation activities**

## ► Actual situation - results

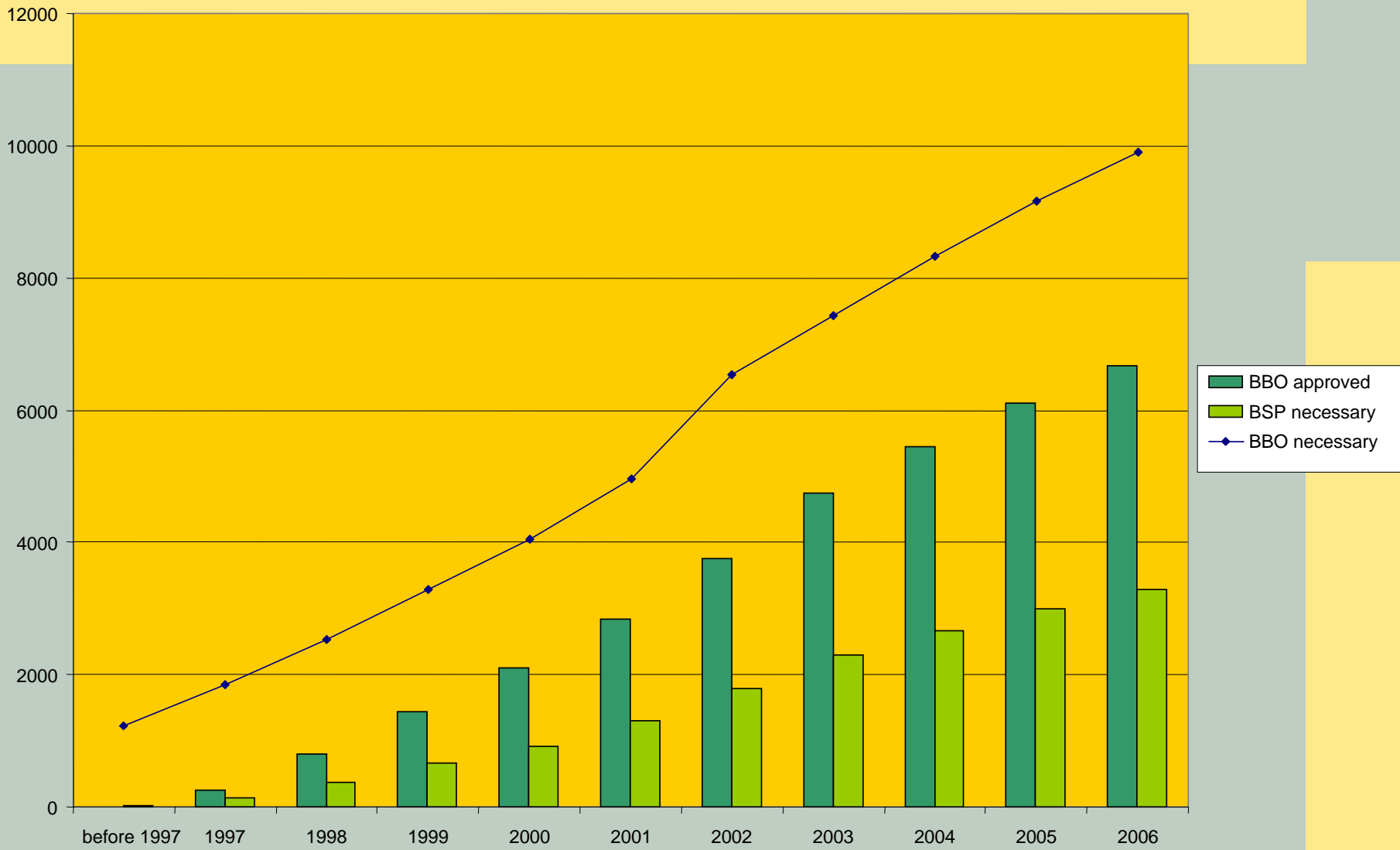
# A FEW FIGURES SINCE 1996:

- 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



# Overview Descriptive soil investigations(BBO) - Soil remediation projects (BSP) - cumulative



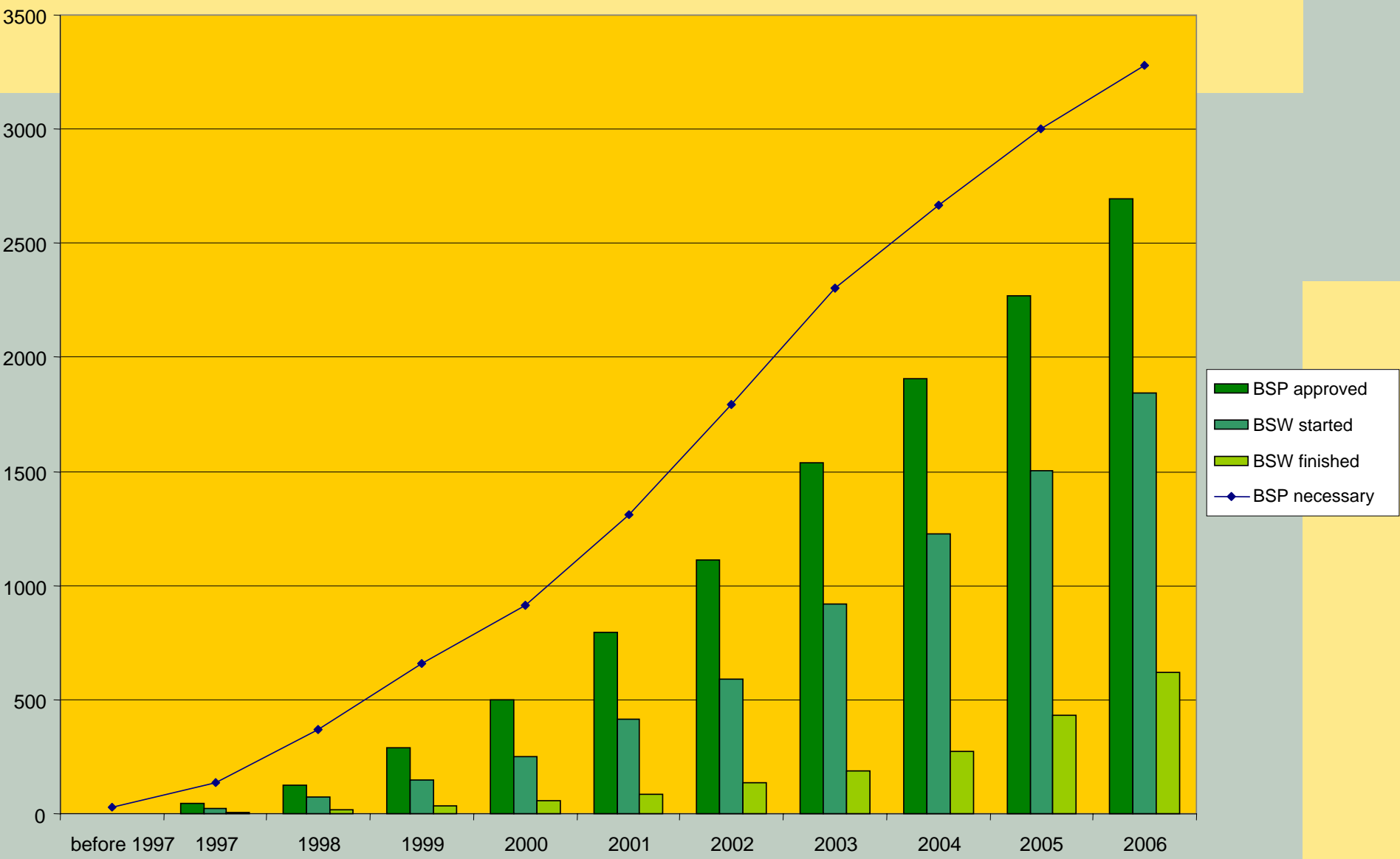
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# Overview Soil remediation projects (BSP) - Soil remediation works (BSW)- cumulative



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## ▶ New topics

# 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

## ► New topics

# 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)

## ► New topics

### ➔ 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 topics

### ➔ 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 topics

### ➔ New items and instruments:

- Organisation of the remediation of water bottoms
- A chapter concerning soil protection for items not regulated in other legislations.

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