

***COMMON FORUM on Contaminated land in the  
European Union 28 & 29 February 2008 Rotterdam***

*Meeting Report*



16 April, 2008

Dr. Joop J. Vegter

**The meeting was attended by:**

Harald Kasamas (Austria)  
Gundula Prokop (Austria)  
Victor Dries (Belgium)  
Eddy van Dyck (Belgium)  
Henri Halen (Belgium)  
Marijke Cardon (Belgium)  
Katrín Valjataga (Estonia)  
Anna-Maija Pajukallio (Finland)  
Dominique Darmendrail (France)  
Jean-Luc Perrin (France)  
Andreas Bieber (Germany)  
Joerg Frauenstein (Germany)  
Gabor Hasznos (Hungary)  
Francesca Quercia (Italy)  
Kestutis Kadunas (Lithuania),  
Rasa Radiene (Lithuania)  
Co Molenaar (Netherlands)  
Maartje Nelemans (Netherlands)  
Peter Kiela (Netherlands)  
Margot Meijer (Netherlands)  
Lucia Buvé (NICOLE)  
Silje Aksnes Bratland (Norway)  
Nicolae Heredea (Romania)  
Ana Alzola (Spain)  
Christoph Wenger (Switzerland)  
Pavla Kacabova (Czechia)  
Joop Vegter (COMMON FORUM)

Anton Roeloffzen (Rotterdam EPA)  
Herman van Nidek (AKZO nobel)

# MEETING REPORT

**Note:** Handouts of all presentations from this meeting are available for download at [www.commonforum.eu](http://www.commonforum.eu)

**Thursday 28 February**

## **SESSION 1J: WELCOME & GENERAL MATTERS**

After the welcome and general meeting information by the secretariat the delegates introduced themselves during the Tour de Table. Harald Kasamas (AT) asked us to keep a good memory Arantazazu Urzelai from the Basque country (ES), a participant in many contaminated land networks since the early days, who passed away last December. He also stressed the importance keeping the CARACAS and CLARINET work alive by putting the results of these projects on the COMMON FORUM website. Gundula Pokop (AT) drew our attention to the EURODEMO project and asked COMMON FORUM to think about the need for further demonstration and documentation of innovative remediation approaches and techniques. COMMON FORUM generally agreed with these suggestions. Victor Dries (BE) announced his replacement by Marijke Cardon. The COMMON FORUM also welcomed a number of new delegates from new EU member states.

After the Tour the Table, Co Molenaar, representing out host the Ministry of Housing, Spatial Planning and the Environment (VROM) gave a keynote presentation on recent policy developments in the Netherlands and the design of a more regional approach for contaminated groundwater. Co Molenaar presented the general aspects of the contaminated land problem in NL, which is densely populated, still has 80% agriculture and approximately 400.000 potentially polluted sites. 1100 of these may need remediation in view of current landuse and/or serious groundwater pollution. Dutch policy for soil contamination has three main focal points:

- Prevention of new contamination,
- Management of contaminated land and excavated soils
- Remediation of contaminated land if necessary in view of human health risks, ecological risks and risks for water resources as related to the current or the planned use of the land.

Although the role of the central government was quite large in the early days of Dutch policy, the role of the local authorities is nowadays much more important. The general trend is to move away from national regulations and to facilitate local decision-making and multi-stakeholder solutions for contaminated land problems. The link with spatial planning becomes very strong. The majority of contaminated land remediation is taking place as a part of urban or rural development plans. For the topsoil this approach has been quite successful, but for groundwater contamination there are still problems to link solutions the dynamics of urban or rural spatial development. The government is now experimenting with regional instead of site-specific approaches for groundwater contamination. The owners of the contaminated sites that contribute to the regional groundwater contamination are requested to contribute to a fund that will be used to pay for the solution. In return the competent authorities will take over future responsibilities and liabilities that may arise after the clean up. The field trip and the introductions presented by Anton Roeloffzen (Rotterdam EPA) and Herman van Nidek (AKZO nobel) in the afternoon gave an example of this new regional approach. The keynote served as an introduction for session 2 as it stressed the need to share

national practical experiences with contaminated land and groundwater management between EU memberstates and other countries.

## **SESSION 2J: HOW TO IMPROVE COOPERATION IN EU MEMBERSTATES**

This session aimed at identifying key issues for international cooperation between EU member states in the field of contaminated land and groundwater. The identification itself was done in smaller groups in the afternoon. To fuel the discussion 3 speakers were invited from newly accessed member states. In view of the role of these presentations in the subsequent COMMON FORUM discussion the speakers were asked to address the following issues:

- 1] A short overview of contaminated land policy
- 2] Areas in national policy that could benefit mostly from international discussions, exchange of information and experiences, for instance on:
  - a) Risk assessment tools, Risk based standards ("soil values"), Risk communication experiences
  - b) Remediation techniques (including in situ bioremediation and monitored natural attenuation) and experiences with these techniques.
  - c) Integrated contaminated land management approaches, stakeholder involvement, financial instruments and incentives.
  - d) Restrictions on contaminated land management and remediation from EU directives like Waste directive, State aid, Groundwater directive, national policies how to streamline these restrictions.

### **Presentation by Pavla Kacabova, Czech Republic Ministry of Environment, Environmental damages department.**

Pavla Kacabova gave an overview of the history of contaminated land policy development in the Czech Republic. The process of privatisation after the end of the communist regime and the contaminated sites legacies from the Soviet army were important driving forces behind policy development, which started already in 1960 and received major inputs since 1990. Several methodological guidelines for remediation were published and a compendium of remediation technologies has recently been published. Although progress has been made especially for sites related to privatisation projects, where the costs of remediation of pollution which occurred prior to the privatisation is reimbursed by a fund, and for Soviet army legacies, there is no comprehensive legislation for soil. The Czech republic would welcome a European soil framework directive for this reason.

### **Presentation by Kestutis Kadunas, Geological Survey of Lithuania under the Ministry of Environment.**

The presentation described the Lithuanian approach for soil contamination and groundwater protection. The POP convention (POP = persistent organic pollutant) and the need to investigate and remediate sites used for pesticide storage were the initial driving forces for contaminated land policies. In addition to this an inventory of potentially contaminated sites is drawn up. The inventory is based on a list of potentially soil polluting activities. Further assessment will take place according to a protocol, which describes procedures for preliminary and detailed investigations. MAC values (Maximum Allowable Concentration)

are specified for soil in residential and agricultural use, and for groundwater. There are at present roughly 6000 sites in the inventory and 750 have been investigated (preliminary investigation). The EU Groundwater directives (the first one and the new one) and their transposition in national legislation have stimulated an extensive groundwater monitoring operation. The main challenges for the future where discussions and information exchange about national experiences are most useful are:

- Liability for damages (historic pollution)
- Financial instruments (for heavy contaminated sites)
- Decision process (from consultant to governmental decision)
- Risk assessment tools and experiences of other countries
- Risk benefit analysis
- Soil/groundwater standards and groundwater status (GWD, etc.)
- Remediation techniques

### **Presentation by Nicolae Heredea, Ministry of Environment and Sustainable Development of Romania**

The presentation illustrated the fast progress made in contaminated land policy in Romania. In 2007 two key decisions were made by the government, one on investigations of (potentially) contaminated sites and one on remediation. In fact remediation is only one aspect of the general Romanian concept of “ Geological Environment Recovery”, which covers three approaches:

- Cleaning; elimination of the total or a part of the pollution and the contaminants, (without on site treatment).
- Remediation: bringing the pollution concentration under the alert level.
- Ecological reconstruction: bringing a site as close as possible to the natural state.

Investigations are performed by operators, landowners and/or the competent authorities on sites where accidents involving contamination have taken place, in case an industrial activity stops or if landuse is changed. Methods are usually defined by the investigator, but there is a minimum compulsory package. Background values and intervention values play a role in the assessment and the competent authorities decide whether some form of Geological Environment Recovery is necessary. An inventory of historical, abandoned sites and actual sites has been developed, and a guidance document has recently (2008) been published. International cooperation has been very fruitful for Romania, due to this cooperation the following policy proposals will soon be finalised:

- Proposal of elaboration of the national inventory of contaminated sites;
- Proposal of technical guides;
- Proposal of National Strategy for the management of the contaminated sites.

Nicolae Heredea mentioned COMMON FORUM as a useful network exchanging ideas and experiences in policy development. He also mentioned PHARE and several bi-lateral cooperation projects for instance with the Netherlands. Main issues to discuss with COMMON FORUM are:

- technical information,
- experience with contaminated land risk assessment
- how to improve financial efficiency in contaminated land management and remediation.

Romania has also something to offer: It's long-standing geological knowledge.

### **Group discussions**

During the afternoon three groups discussed about the future role of COMMON FORUM and issues to be addressed by this network. The presentations from Czech Republic, Lithuania and Romania provided useful starting points for a discussion on cooperation between EU memberstates in the field of contaminated land (including groundwater) management. Short reports of the three working groups were given on the next morning of the COMMON FORUM meeting.

### **Field trip**

The field trip was introduced by two presentations. Anton Roeloffzen from DCMR, the Rotterdam Environment Agency gave an overview of the practical implementation of national policies for soil and groundwater in the Rotterdam Port area and described the consequences of EU directives for future practice. Current practice in the management and remediation of soil and groundwater contamination is a combination of site (and site-owner) specific management and remediation of non-mobile pollution in the top soil, with a more regional collective approach for groundwater. This concept is derived from discussions during EU funded projects like WELCOME, and requires cooperation between the many problem-owning industries in the area and the authorities. The vision of industry as presented by Herman van Nidek stressed the importance of good partnership between private and public parties. Driving forces are not only national or European laws but also the social responsibilities felt by the industries themselves. The collective approach in the cleaning and management of contaminated groundwater is also very cost effective.

## ***Friday 29 February***

### ***SESSION 2] CONTINUATION Reports of the working groups***

The reports made important recommendations for COMMON FORUM activities. Main conclusions from the discussions were:

- CF should keep on communicating past work which is still relevant for current discussions
- CF should try to become more visible in the contaminated land and groundwater discussion arena. For instance in the research community by acting as review panel of steering panel in larger research projects.
- CF should promote exchange of information on policy issues, triggers for investigation, remediation. A web-based information system with key elements in national policies could be created.
- CF should give examples how policies lead to practice in EU memberstates, A guide were to find information on Best available techniques would also be practical

Further discussions pointed out that web based information systems are already available at the EUGRIS website. However information on key elements in national policies, based on existing questionnaires, for instance the ones by DG-ENV and ICCL (International Committee on Contaminated Land, the former ad-hoc working group) will be a useful addition for the COMMON FORUM website. Technical information is more appropriate for the EUGRIS website.

Concerning the future agenda of COMMON FORUM meetings the working groups proposed the following topics:

- Existing and new legislation
- Implementation of national legislation and EU directives in practice
- Relation between soil and groundwater in contaminated land management.
- Communication and information: how to assure that relevant legal and technical information is reaching the parties which need to manage and solve soil and groundwater problems in practice.

In addition to country presentations and presentations on specific policy issues COMMON FORUM should also consider case study presentations and discussions as a useful way to discuss interaction between policies and practices. The discussion also led to the conclusion to make a stronger link with ICCL. Ambitions and interests of ICCL do overlap with COMMON FORUM, and the members of ICCL coming from Europe are all COMMON FORUM members. The next COMMON FORUM secretariat will also be the next secretary for the next ICCL meeting.

### ***SESSION 3J: SOIL FRAMEWORK DIRECTIVE***

The session was introduced by Jean-Luc Perrin (France). The proposed directive is accepted in EU parliament if their many amendments are taken on board, but is not yet approved by the Council due to a blocking minority of a few countries. The positions of some these countries were merely political and not based on the content of the directive, although one could still have certain concerns about the latest drafts by the Portuguese presidency. It should be noted on the other hand that the Portuguese presidency texts did greatly improve the directive. Jean –Luc Perrin explained the French position and stated that a better directive could only be achieved by redrafting certain parts and not by amending the current text. On the other hand it was recognized that changing too much would endanger the acceptance of the directive by those countries that support the Portuguese presidency text.

Major issues for the French position were:

- Text should be targeted on clear objectives and not on methodologies
- Respect subsidiarity and allow member states to use their policy if successful
- Coherence with other directives (for risk assessment but not only)
- Make the difference between different pollutions : old ones, new ones and future and derive the best way to deal them (old one -> urban land management), new one ELD, prevention IPPC.

Jean-Luc proposed to create a small working group which may draft and discuss new texts for the SFD proposal and asked for persons willing to participate. A number of COMMON FORUM members expressed their interest. It was stressed that this working group has to be considered as a French initiative, and not as a COMMON FORUM initiative. The latter would not reflect the different positions of the countries participating in COMMON FORUM. COMMON FORUM will be used as a forum for consultation and further discussion. The first meeting of the working group has already taken place in Paris on 25 March.

## **SESSION 4J: IPPC DIRECTIVE**

A revision of the IPPC directive is currently discussed. The complete set of documents can be found at: <http://ec.europa.eu/environment/ippc/proposal.htm>. The inclusion of some soil protection related elements in IPPC is seen as a positive development.

The introductory presentation by Anna-Maija Pajukallio further explained the subjects for the discussion.

Discussion in COMMON FORUM mainly focussed on the following issues:

- Monitoring requirements and flexibility
  - Groundwater / soil
  - Case by case / periodical / max periods
- Content of the baseline
  - New installation / Old installation (updating permit)
- Remediation targets in practice
  - Initial state (baseline) / RBLM
  - Zero tolerance / no significant added contamination -approach
  - IPPC – SFD (- ELD): Synergies / contradictions?
  - The role of BAT and BREF

### **Periodical monitoring**

In Art 15 and 17 the proposal introduces a new requirement to monitor periodically the soil and groundwater on the site of the installations in order to ensure that appropriate information is available to protect these media from contamination by dangerous substances. It can be argued if monitoring of soil and groundwater is the most effective preventive monitoring strategy. Monitoring and control of soil and groundwater protection measures (like waterproof liners and other containment devices) should be the first “line of defense” against pollution. Soil and groundwater monitoring is useful as an additional control. In view of the slow spreading of pollution in soil and in many groundwaters frequent monitoring seems less expedient. Monitoring should depend on the “dynamics” of the whole situation, a “one size fits all” approach is not very efficient.

### **Baseline report**

Art 23 mentions: In order to clarify these requirements (for soil and groundwater protection) and help achieving the objectives of the Thematic Strategy on Soil protection, the proposal requires that a baseline report is established by the operators to provide quantified information on the state of soil and groundwater contamination. Upon definitive cessation of activities, the operator is required to remediate the site and return to that state. There was some discussion about the interpretation of the baseline in case that it is established for the first time in case of a renewal of an older permit. Most COMMON FORUM members expected that the baseline in this case should not become a historical reconstruction of the conditions in soil and groundwater at the time when the first permit was issued. It was generally felt that this should be clarified in the IPPC directive or accompanying texts.

### **Remediation**

IPPC furthermore requires remediation of the pollution at the site if the industrial activity at the site closes definitively. The remediation goal is to restore the site to the condition at the start of the activity, the so-called “baseline”. In other words “added pollution should not occur or needs to be remediated” (zero tolerance for added pollution). Other EU directives or proposed directives set other soil remediation goals: “(risk based) fitness for current or

approved future use for contaminated sites” in the SFD and “mitigating human health risks of soil pollution” in case the liability directive applies. The rationale behind these differences is clear, taking the different aims of the various directives into account. However the juridical consequences of these directives jointly for a concrete practical situation may raise certain questions. COMMON FORUM suggested to describe a number of situations, in cooperation with NICOLE, where the joint effects of the different directives may lead to interpretation and implementation problems.

### **BREF's**

BREF's (Best available techniques REference documents), which describe BAT (best available technology), play a central role in IPPC. Art 14 mentions a BREF that will contain among other things techniques for monitoring of soil and groundwater and for remediation of the site. The need for a BREF about preventive techniques to avoid soil contamination is not mentioned explicitly. This may raise some concerns for prevention if the BREF is about remediation only.

## ***SESSION 5J: THE NEXT COMMON FORUM SECRETARIAT***

After a discussion about the report of the secretary (CF secretariat report 2005-2008.doc), COMMON FORUM decided to continue on the current basis. Dominique Darmendrail (BRGM, France) will be the new secretary of COMMON FORUM after August 2008 when the project financing the current secretariat ends. COMMON FORUM also discussed the financial situation of the current secretariat. The Dutch Environment Ministry will take some steps to complete the collection of the contributions from memberstates that promised to contribute financially. There are enough countries now willing to contribute to the new secretariat as well, which means that COMMON FORUM can continue. COMMON FORUM thanked the current secretariat for his work and wished Dominique Darmendrail success with her job as COMMON FORUM secretary.

## ***SESSION 6J: ANY OTHER BUSINESS, CLOSING OF THE MEETING***

The next meeting will be in Toulouse, France 16 and 17 october

The following items were suggested for the agenda:

- Groundwater: Joint implementation of Groundwater directive and Soil remediation/management.
- Development of Waste Framework directive
- Joint research call by SNOWMAN