



The Planned EU Directives from the Industry Standpoint

Bertil Grundfelt
Kemakta Konsult AB
NICOLE Service Providers' Group



Outline

- Short about *NICOLE*
- Issues currently dealt with
- *NICOLE* positions on topics of current interest
- Epilogue



NICOLE

Network for Industrially Contaminated Land in Europe



NICOLE is the principal forum that European business uses to develop and influence the state of the art in contaminated land management in Europe



- Provides a European forum for exchange of knowledge and ideas about contaminated land management (shares best practice)
- Communicates with stakeholders inside and outside Europe to promote its views
- Identifies research needs and promotes collaborative research that will enable European industry to identify, assess and manage contaminated sites more efficiently and cost-effectively and within a framework of sustainability

www.nicole.org

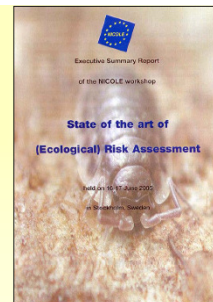
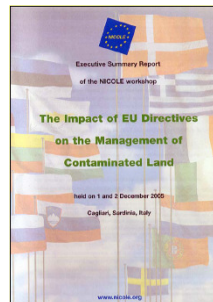
3



Activities of NICOLE



- Workshops on Contaminated Land Management
- Meetings of the Industry and Service Provider Subgroups
- Topical working groups



- Contributing technically to EU working groups and maintaining contacts with the European Commission on policy and research related issues
- Maintaining contacts with colleague networks
- Publication of papers and workshop proceedings
- Project development
- NICOLE works in partnership – it does not lobby!

www.nicole.org

4



For more information:



NICOLE Secretariat:
Marjan Euser
TNO, the Netherlands
Phone: +31 55 5493927
Email: marjan.euser@tno.nl
Internet: www.nicole.org



Next workshop:
3-5 of June 2009 at Leuven, Belgium
**Sustainable Remediation
A Solution
to an Unsustainable Past?**

www.nicole.org

5



Issues currently dealt with



Working groups

- Groundwater
- Ecological Risk Assessment
- Monitored Natural Attenuation
- **Soil**
- **Waste**
- Site Characterisation
- **Brownfields**
- Sustainable Remediation

Other issues

- **IPPC recast**
- Harmonisation of risk assessments - HERACLES

www.nicole.org

6



Soil - Background



- Proposal for a new directive for soil protection as part of the publication of the Soil Thematic Strategy in 2006
- The commission's proposal blocked by a minority
- Portuguese proposal – didn't solve the problem
- French proposal September 2008
- Czech proposal February 2009
 - Portuguese and French proposals are options
 - Work remains
- *NICOLE* has commented on the proposals:
 - January 2007
 - July 2007
 - October 2008
 - November 2008



www.nicole.org

7



Soil – *NICOLE* position



Amendments intended to balance the brownfield regeneration market in its role to bring back contaminated sites to beneficial use, without reducing the Directive's effectiveness in protecting human health and the environment:

- Risk-based definition of remediation
- Avoid blighting potentially contaminated sites
- Mechanism for liability transfer
- Mechanism for removal of remediated sites from register
- Possibility of non-regulatory driven remediation
- Accept alternatives to full removal
- Soil status report at all transactions regarded impractical

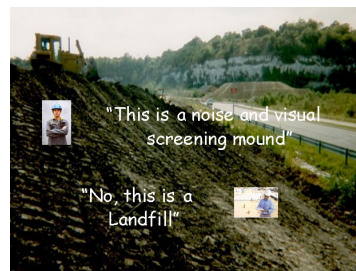


www.nicole.org

8

Due to certain interpretations of the previous waste directive *NICOLE* initiated a working group on waste with the objective to:

- Support the sustainable reuse of contaminated soils
- Clarify when contaminated soil are waste and when they cease to be waste
- Support proportionate risk based permitting and exemptions
- Resolve the Van De Walle ruling of ECJ



www.nicole.org

9

NICOLE in May 2007 commented on a proposal for a directive:

- Supports the exclusions of unexcavated contaminated soil and excavated uncontaminated soil from the waste definition
- Supports recovery where practicable but opposes unconditional recovery operations.
- Opposes unconditional prioritisation of recovery before disposal but supports optimised scheme.
- Waste that has undergone recovery operations and meet certain criteria shall cease to be waste.
- Avoid over-encouraging of in-situ remediation.



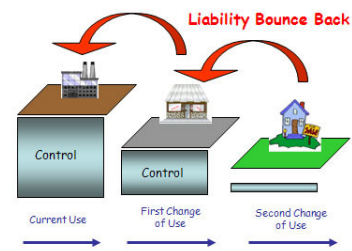
www.nicole.org

10

Develop a framework document for Brownfield divestment in Europe, designed to inform industrial land holders of options to secure as clean an exit from liability as possible, and meet their liability management goals

This will require a work on a number of fronts:

- Review existing sources of information including available research data
- Understand the definitions of 'Brownfield' and related terms and how they are used in different European countries
- Review legislative, policy and market drivers for Brownfield regeneration in Europe
- Identify and review environmental liability transfer mechanisms in Europe
- Identify country specific case studies relating to Brownfield development and environmental liability transfer
- Compile country specific information sheets



www.nicole.org

11

The Commission proposes:

- A baseline report on soil and groundwater
- Monitoring of soil and groundwater every 7 years
- Remediation to baseline conditions at the cessation of permit

NICOLE is concerned about the representativeness of such investigations due to:

- Must deal with uncertainty and variability
- Soil type influence
- Sampling method influence
- Sample preservation and transport
- Laboratory test methods



www.nicole.org

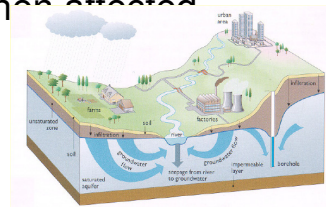
12



IPPC recast - *NICOLE* proposes



- Use environmental management systems
- Vigorous and rapid actions on spills and leaks
- Verification and recording of all incidents
- Automated monitoring and leak detection systems
- Remediation if appropriate when affected areas are accessible



www.nicole.org

13



Epilogue



- *NICOLE* is an industrially driven network
- *NICOLE* supports the building of a sustainable society based on recovering, recycling and reuse of soil where practicable
- *NICOLE* strives for transparent and fair rules for liability management
- *NICOLE* has the ambition to provide technically and scientifically based advice to the policy makers and to the research community

www.nicole.org

14