

# French strategy concerning excavated soils

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# Regulatory basis

- Excavated soil management is ruled by :
  - The environmental code - waste management chapter
  - A circular note from the 25th april 2017 called « waste nomenclature note »



# Regulatory basis – Waste nomenclature note

- Defines the status of excavated soil, polluted or not :
  - Not excavated → not a waste
  - Excavated but still on site → not a waste
  - As soon as the border of the site is crossed by the excavated soil → waste
- Gives a definition of a site :
  - For classified installations for environmental protection : surface coverage of the installation
  - For other cases : surface coverage, made of several close parcels, included in the perimeter of a development project
- NB : these definitions are a major subject of discussions between the ministry and the users



# Legislative basis – Environmental code

- Waste chapter – principles :
  - Waste management mode hierarchy promotes reuse instead of landfilling
  - Any waste producer is held responsible for his waste until its elimination or final reuse
- Definition of reuse :
  - Any operation which results principally in that the waste serves a useful purpose in substituting to other substances, matters or products that would have been used to a particular end
- Justification of reuse :
  - Any person reusing waste for the purpose of development, rehabilitation or construction must be able to justify to the competent authority of the reused waste nature and of the use of the waste for the purpose of reuse and not of elimination

# Issues regarding excavated soil reuse

- Two main issues
  - 1) Reuse in development projects doesn't mean final reuse ...
    - ... Excavated soil doesn't « lose » its waste status
    - ... Excavated soil producers don't formally « lose » their responsibility
  - Consequence : problem of responsibility for the soil producer after reuse
  - 2) Lack of guidelines defining environmental and health principles or threshold
- Uncontrolled soil exchanges and and low circular economy in the facts

# legislative evolutions foreseen

- Project of a Ministerial order for the ending of the waste status of excavated soils, under 4 conditions :
  - Contract signed between the producer and the receiver : use certain
  - A preparation operation, at least a technical and administrative control, and treatment if necessary
  - A system of traceability and quality
  - **Respect of environmental criteria (work in progress)**
- Objective : ending of 2018



# Guidelines for the reuse of excavated soils

- Objective : for any excavated soil its off-site reuse solution
- 2 origins
  - Excavated soil from potentially polluted sites
  - Excavated soil not from potentially polluted sites
- 2 reuse ways
  - Development projects
  - Road infrastructures



# Guidelines for the reuse of excavated soils

- One guideline for each pair origin-reuse way
- November 2017
  - Reuse of excavated soils from potentially polluted sites in development projects → my next presentation
- Work in progress
  - Reuse of excavated soils not from potentially polluted sites in development projects
  - Reuse of excavated soils from potentially polluted sites in road infrastructures
  - Reuse of excavated soils not from potentially polluted sites in road infrastructures

These guidelines will define the environmental criteria for the future ministerial order



# FIN



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