



Luxembourgish bill on soil protection

Common Forum Namur
23/5/2018



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère du Développement durable
et des Infrastructures

Administration de l'environnement

Soil Protection Projet



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG

Parliamentary file n°7237 (abonnement via www.chd.lu)

Part on soil protection ss

- Due diligence
- Information obligation
- Soil monitoring
- National soil protection plan

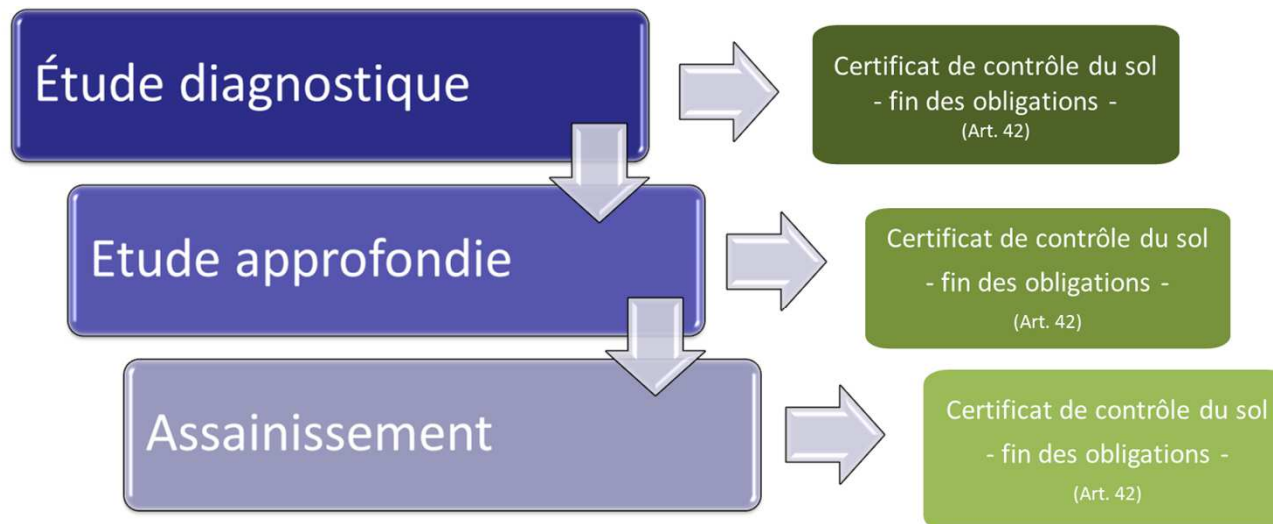
Part on management of polluted sites



Principles for polluted sites



- Introduction of historical pollution
- Three possible triggers for polluted site management:
 - Cessation of activities
 - Ministerial decision
 - Voluntary action
- Introduction of soil status certificate





- Ministerial decision which certifies that the site is without risk for water, ecosystems and asked use:
 - Agricultural, natural
 - Residential
 - Industrial, commercial
- Is delivered after investigation or remediation and marks the end of responsible partie's obligations
- May define safety measures or monitoring needs and define responsible party for the execution thereof
- May include recommandations for restriction of use
- Has unlimited validity unless ongoing polluting activities

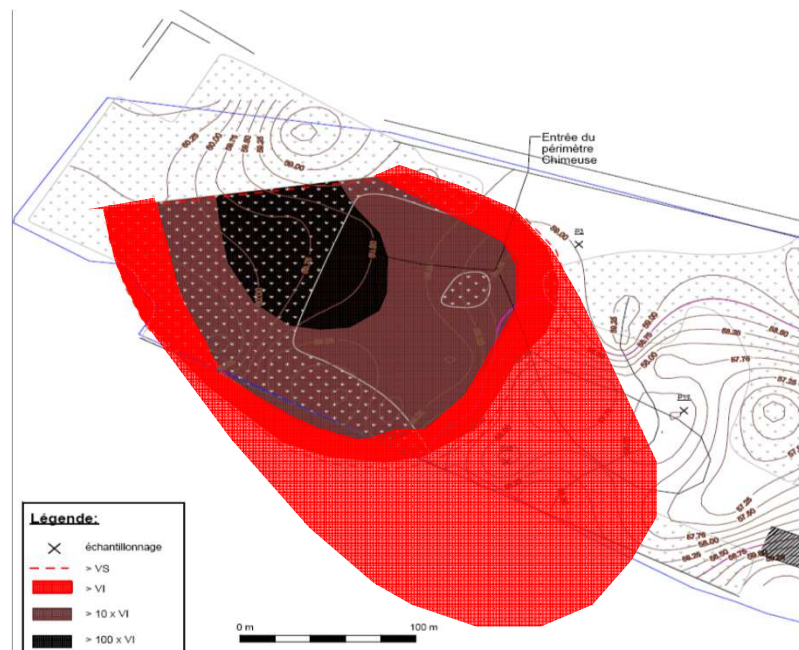
Soil Status Certificate (2)



- Soil status certificate is required to mark end of obligations triggered by
 - Cessation of activities
 - Ministerial decision
 - Voluntary action
- Is required if on a terrain concerned by at least one site
 - >100m³ is excavated
 - Allocation modification results in a change of use according to soil law
- Is recommended
 - When a classified installation of a potentially polluting activity is taken over by a third party



- Use of existing platform www.geoportail.lu for consultation
- Definition of site vs terrain (ground)
 - Terrain = administrative unit that can be sold, rented, built,...
 - Site = dynamic unit depending on pollution and use sensitivity



Source: Ram-Ses



- Geoportail allows to intersect terrain with sites instantly
- RIT provides information on
 - Sites that might be potentially polluted (CASIPO-sites)
 - Potentially polluted sites to be considered according to the law
 - Sites under investigation
 - Sites with a valid soil status certificate
- RIT needs to be consulted:
 - When a terrain is sold => need to check if any sites are concerned
 - When allocation plans (spatial planning) are modified
 - Before excavating >100m³
 - When allocation modification results in a change of use according to soil law

Potentially polluting activities



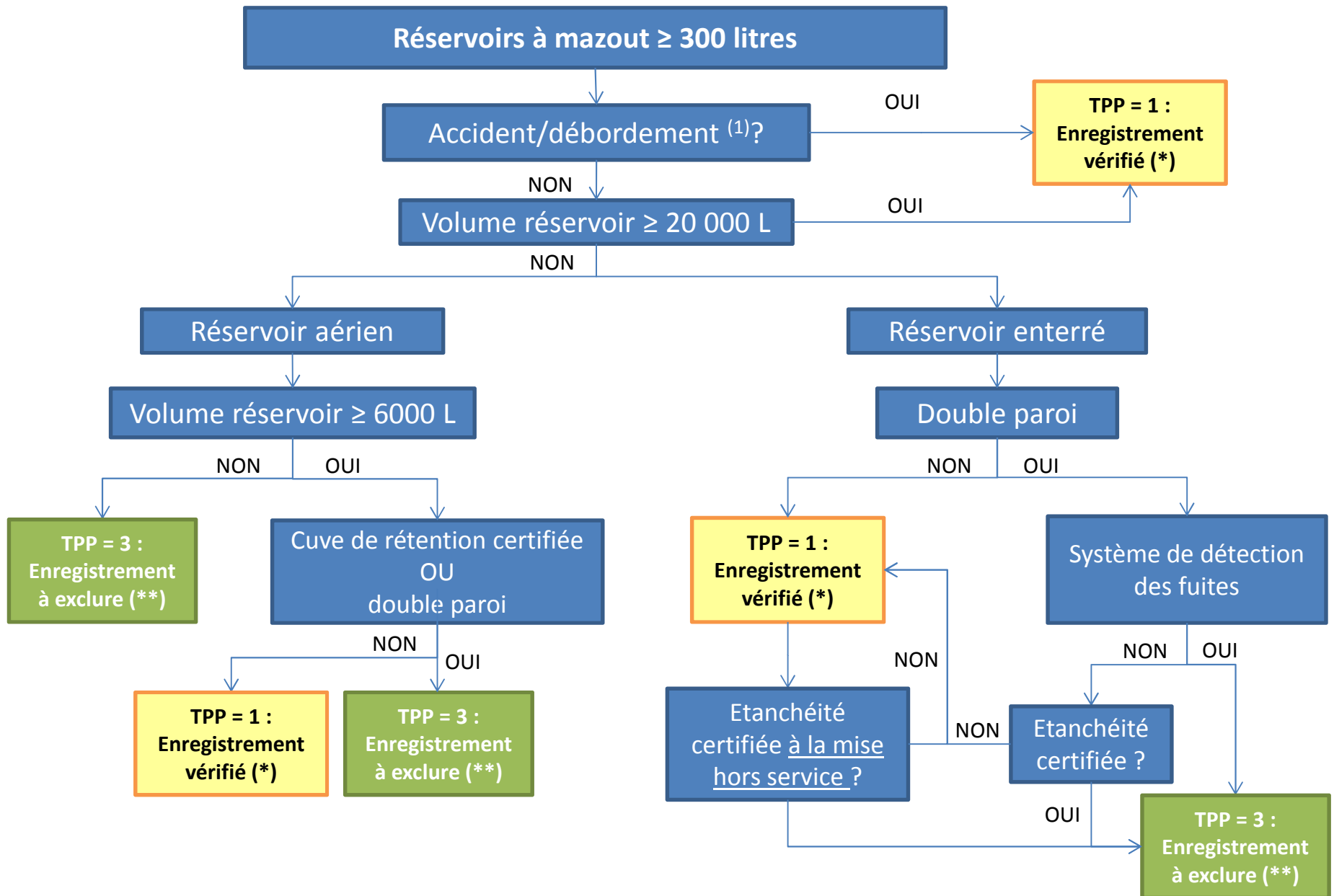
LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG

- Defined with the help of databases from NL and B
- Based upon the list of classified installations
- Additional criteria for each existing CASIPO category, expressed by flow charts or tables
- Will be used to reevaluate the sites that might be potentially polluted

Exemple



070111	Transformateurs électriques :	*
	Postes de transformation d'une puissance apparente nominale	*
	01 de 250 à 1000 kVA	Oui
	02 de plus de 1000 kVA à 10 MVA	Oui
	03 de plus de 10 MVA	Oui
	<i><u>Pour les sous-points 01, 02 et 03 du présent point de nomenclature :</u></i>	*
	<i><u>XX Transformateurs utilisant ou ayant utilisé de l'huile avec PCB (askarel)</u></i>	Oui
	<i><u>XX Transformateurs à huile avec volume cumulatif d'huile dans l'ensemble de la station supérieur à 6000 L</u></i>	Oui
	<i><u>XX Transformateurs à huile n'ayant jamais utilisé de l'huile avec PCB avec volume cumulatif d'huile dans l'ensemble de la station inférieur à 6000 L</u></i>	Non
	<i><u>XX Transformateurs sans huile</u></i>	Non

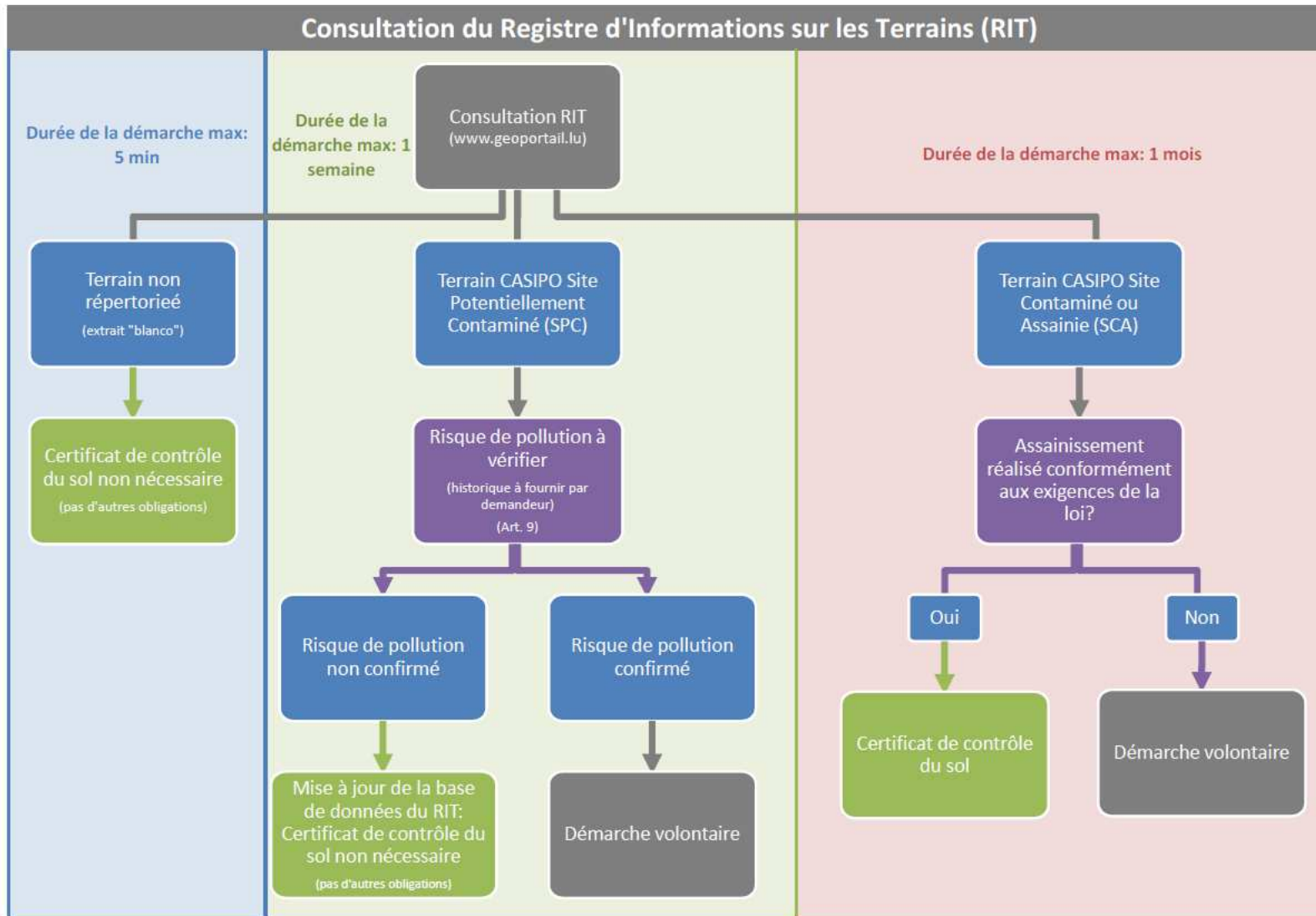


(1) Susceptible d'être à l'origine d'un volume de sol pollué (au sens du dépassement des Valeurs de Déclenchement VD) supérieur à 25 m³ en zone vadose/100 m³ en zone saturée

(*) Les dispositions de la loi qui concernent les Terrains Potentiellement Pollués (TPP) sont d'application pour le terrain.

(**) Seules sont applicables au terrain les dispositions de la loi qui s'appliquent à tout type de terrain.

Consultation du RIT



Contacts



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG

Sophie Capus et Pol Tock (projet de loi et outils)

Unité stratégies et concepts

Mail: sophie.capus@aev.etat.lu et pol.tock@aev.etat.lu