



Contaminated Soil Management in LU

Common Forum

9/5/2019



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère de l'Environnement, du Climat
et du Développement durable

Administration de l'environnement



- Like in EU: soil is not protected by a coherent piece of legislation in LU
- Site pollution assessment upon cessation of activities since 1990
-> those sites have a legal framework to implement the polluter pays principle, but:
 - The last holder of the permit is not always the polluter
 - No guarantee for last holder of the permit against bounce back liability
 - Difficult to match remediation and development needs
- A lot of developments on « potentially » polluted sites, but:
 - The remediation works need permitting under classified installation law
 - Only excavation and in-situ treatment are foreseen (no legal framework for other forms of pollution management)
- Polluted soil in place is still covered by waste law (exemption of directive's exemption)



- Existence of an extensive database (CASIPO) of potentially polluted sites and of the sites that have undergone assessment or remediation
- Active market for site assessment and remediation (certified bodies), decisions based upon German list of thresholds from Rhenania-Palatinat
- There are already about 2000 assessed or remediated sites in the country (1,35/km²)
- 130.000 Mg polluted soil exported yearly
- One funnel and gate and nearly one ISCO site



- One specific piece of legislation dedicated to soil protection and management of polluted sites
- Bill 7237 about soil protection and management of polluted sites
- Deposited to parliament in January 2018
- Positive comments from chamber of craftship, chamber of commerce and federation of municipalities, a little less positive one from the notaries



- **Preventive aspects (soil protection):** Enable to take into account soil aspects in decisions
- **Remedial aspects (polluted sites management):** Definition of procedures and rules
- **Transparency**
- **Juridical security**
- **Flexibility**





- Monitoring
 - Monitoring of soil quality at various scales and over long time frame
 - Will be the basis for a national action plan for soil protection
- National action plan for soil protection (mandatory collaboration with stakeholders)
 - Protect soil as a resource just like water and air
 - Promote long term soil quality objectives
- Inform about state and quality of national soils
 - Promote taking into account soil in decisions
- Preserve soil functions and prevent new pollutions

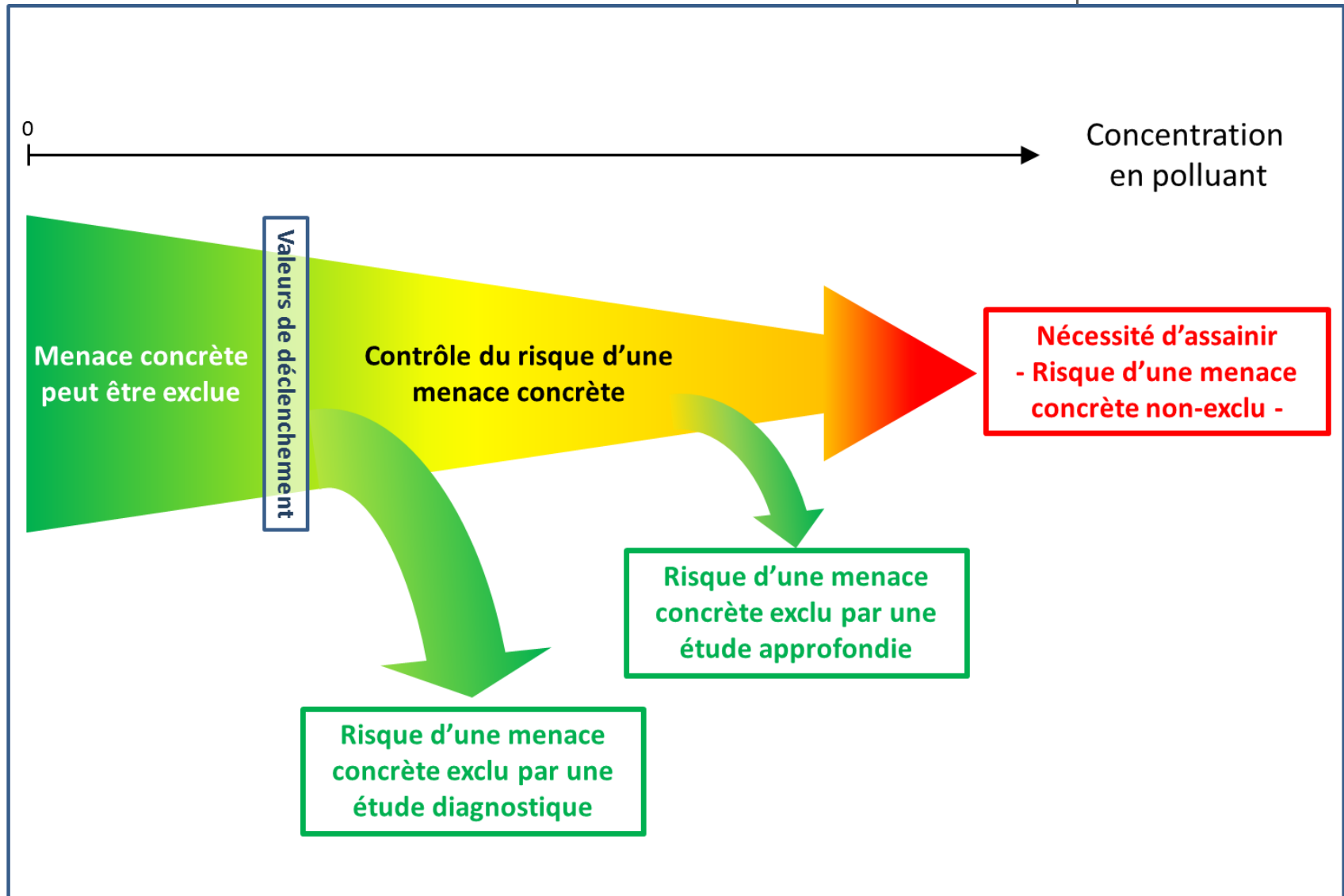


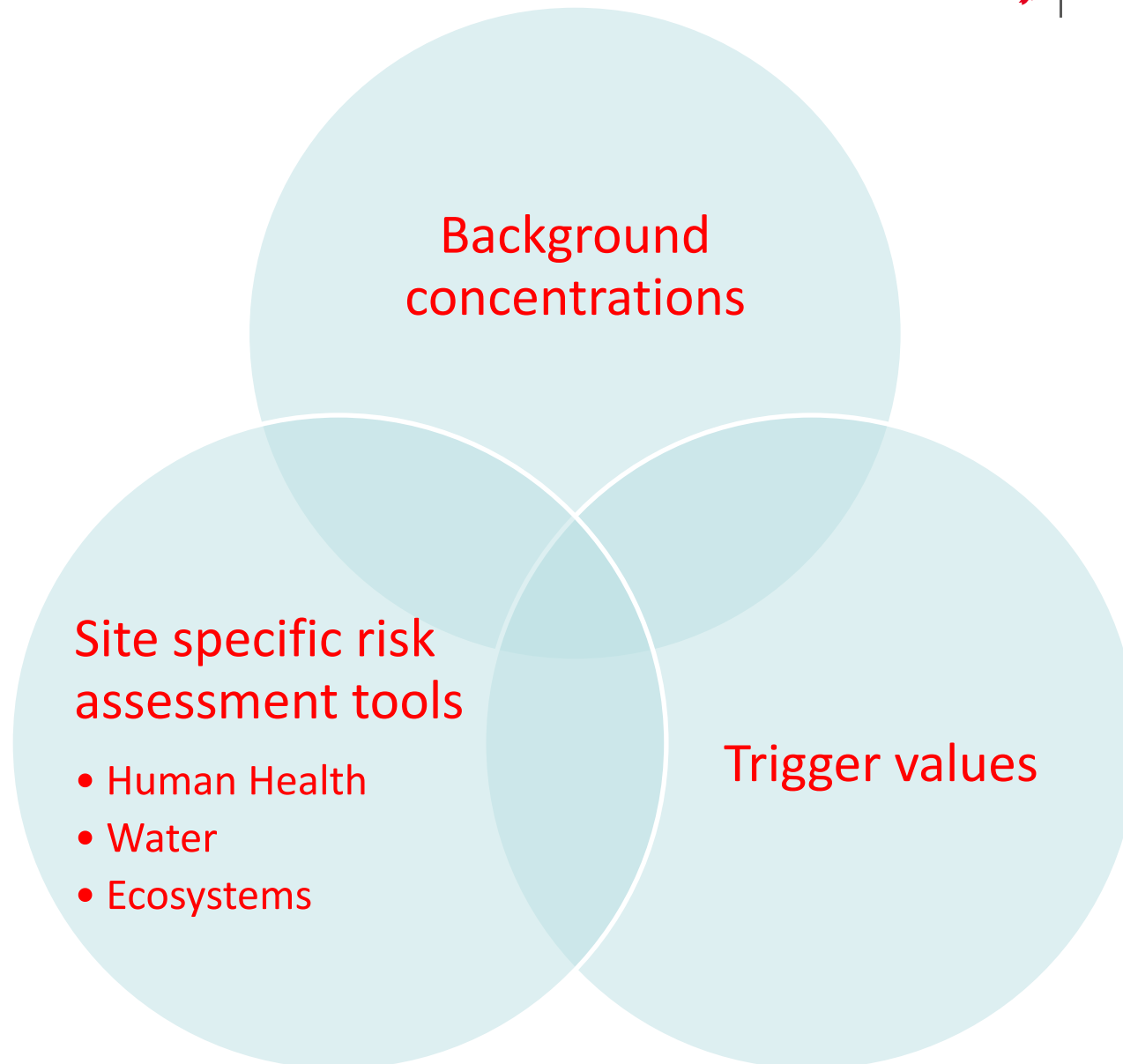
Photo: ASTA



- Introduction of notion of historical pollution and “serious risk”
- Introduction of voluntary action
 - Liability transfer
 - Decoupling cessation of activities and remediation
- In general pollution question can be addressed +/- when owner decides
- Introduction of information obligations
- Existing database used as a starting point: reevaluation of sites using new criteria
- Introduction of a soil certificat
 - Based upon site, not cadastral parcel, determines type of use for which site=safe
 - Long term situation documentation
 - Exit of obligations for liable party

Decision Tool « Serious Threat »







- **DEcision-tools for Contaminated LAnd Management (DECLAM)**
- Source of inspiration, e.a.: Common Forum
- **Project Partners:** AEV, ANF, AGE, LIST and internationally renowned experts (BE and NL)
- Groupes de travail
 - GT – Soil
 - GT – Human Health
 - GT – Water
 - GT – Ecotoxicology
 - GT – Analytics



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