

# Propossal of Soil Directive (contaminated sites) from Spain (second lecture)

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GOBIERNO  
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MINISTERIO  
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SECRETARÍA DE ESTADO DE MEDIO AMBIENTE

DIRECCION GENERAL DE CALIDAD Y EVALUACION  
AMBIENTAL Y MEDIO NATURAL

# How Spain is dealing with the proposal

- Communicated to env authorities in July (no reaction at the time).
- A more detailed reading during summer (some lazy thoughts)
- Assessing the impact of the proposal into the Spanish legislation



# Potentially contaminant activities - pca- and Potentially contaminated sites –pcs- (art 13)

Mandates for MS:

1. To establish a pca list
2. To (identify), locate and register all pcs (on the basis of suspects collected by “all available means” taking into account the belonging to (pca list, ippc sites....)

- *In general fuzzy relationship among pca and pcs*
- *(identification), location and register of pcs has huge legal consequences for owners*
- *What it means “all available means” ( is soil investigation -as defined in the proposal among them -i.e.. Could Phase I site investigation (as defined in ASTM E1527 – 21) as soil investigation”?)*



# Risk assessment and management of contaminated sites (art 15)

## Mandates for MS:

- To set an specific methodology to assess risk for contaminated sites following Annex VI specifications
- To define the un/allowable level of risk from contaminated sites
  - *It is unclear what is the link among RA and contaminated sites (no mention to RA in contaminated site nor soil contamination definitions)*
  - *Could EC, through delegated acts or any other means, to issue a common guidance for ra in contaminated sites? (it makes sense (i.e. regulation (CE) nº 1488/94, EEA working group on soil contamination...)).*



# Register (art 16)

## Mandates for MS:

- To draw up a register for potentially contaminated sites and contaminated sites.
- *Unless a clarification on the relationship among potential contaminant activities-pca- and of potentially contaminated site is done, register for all pcs becomes unfeasible in practice (i.e. in Spain 300,000 pca are estimated)*
- *Propossal does not consider any mechanism to way out from contaminated site register*



# Impact

Article	impact	Remarks
12. Risk based approach	Neutral	
13. pcs identification	big	It seems unclear what is the exact relationship among potentially contaminated site pcs- and potentially contaminant activity-pca-.
14. pcs investigation	Neutral ?	Neutral ?
15. Risk assessment	Unclear	unclear relationship among ra and cs
16. Register	very big	No way out mechanism for contaminated sites. Not feasible pcs register unless better relationship among pca-pcs

