

MAIN STRANDS OF THE AMENDMENT OF THE SOIL DECREE

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BRUXELLES ENVIRONNEMENT

IBGE - INSTITUT BRUXELLOIS POUR LA GESTION DE L'ENVIRONNEMENT

Legislation on contaminated soils

Concepts and aims

- **Two decrees: the first in 2004 and then in 2009**

Concepts:

- Legal certainty: operative events, risk management
(or remediation if polluter-pays principle)
- Regulatory framework: risk activities, standards
- Information: Inventory of soil condition and certificates
- Financial aid: decree regarding bonus



Legislation on contaminated soils

Concepts and aims

- **Two decrees: the first in 2004 and then in 2009**

Aims:

- Protect health and improve living conditions
 - Ensure the socio-economic redevelopment of the Region
 - Protect property assets against new contamination
 - Raise awareness/prevent contamination
- ⇒ **Find a balance between environmental interests and socio-economic issues**



Legislation on contaminated soils

Environmental and socio-economic assessment

• During the last 10 years of management:

- 180,000 soil certificates
 - ⇒ Legal certainty
 - ⇒ Reduction in chance discoveries from 50% to 3%
 - ⇒ 21% of plots presumed to be contaminated (55% of expenditure)

- 1,576ha presumed to be contaminated has been studied (6,013 plots) ⇒ 756ha contaminated (48%) ⇒ 459ha treated (29%). Risk management in 90% of cases!

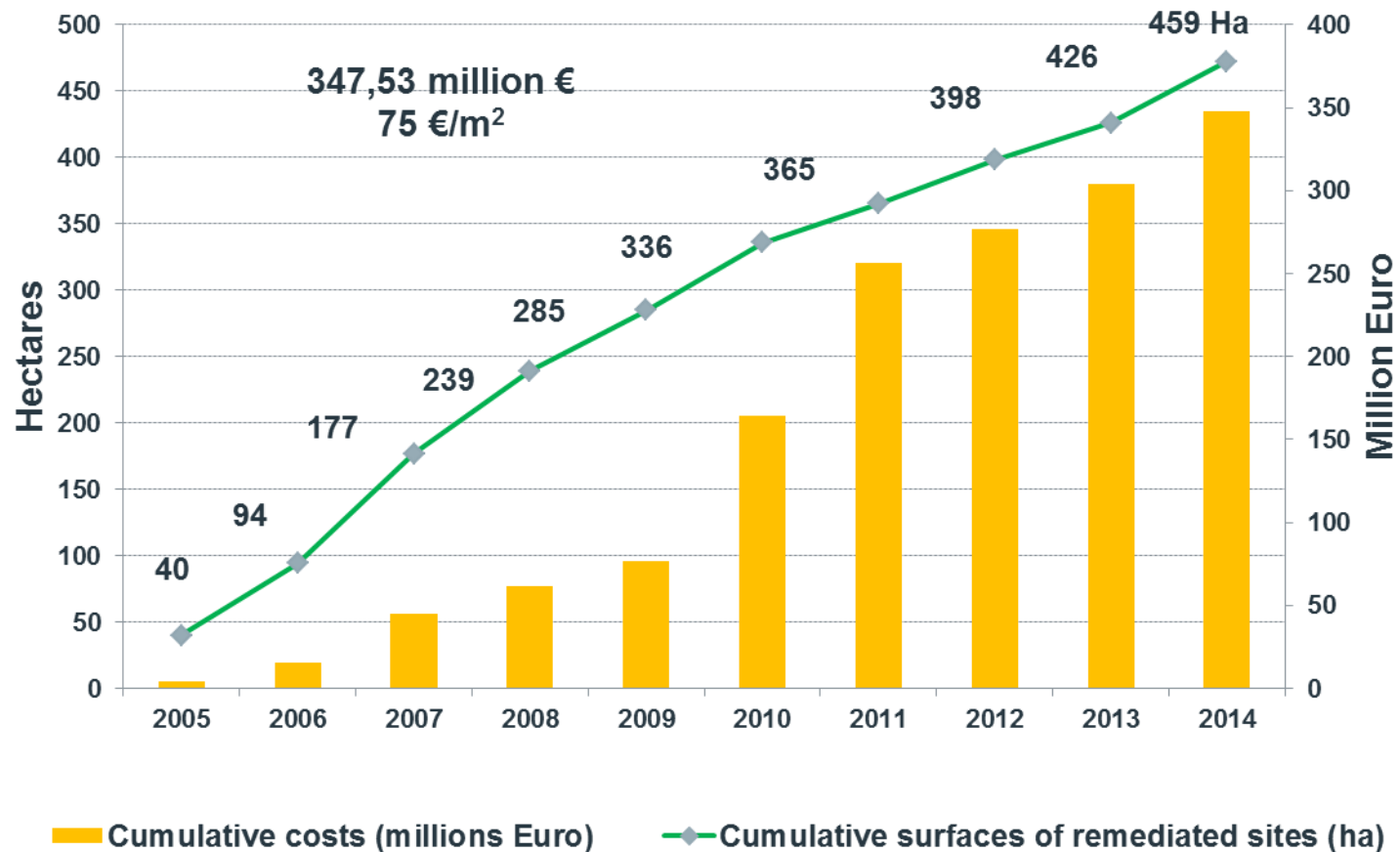
- 71% of the plots studied for sales purposes, of which 70% benefited from the accelerated procedure (based on financial guarantee)



Contaminated soil legislation

Environment and socio-economics assessment

Cumulative growth of costs and remediated surfaces : 2005-2014



Legislation on contaminated soils

Environmental and socio-economic assessment

- **Allowances and subsidies:** €12.5 million (2200 beneficiaries out of 4100 potential beneficiaries, or 55%)
- **Changes in behaviour:**
 - voluntary studies ↗
 - map consultation ↗↗
 - preventive measures
- **Administrative and technical facilitation:** IT platforms
→ Reduction in the administrative burden by 36% between 2007 and 2012!
- **Codes of good practice and technical procedures** as a framework for studies and works
- **Communication:** website, call center, brochures, training, soil facilitator...



Legislation on contaminated soils

Evaluation of the 2009 decree and its implementation

- 1. Evaluation by BE in 2013 (Government and Parliament) for the period 2010-2012**
- 2. Satisfaction surveys at 360% (internal and external) in 2014-2015**



Legislation on contaminated soils

Evaluation of the 2009 decree and its implementation

- **Methodology**

- **Strategic objective: *Analyse the external and internal perception of four pillars:***

- the legislation***

- its instruments***

- administrative management***

- partnerships***



Legislation on contaminated soils

Evaluation of the 2009 decree and its implementation

• Methodology

- **25 partners** (administrations, notaries, experts, entrepreneurs, public operators, etc.) with more than 500 people involved!
- **Surveys in 2 phases: in groups and then individually**
→ more than 300 recommendations!
- **Cross-reference of the external results with the 2013 evaluation**
- **Identification of improvements and action plan**

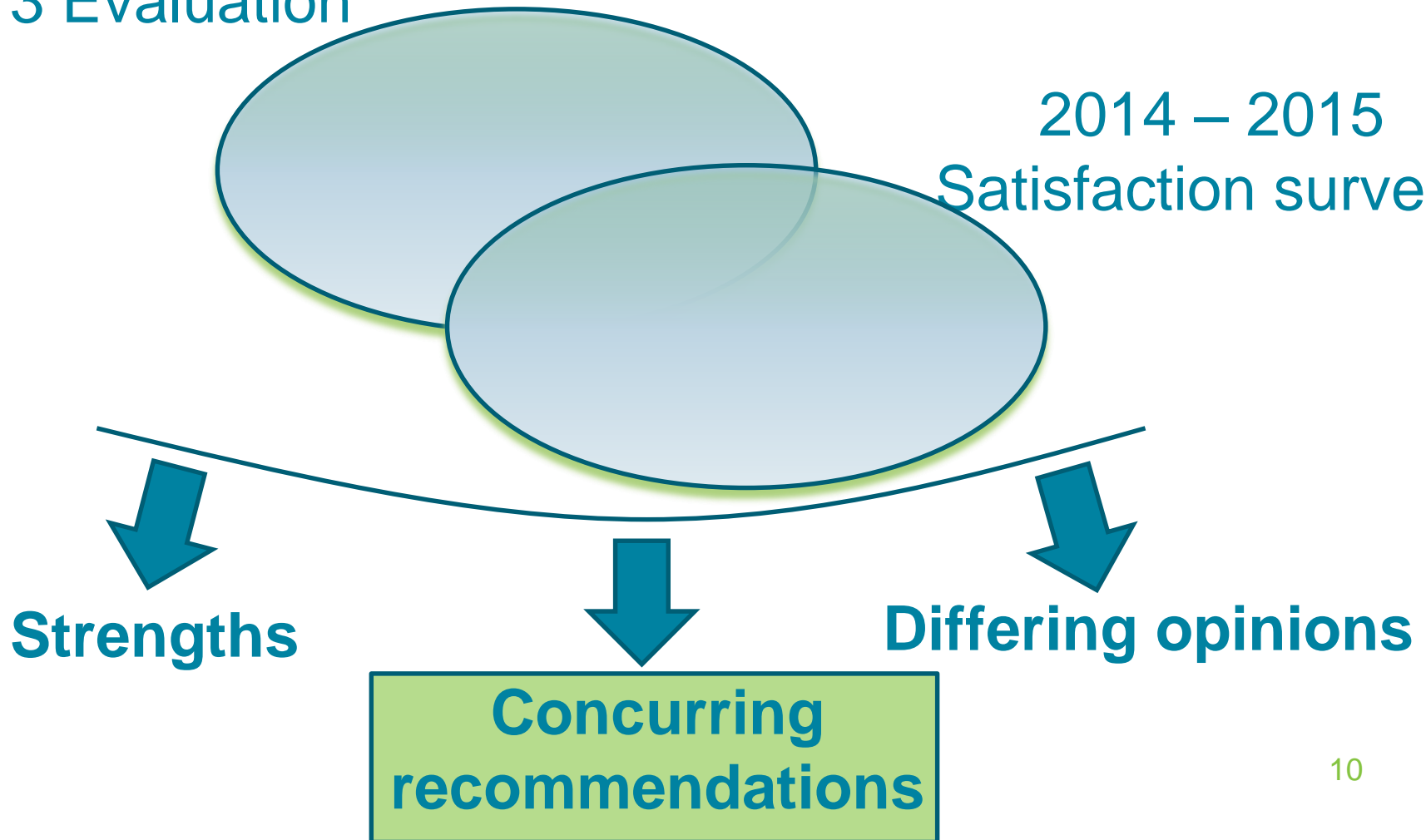


Legislation on contaminated soils

Main strands of amendment for the 2009 decree

2013 Evaluation

2014 – 2015
Satisfaction survey



Legislation on contaminated soils

Main strands of amendment for the 2009 decree

1. *ADMINISTRATIVE
SIMPLIFICATION*



2. *SPEEDING UP
PROCEDURES*

3. *STRENGTHENING
OF FINANCIAL
INSTRUMENTS*



Administrative simplification

- Limitation and simplification of operative events for soil investigations:
 - Abolition of soil investigations for environmental permit extensions, financial leases, periodic studies, etc.
 - Simplification of operative events associated with planning permission
- Clarification of the types of contamination (orphan, mixed, one-off), and of the expenditure for carrying out a soil investigation
- Facilitating sales before the end of the treatment (more simple derogations)
- Limitation of the scope of detailed studies for orphan contamination
- Transfer of the burden of proof if contamination is suspected (registration in category 0) to Brussels Environment rather than owners
- Public surveys abolished for treatment projects
- Certain tacit refusals have become tacit agreements
- etc.



Speeding up procedures

- Combining studies (identification, risk analysis) to reduce instructional time and the costs of expertise
- Accelerated procedures (without prior authorisation):
 - Time-limited treatment: chance discoveries, town planning projects, or if time-limited treatment
 - Minimal treatment: in the context of a soil investigation so that the soil is clean
- Optimisation of the content of studies for certain recurring contamination (oil tanks, embankments)
- etc.



Strengthening of financial instruments

- Implementation of a regional fund for orphan contamination
- Mechanism whereby the regional public authority takes charge of treatments directly
- Easing of the system of financial guarantees during sales
- Resumption of the provisions of the Premaz fund
- etc.



With regards to the decree

Implementing decrees are/will be amended:

- Reducing the list of risk activities: done.
- Revision of bonuses: done.
- Deeds of a family nature excluded from the concept of transfer of real rights: done.
- Establishment of standards for ZEMU (Enterprise zones within an urban environment): done.
- Amendment of the certification and registration conditions for soil experts and entrepreneurs: done.
- Revision of soil certificates: in progress
- New revision of bonuses: in progress
- Revision of the types of content of studies: in progress
- Revision of standards: in progress



Contaminated soil legislation

- **And tomorrow?**

- ❖ Still 1,381 ha potentially contaminated
- ❖ Extrapolation: 29% of soil surface still to be remediated at 75 €/m²
- ⇒ still 400 ha to be remediated over a period of 14 years and for a budget of 300 million €



10 YEARS MANAGING CONTAMINATED SOIL IN THE BRUSSELS CAPITAL REGION

