

Polluted soil: use and restoration

Session leader: Mr Jean-Luc PERRIN

Restoration sites

Between polluted and excavated soils

Between the European Union's policies on soils protection (under construction) and on waste management (established), what is the room of manoeuvre for players in charge of managing the excavation of polluted soils on restoration sites? This issue will be debated in the next Assises des Déchets, in the workshop that will be facilitated by Jean-Luc Perrin, assistant manager for chronic risks and steering in the Department of technological risks of the Directorate-General for Risk Prevention (DGPR).

How did the policy about polluted sites and soils lead to the waste policy?

"In 2005, the so-called 'Van de Walle' ruling of the Court of Justice of the European Communities, which related to the case of an accidental oil spill in surrounding soils having led to the pollution of underground earth and water, had entailed a surprising decision to consider polluted soils as wastes – even if they remained in place! The reviewed European waste directive has overcome this contradiction by only taking excavated soils into account in the area of waste policy. But it's clear that the pollution of soils is not an intrinsic notion any more and that it requires taking the use of soils itself into consideration.»

What means were made available to this end?

"Since 2007, new tools were created to serve the polluted sites and soils management policy, such as tools of analysis and preparing action (the review of environment for the analysis) and management plans in view of a site restoration for preparing action) tools to keep memory of past



pollutions (data bases and memory preservation mechanisms, the obligation to inform buyers on a site's past activities), as well as training actions (information days and cells of technical expertise, training sessions)... As a whole, the approach consists in assessing, in a first phase, the situation (determining whether the soil has a problem) and – most importantly –, in a second phase, decide the kind of works that need to be carried out to make it suitable to future uses thereof."

How about the management of excavated soils?

"Indeed, the intricate matter of how waste policies and polluted sites and soils management policies should be articulated still need to be addressed. And yet, sight should not be lost of the challenge of sustainable development in relation with the various restoration options, in terms of waste reduction, power consumption and environment protection. In the end, indeed, a polluting substance is not necessarily a danger in all uses of soils. That is why remediation should be based on a site specific study taking into account future approved use. This study must as well establish a balance of different options. It is now necessary to extend the actual framework of memory of past pollution and management of soil pollution (mainly environmental permit of polluting activities) to make an effective link with urban policy to achieve the reuse of brownfields.."