Soil and groundwater remediation from a European perspective (legal aspects)

Marcel Herms

Municipality of Utrecht, the Netherlands

16 May 2013

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- Is an area oriented approach allowed?

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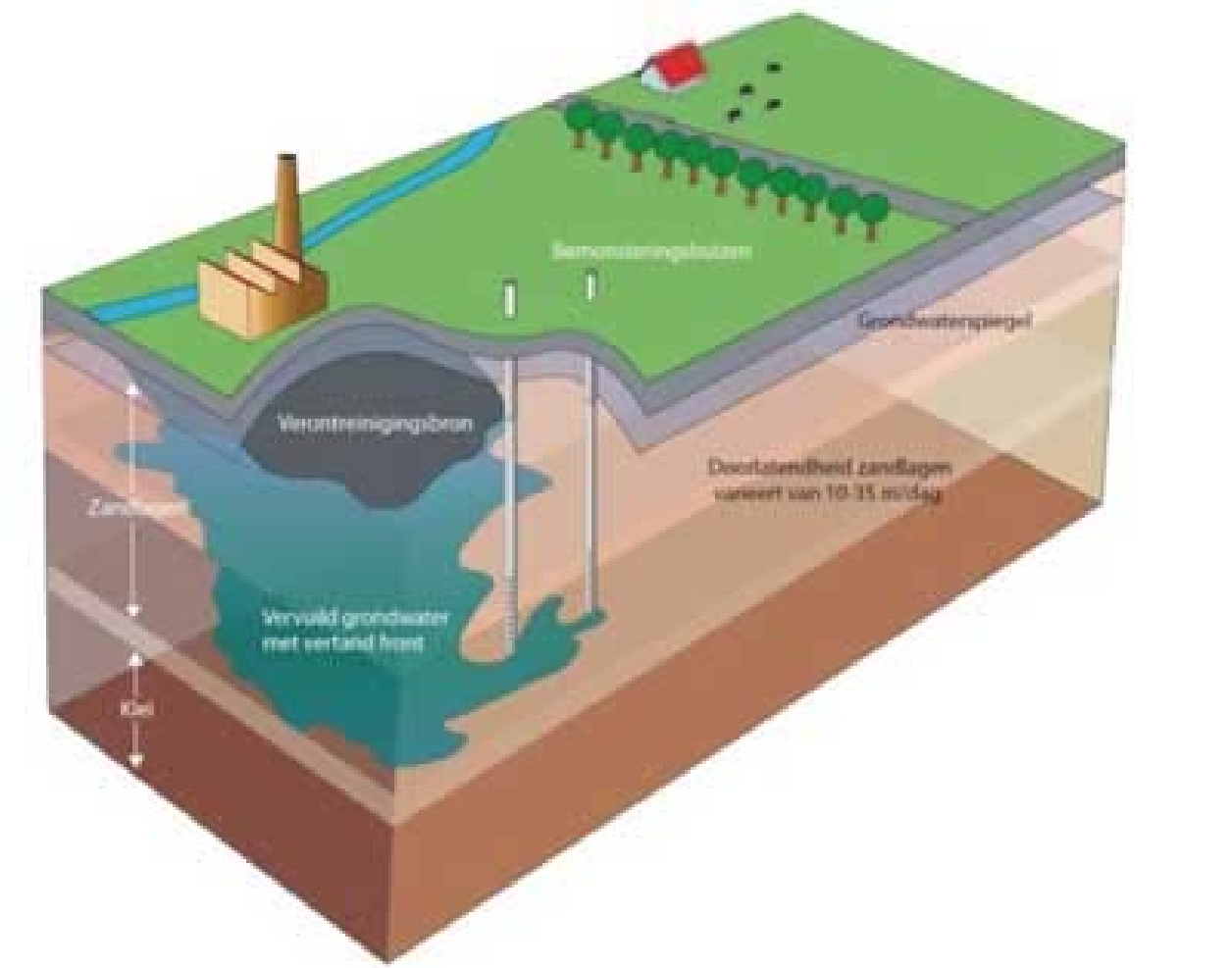
single case



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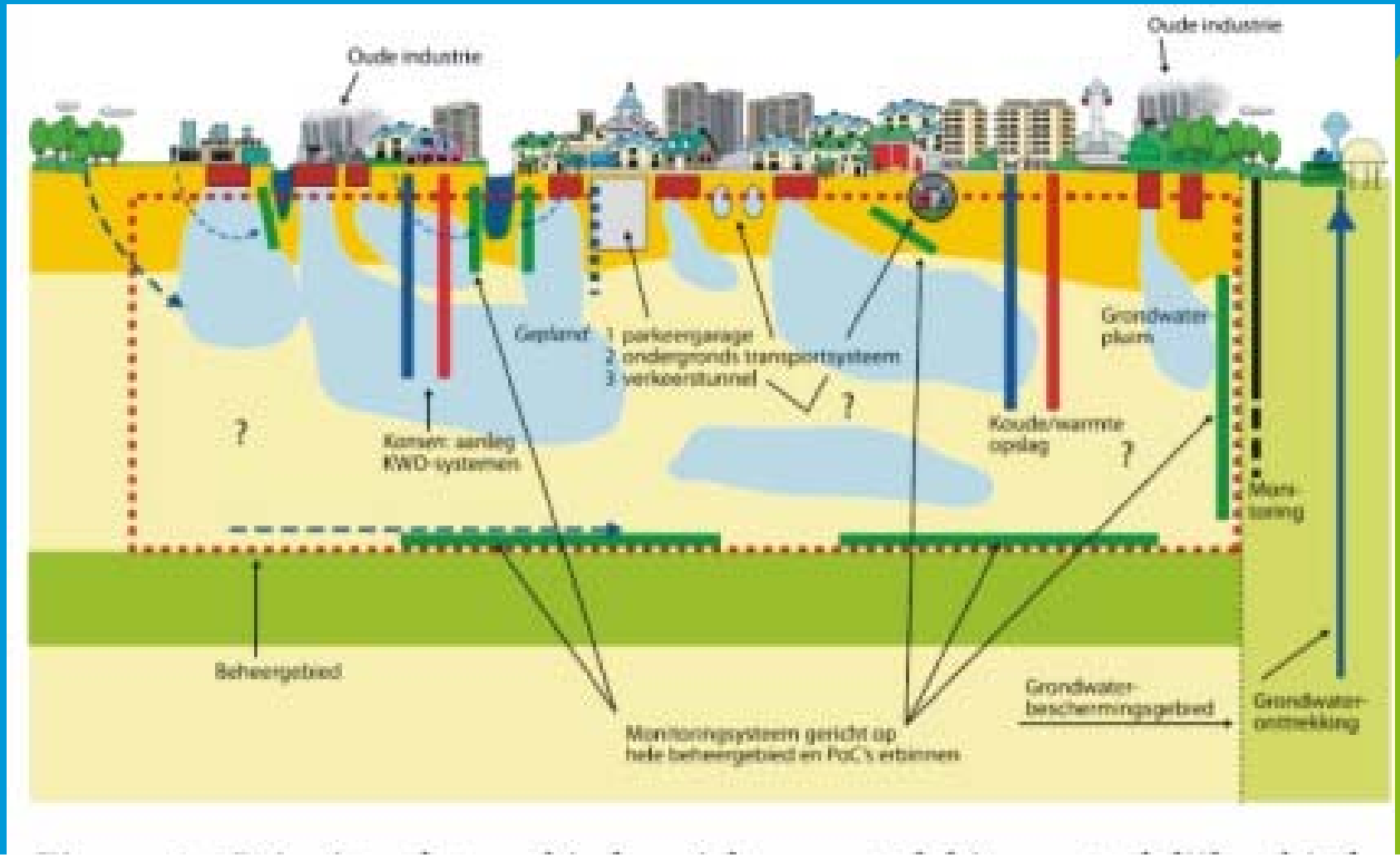
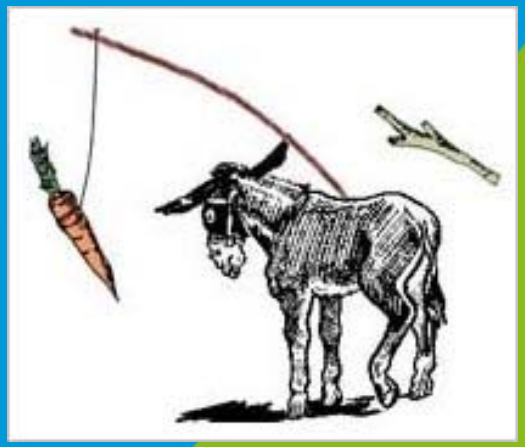
area oriented



Dealing with rules

- help for (re)development
- barriers for (re)development



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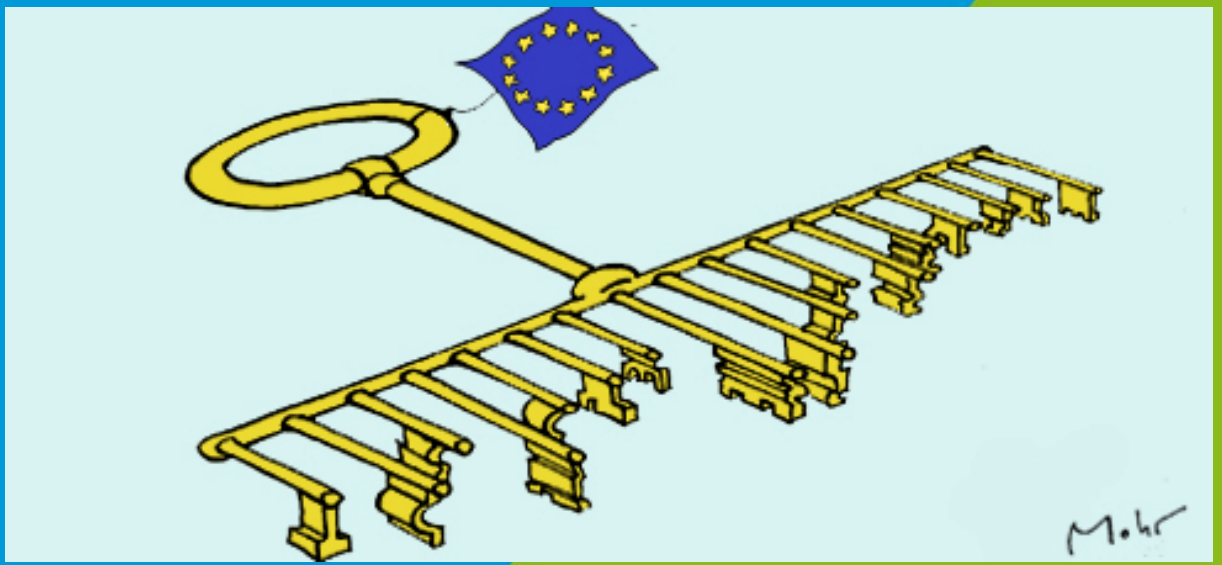
- European countries have different regulations
- basic principles are often the same
- European rules and principles for every country



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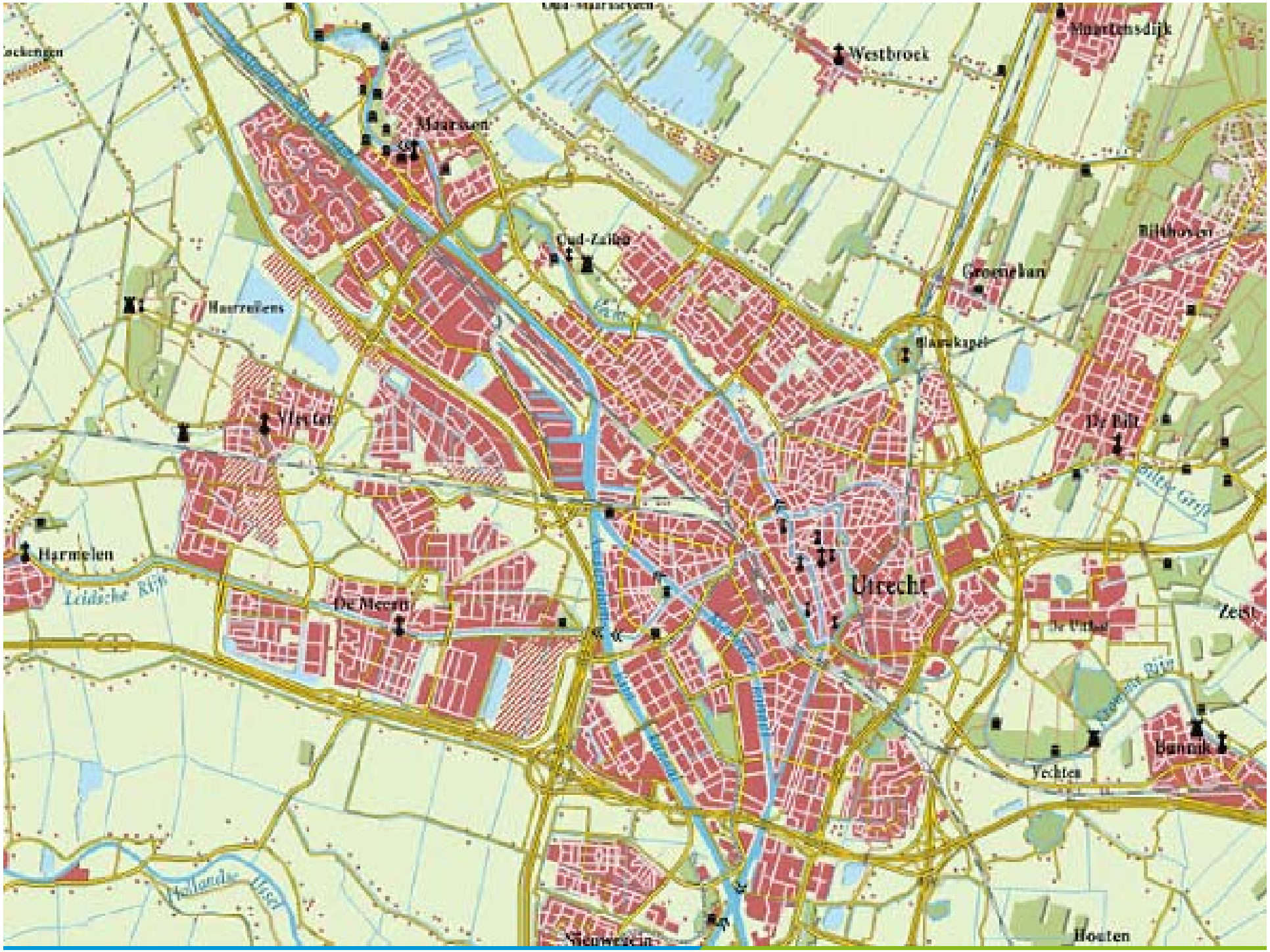
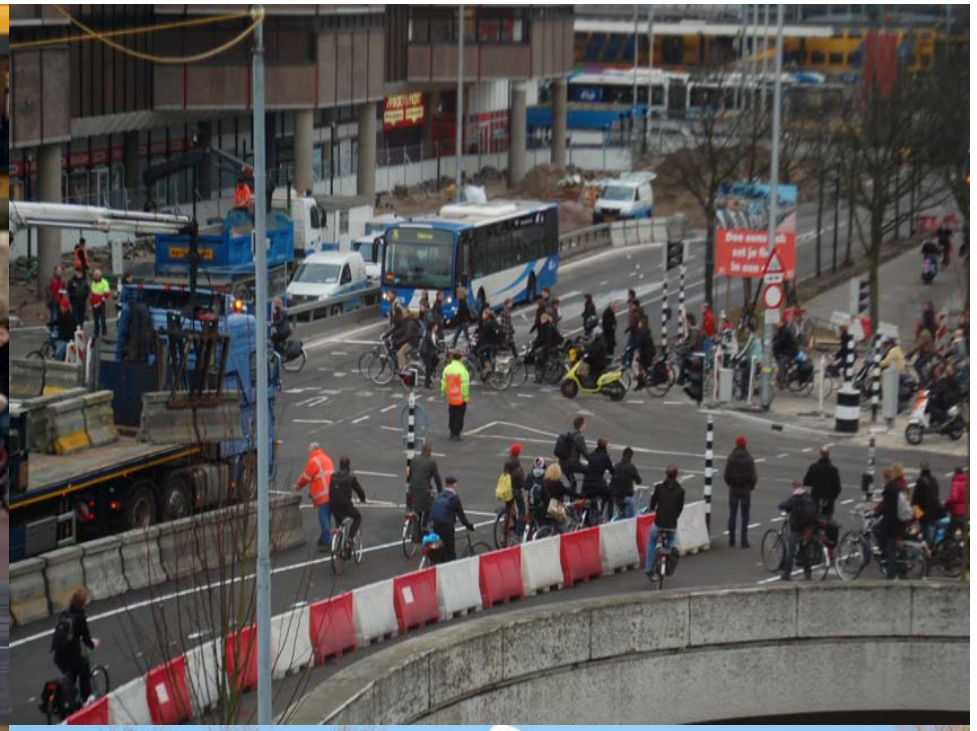
Drachten
Assen
Sneek
Den Helder
Emmen
Meppel
Hoogeveen
Alkmaar
Lelystad
Zwolle
Zaandam
Almelo
Haarlem
Almere
Oldenzaal
Deventer
Amsterdam
Enschede
Amersfoort
Apeldoorn
Leiden
Utrecht
Den Haag
Gouda
Delft
Arnhem
Doetinchem
Rotterdam
Nijmegen
Dordrecht
's-Hertogenbosch
Middelburg
Breda
Roosendaal
Tilburg
Vlissingen
Eindhoven
Venlo
Roermond


Maartensdijk
Westbroek
Maarssen
Zuilen
Bildhoven
Groenekan
Haarzuilens
Blauwkapel
Vleuten
De Bilt
Harmelen
Utrecht
De Meern
Oude Rijn
Veldhuizen
Bunnik
Vechten


Westbroek
Maarssen
Oud-Zuilen
Groenekan
Bilthoven
Maarsbergen
Vleuten
De Bilt
Harmelen
De Meern
Utrecht
Zeist
Bunnik
Vechten
Houten
Leidsche Rijn
Hollandse IJssel




Media Markt
Alle werkdagen geopend tot 21 uur
MISTER MINIT

municipal objectives

- Improving accessibility (public transport)
- Strengthening the economic structure
- Improving the quality of life
- Sustainability

- Largest urban redevelopment project in the Netherlands

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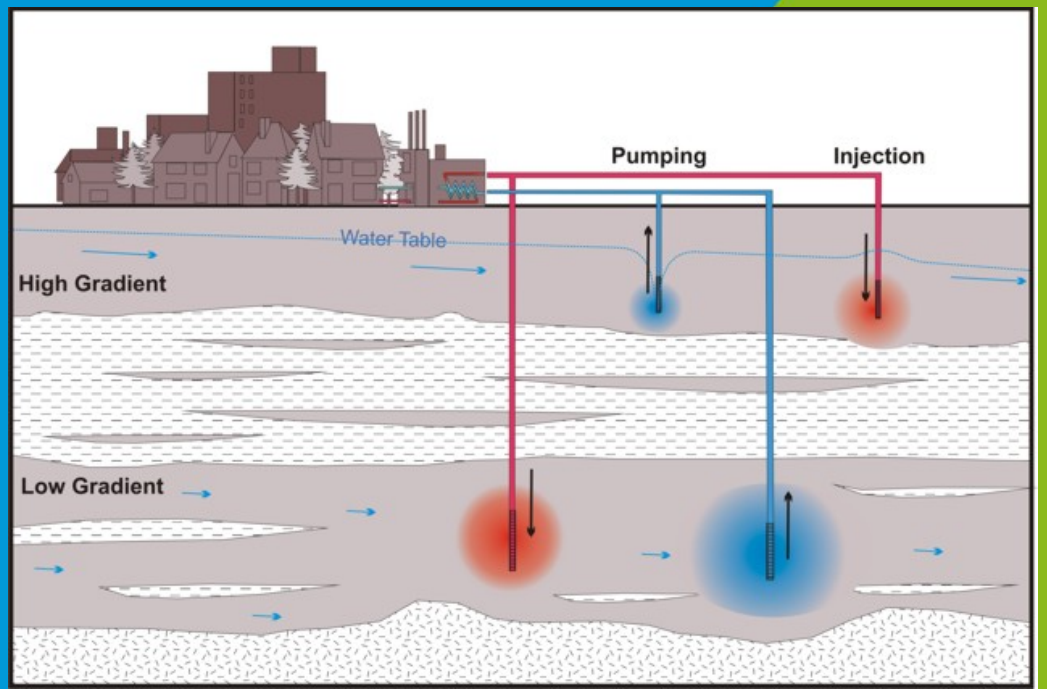
Redevelopment

- more than 90 acres restructuring
- underground constructions
- CO_2 reduction: aquifer thermal energy storage (ates)



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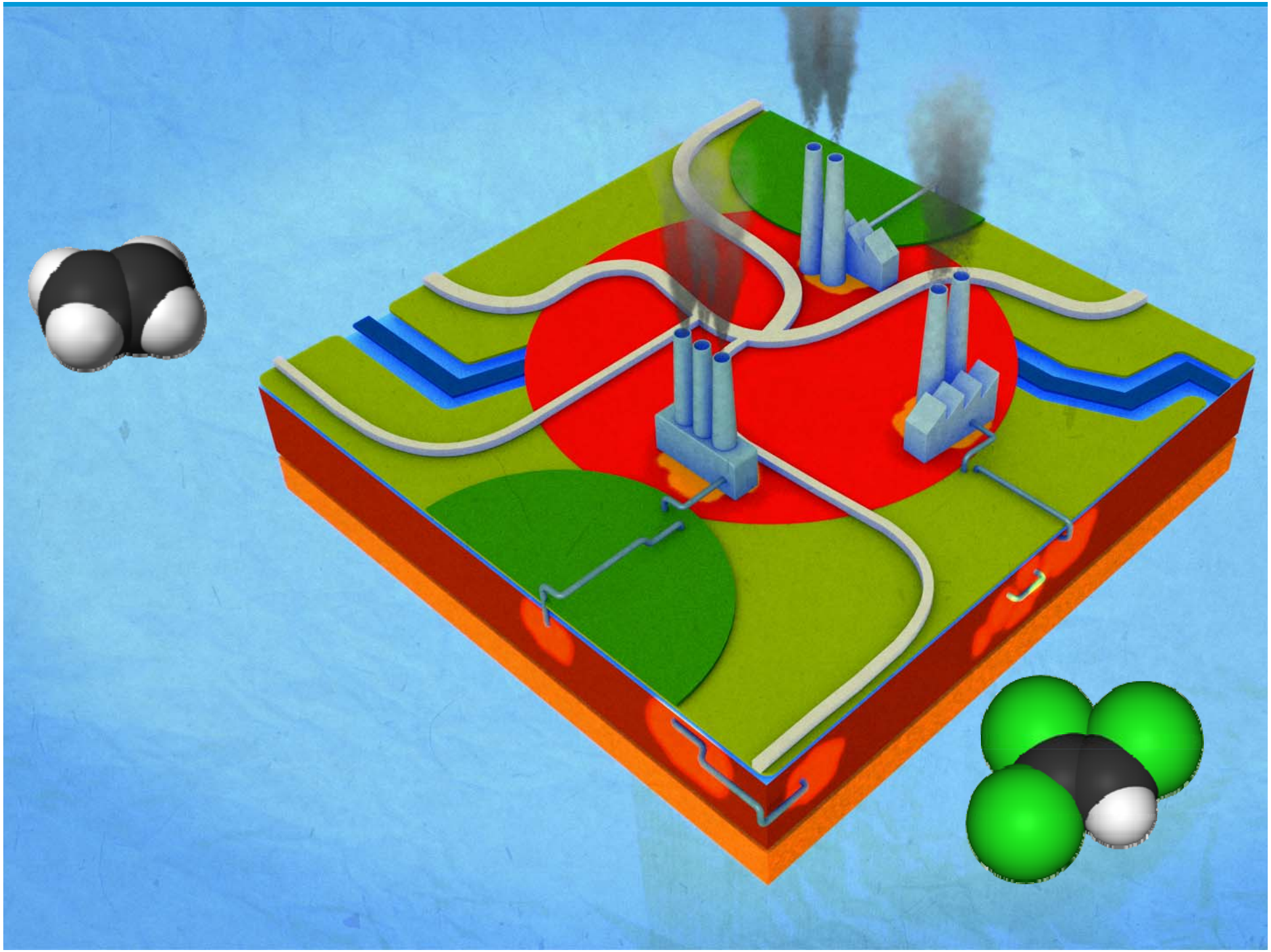
heijmans
2030.nl



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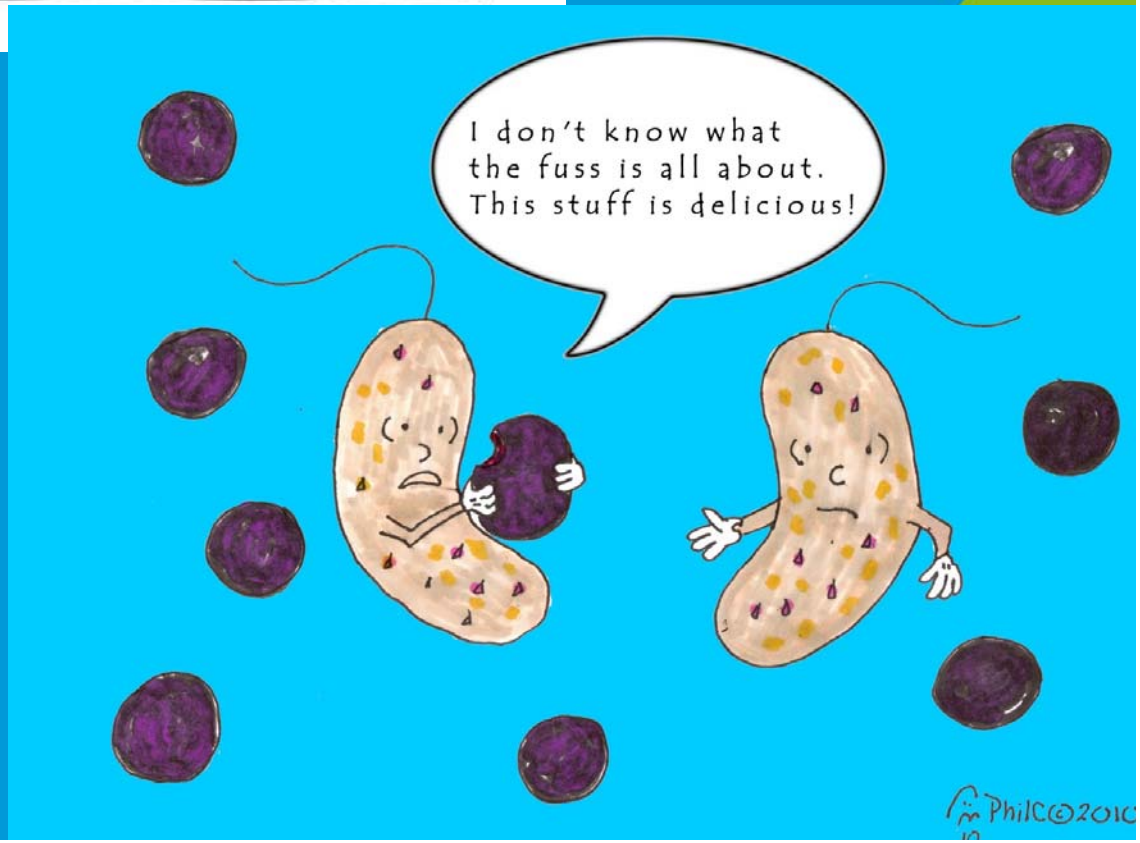

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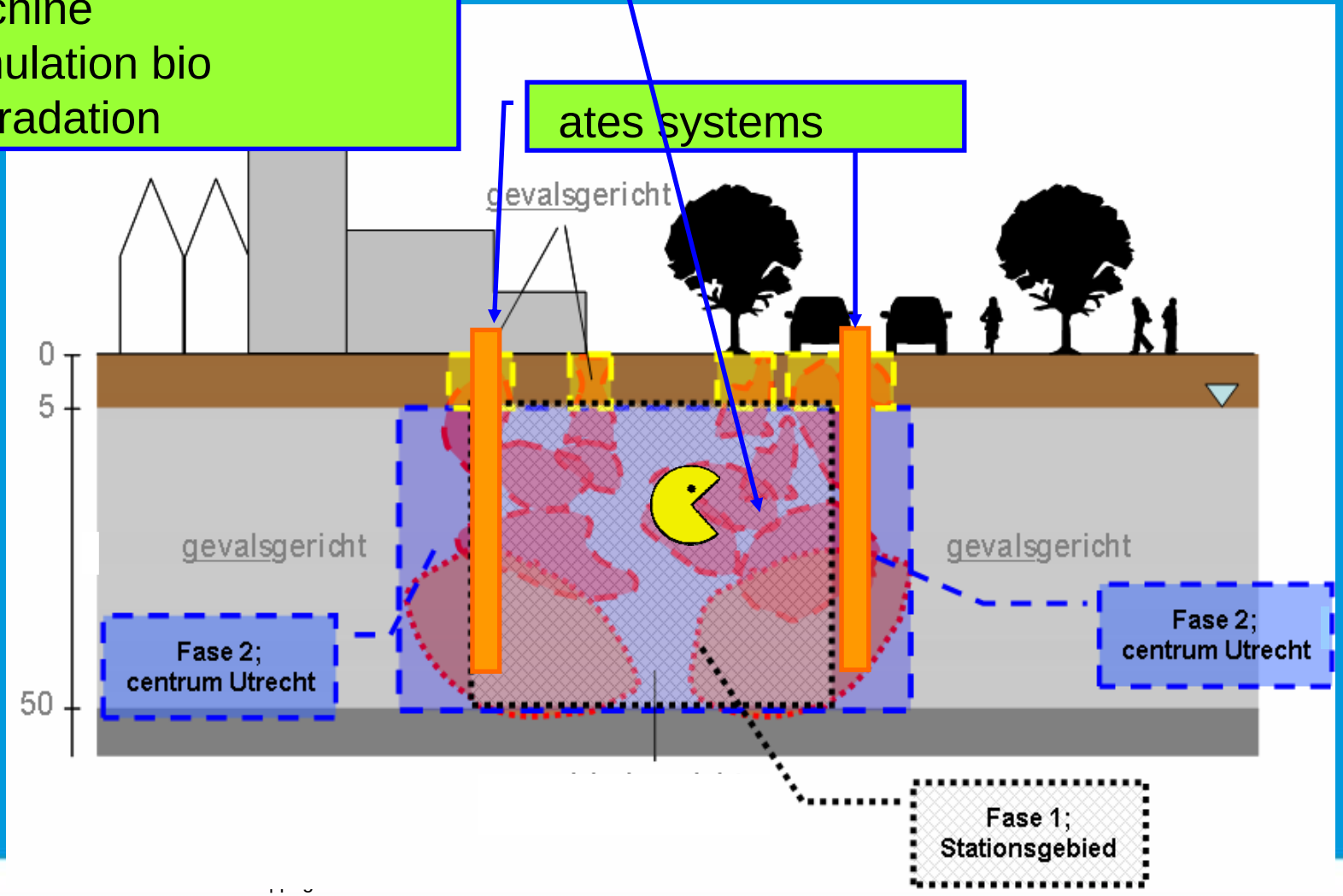
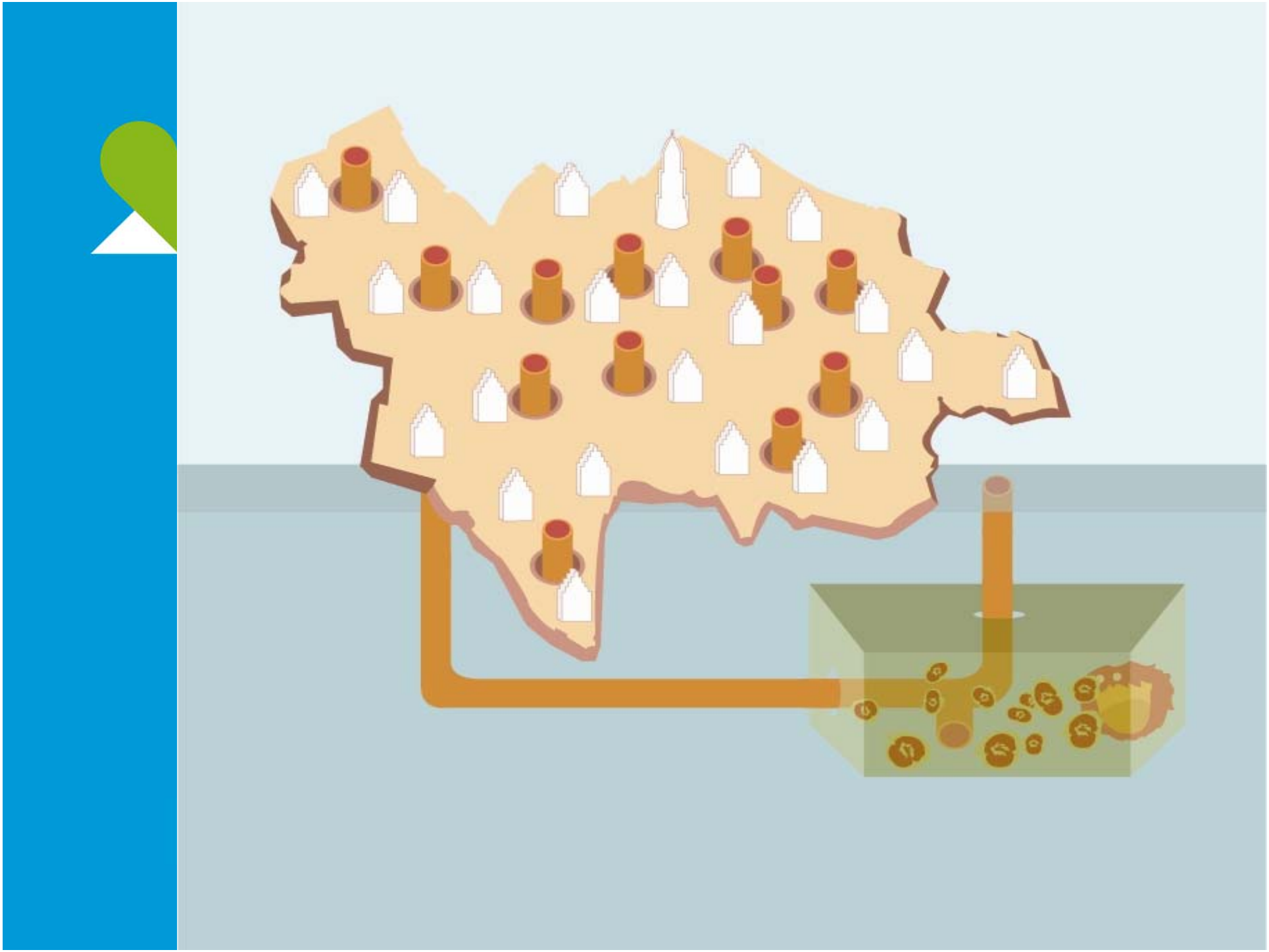
Biowasmachine

- mixing effect Biowashing machine
- stimulation bio degradation





Active spreading of polluted groundwater

allowed

or not?

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European rules and principles

- relevant rules and principles from the:
  - European Treaty
  - European Water Framework Directive
  - European Groundwater Directive

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Relevant principles

- the obligation to reach a “good chemical condition” of the groundwater
- the precautionary principle
- the “polluter pays” principle
- the sectoral scope of rules and regulations (specialty principle)
- stand still principle

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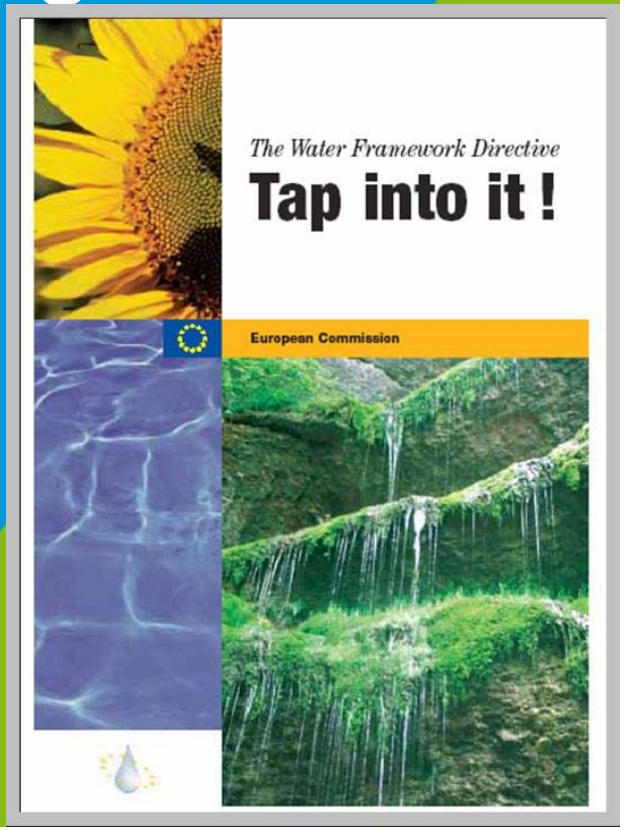
the obligation to reach a “good chemical condition” of the ground-water

- European Water Framework Directive



the obligation to reach a “good chemical condition” of the ground-water

- large groundwater bodies

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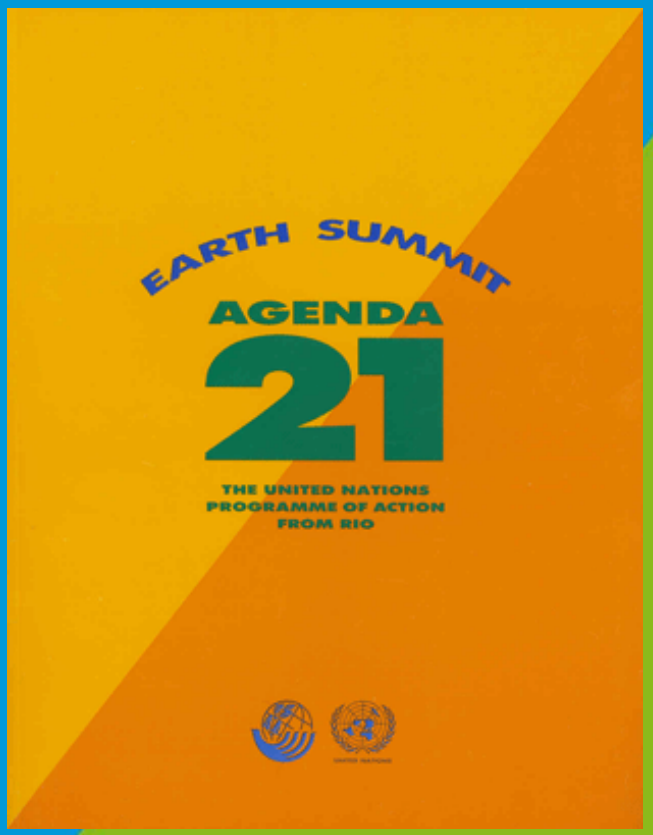
the precautionary principle



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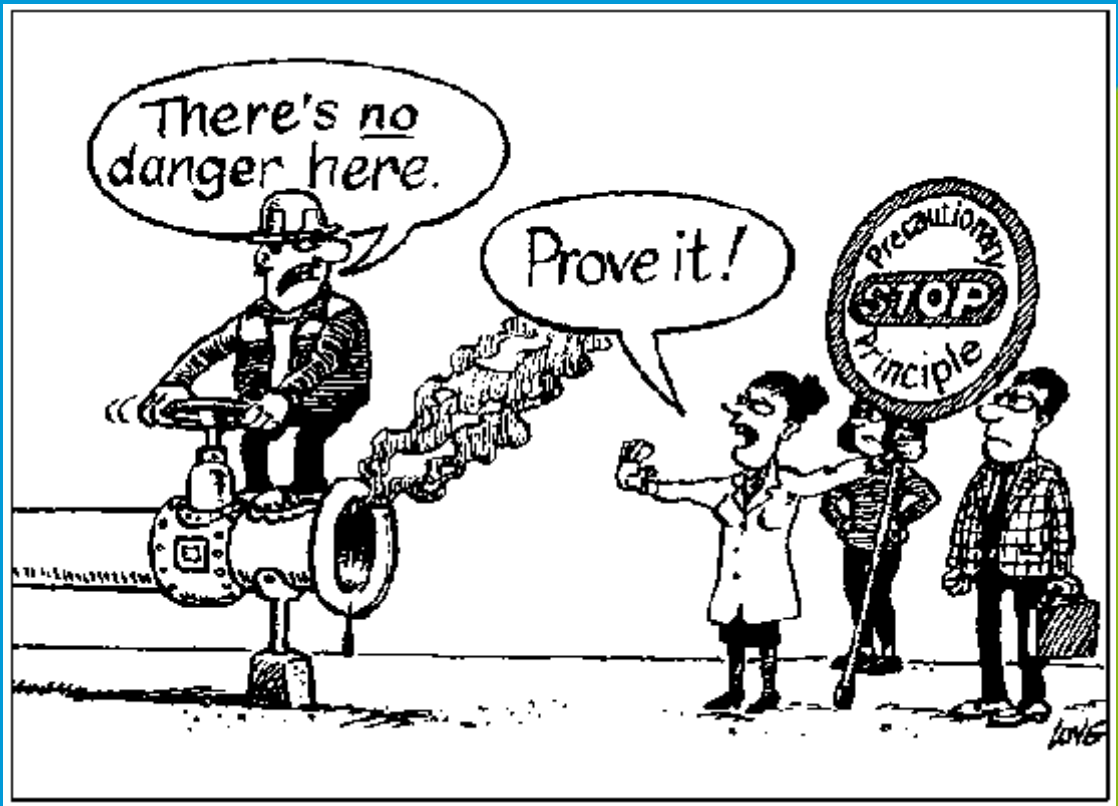
- if there is a chance of serious or irreversible damage, then the lack of full scientific certainty shall not be used as a reason for postponing measures



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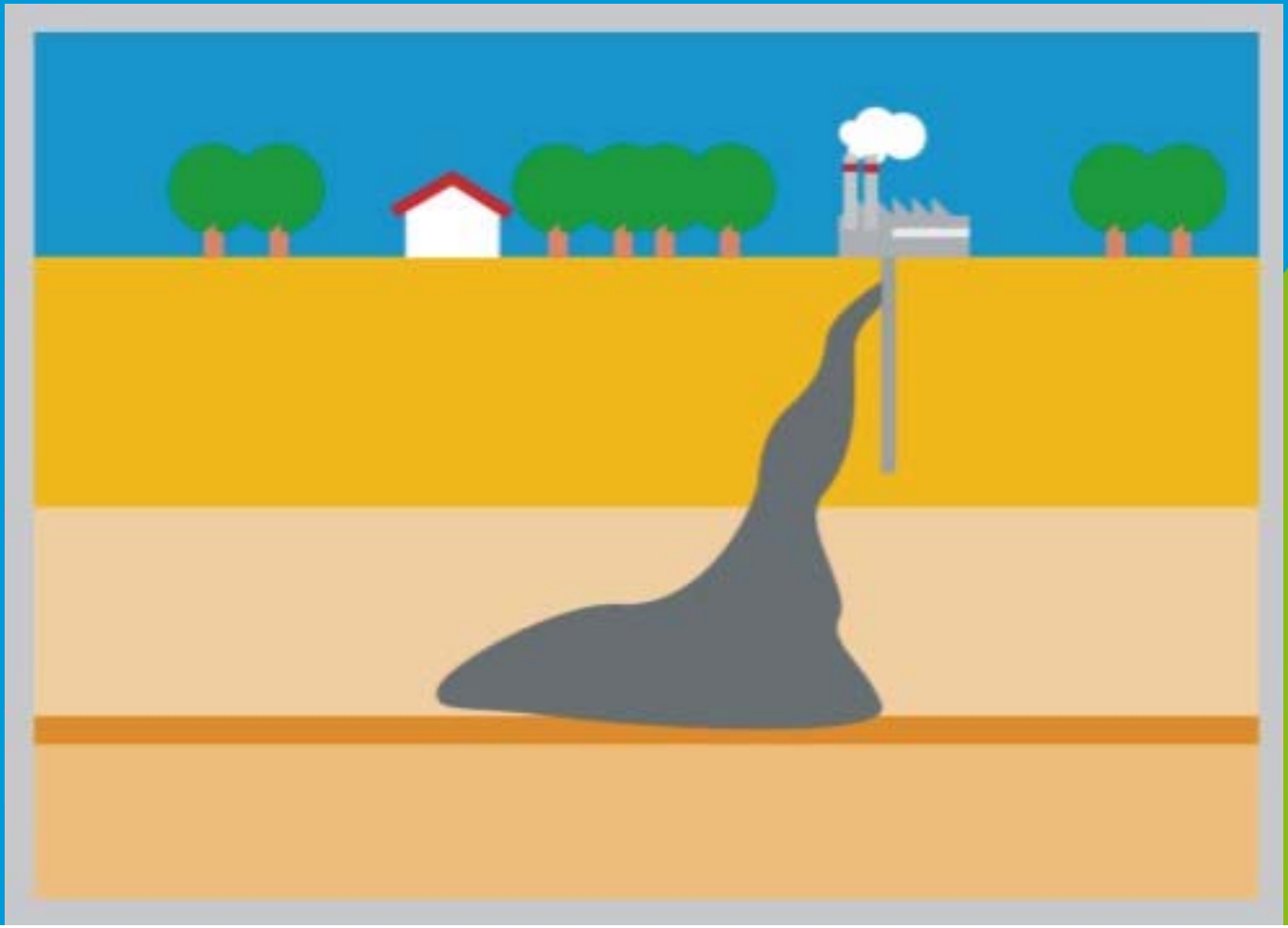
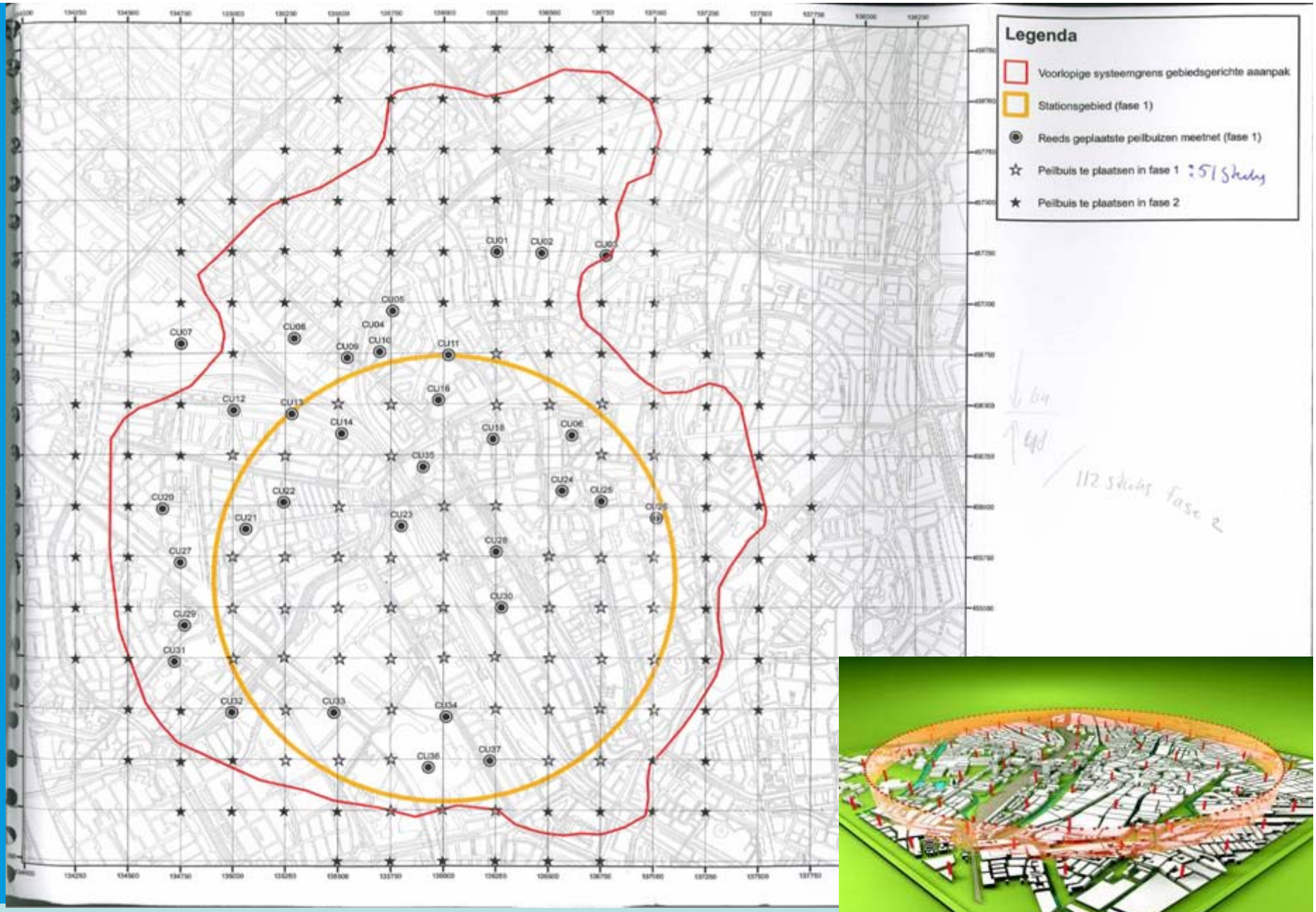
sinking layer




Legenda
Voorlopige systeemgrens gebiedsgerichte aanpak
Stationsgebied (fase 1)
Reeds geplaatste peilbuizen meetnet (fase 1)
Peilbuis te plaatsen in fase 1
Peilbuis te plaatsen in fase 2
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- standard period of validity for a spatial plan is 10 years (Biowashing machine 30 years)
- the sensitivity of the use of the area to the present soil contaminants may change

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profit principle

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who profits?

- parties confronted with remediation costs
- parties with interests in the groundwater

- paying for participation

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the sectoral scope of rules and regulations

- specialty principle: only those interests which a certain law or regulation regulates
- spatial planning: social and environmental aspects

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- spatial rules and regulations allow an integrated consideration
- formalized in a spatial agreement to obtain legal status

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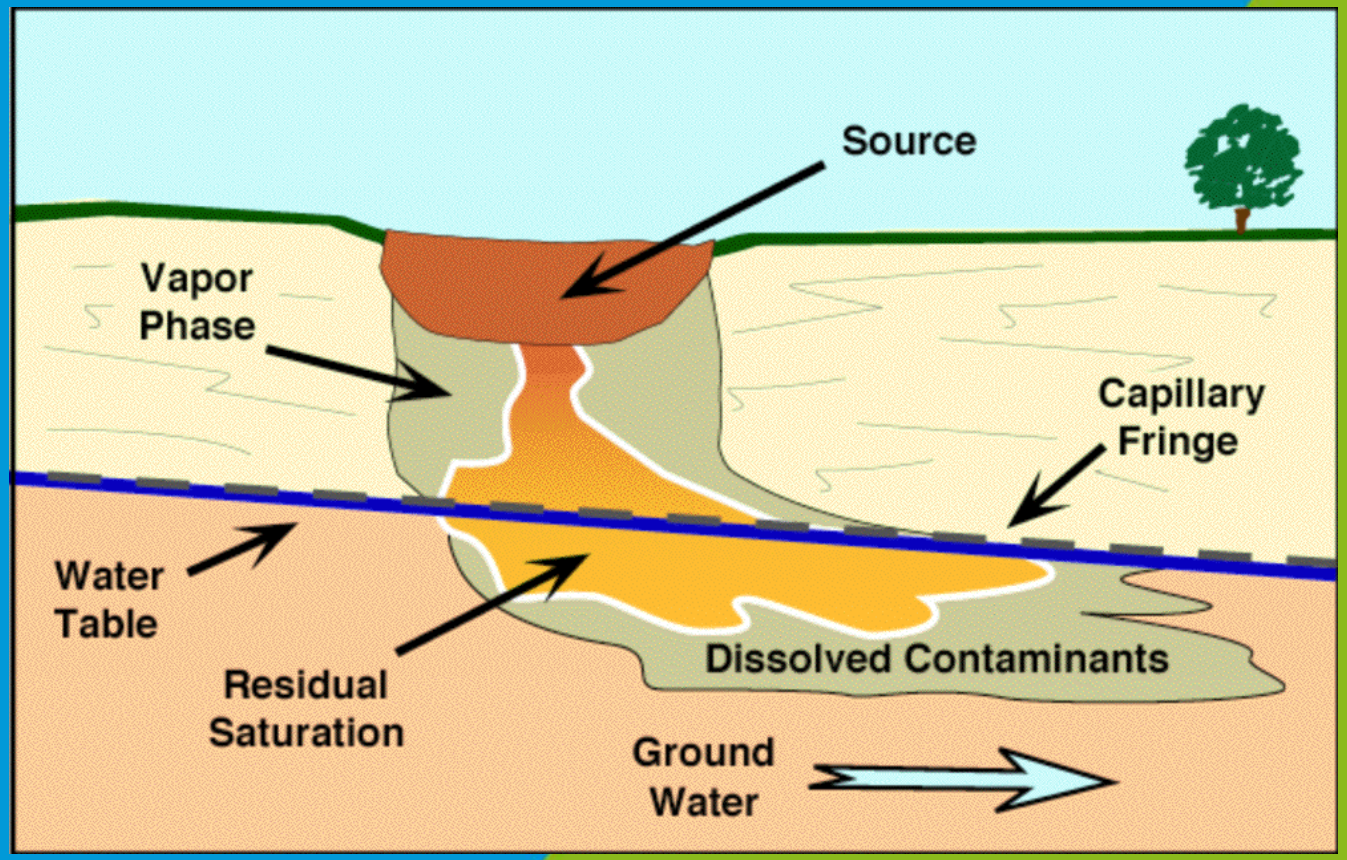
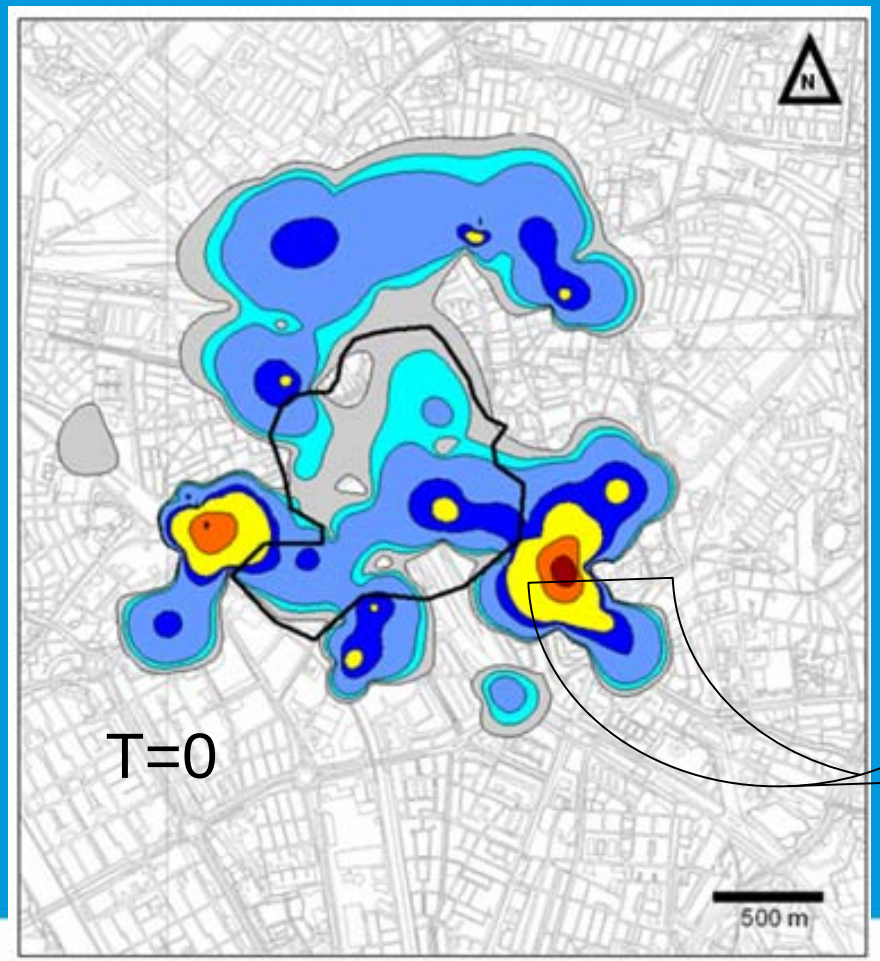
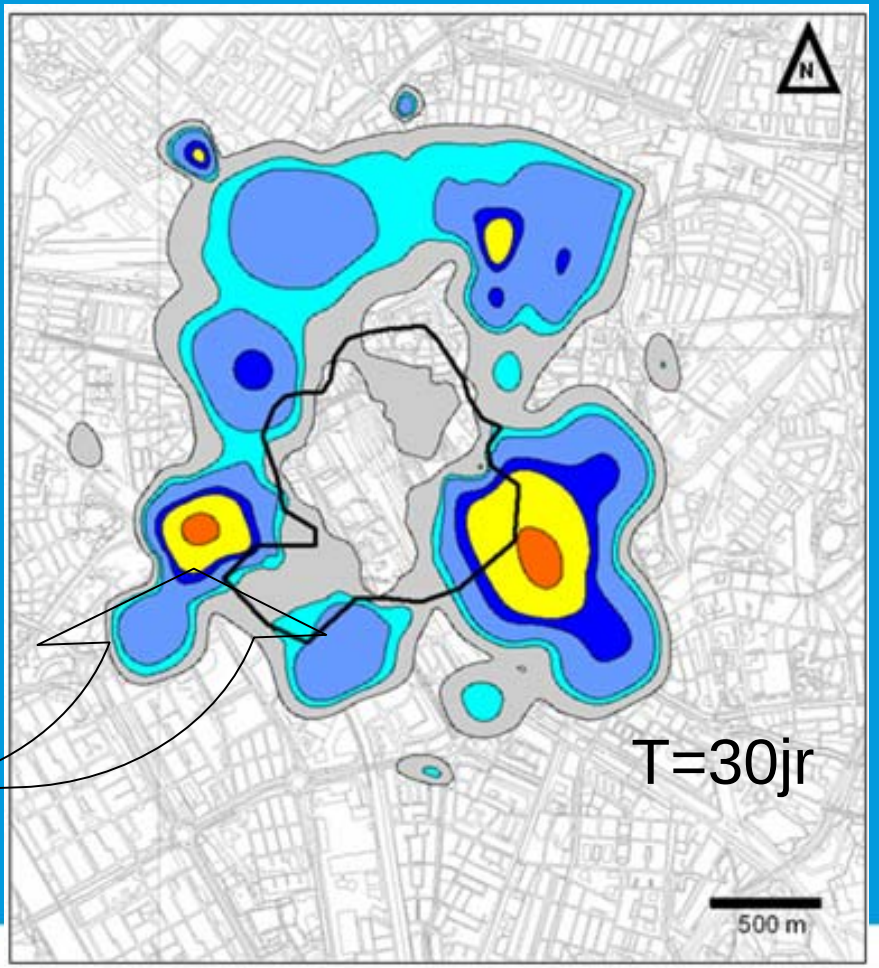
stand still principle

- Contamination may not increase



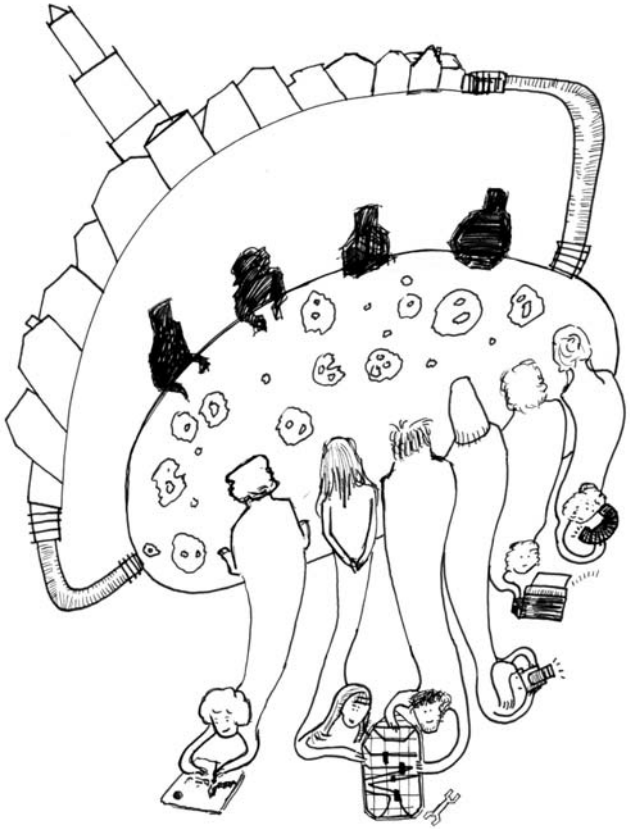
in 30 years





Yes!

An area oriented approach is allowed



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