

# THE SOIL AND GROUNDWATER TECHNOLOGY ASSOCIATION

## SAGTA REPORT 13 - THE UK'S NEW CONTAMINATED LAND REGIME

SAGTA was invited by the Environment Agency's Advisory Board to present its views on Part IIA of the Environment Protection Act 1990 (commonly called the New Contaminated Land Regime) which came into force in April 2000 for England and July 2000 for Scotland. SAGTA believes strongly that industry and the regulator can work in partnership to improve understanding of the technical issues concerning contaminated land and welcomes the opportunity to consolidate the existing good relationship. Seeking to build upon the relationship between SAGTA and the Environment Agency and the opportunity to present its views, SAGTA had a number of constructive comments to make concerning the implementation of this new contaminated land regime. This paper outlines the April 2000 presentation and suggests some areas for further partnership.

### General

SAGTA welcomes the pro-active approach to dealing with the UK's contaminated land legacy and the underlying principles behind the regime:

- suitable for use approach with cost benefit consideration
- risk based assessment and remediation
- the polluter pays principle
- the encouragement of voluntary action by responsible persons.

In parallel with Local Authorities obligation to produce strategies for investigating their own areas, SAGTA is supportive of Michael Meacher's initiative of encouraging companies to develop their own strategies for dealing with contaminated land.

### Technical Issues

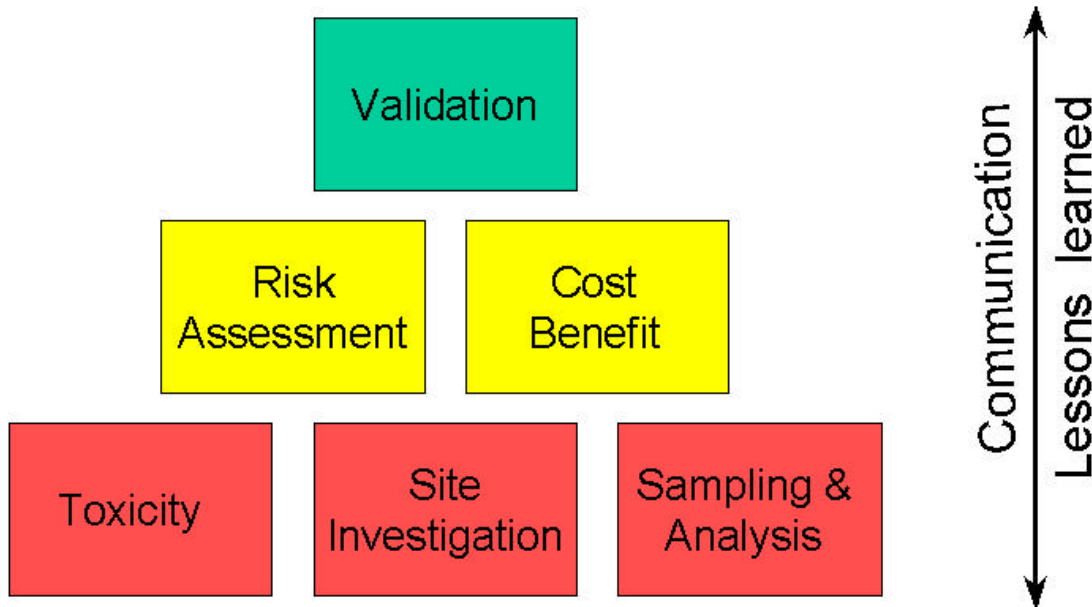
The continued delays in publishing the technical guidance on the management of contaminated land and, in particular, the risk assessment guidance is creating difficulties. There is an urgent need to ensure common understanding of good practice between the regulated, the Local Authorities and the Environment Agency. Input of this through timely training is important before Local Authority strategies are published. There is also a need to recognise that the 'good practice' will never be perfect but will be a considerable improvement on the scope of some of the existing guidance, such as ICRCCL documents, which remain in common use.

Risk assessment for many takes away the comfort of simplistic numbers and the tendency to only focus on the source of contamination. The principle of risk based assessment and remediation will require widespread training of regulators as well as landowners, funders and developers to ensure its proper use and prevent misunderstandings.

SAGTA wishes to ensure its view that the toxicological data, upon which much of our risk assessment is based, is regularly reviewed, updated and a transparent revision process is established.

Sampling procedures and chemical analysis methods are key to well founded risk assessment. SAGTA welcomes the Environment Agency's initiatives in improving quality in this area and the employment of analysis methods which are compatible with the risk assessment methods being used. It remains essential that the methods are fit-for-purpose and not simply 'approved' by virtue of procedural accreditation.

Essentially SAGTA sees these technical issues as the 'Building Blocks' supporting validation of the whole process of managing contaminated land. We recognise that reliable validation is key to sustainable development since it provides confidence to the market.



### Relationship Issues

We believe it is important that the roles of the regulators in the new contaminated land regime are well understood. In SAGTA's view there is some current public confusion over the Environment Agency and Local Authority roles in regulating contaminated land. This can even be found within companies or organisations involved with contaminated land. There is a need for clarity to minimise confusion and build trust in the roles of Local Authorities and the Environment Agency.

Good quality guidance and training of Local Authority staff is essential. SAGTA members share a concern regarding consistency of approach by over 400 Local Authorities to the development and implementation of their contaminated land strategies, their application of good practice and the communication of risk.

### Policy Issues

It is recognised that the Environment Agency policy on management of contaminated land potentially focuses on source removal or destruction. SAGTA is concerned that this does not become the default and that regulators, be they Environment Agency or local authorities, give proper consideration to removal of the pathway or the receptor (by change of use) as appropriate risk management methods.

SAGTA is supportive of initiatives such as CL:AIRE as a means of assisting the introduction and validation of remediation technologies. SAGTA is also keen to clarify and simplify the regulation of remediation technologies and remediation projects, and therefore is supportive of recent DETR initiatives to clarify impending legislation such as Waste Management Licensing and Mobile Plant Licensing. SAGTA believes that a single regeneration licence approach should remain the ultimate goal.

SAGTA recognises that considerable work has been carried out within the Environment Agency and the DETR to clarify the interface with related existing legislation. We welcome the Environment Agency's intent to take a pragmatic approach to possible conflicts and would encourage continuing dialogue during the implementation of the contaminated land regime. SAGTA would welcome further devolvement of the understanding at the centre to the local regulators.

### ***How can SAGTA Contribute?***

1. *Interaction:* SAGTA has commenced improving dialogue with the LGA by invitations to our workshops and by including LGA on our circulation lists.
  2. *Technical Matters:* Drawing on the considerable experience of our members, SAGTA is willing to assist in the drafting of example Remediation Statements to help improve the flow of information.
  3. *Peer Review:* SAGTA is keen to continue to be available to peer review good practice documents.
  4. *Training:* SAGTA is interested to explore how it may be able to assist in contributing to the training programmes of Local Authority or Environment Agency regulators
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