The Environment Agency’s perspective of the Guiding Principles’ contribution to good practice

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The need for guiding principles – what we said back then

- We prioritise our work so might not always be able to get involved
- Getting advice from us can be slow
- There’s a lot of guidance to remember – even finding it can be hard
- Providing advice up front is ‘better regulation’
- Land contamination is cross-functional
Active industry participation

- What do they know anyway?
- SAGTA and AGS involved as sounding boards in the early stages of development
- Iterative process
- Targeted key industry groups including EPUK, LACORS, CIEH, EIC, SAGTA, AGS and received lots of useful feedback
GPLC2 – FAQs, technical information, detailed advice and references

March 2010
What they tried to do

• Clarified the EAs roles and responsibilities e.g. our limited role on human health
• Promoted CLR11 approach
• Provided a translation of CLR11 with our regulatory roles in mind i.e. water and waste issues in particular
• replaced our Environment Agency requirements for land contamination reports
What they tried to do

• Encouraged adoption of good practice by signposting key legislation, policies and guidance
• Tackled topics we knew people often got wrong or frequently debated with our regulatory officers
• Set a benchmark all understood and agreed
1.0 Risk assessment (focusing on risks to water) (continued)

- Archived planning application, permit or operational records may describe site activities or layout in detail.

You should remember that not all contamination will be associated with former industrial activities, and may have resulted from naturally elevated levels or diffuse anthropogenic input. In addition, many urban sites may have been landscaped with imported fills (that is, made ground), which may themselves be contaminated.

8. How should I take climate change into account?

It is now widely accepted that our climate is changing and will continue to do so. Such changes could result in new pollutant linkages being formed, as well as cause changes to those you identify in your conceptual model.

Specific research about the effects of climate change on land contamination is limited, but the general principles can be considered qualitatively. For example, you can consider the likely impacts of changing temperature and water balance on the sources, pathways and receptors identified in the conceptual model. Where necessary, complete risk assessments for likely 'what if?' scenarios, to 'future-proof' your actions.

Potential environmental effects of climate change should be considered when a site is developed. This is stated in planning policy and guidance, for example:

- **Planning Policy Wales 2002**;
- Communities and Local Government’s (CLG’s) **Planning Policy Statements 1 and 23**;
- CLG’s **The Planning Response to Climate Change: Advice on Better Practice**.

The **UK Climate Impacts Programme** (UKIP) provides climate projections, guidance and tools to support decision making. For example:

- **UK Climate Projections 2009**;

9. What risk assessment methods or tools can I use?

There are many methods and tools available, but you should ensure that the ones you choose are appropriate for the UK risk management framework (as described in the **Model Procedures**). Documents that describe approaches or tools for water risk assessments include:

- **Remedial Targets Methodology: Hydrogeological Risk Assessment for Land Contamination** (Environment Agency 2006);
- **Technical Advice to Third Parties on Pollution of Controlled Waters for Part 2A of the Environmental Protection Act 1990** (Environment Agency 2002);
- ConSim 2 **Contamination Impact on Groundwater: Simulation by Monte Carlo Method**;
- **CLR1 A Framework for Assessing the Impact of Contaminated Land on Groundwater and Surface Water** (Department of the Environment 1994) (Volumes 1 and 2 available to download).

Tools and models developed in other countries or for other purposes will not always fit the UK framework well and should not be used without appropriate adjustment or refinement.
3.0 Implementation of remediation

During the implementation stage you finalise your strategy, implement it and monitor its success. Key aspects are confirming what permits and licences you need, and obtaining them.

27. What other permits or licences might be needed?

You must obtain any permits required for the proposed remediation scheme prior to commencement. This might include planning permission or permits issued by other organisations, and permits issued by us.

Where remediation involves the removal and/or disposal of water, a number of permits could be required. For example:

- If you need to abstract surface or groundwater (more than 20m³/day) as part of a remediation scheme, an abstraction licence will be required (as explained on our water abstraction web page).
- If you need to discharge water into surface waters, a discharge consent will be required (as explained on our discharge consents web page).

- If you plan to dispose of listed substances into or onto land, you may need a groundwater authorisation (as explained on our groundwater authorisations web page).
- If you need to re-inject treated water to groundwater, these activities must not cause an unacceptable discharge to groundwater and must be controlled through a discharge consent.

Our specific requirements relating to the re-injection of groundwater are detailed in Remediation Position Statement No. 3A and Groundwater Protection: Policy and Practice (GP3), Chapter 9 of Part 4 (Legislation and Policies) covers land contamination issues specifically.

You can find general information about these and other licences on our Netregs web site and Do you require an Environmental Permit? page.

28. What waste legislation applies to remediation?

Contaminated material that is excavated, recovered or disposed of is sometimes waste. Where it is waste, its handling, transport, treatment, disposal or re-use can be subject to waste management legislation, which includes:

- Duty of Care Regulations 1991 (as amended);
- Landfill (England and Wales) Regulations 2002 (as amended);
- Hazardous Waste (England and Wales) Regulations 2005 (as amended);
- Environmental Permitting (England and Wales) Regulations 2007.

Problem holders should ensure that all contaminated materials are adequately characterised, both chemically and physically, and that the permitting status of any proposed operation is clear. If in doubt, contact us for advice at an early stage to avoid any delays.

You will find lots of useful information about regulatory requirements on the NetRegs web site.
Why discuss this now?

• GPLC 1 and 3 archived
• They need updating
• A type of guidance that we cannot produce
• Opportunities to integrate:
  • Between regulators
  • Industry and regulators
  • Between nuclear and land contamination sector
Water and Land Library (WALL)

WALL is a freely available, extensive list of links to past and present water and land references published by the Environment Agency, AGS, BRE, CIRIA and other useful industry publishers. It mirrors the Information Map that is in part III of CLR 11 Model Procedures for the Management of Land Contamination.

CL.AIRE invites industry professionals to recommend additional documents that they would like included in this library. Please register on this website and login in order to access the document submission form. Registration is free.

To submit a recommendation or provide feedback, please click here->>
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Key documents

- Useful Government Legislation and Guidance by country
- Model Procedures (CLR11)
- Guiding principles for land contamination (GPLC) - describing the EA's view of the key principles (to be updated)
- Guidance for the Safe Development of Housing on Land Affected by Contamination
- DoE Industry Profiles

Risk assessment (INFO-RA)

Risk assessment is the formal process of identifying, assessing and evaluating the risks to health and the environment that may be posed by the condition of a site. If a site is contaminated, a risk assessment helps you decide whether it is a problem.

- Risk assessment - preliminary (INFO-RA1)
  Topics Include: DOE Industry Profiles, Special Sites, Conceptual Site Models, information gathering and systems
NOTE: Documents bearing the circular SAFEGROUNDS icon are official SAFEGROUNDS documents and have been developed through a review process leading to consensus-based endorsement by the Steering Group.

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<td>James Penfold</td>
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<td>Approach to managing contaminated land on nuclear-licensed and defence site - an introduction</td>
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Practicalities

- Should we do something?
- Who does it?
- Funding
- Format (web based or pdf etc)
- Style and content
Options for future guidance - content

• EA’s requirements or others too?
• Water and waste focus or wider?
• Conventional contamination or radioactive?
• England only?
• Industry owned instead of EA?
Options for future guidance – new uses

• Annual snapshot of policy and guidance
My perspective on their contribution to good practice

- Reinforced CLR11 approach
- Dispelled common myths
- Introduced some new considerations
- Joined up good practice
- Industry collaboration
- Handshake between regulators and regulated