

Action plan Flanders

December 2019



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Part I – General information

Project: COCOON, Consortium for a coherent European Landfill Management Strategy

Partner organisation: Public Waste Agency of Flanders (OVAM)

Other partner organisations involved (if relevant): VITO NV (Cleantech Flanders)

Country: Belgium

NUTS2 region: Provincie Antwerpen

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Part II – Policy context

The Action Plan aims to impact:

- Investment for Growth and Jobs programme
- European Territorial Cooperation programme
- Other regional development policy instrument

Name of the policy instrument addressed: Soil Remediation Act (Soil Decree, 2006)

Part III – Details of the actions envisaged

Action 1: Obligation to perform an Preliminary Soil Investigation for all potentially contaminated sites (modification of the Soil Decree)

1. The background

In March 2017 the COCOON partners from Flanders developed a questionnaire on different aspects of mapping of landfills and policy. All COCOON partners filled in the questionnaire, OVAM analysed them and summarised the findings in the report on mapping (see annexe 1 or link to COCOON website). This report revealed that correct and compatible data are lacking for old historical landfills in all COCOON regions; and in case there is a primitive form of data, this information is in general not comparable with other regions.

As for an optimal management of the landfill patrimonium, reliable data on the landfills in its region are absolutely necessary OVAM increased its efforts and accelerated the modification of the Soil Decree, in order to be able to obtain data on historical landfills.

Many discussion were held during Interregional Exchange of Experience (IEoE) meetings and bilateral discussion with the partners Rijkswaterstaat and LfU Brandenburg on the existing databases and ways to improve the existing data, as well as means to get the data in the database.

Many discussions were held with Rijkswaterstaat about the good practice NAVOS (Nazorg Voormalige Stortplaatsen) which contained the “Verkennd Onderzoek Stortplaatsen (VOS)” (Exploratory Research Landfills) and the good practice on the Dutch Green Deal (see annexes 2 and 3). NAVOS was mentioned in the COCOON questionnaire and was picked it up from there on.

The innovative policy of LfU Brandenburg was first presented at the IEoE1 meeting in Mechelen in 2017, we refer to the research of old landfills and collection of data on old landfills executed some 30 years ago with ERDF funding, and summarised in the Altlastenkataster (good practice ALKAT, see annexe 4). After this first encounter, information was exchanged (reports, papers) and the COCOON partners from Flanders and Brandenburg still have many discussion on this methodology.

VOS and ALKAT all are about the consistent screening of the detected landfills on the territory, to ensure that this information can be used in a later stadium to perform dynamic landfill management.

The discussions between Cleantech Flanders, OVAM, Rijkswaterstaat and LfU Brandenburg on data on former landfill sites led to increased insights for the Flemish partners. It is logic that each country’s law and government works in a different way, so in stead of implementing it one on one we just interpreted it so it would work in our Flemish existing policy, i.e. the Preliminary Soil Investigation (Oriënterend Bodemonderzoek, also known as OBO).

2. Action

For an optimal management of the landfill patrimonium, OVAM needs data on the landfills in its region. With support form the COCOON partners OVAM increased its efforts and accelerated the modification of the Soil Decree, in order to be able to obligate owners of (potentially) contaminated land plots to do an orientated soil investigation to compile data. These data will be collected on an uniform and standardized manner, thus avoiding non-compatible data sets. The non-compatibility is one of the biggest problems we see on a national but also regional level and strongly obstructs collaboration (cfr report on mapping).

The policy change in the soil decree is related to improved management as a new methodology for monitoring potential polluted soils such as landfill sites is determined. The Soil Decree was adapted in order to reinforce investigations on land plots, it is now an obligation to include an orientated soil investigation in case a land plot has a suspected or proven historical contamination. Legally there is no distinction between these historical contaminations or historical landfills. Thus, the new legislation contributes to the current landfill management of Flanders. The positive results of this decision to change the Soil Decree, is the investigation of all historical landfills by 2024. The modification of the Soil Decree will oblige owners of (potentially) contaminated land plots to do an orientated soil investigation to collect data. These data will be collected on a uniform and standardised manner, thus avoiding non-compatible data sets. The non-compatibility is one of the biggest problems we see on a national but also regional level and strongly obstructs collaboration (cfr. report on mapping). 2024 is a deadline that the government of Flanders has imposed on itself. The procedures would rarely be applied on real life projects if it wasn't for this legislative update, since it is economically uninteresting to do this. In this way, the Public waste agency of Flanders will have an overview on all 2500+ landfill sites by 2024. This is a deadline that the government of Flanders has imposed on itself and fits perfectly in OVAM's main goal: creating inventories so future research and management will be simplified.

This work was done mainly by OVAM. Regular contacts with Cleantech Flanders and the stakeholders (in stakeholder group meetings and in bilateral meetings or conversations) supported the work of OVAM to propose the change in the Soil Decree to the Flemish minister of Environment and Flemish parliament. This proposition was approved.

Key data for this policy change are November 29, 2017 when the Flemish Parliament approved the previously mentioned modifications on the Soil Decree; and February 12, 2018 when the decree became active. This is ten days after the publication in the Belgian official journal of February 2, 2018; a standard procedure in Belgian legislation.

3. Players involved

OVAM prepared the modification of this law and could rely on the expertise of his own staff. Colleagues with specific skills in technical environmental issues wrote a draft version which was discussed with our legal department. Within the decision process, OVAM also consulted

several stakeholders groups (VEB / VOBAS: network of accredited soil experts: OVB : network of environmental contractors).

4. Timeframe

The modification of the soil remediation decree was implemented in 2018.

5. Costs

There were no substantial costs related to the modification of the soil decree.

6. Funding sources

The staff costs needed for this policy change was entirely paid by OVAM.

Action 2: Development of guidelines of good practice to enhance the inventarisation of all landfills in Flanders by 2028.

1. The background

As mentioned in action 1, the report on mapping revealed that correct and compatible data are lacking for old historical landfills in all COCOON regions; and in case there is a primitive form of data, this information is in general not comparable with other regions.

As for a optimal management of the landfill patrimonium, reliable data on the landfills in its region are absolutely necessary OVAM increased its efforts and accelerated the modification of the Soil Decree, in order to be able to obtain data on historical landfills (action 2).

Many discussion were held during Interregional Exchange of Experience (IEoE) meetings and bilateral discussion with the partners Rijkswaterstaat and LfU Brandenburg on the existing databases and ways to improve the existing data, as well as means to get the data in the database.

Information on data collection in the Netherlands was described in the good practice NAVOS (Nazorg Voormalige Stortplaatsen) which contained the “Verkennd Onderzoek Stortplaatsen (VOS)” (Exploratory Research Landfills) (see annexe 2). NAVOS was mentioned in the COCOON questionnaire and was picked it up from there on.

LfU Brandenburg first presented the research of old landfills and collection of data on old landfills executed some 30 years ago with ERDF funding at the IEoE1 meeting in Mechelen in 2017. This was summarised in the Altlastenkataster (good practice ALKAT, see annexe 4). After this first encounter, information was exchanged (reports, papers) and the COCOON partners from Flanders and Brandenburg still have many discussion on this methodology.

VOS and ALKAT and the modification in the soil remediation decree (action 1) all are about the consistent screening of all known landfills on the territory, to ensure that this information can be used in a later stadium to perform dynamic landfill management.

The discussions between Cleantech Flanders, OVAM, Rijkswaterstaat and LfU Brandenburg on data on former landfill sites led to increased insights for the Flemish partners that will result in guidelines of good practices to smoothen the inventarisation of all landfills istes by 2028.

2. Action

The Soil Decree introduces a tiered approach of dealing with soil contamination. It distinguishes several steps of investigation and planning: preliminary soil investigation,

descriptive soil survey, soil remediation plan, remedial action, aftercare and monitoring. Specific guidelines for each step are provided by OVAM and accredited soil experts are obliged to comply with these guidelines. Due to the specific characteristics of landfills and our new insights on Dynamic Landfill Management, OVAM will customize these guidelines in order to improve the quality.

3. **Players involved**

OVAM will prepare the modification and customization of these guidelines. We'll rely on the expertise of our own staff. Colleagues with specific skills in technical environmental issues will write a draft version in collaboration with external experts. Because of our participation in the Interreg NW Europe Rawfill, OVAM will take into account the experience and knowledge from this project. Information available from other projects on Landfill Mining (New-Mine, Minea, SmartGround) will be included. The draft version will also be discussed with local stakeholder groups (VEB / VOBAS: network of accredited soil experts: OVB : network of environmental contractors).

4. **Timeframe**

The new version will be launched in October 2020 and intensively monitored during the coming year.

5. **Costs**

Besides some staff costs at OVAM, there are no substantial costs related to the development of the guidelines.

6. **Funding sources**

The staff costs needed for the development of the guidelines will be entirely paid by OVAM.

Action 3: Development of a Dynamic Landfill Management (DLM) policy.

1. **The background**

COCOON co-organised the second enhanced landfill mining seminar in the European Parliament (November 20, 2018). COCOON Partners Cleantech Flanders, OVAM, Rijkswaterstaat and LfU Brandenburg and two stakeholders of COCOON were present among 60 participants to debate on the most relevant landfill issues. Most participants of the seminar acknowledged the need for a shift from the classic concept of eternal landfill monitoring towards a dynamic, long-term landfill management strategy. However, it became clear that the current EU Policies do not support this shift in any way yet. This seminar inspired OVAM to investigate possibilities to develop a Dynamic Landfill Management (DLM) policy in Flanders together with all interested parties. This could also lead to implementation of a DLM policy in more EU regions.

Concepts of a Dynamic Landfill Management (DLM) policy were discussed at the IEoE7 and IEoE8 meetings. The discussion did not result yet in a general consensus among all partners and will be continued in the coming periods. Four partners were very interested to continue on this: Cleantech Flanders, OVAM, Rijkswaterstaat and LfU Brandenburg. Therefore, a new

approach will be to build up support more or less partner per partner. OVAM and Rijkswaterstaat started reworking the definition of DLM, and are now further discussing this with LfU Brandenburg before presenting their insights to the other COCOON partners. This approach would allow Flanders (and the Netherlands) to continue on this action in their region, while also linking this to an agreement on dynamic landfill management on a COCOON level. This approach will allow us to use the COCOON project to move forward on this important action on both regional and COCOON level.

Policy on DLM will also be an action in the action plan of the Netherlands, close interaction will remain on this topic as Flanders and the Netherlands have many issues in common e.g. the threats of sea level rising and long term inundation due to increasing rainfall intensity and duration and the subsequent ideas on how to adapt management to these future challenges. OVAM is also inspired by the Dutch pilots on Sustainable Landfill Management (5 IEoE) in order to find alternatives for long term containment and monitoring.

2. Action

The first building blocks date from 16 October 2015: approval of the Memorandum on Sustainable Resource Management of Landfills (Duurzaam Voorraadbeheer van Stortplaatsen). The DLM was further developed during the IEoE-meetings of COCOON. The next actions will be:

- Official DLM-definition approved by OVAM board of directors;
- Organising pilots on DLM;
- List of management actions and decision making tools;
- Road map to introduce DLM on a full scale.

3. Players involved

OVAM will prepare policy documents on DLM and discuss this with the stakeholder groups according to the quadruple helix as defined in the Eurelco-network, i.e. Public bodies, private enterprises, research institutions and civil society.

4. Timeframe

The timeframe for the abovementioned actions is:

- Official DLM-definition approved by OVAM board of directors : September 2020
- Organizing pilots on DLM : 2019 – June 2021
- List of management actions and decision making tools : end 2020
- Road map to introduce DLM on a full scale : February 2020 – October 2020

5. Costs

Besides some staff costs at OVAM, there are no substantial costs related to the development of DLM policy.

6. Funding sources (if relevant):

The staff costs needed for the development of the guidelines will be entirely paid by OVAM.

Date: 27 March 2020

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Annexes:

- Annexe 1: Report on mapping
- Annexe 2: Good practice NAVOS
- Annexe 3: Good practice Dutch Green Deal
- Annexe 4: Good Practice ALKAT

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OVAM



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