

Contaminated Land News - July 2000

The Environment Agency has placed its Part IIA process documentation on its web site (http://www.environment-agency.gov.uk/gwcl/LC_Policy.htm). The documentation describes how the Agency intends to carry out its responsibilities under Part IIA of the Environmental Protection Act 1990. The documents fall within the hierarchy of the Agency's Integrated Management System (IMS) (Figure 1). The IMS helps to identify and describe those processes that will translate policy and regulation into operational requirements and practice.

The Part IIA *Process Handbook* describes the (Agency) activities involved in the Part IIA regime, and lays down which Agency officer has responsibility for particular tasks. The *Handbook* provides the process description for the Agency's role under Part IIA. The *Handbook* also includes reference to local authority activity, to ensure that Agency staff understand the context of their role. A separate local authority guide to the application of the Part IIA regime is being developed for DETR, the Local Government Association, the Chartered Institute of Environmental Health and the Environment Agency.

Procedures support individual activities, and provide detailed step by step guidance on individual tasks – many of which are similar to those carried out under other regulatory regimes. There are 6 procedural notes in all covering the following topics:

- Liaison with Local Authorities
- Local Authority Inspection Strategies
- Identification of Contaminated Land and Special Sites
- Remediation
- Agency provision of site-specific guidance for sites determined as contaminated land
- State of contaminated land report

For each procedure a number of activities are defined and responsibilities allocated in the *Handbook* and elaborated in the individual procedural notes listed above. Each process is broken down into a series of activities that form a 'sub process'. Each sub process is linked with the preceding and succeeding sub process.

Activities include 'provide information to assist in the development of local authority inspection strategies' (STRA01), 'Terminate Designation of Special Sites' (IDENT09), 'Identify Appropriate Persons' (REM02), 'Decide what needs to be done by way of remediation' (REM04).

For each activity a number of steps are defined. Each step has stated input requirements, what action needs to be taken and what the outputs should be. However the detail is at a relatively high level. For example REM02 requires that the site be designated a Special Site as an input; the action is to 'identify and consult with appropriate persons' and the output is 'appropriate persons identified'. The Procedural Note contains further detail – including a schematic flow diagram of the steps involved – including exit points to further activities.

There is of course a significant level of detail that is not contained in the documentation and where considerable technical expertise will be required. Detailed advice on Part IIA specific tasks is provided in the Agency's Part IIA Standards. The Standards deal with particular topics and are referred to in the *Process Handbook* and Procedures. The Procedures provide reference to the relevant Standards as well as other guidance material from the Agency, DETR, CIRIA and others.

The adoption of risk management principles in assessing or agreeing the extent of remediation of Special Sites is explicitly stated – and this is likely to be echoed in the equivalent guidance for Local Authorities.

Monitored Natural Attenuation (MNA) is accepted as a valid approach to groundwater remediation – but its ability to achieve remediation objectives will need to be demonstrated on a site specific basis. Guidance from the Agency on MNA is in the final stages of preparation. The University of Nottingham is working with the Agency, the Institute of Petroleum, BP Amoco, Eutech, ICI, RTDF, Shell, UK AEA and AWE to develop a distance learning course on 'how to do MNA' which will be freely downloadable from the web after this autumn's Consoil Conference.

The Agency's policy on chemical test data, which will be phased in over 12 months from this October, is restated. In essence chemical analyses to support regulatory compliance must be accompanied by an estimate of bias and precision and a description of the analytical method used – for which the laboratory will need to be EN45001 accredited.

The Agency reminds its staff that when carrying out regulatory activities under the Part IIA regime, they should refer to the primary legislation set out in s57 of the Environment Act 1995, the Contaminated Land (England) Regulations 2000, and the Statutory Guidance – advice that would be well heeded by all of us engaged in Contaminated Land work!

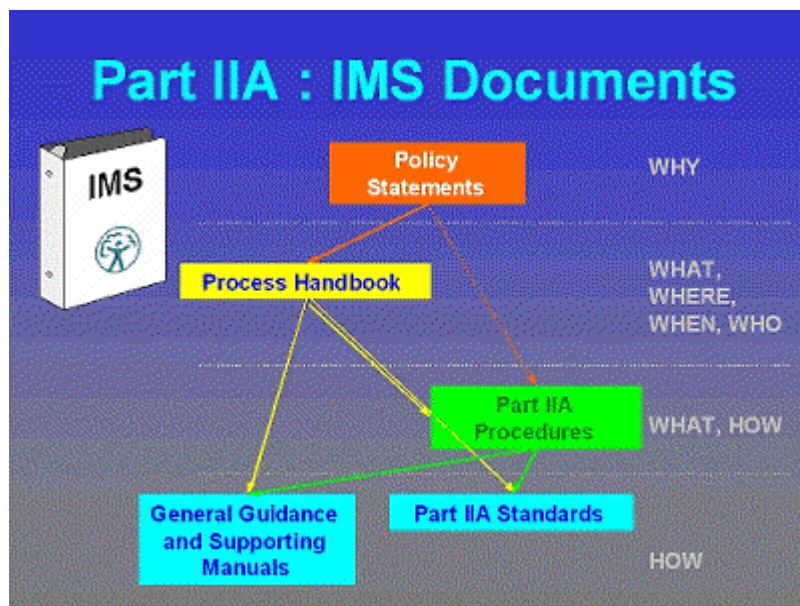


Figure 1 Environment Agency Part IIA Documentation Hierarchy