

SiLC Newsletter

News update by the SiLC Champion

March 2010

Issue 2

Key Dates

- Application Dates—
application 26th July
2010, written test
September 2010.
- Induction Training Day—
May 2010— London,
June 2010— Scotland,
Oct 2010— NW
- Sustainability Live—
Exhibitor—20th-22nd
April 2010
- SiLC Annual Forum—
May 2010—tbc
- Details of dates and
venues can be found on
the web-site

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Other Registration Schemes

Although the site assessment and remediation market is mature in the UK, there remains no mandatory registration scheme for professionals working in the sector. Clients should perhaps be demanding more of their professional advisors, regulators should start requiring authors and reviewers of reports to hold professional status, after all there are many other professions where individuals have to be licensed to operate.

In the USA the first Licensed Site Professionals (LSPs) experienced in the field of hazardous waste site assessment, cleanup and removal was established in Massachusetts in 1993 and schemes have continued to develop. The latest in New Jersey in 2009 is for a Licensed Site Remediation Professional (LSRP), who has the appropriate qualifications, experience and completed training covering regulations concerning technical requirements. The LSRP has the responsibility for oversight of investigation and cleanup, with the specific aim that projects are completed quicker but delivered in a safe and robust manner to address the Sates contaminated land legacy.



However, such schemes are not restricted to the USA. Australia has a well established 'Environmental auditor' model, and there are schemes throughout Europe; Flanders have an accreditation scheme established since 1995, and even in small provinces such as the Basque region, professionals have to be accredited to investigate sites, undertake risk assessment and deliver remedial solutions.

There are of course 'checks and balances' in place and a Strict Code of ethics, for these schemes such as revoking the licence to operate. There are clearly parallels between the LSRP criteria and the SiLC registration scheme, not least the strong ethical code of conduct by which all SiLCs must abide.

As such, there is a role for many professionals, clients and regulators working in this sector to ensure higher quality standards are delivered and this can be achieved by actively supporting the SiLC scheme which has the capability to deliver these aims.

Land Condition Skills Development Framework Survey



Many thanks to those who responded to the consultation on the LCSDF. Responses were received from across the sector, representing consultants, local authority CLOs and industry. There was an even split on which companies already have a skills development framework (SDF), although the majority suggested they would consider aligning their SDF with the one published by SiLC. Most respondents thought that the LCSDF covered the capabilities required for the sector and an overwhelming majority considered the definitions and levels in the document were clearly understood. The indicators set out in the framework (currently only level 3 capability has been issued) were considered reasonable, and that the capabilities for assessing 'site investigation' and 'risk assessment' should remain separate. With regard to the future development of the LCSDF, most respondents thought that that it would be applicable for assisting in assessing structure, training and capability. There was unanimous support for the need for training courses to meet the capability requirements of the framework, although only a third of respondents would be willing to pilot the framework in their organisation.

Many helpful suggestions were provided, a number of which focussed on the issue of how frequently reviews should be or the period applicable for specific capabilities.



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SiLC Champion Feedback

The role of SiLC Champion is to promote the SiLC scheme through articles, presentations and discussions with a range of organisations associated with the land condition sector.

There clearly remains many more opportunities to promote the SiLC scheme, and therefore I would welcome any suggestions and opportunities

A copy of a presentation about the SiLC scheme will be placed on the web site for interest and use.

Regards

**Kevin Eaton
SiLC Champion**

www.silc.org.uk

Ecological Risk Assessment Framework and Environmental Damage Regulations

Ecological Risk Assessment Framework

In October 2008 the Ecological Risk Assessment (ERA) Framework was launched in the UK by DEFRA, the Environment Agency and conservation bodies in response to addressing risks to ecological receptors under the existing Part IIA Contaminated Land Regulations.

ERA is the study of the potential for adverse effects of chemicals on aquatic, sediment and terrestrial life forms (i.e. non-human receptors) and is a requirement under many regulatory regimes. Specific protected habitats and organisms are defined receptors under Part IIA. As such, the potential for contaminated soils to affect ecological receptors and protected habitats should form part of any contaminated land assessment.

Development plans and decisions on individual planning applications are required to take into account the potential sensitivity of the area to adverse effects from pollution, including nature conservation sites.

The remediation of contaminated land through the planning process should secure the removal of unacceptable risks, including those to ecological receptors, and as a minimum, the land should not be capable of being determined as contaminated land under Part IIA.

Consequently an ERA may be required for development sites to satisfy the definition of contaminated land.

Further information can be found at <http://www.environment-agency.gov.uk/research/planning/40375.aspx>

Environmental Damage Regulations

The Environmental Damage (England) Regulations came in to force on 1st March 2009, as a means of halting the loss of biodiversity and reducing health risks from contamination in the environment. The Regulations implement the European Environmental Liabilities Directive (ELD) into English Law and corresponding Regulations are expected for Wales, Scotland and Northern Ireland.

The ELD specifically implements the "polluter pays principle"; its fundamental aim is to hold operators whose activities have caused environmental damage financially liable for remedying this damage. In addition, the Directive holds those whose activities pose an imminent threat of environmental damage liable to take immediate preventive actions.

The Regulations cover:

- Damage to water – surface, groundwater and waters up to one nautical mile from the shore;
- Damage to land - contamination by substances that result in a significant risk to human health;
- Damage to natural habitats and protected species – this involves European Protected Species,

European conserved habitats (i.e., SACs, SPAs, and Ramsar sites) and nationally important sites of conservation interest (i.e., SSSIs).

New responsibilities were introduced through the Regulations which have implications for how sites with a potential to pollute are managed across Europe. The main features of the Regulations include:

- operators now have an obligation to notify the authorities of an imminent threat of damage or where damage has actually occurred;
- "operations" are clearly defined and include, amongst others, industrial activities subject to Environmental permits, waste management activities, and the production, storage, use and release of dangerous chemicals;
- the source of the pollution (i.e., specific operators) must be clearly identifiable for them to incur environmental liabilities;
- public interest groups, such as NGOs, local interest/ pressure groups are able to require public authorities to act and to challenge their decisions in court;
- there is a requirement to remediate to the same condition of natural resources as would have existed had the damage not occurred; and

There are different remedial actions depending on the type of damage:

- land damage must be remediated until it no longer poses a significant risk to human health; and
- damage to biodiversity as well as water, and regulators have the flexibility to consider restoration of natural resources either where the damage occurred, or in another location. Where a damaged natural resource cannot be restored then alternative options may include providing another site.

SiLC Exam Assistance

For those of you who have taken the SiLC exam you will know that the data sets provided are from actual case studies. This information is provided by SiLCs and new data sets are required for each exam. If you are able to assist in the supply such data for forthcoming exams, please contact Tammy Benson at IEMA (t.benson@iema.net). Please ensure that you have permission to provide this data from both your company and client, and that it is not confidential.