

Environment Agency Policy		
Provision of Agency Advice and Involvement with the Voluntary Remediation of Historically Contaminated Sites		
Policy Number: 230_03		
<p>Policy Statement:</p> <p>In providing site specific advice to persons undertaking the voluntary remediation of historically contaminated sites, the Agency will restrict itself to commenting upon matters for which it has a defined regulatory role or statutory responsibility (see notes 1 & 2). The Agency will therefore restrict site specific advice to the following limited circumstances:</p> <p>(a) In all cases the Agency will provide advice regarding the need for environmental permits, licences, authorisations or consents for regimes where it is the regulatory authority.</p> <p>(b) If the site is the subject of;</p> <p style="margin-left: 20px;">i.) A formal planning application or permission under the Town & Country Planning Act (1990) or;</p> <p style="margin-left: 20px;">ii.) Formal pre-application discussions with the Local Planning Authority,</p> <p>Then the Agency will provide site specific advice to the Local Planning Authority in connection with controlled waters issues only (see note 3) and may, in the interest of time and subject to the agreement of the Local Planning Authority, also provide that advice directly to persons undertaking the voluntary remediation.</p> <p>(c) If it appears likely that the site may meet the definition of contaminated land set out in Part IIA EPA90 the Agency will refer the persons to the relevant Local Authority (see note 4). If the site is subsequently determined as contaminated land, then the Agency will either;</p> <p style="margin-left: 20px;">i) provide advice to the Local Authority in line with its role under the Part IIA regime or;</p> <p style="margin-left: 20px;">ii) assume the role of the regulatory authority if the site is designated a Special Site.</p> <p>(d) If the Local Authority confirms that the site does not meet the definition of contaminated land or will not be inspected or determined as contaminated land within a relevant timeframe, the Agency may choose to provide site specific advice to persons in connection with controlled waters issues only. (see note 3).</p> <p>In all cases of voluntary remediation the Environment Agency will encourage the adoption of good practice in relation to the investigation, assessment and remediation of contaminated soil and water by referring the persons to relevant published guidance.</p> <p>Objectives:</p> <p>The primary objective of this policy is to clarify the Agency's role in the remediation of contaminated sites. This should help to manage the expectations of external parties and focus the use of internal resources.</p>		
Primary Contact: Alwyn Hart – Land Quality Policy Manager		
Policy Author: Matt Whitehead – Land Quality Policy Advisor		
Policy Sponsor: Paul Leinster – Director of Environment Protection		
Signature of Authorisation by Policy Sponsor (as set out in Schedule B of the NFSoD):		
Version: 1	Date: 06/05/03	Available from: Solutions

Title	Provision of Agency Advice and involvement with the Voluntary Remediation of Historically Contaminated Sites					
No.	230_03	Status:	Version 1	Issue Date:	dd/07/03	Page 1 of 5

Agency Management System Document: Uncontrolled When Printed [17/11/03]

If you have any queries relating to the content of this document, please contact the Primary Contact named above. If you have any suggestions for improvements, please contact the Policy Author.

If any of the terms or acronyms used in this document is unfamiliar you might find the definition in the Glossary on the Agency's Intranet site:
Information Resources > [Glossary of Terms and Acronyms](#).

Title	Provision of Agency Advice and involvement with the Voluntary Remediation of Historically Contaminated Sites					
No.	230_03	Status:	Version 1	Issue Date:	dd/07/03	Page 2 of 5

Explanatory Note

“Provision of Agency Advice and Involvement with the Voluntary Remediation of Historically Contaminated Sites”. Policy Number: [230_03]

Background:

Third parties often approach the Agency seeking comment and approval for proposals to investigate or remediate sites on a voluntary basis. These consultations are often for the purposes of establishing and/or mitigating legal liabilities imposed by Part IIA EPA1990. Although committed to supporting voluntary action, the Agency is also committed to consistent, open and transparent regulation and must ensure that its involvement is wholly appropriate and in line with the requirements and intentions of the relevant legislation e.g. Environmental Protection, Water Resources or Town & Country Planning Acts. The Environment Agency cannot act in the capacity of Environmental or Legal Consultant, nor take on the role of the Local Authority as the appropriate regulatory body.

Notes:

1. For the purposes of this policy “site specific advice” is taken to mean advice in relation to the regulatory requirements for risk assessment, remediation or monitoring at the site in question. Such advice will be given in accordance with the relevant Process documentation (see references).
2. This policy applies solely to the remediation of historically contaminated sites, it does not apply to situations where the Agency may have to take action to secure remediation as a result of a breach of an environmental permit or as a result of a recent accident/incident.
3. The level of direct Agency support and advice in connection with controlled waters issues will vary dependant upon the sensitivity of the site in question.
4. The Environment Agency/Local Government Association Protocol (see references) requires that the Local Authority be informed of any third party request for advice that relates to their area of regulatory responsibility.

Desired Outcomes:

- A consistent Agency approach to the provision of site specific advice to third parties wishing to undertake voluntary remediation.

Audience:

Appropriate persons, Landowners, Environmental Consultants, Remediation Contractors, Area Managers, Area Environment Managers, Area Customer Service Managers, Groundwater and Contaminated Land Team Leaders, Planning Liaison Team Leaders and Technical Officers. Process Technical Managers and Technical Advisors for Contaminated Land Remediation, Capital Projects and Land Contamination and Development Control teams.

References:

- Part IIA Environmental Protection Act (1990), The Contaminated Land (England) Regulations 2000 (as amended), The Contaminated Land (Wales) Regulations 2001, DETR Circular 02/2000 & The National Assembly for Wales Guidance on the Remediation of Contaminated Land.
- Environment Agency Policies and Process Documentation on Part IIA
- Environment Agency/Local Government Association “Working Better Together” Protocol No.5 – Land Contamination
- Town & Country Planning Act 1990 & Planning & Policy Guidance Note 23
- Environment Agency Land Contamination and Development Control Process Documentation
- Water Resources Act (1991), The Anti-Pollution (Works Notices) Regulations 2000
- Environment Agency Groundwater Protection Policy, Works Notices Policy & Process Documentation.
- Environment Agency Enforcement & Prosecution Policy and Guidelines

Title	Provision of Agency Advice and involvement with the Voluntary Remediation of Historically Contaminated Sites				
No.	230_03	Status:	Version 1	Issue Date:	dd/07/03
					Page 3 of 5

Policy Implementation Plan	
Policy Number: 230_03 “Provision of Agency Advice and Involvement with the Voluntary Remediation of Historically Contaminated Sites”	
1. Who are the target audiences, and do they require awareness, training or education?	<p>The policy is targeted at both internal and external audiences. Internally it is relevant to: Area Managers, Area Environment Managers, Area Customer Services Managers, Groundwater and Contaminated Land Team Leaders, Planning Liaison Team Leaders and Technical Officers. Process Technical Managers and Technical Advisors for Contaminated Land Remediation, Capital Projects and Land Contamination and Development Control teams</p> <p>Externally it is relevant to: Part IIA Appropriate persons, Landowners, Environmental Consultants, Remediation Contractors</p> <p>Both these groups require awareness.</p>
2. What do they need to know?	<p>Internal groups need to know the Agency's policy position (as reproduced), as it affects the nature and extent of <u>site specific</u> support offered or given to external parties.</p> <p>External groups need to know the Agency's policy position as it affects the expectations they may have of Agency support and involvement.</p>
3. When do they need to know it?	Both internal and external audiences need to know the policy position before engaging in detailed consultation regarding voluntary remediation schemes.
4. How will they be told?	<p>Area Managers and Environment Managers will be informed in writing.</p> <p>Agency officers will be told of the new policy via the regular “process update” memo and by local Process Liaison officers. They will also be told where to obtain a copy via the Easinet. Furthermore the policy is to be referenced, and principles incorporated into all relevant (future) Work Instructions issued by the LQ Process, and incorporated into the Induction level LQ training package (which deals with the Agency's policies and regulatory role in the remediation of contaminated sites).</p> <p>Local Authorities will be told via communications from nominated Agency “key contact officers” as set up under the Environment Agency/LGA “Working Better Together” Protocol.</p> <p>Environmental Consultants/Remediation Contractors will be told via communication with Agency officers during the course of consultations, and directly via respective professional/trade associations. Basic awareness of the policy has already been enhanced by consulting these associations during the preparation of this policy. A request will be made for these associations to raise awareness of the final policy amongst their members. A copy of the policy will also be placed and flagged on the Internet for this purpose.</p> <p>Appropriate persons will be told via communication with Agency Officers during the course of Part IIA consultations or via contact with commissioned Environmental Consultants.</p>
5. Who will tell them?	See Above.
4. Monitoring of Progress Method(s):	<p>Continuous, routine Process Audit/Review for internal Agency compliance. Feedback from Area Officers on external compliance (via internal Customer Surveys/Process Liaison officers).</p> <p>Internal compliance with documented policy approach External awareness of Agency role</p>

Title	Provision of Agency Advice and involvement with the Voluntary Remediation of Historically Contaminated Sites					
No.	230_03	Status:	Version 1	Issue Date:	dd/07/03	Page 4 of 5

Success Criteria:	Compliance report to be submitted from Process to policy on 31/3/04	
Date(s) Undertaken:		
Comments:		
5. Authorisation	<u>Policy Sponsor</u>	<u>Chair Approval Body</u>
	Sign: _____	_____
	Name: _____	_____
	Title: _____	_____
	Date: _____	_____
6. Review Date	06/05/04	Version: 1 dd/07/03