



# **Disposal and Use of Dredged Material under Swedish Law**

Swedish-Dutch Webinar:  
Risk-management of contaminated sediments

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## Dredging under the Swedish Environmental Code

- Water Activity – requires a permit unless
  - Less than 500 sqm in rivers and streams
  - Less than 3,000 sqm in other waters
- Permits issued by the *Environmental Courts*
- Dredging permit will be granted only if shown that dredged material can be taken care of properly
- **Dumping** prohibited – exemptions issued by the *Swedish Agency for Marine and Water Management*
- **Landfill** – requires permit and compliance with Landfill Directive
- **Use** of dredged material (waste) – requires permit and compliance with general rules of consideration

# Dumping

- London Convention, Helsinki Convention, and Paris Convention:
  - *Dumping* – deliberate disposal of waste and other substances at sea or on the seabed.
  - Helsinki Convention allows for exemptions for dredged material.
- Use of a substance without intention to dispose of it does not constitute dumping.
- Case law
  - Judgment of the Superior Environmental Court 22 February 2007, M 92-05
  - Judgment of the Superior Environmental Court 2 June 2010, M 1866-09
  - Judgment of the Superior Environmental Court 22 February 2011, M 3488-10

Judgment of the Superior Environmental Court 22 February 2007, M 92-05

- Permit to dredge port of Norrtälje, application for exemption for dumping rejected by Environmental Court.
  - *HELCOM/OSPAR Guidelines* –
    - *contamination below level 1 are clean*
    - *above level 2 contaminated*
    - *above level 2 may not be dumped*
    - *between level 1 and 2 requires case-by-case assessment*
    - *only Cu above level 2*
    - *no information on TBT*
- Superior Environmental Court granted exemption for material with a TBT content of less than 200 µg/kg dry matter.
- Dumping place had been used before, suitable seabed.
- Sediments with very high concentrations of TBT could not be dumped.

## Judgment of the Superior Environmental Court 2 June 2010, M 1866-09

- A Norwegian study suggested stricter TBT limits than the Judgment of 2007.
- All instances confirmed that 200 µg/kg dry matter is sufficient.

## Judgment of the Superior Environmental Court 22 February 2011, M 3488-10

- No exemption for dumping in Natura 2000 area.
- However, quite generous permit to use contaminated material for construction of port areas and long-term (up to three years) passive dewatering of dredged materials.
- Dredged material must be stabilised before use so that it becomes inert ("STSO-method").
- Stabilised material to be put below the lowest water level.
- Material to be surrounded by capping to the extent necessary to avoid contamination of surrounding soil and groundwater.

## Swedish EPA Decisions

- Large number of decisions:
  - In all decisions, SEPA reminds applicant that, primarily, waste should be reused on land or disposed of at a landfill.
  - In general, contaminated material may not be dumped.
  - SEPA appears to be of the opinion that international law prevents us from allowing dumping of contaminated dredged material.

## Use of dredged materials for construction

- No case law from Superior Environmental Court regarding criteria for use of dredged material.
- Other use of waste:
  - Acceptance criteria for landfill within landfill cap
  - Guidelines for less sensitive land use outside landfill cap
  - EPA Guidelines for use of waste for construction purposes
- Environmental Court decisions allowing use of dredged material for construction at a number of locations



## Conclusions

- Limited possibilities for dumping of dredged material in Sweden
- Quite generous application of Environmental Code on use of dredged material for construction purposes
  - Risk based approach, no limit values – operator must prove that material can be used without increased risks for human health or the environment
  - Approach similar to that for risk assessment of contaminated soil etc.
- I.e. a clear preference for land-based solutions – is this a scientifically sound policy?