

Dredged Sediments Management in Italy

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Background/Objectives. Dredged sediment management is a much-debated issue in Italy and, in recent decades, it has become an increasingly important aspect of the protection of the environment, as shown by the recurrent interventions by the legislator and by the courts on this matter. Indeed, it is no coincidence that the first judgment on the so-called *eco-reati* (“*envi-crimes*” environmental crimes introduced into Italian law in 2015) concerned the dredging of marine sediments in the context of a remediation activity: by judgment no. 46170 of 3 November 2016, the Italian Supreme Court of Cassation found guilty of the crime of ‘environmental pollution’ (resulting in detention for up to six years) an engineer for the lack of compliance with the project rules related to the dredging of two docks, as this omission caused the dispersion of contaminated sediments in the surrounding waters. In order not to incur these (serious) penalties, it is therefore essential for operators to have a full understanding of the regulation on remediation activities and on waste disposal in relation to the management of dredged sediments: a far from easy task, given the complexity of the normative framework caused by the continuous regulatory changes. The aim of this analysis is to present, from a comparative perspective, the complex Italian regulation on the management of dredged sediments, with particular attention to dredging operations inside so-called remediation Sites of National Interest (extensive areas identified by the Ministry of the Environment as sites requiring structured clean-up measures).

Approach/Activities. In the first place, we will outline the normative panorama, both in Italy and in Europe, on the management of dredged sediments, with focus on waste regulation and dredging operations. More specifically, we will take into account the European Directive on Waste no. 2008/98/CE, implemented in Italy in 2010, which however specifies only that non-hazardous sediments moved within superficial waters do not constitute waste and therefore are freely manageable: those kinds of operation, therefore, involve the re-use of dredged soil within circumscribed areas. Then we will take into account the complicated Italian legislation, where a more detailed regulation has been implemented only in 2016 with the Ministerial Decree no. 173/2016 concerning the modalities and technical criteria for the authorization for the immersion at sea of excavated materials from marine soils. Still, for a more articulated intervention which may involve remediation Sites of National Interest, one must look at the special legislation: in particular, one must take into consideration Law no. 84/1994 and the Ministerial Decree no. 172/2016, which allow to implement such activities under certain conditions only. After a characterization, there is a different discipline depending on whether: a) the dredged sediments have appropriate qualities with regard to the destination site and ecotoxicity tests do not result positive; b) they do not in polluted levels exceeding those prescribed by the law; b) they are non-hazardous sediments.

Results/Lessons Learned. The analysis of the Italian legislation on dredged sediments, which under many aspects is much different from the American one, is useful in order to understand the management of dredging material from a perspective strongly influenced by the European sectoral legislation. Thus, an analysis which allows to understand the major differences between the American and European experiences, highlighting specificities and criticalities.