prensa update

April 2014

Transition Period for the NEPM Assessment of Site Contamination Guidelines 2013 Ending in May

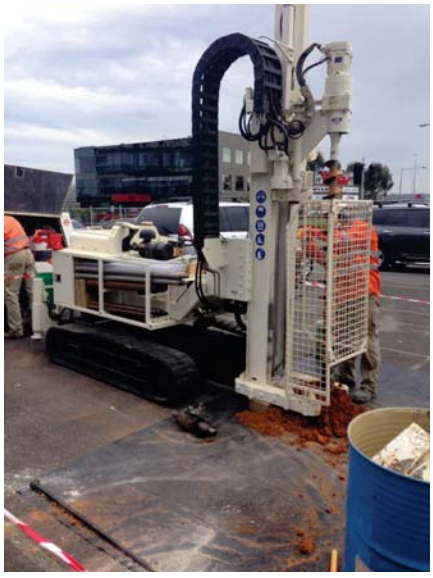
The National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM) is the guidance document for the completion of environmental site assessments in Australia. The ASC NEPM was originally released in 1999 and following an extensive review over several years, the ASC NEPM was amended in 2013. The amended ASC NEPM came into effect throughout Australia on 16th May 2013, although environmental regulators in the states and territories of Australia agreed, in principle, to a transition period of up to 12 months for full implementation of the amended ASC NEPM.

During the transition period, the previous version of the ASC NEPM (1999) could continue to be used on existing projects that had been 'substantially progressed', although any new assessment must be completed in accordance with the amended guidelines. The definition of 'substantially progressed' was established by state environmental regulators, with the definition varying from state to state.

However, the transition period comes to an end on 16th May 2014, at which time all environmental site assessments (both new and existing) will need to be undertaken in accordance with the amended ASC NEPM guidelines.

Some of the key changes to the ASC NEPM include:

- Redefinition of the land use categories, with the amended guidelines including:
  - 'A' – Standard residential land use, including child care, kindergartens & primary schools;
  - 'B' – High-density residential land use with minimal opportunities for soil access;
  - 'C' – Developed parks, recreational open space: including secondary schools (does not include undeveloped open space – regional forests, national parks); and
  - 'D' – Commercial and Industrial land use, (including developments with basements).
- An updated flowchart that outlines the site assessment process, with references to the applicable schedules to the ASC NEPM.
- The development of a more robust risk assessment approach, which was used to develop the updated health and ecological investigation and screening levels provided within amended ASC NEPM.
- Inclusion of health investigation levels for several additional contaminants (largely pesticides, but also including some emerging contaminants, such as polybrominated biphenyl ethers (PBDEs), which are commonly used as flame retardants) and the provision of interim health investigation levels for chlorinated solvents in soil vapour.



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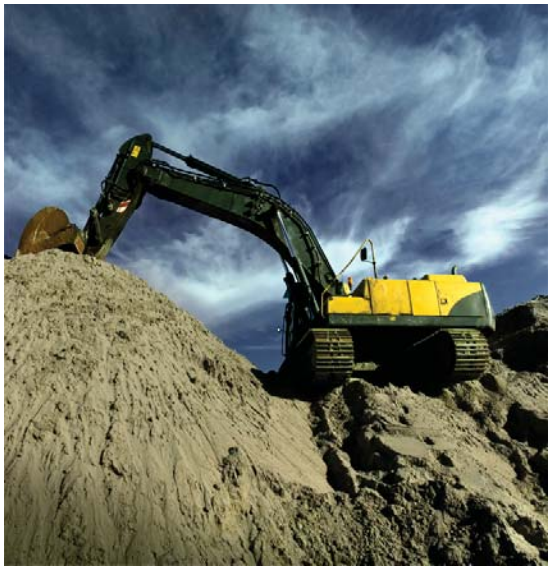
- Changes in the approach for determining EILs, which are now site specific and take into account both background concentrations, whether the contaminant is fresh or aged, and the effects of other soil parameters (such as pH, cation exchange capacity and the clay content of the soil).
- Development of ecological screening levels for hydrocarbon contaminants for different land uses (i.e. areas of ecological significance, urban residential and public open space and commercial/industrial).
- Health screening levels for petroleum hydrocarbons in soil, soil vapour and groundwater, which focus on the potential for vapour intrusion to occur and are dependent on the depth to the identified contamination and the soil type.
- Updated groundwater investigation levels.
- Management limits for petroleum hydrocarbons in soils for two different land use scenarios, namely: (i) residential, parkland and public open space, and (ii) commercial/industrial.
- Inclusion of guidance for the assessment of asbestos in soils (based on the WA Department of Health approach).



Given the more robust and rigorous approach to site assessment and risk assessment defined in the amended ASC NEPM, there will be a shift to a more risk-based approach to the assessment (and ultimately the management) of site contamination. With the changes in the investigation levels specified in the ASC NEPM (particularly for commercial/industrial land uses) there will be a much greater potential to manage contamination in-situ, without the need to undertake costly further investigation to confirm whether remediation and/or management of contamination is required. This will potentially serve to reduce the overall costs associated with the development of brownfield sites where contamination is identified.

It is also important to note that although the guidelines for assessing site contamination have been amended, the guidelines for classifying soils for off-site disposal as a waste have not changed as part of the NEPM review, as these guidelines are developed and implemented by the individual states.

For more information regarding the amended ASC NEPM guidelines, please contact Richard O'Connor or Sally Bonham on (03) 9508 0100, or Kris Thomas on (02) 8968 2500.

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