

# Assessment of Site Contamination NEPM

## Overview of Variation

Site contamination is recognised as a major environmental issue for Australia. In addition to posing a possible threat to public health and the environment, contaminated sites have significant economic, legal and planning implications.

### National Environment Protection Council

The National Environment Protection Council (NEPC) is a national body established by the Commonwealth, state and territory governments. The objective of the NEPC is to work cooperatively to ensure that all Australians enjoy the benefits of equivalent protection from air, water, soil and noise pollution and that business decisions are not distorted nor markets fragmented by variations in major environment protection measures between member governments.

The NEPC and its operations are established by the *National Environment Protection Council Act 1994* (Commonwealth) (the NEPC Act) and corresponding state and territory Acts.

### National Environment Protection Measures

National Environment Protection Measures (NEPMs) are broad framework-setting statutory instruments, which, through a process of inter-governmental and community/industry consultation, reflect agreed national objectives for protecting particular aspects of the environment. NEPMs may consist of any combination of goals, standards, protocols, and guidelines, although for the assessment of site contamination, the NEPC Act specifies that guidelines may be developed.

Implementation of NEPMs is the responsibility of each participating jurisdiction. Any supporting regulatory or legislative mechanisms that jurisdictions might choose to assist in implementation of proposed NEPMs are developed using appropriate processes in those jurisdictions.

### Purpose of the National Environment Protection (Assessment of Site Contamination) Measure

The purpose of the NEPM is 'to establish a nationally consistent approach to the assessment of site contamination to ensure sound environmental management practices by the community which includes regulators, site assessors, environmental auditors, landowners, developers and industry'.

The desired environmental outcome for this NEPM is 'to provide adequate protection of human health and the environment, where site contamination has occurred, through the development of an efficient and effective national approach to the assessment of site contamination'.

The NEPM comprises an overarching framework for the assessment of site contamination and its relationship to the management of site contamination. The NEPM (1999) is supported by a number of Schedules, which contain guidelines on various technical and administrative aspects of site assessment.

### Variation to the NEPM

The Assessment of Site Contamination NEPM has been in place since 1999 and is the premier guidance document in Australia for the assessment of site contamination. The NEPM has been recognised by regulators, environmental auditors, consultants, developers and others as a comprehensive source of guidance.

With the high cost of site assessment and remediation, it is important that new scientific and technical information is incorporated into the NEPM to provide well-informed investigation levels, and provide clarification on the site investigation process to minimise unnecessary remediation. The benefits of assessment and remediation, in terms of safeguards for human health and environment protection as well as realising the commercial benefits of remediating degraded land, far outweigh the costs of appropriate assessment and remediation.

A review of the NEPM (the Review) was carried out during 2005 -2006 and the final report can be found on the EPHC website. The Review recommended changes to significantly improve the effectiveness and efficiency of the NEPM by addressing technological, scientific and health risk issues raised by site assessors, consultants, land developers, auditors, the public and jurisdictions.

In December 2006, the NEPC accepted the report of the review and, in June 2007, the NEPC agreed to initiate a variation to the NEPM, with the scope encompassing the 27 recommendations of the review report.

In developing and releasing this draft variation to the Measure and this impact statement, the NEPC recognises the importance of effective consultation during the development of the draft variation.

### Making a Submission on the Draft NEPM Variation and Impact Statement

The NEPC is particularly interested in your comments, information and feedback about:

- the appropriateness of the draft variation to the Measure
- the usefulness of the draft variation to the Schedules
- the analysis of the potential environmental, social and economic impacts of the draft variation to the Measure as provided in this document.

The NEPC encourages you to make your views known on this matter and to make available any information that you consider pertinent to the development of the final Measure as varied. Your input will ensure that when the NEPC meets to make a decision on this important variation to the Measure, that decision is confidently made on the basis of the best possible information available.

Two months have been set aside for consultation on this draft variation to the Measure and this impact statement (24 September to 26 November 2010).

An electronic form for lodging comments is available. The form can be emailed to you by the NEPC Service Corporation or downloaded from the EPHC website at <[www.ephc.gov.au](http://www.ephc.gov.au)>. This form can be filled out and submitted electronically.

**Submissions should be received by the NEPC Service Corporation by close of business, Friday, 26 November 2010. To allow ease of photocopying, hardcopy submissions should be unbound. Electronic submissions should preferably be provided as a Word for Windows file.**

*Note: Subject to Freedom of Information Act (FOI) provisions, public submissions are considered public documents and will be posted on the EPHC website unless clearly marked "confidential".*