

Environment & Planning Alert

Guidelines on the Duty to Report Contamination – Draft released for comment

January 2012

Announcement

Following a comprehensive revision of the *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997* in June 2009 (**Guidelines**), the NSW Environment Protection Authority has released new draft Guidelines for public comment.

[Click here](#) for a copy of the draft *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997* dated December 2011.

Drinking water guidelines

Overall, the revised draft Guidelines incorporate a number of minor administrative changes.

Importantly, however, the draft Guidelines have been updated to take into account the recent revision of the *Australian Drinking Water Guidelines 2011 (ADWG)* which include amended and new criteria for levels of certain contaminants in drinking water.

The ADWG were developed by the National Health and Medical Research Council, in collaboration with the Natural Resource Management Ministerial Council, and are designed to provide an authoritative reference to the community and the water supply industry on what defines safe, good quality water, how it can be achieved and how it can be assured.

The revised ADWG were developed after consideration of the best available scientific evidence and provide a framework for good management of drinking water supplies to ensure safety at point of use. They address both the health and aesthetic quality aspects of drinking water.

[Click here](#) for a copy of the revised *Australian Drinking Water Guidelines 2011*.

Triggers for groundwater and surface water

The significant amendments which were made to the *Contaminated Land Management Act 1997* on 1 December 2009, created a fundamental change in the duty to report contamination.

One of the bases for notification is the level of contamination set out in the Guidelines.

The revised draft Guidelines alter the notification triggers for groundwater and surface water in Column 1 of Appendix A.

Some of the contaminant levels are raised in Appendix A, while others are lowered. A lowering in the trigger value for drinking water has the potential to translate into more stringent requirements for reporting under section 60 of the *Contaminated Land Management Act 1997*.

Written submissions

The EPA is now seeking public comment on the revised draft Guidelines.

Written submissions can be made via the Office of Environment & Heritage website, email or posted.

Website: www.environment.nsw.gov.au/clm

Email: contlandmgnt@environment.nsw.gov.au

Mail: Manager Contaminated Sites
Environment Protection Authority
PO Box A290
Sydney South NSW 1232

The closing date for submissions is Friday, **3 February 2012**.

Written by:

Craig Tidemann
Senior Associate

For further information, please contact:

Peter Grinter

Partner

+61 2 9020 5753

pgrinter@thomsonslawyers.com.au

Fraser Bell

Partner

+61 8 8236 1225

fbell@thomsonslawyers.com.au

Craig Tidemann

Senior Associate

+61 2 8248 3404

ctidemann@thomsonslawyers.com.au

Amanda Johnstone

Senior Associate

+61 2 8248 3408

ajohnstone@thomsonslawyers.com.au

www.thomsonslawyers.com.au