

## **SCHEDULE 4**

Reasons for Walsall Metropolitan Borough Council's decision as to remediation requirements.

**Schedule 4 – Reasons for Walsall Metropolitan Borough Council's decision as to remediation requirements.**

A copy of the **Record of Determination** setting out the basis for identifying the land as contaminated land is **attached as Appendix 1** to the Remediation Notice.

Subsequent to the Council's decision to make the determination additional guidance on concentrations of benzo(a)pyrene [B(a)P] in soil considered not to present unacceptable risk have been published by Department for Environment, Food and Rural Affairs (DEFRA). A review of soil analysis data for the site has been undertaken taking into consideration the revised guidance that concentrations of 5 milligrams per kilogramme of benzo(a)pyrene should not be considered to present unacceptable risk.

Following review it is considered that the mean concentration of B(a)P in the soil in Zone 4 and Zone 7 is significantly above the 5 mg/kg screening value. Zone 4 is less than Zone 7 at 9.19 mg/kg compared to 38 mg/kg; however, due to the nature of the ground conditions and the general mixing of materials there is some justification for considering these two zones as one averaging area. Combining data for these zones gives a mean concentration of 20.72 mg/kg benzo(a)pyrene in soil.

It is therefore the opinion of the Council that significantly elevated levels of B(a)P have been identified in near surface soils. This substance is considered to be genotoxic and carcinogenic and its presence in the concentrations identified is considered to present significant risk to persons residing at or visiting the identified premises.

Plausible pathways of exposure have been identified; these are set out in Schedule 3.

Having considered the plausible pathways the Council has concluded that the effective way to break the significant pollutant linkage is to provide a covering layer of clean material to soft landscaped areas including those parts of identified premises that could reasonably be returned to soft landscaping. The Council considers that it is not necessary to remove contaminated materials from beneath hard landscaped areas that are expected to remain in place as part of the normal use of the premises. e.g. driveways, permanent access pathways or permanent structures.

In order to install an appropriate thickness of cover materials it may be necessary to remove and dispose of up to 600 millimetres of contaminated material from soft landscaped areas of identified premises.

Having regard to the genotoxic and carcinogenic characteristics of the contaminant the required remedial actions are considered proportionate in relation to the risk to the health of occupiers of the identified premises.