

**MEMORANDUM TO CLIENTS****ENVIRONMENTAL***March 1, 2017***New rules regarding contaminated areas in the State of São Paulo**

On February 10, 2017, three important rules concerning contaminated areas in the State of São Paulo were published: Resolution No. 10/2017 and Resolution No. 11/2017 enacted by the Environmental Secretariat for the State of São Paulo – SMA and Board Decision No. 38/2017/C enacted by the Environmental Agency for the State of São Paulo – CETESB.

Resolutions 10/2017 and 11/2017 list thirty six (36) activities that are more likely to cause contamination, which are all identified as such in the Code for the National Classification of Economic Activities¹. In addition, it identifies four (4) priority regions for detecting contamination in the City of São Paulo, namely: Barra Funda, Mooca, Chácara Santo Antônio and Jurubatuba.

Accordingly, entrepreneurs who carry on any of the 36 activities and operate in one of the priority regions must prepare a technical study called “Preliminary Assessment and Confirmatory Investigation” within one hundred and eighty (180) days of being requested to do so by CETESB.

Board Decision No. 38/2017/C revokes most of the regulations concerning contaminated sites, updating CETESB internal regulations and aligning them with other rules² concerning management of contaminated sites. It also approves new procedures for soil and groundwater quality protection, reviews the procedures for management of contaminated sites and defines standards for management of contaminated sites within environmental licensing proceedings.

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¹ In Portuguese, it is called “*Classificação Nacional de Atividades Econômicas (CNAE)*”.

² Particularly State Law No. 13.577/2009 and State Decree No. 59.263/2013.

The purpose of this memorandum is to inform our clients about important changes and developments in the area of law. We remain at the reader’s disposal for any additional information that may be desired regarding the subject matter herein.

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