

CONTAMINATED SITES - REPORTING OF KNOWN OR SUSPECTED SITES INCLUDING  
FARM LIVESTOCK DIPPING FACILITIES

4920. Hon Anthony Fels to the Parliamentary Secretary representing the Minister for the Environment
- (1) By what date do contaminated sites need to be notified to the Department of the Environment under amendments passed in the *Contaminated Sites Amendment Bill 2005*?
  - (2) How many farm livestock dipping facilities have since been notified to the Department?
  - (3) What procedures will be followed on those properties where dips are notified?
  - (4) Will the farmer or pastoralist be required to conduct the soil tests?
  - (5) What is the estimated cost of such tests per site?
  - (6) If found to be contaminated, what will be the owners responsibility?
  - (7) If soil must be removed, where can it be deposited?
  - (8) What is the estimated cost of contaminated soil removal and who is responsible for the cost?

Hon SALLY TALBOT replied:

- (1) The Contaminated Sites Act 2003 provided a six month 'period of grace' after commencement for reporting known or suspected contaminated sites to the Department of Environment and Conservation, which expired on 31 May 2007. Following the expiry of the period of grace, under section 11(3) of the Act, persons who caused contamination and owners and occupiers of sites must report known contaminated sites within 21 days of when they first knew the site was contaminated, and suspected contaminated sites as soon as practicable.
- (2) Since the Act commenced on 1 December 2006, the total number of new known or suspected contaminated sites reported to the Department is around 1,000 with most of these reports being received in the last week of May 2007. The Department is still processing these reports, and therefore cannot provide accurate figures on the total number of sites or the number of farm livestock dipping facilities reported at this stage. However, the Department estimates that around 30 of the approximately 1,000 sites reported are farm livestock dipping facilities.
- (3) After receiving a report of a known or suspected contaminated site, the Department considers the information contained in the report, and may contact the person who reported the site or the site owner or occupier for further information or clarification. Based on the available information, the Department then classifies the site, in consultation with the Department of Health, according to the risk the site poses to people's health and the environment. There are seven possible classifications listed in Schedule 1 of the Act.
- (4) The classification assigned to a site will determine whether further action, such as investigation or remediation, is required. To date, only one livestock dipping site has been classified under the Act and this site was classified 'report not substantiated', with no further action required.
- (5) Each site reported is assessed based on site-specific information and at this early stage in implementation of the Act, it is not possible to provide average costs applicable to farm livestock dipping facilities.
- (6) Clean-up of contamination is only required where there is a risk to human health or the environment. A site that requires clean-up is classified 'contaminated - remediation required' and the Act sets out a hierarchy of responsibility for cleaning up such sites. In summary, the first person responsible is the person who caused or contributed to the contamination. If the causer of contamination cannot be identified, found, or made to pay, responsibility would generally fall to the current landowner. However, the Act provides some protection to innocent landowners, that is, landowners who unknowingly and unsuspectingly purchased already contaminated land prior to 1 December 2006 and have not contributed to the contamination. Landowners can submit a disclosure statement before 1 December 2008, requesting exemption from responsibility for remediation. If it is determined that the landowner meets certain criteria, the landowner will be issued with an exemption certificate exempting him or her from responsibility for remediation. In cases in which an exemption certificate has been issued to the landowner and the person who caused the contamination cannot be identified, found or made to pay, it is likely that the State will bear the cost of cleaning up the site.
- (7) The term 'remediation' has a broad definition under the Act and covers a spectrum of activities from restriction of access to a contaminant (such as by burying on site) to excavation and removal off-site. Where a site requires remediation, site-specific circumstances would determine the appropriate course

of action. If excavation and off-site disposal of soil is chosen as the appropriate remedial strategy for a site, the level of contaminants in the soil will determine where the soil can be deposited.

- (8) See the answer to (5).