



Quarterly performance report

Contaminated sites

1 October to 31 December 2011

January 2012



Department of
Environment and Conservation

Our environment, our future



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Contaminated sites performance reporting

Second quarter 2011–2012

The Department of Environment and Conservation (DEC) classifies 'known or suspected contaminated sites' reported to it, in consultation with the Department of Health, under the *Contaminated Sites Act 2003*.

The Contaminated Sites Act commenced on 1 December 2006 and introduced mandatory reporting of 'known or suspected contaminated sites'. Owners and occupiers of such sites, any person who caused or contributed to the contamination and contaminated sites auditors engaged to report on such sites have a duty to report known contaminated sites within 21 days, and suspected contaminated sites as soon as practicable. As a transitional provision, the Act provided a six-month 'period of grace' from its commencement, during which penalties for not reporting within the required timeframes did not apply. This 'period of grace' for reporting historical sites expired on 31 May 2007.

By 31 December 2011, DEC had received 3,083 reports of known or suspected contaminated sites since the Act commenced. Of the total number of reports, 66 per cent were received over the three-month period April to June 2007. Reporting of sites continues with, on average, 13 reports being received each month. Forty sites were reported between 1 October and 31 December 2011.

After receiving a report of a 'known or suspected contaminated site' DEC, in consultation with the Department of Health, assigns one of seven possible classifications (set out in Schedule 1 of the Act) to the site based on the risk the contamination poses to human health and the environment. Under the Act, sites must be classified within 45 days of receiving the report, unless there are particular circumstances which make it necessary to extend the time (such as where investigation of the site is underway, but DEC is awaiting submission of the resulting technical report). If DEC wishes to extend the classification timeframe, DEC must give written notice, within 45 days of receiving the report, of its decision to extend the timeframe to all parties who must be notified of the site classification (i.e. owners and occupiers of the site, relevant public authorities such as the Western Australian Planning Commission and local government authority, the person who reported the site, each person who may be responsible for remediation and any other person whom there is particular reason to notify). By 31 December 2011, DEC had classified a total of 2037 sites (made up of 12,152 individual lots or land parcels) under the Act. A total of 124 sites were classified between 1 October and 31 December 2011.

Due to the very large peak in the number of sites reported over the period April to June 2007, DEC was unable to classify all the 'peak period' sites within the statutory 45 day timeframe, and it is likely to take a number of years to process this backlog. DEC has prioritised classification of the 'peak period' sites, based on a screening review of the information submitted. Priority was accorded to sites where the available information indicated there may be an immediate or serious risk to human health or the environment that was not being appropriately managed. All

reports received from July 2007 onwards are processed in accordance with the Act's timeframes.

Mandatory auditors reports (MARs) are required under the Act for some sites, for example, where a site is a source of contamination that has moved offsite to affect other properties or if a site is subject to a planning or Ministerial condition or regulatory notice.

DEC received thirteen MARs between 1 October and 31 December 2011. Eight MARs have since been assessed by DEC. The average classification time for these sites was 21 days. Four MARs are on hold awaiting additional information from the Auditor, and one MAR is on hold awaiting a response from the Department of Health.

Figure 1 shows the number of sites reported and classified each financial year until June 2010, and quarterly since July 2010, as well as the steady increase in the total number of classified sites at the end of each period.

Figure 2 shows the distribution of classified sites and parcels across the seven classification categories as at 31 December 2011.

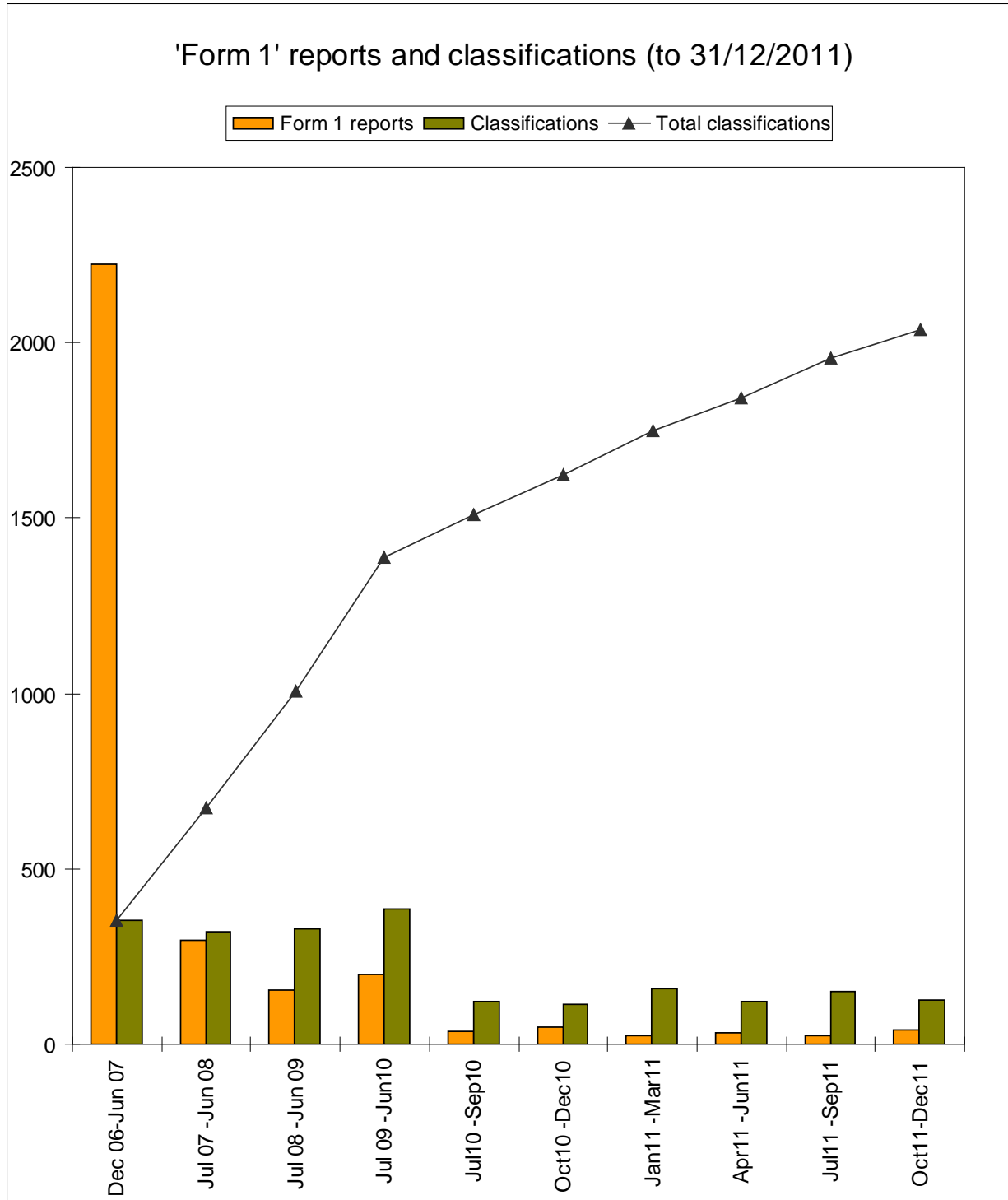


Figure 1 Number of sites reported and classified each period

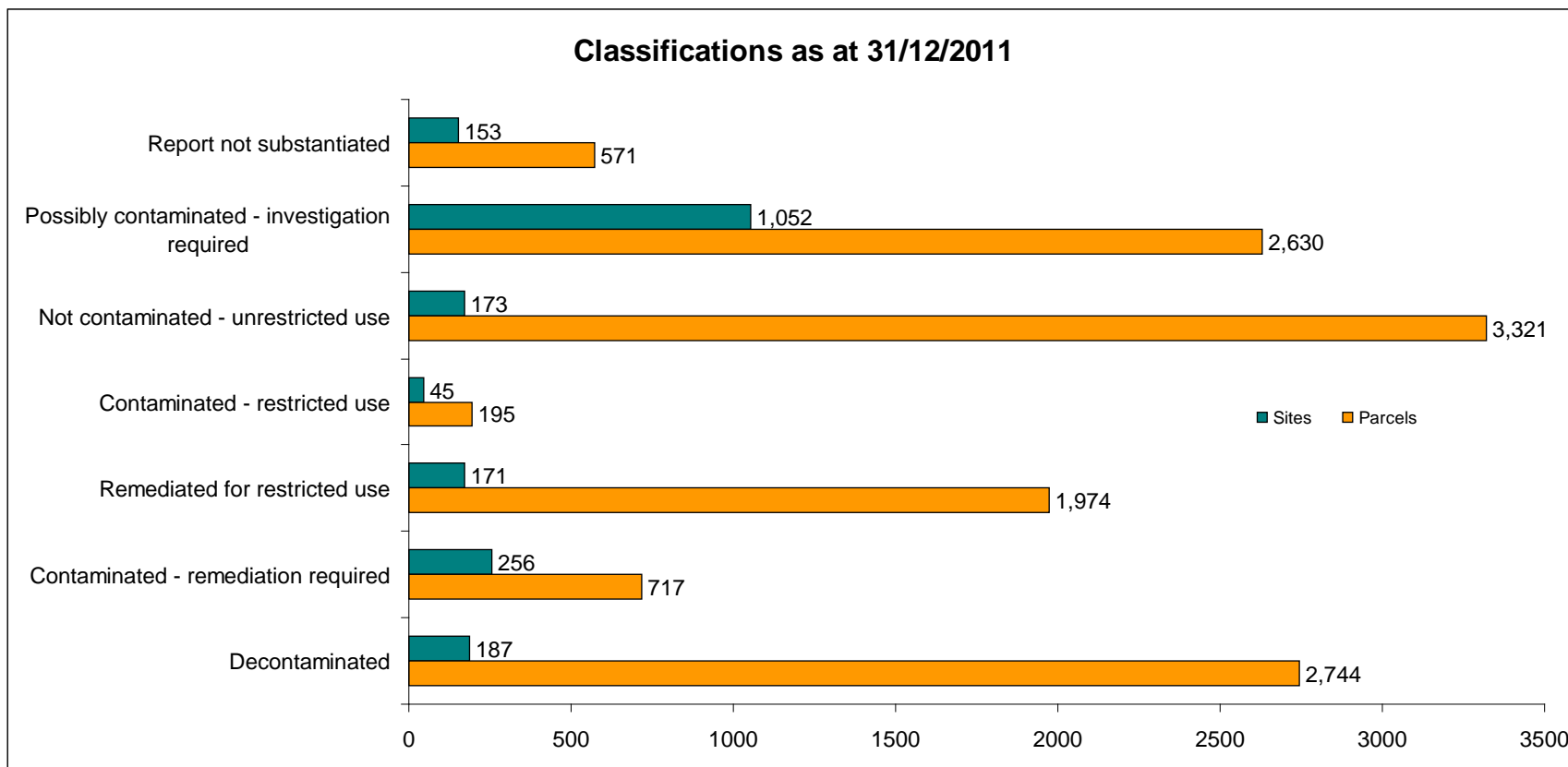


Figure 2 Distribution of classified sites and parcels across the seven classification categories