

Contaminated Sites Committee

- Summary of Decision

- Appeal Against Site Classification

Date of decision	6 September 2007
Type of decision	Determination of an appeal against site classification pursuant to section 82 of the <i>Contaminated Sites Act 2003</i> .
Matter (file no.)	CSC 4/2007
Date lodged	14 February 2007
Appellant	Francis Stephenson
Site name/address	1 Felspar Street, Welshpool 6106
Certificate of title no./ Crown reserve no.	Lot 9 on diagram 14206 as shown on CoT 1579/547
Background	<p>On 2 February 2007 DEC classified the above site as <i>remediated for restricted use</i>.</p> <p>The appellant is the owner of the site and is objecting to the site classification for various reasons as detailed in the appellant's letter of appeal dated 14 February 2007.</p>
Committee's decision	The appeal is dismissed. The existing classification is affirmed.
Reasons for decision	<p>The appellant claims that</p> <ul style="list-style-type: none">• the site was remediated by the State in 1998,• only a small area of the site was not sampled,• the chance of this being contaminated is remote, and• the EPA advised the appellant in 1999 that remediation was complete. <p>The remediation of the site was limited, as it was infeasible to sample or remediate the soil below the incinerator. Rather, with the agreement of the appellant, a containment cell was constructed to retain any contamination below the incinerator and ensure, as far as possible that there were no ground water impacts.</p> <p>The appellant has provided no evidence to indicate that the soil within the containment cell below the incinerator is not contaminated. The classification remains appropriate.</p>