

# Contaminated Sites Committee

- Summary of Decision
  - Appeal Against Site Classification
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<b>Date of decision</b>	29 March 2011
<b>Type of decision</b>	Determination of an appeal against site classification pursuant to section 82 of the <i>Contaminated Sites Act 2003</i> .
<b>Matter</b> (file no.)	08/2010
<b>Date lodged</b>	19 April 2010
<b>Appellant</b>	Kingsgroup Nominees Pty Ltd
<b>Site name/address</b>	626 Pinjarra Road, Furnissdale WA
<b>Certificate of title no./ Crown reserve no.</b>	Lot 24 on Diagram 24314 on Certificate of Title Volume 1298 Folio 674
<b>Background</b>	<p>The Department of Environment and Conservation (DEC) classified the site as <i>possibly contaminated – investigation required</i> under the <i>Contaminated Sites Act 2003</i> (the Act) on 4 March 2010.</p> <p>The site was historically used as a mechanical garage and fuel station, motor cycle sales and servicing. Soil geology is sand.</p> <p>A 2009 environmental report by Hydrocarbon Remedial Services (HRS) noted substantial evidence of petroleum contamination in soil in the vicinity of the ground water table beneath the site, including observed free-floating hydrocarbons. The source was suggested as underground pipework.</p> <p>Tanks were removed in 2010 and soil remediated, and an environmental report by Motteram Management Pty Ltd (MM) in 2010 tested the soil removed and found low levels of contamination, and noted little evidence of contamination associated with tanks and bowsers. No tests were undertaken on groundwater or soil at groundwater level.</p> <p>The appellant argued that while observing the tank removal process he had not observed any soil contamination, and the engineer removing the tanks had advised he observed no sign of contamination. The appellant also claimed the site had been reported maliciously by HRS.</p>

<b>Committee's decision?</b>	Appeal dismissed
<b>Reasons for decision</b>	<p>The Committee is satisfied the site was not maliciously or inappropriately reported.</p> <p>The MM environmental investigation did not include testing for groundwater impact, since water was not encountered and no soil impact was detected. As a result it is unknown if the groundwater is contaminated.</p> <p>The Committee notes that the HRS report indicated the source could be pipework, and substantial contamination was found at the groundwater interface. The Committee considers it possible that hydrocarbons migrated by preferential flow pathways to the groundwater, which may not be easily observed.</p> <p>The Committee considers that even though some remediation of the site has been undertaken, further detailed investigations need to be conducted to determine if the groundwater is contaminated.</p> <p>The Committee considers that the current classification of <i>possibly contaminated – investigation required</i> is an appropriate classification as it reflects the uncertainty regarding the contamination status of the site, particularly the groundwater.</p>