

# Contaminated Sites Committee

- Summary of Decision
  - Appeal Against Site Classification
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<b>Date of decision</b>	12 September 2012
<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.)	CSC 11/2011
<b>Date lodged</b>	18/07/2011
<b>Appellant</b>	N Dines Pty Ltd
<b>Site name/address</b>	96 Chapman Road, Geraldton
<b>Certificate of title no./ Crown reserve no.</b>	Lot 12 on Plan 837 Certificate of Title 2197/552
<b>Background</b>	<p>The property has been operating as a service station from 1957 – 2003. Tanks were removed in 2004 and some remediation was undertaken.</p> <p>DEC classified the site <i>possibly contaminated – investigation required</i> on 7 June 2011.</p> <p>The Appellant appealed on the basis that:</p> <ol style="list-style-type: none"> <li>1. They had received advice from Peter Williams the Geraldton Health Inspector (and Principal of Centralwest Consultancy &amp; Training Services) that the site was clean;</li> <li>2. No servicing of vehicles is currently carried out on the site; and</li> <li>3. All fuel used in servicing diesel pumps and injectors is disposed of in fuel recycling tanks.</li> </ol>
<b>Committee's decision?</b>	<b>Appeal Dismissed</b>
<b>Reasons for decision</b>	The classification was based on the <i>Detailed Investigation Report and Remediation of Site – Underground Tank Removal of Gull Northgate, Geraldton</i> by Centralwest Consultancy & Training Services dated July 2004 (the Report), which reported the presence of benzene and xylene in groundwater at concentrations exceeding Australian Drinking Water Guidelines, and recommended ongoing groundwater monitoring. The evidence

	<p>shows that no further groundwater monitoring information has been submitted to DEC.</p> <p><b>Ground 1</b> The Report failed to fully delineate where the hydrocarbon impacted groundwater was, or determine whether it has moved off-site.</p> <p>The Report also failed to show, through validation testing on site after remediation was undertaken, that no contamination remained. It also detailed possibly incomplete potentially contaminated soil removal, because soil from up to 1m around and underneath the building, and from 2.5m around and underneath the forecourt was not remediated or investigated.</p> <p><b>Ground 2</b> The current use of the site has no impact on the appropriate classification, rather, the existence of contamination on the site was clear, and its removal has not been properly investigated or validated.</p> <p><b>Ground 3</b> The comments for Ground 2 above are repeated.</p>
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