



# CONFLICTING REGULATORY FRAMEWORKS ON CONTAMINATED SITES INVESTIGATION – A CASE STUDY

INTERNATIONAL  
CLEANUP CONFERENCE  
REMEDIATING THE PLANET

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# Introduction

- Conflicts in regulatory frameworks, expectations and site information for regulatory bodies often occur within contaminated land investigation and remediation





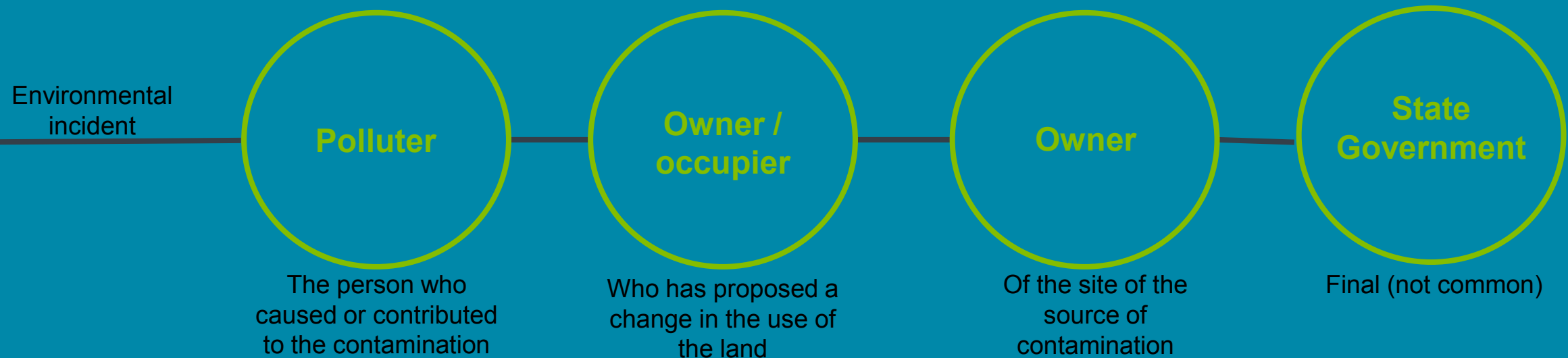
## Regulatory background

- The Department of Water and Environmental Regulation (DWER) regulates contaminated sites through the:
  - *Contaminated Sites Act 2003 WA (CS Act)*
  - *Contaminated Sites Regulations 2006 WA (CS Regulations)*
  - *Environmental Protection Act 1986 WA (EP Act)*
  - Ministerial statements allocating responsibilities through the EP Act
- Mine sites are included within the framework of contaminated sites management through the *Mining Act 1978 [amended 2015]*.

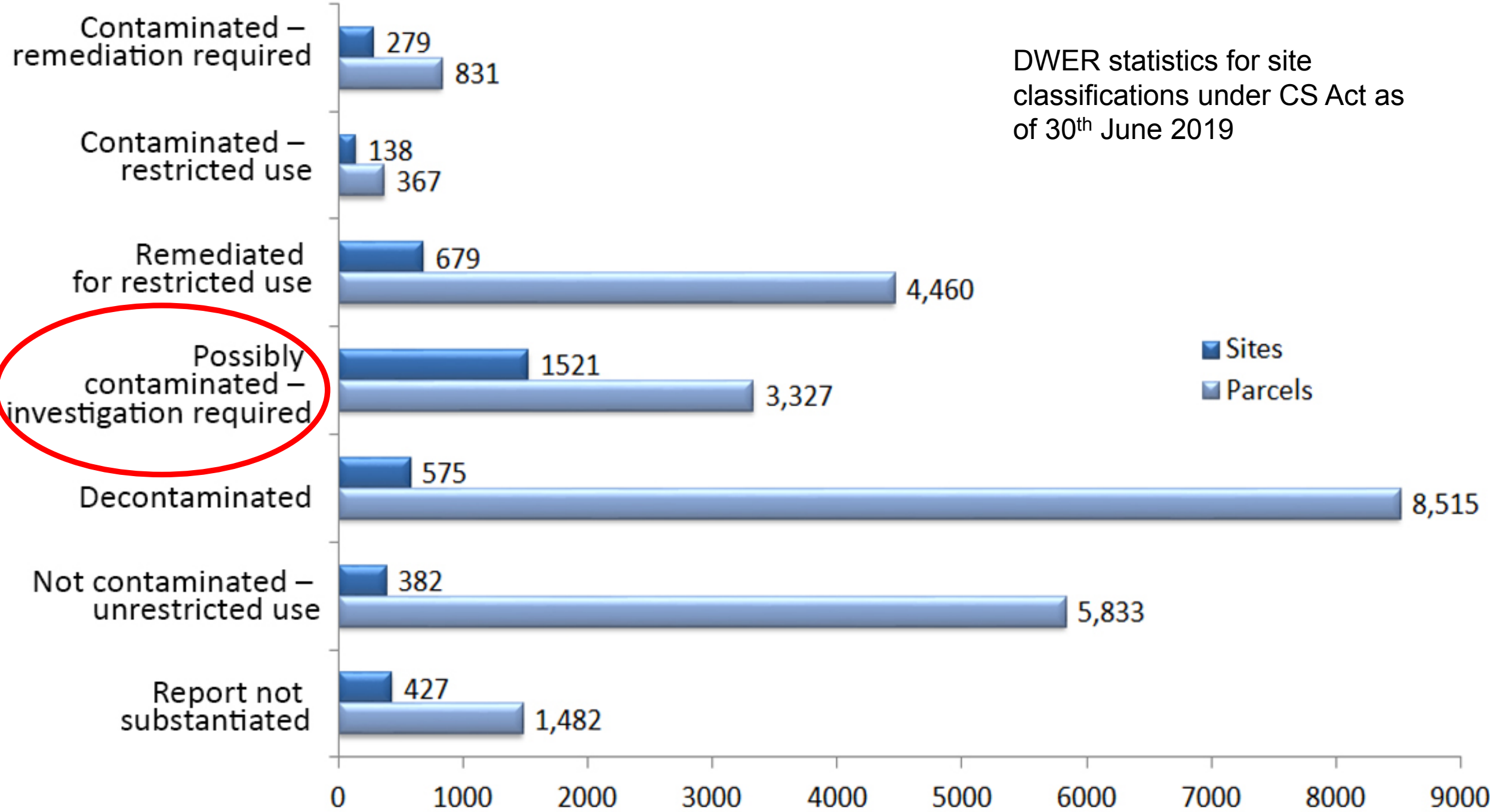


# Hierarchy of responsibility

- CS Act s 24, “polluter pays principle”



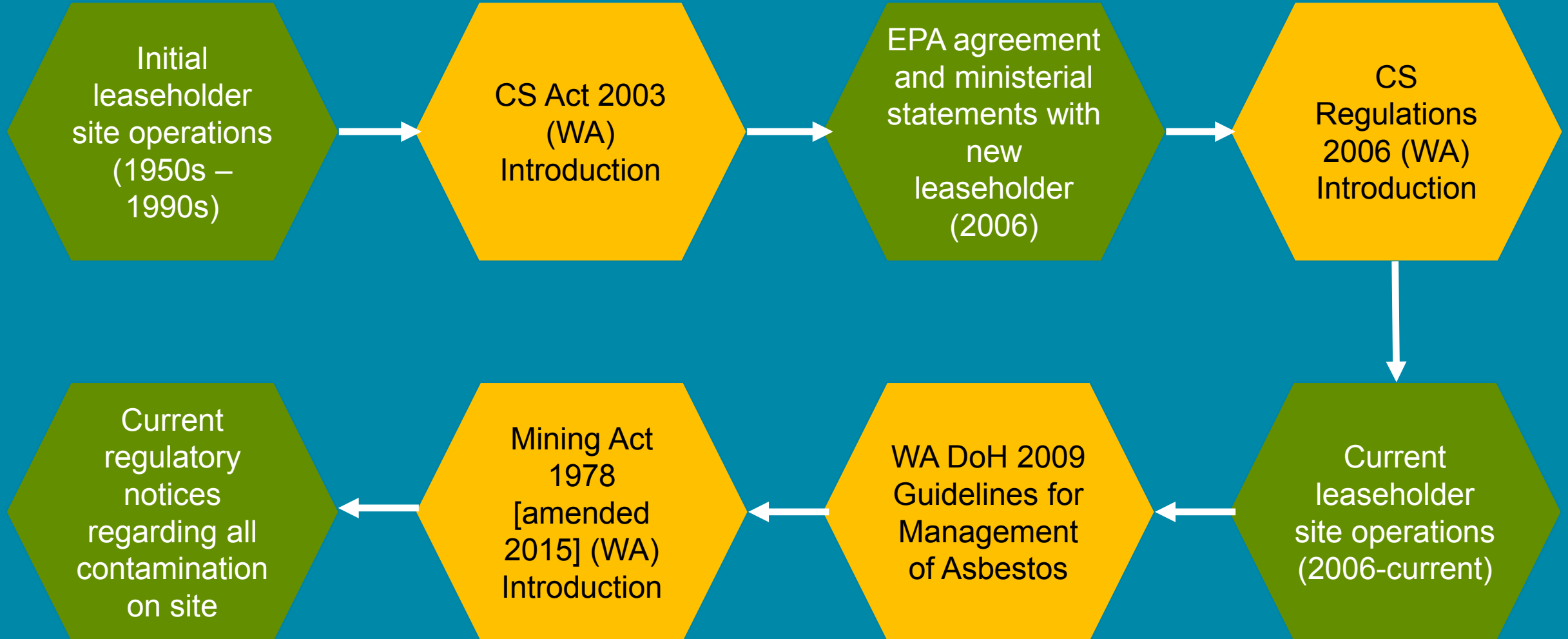
DWER statistics for site classifications under CS Act as of 30<sup>th</sup> June 2019



# Timeline

Legislation

Site specific details



# Three key contamination issues



## Petroleum hydrocarbons

Fuel storage tanks



## Asbestos

Support buildings prior to 2000's



## Landfills

Domestic and industrial

# Petroleum hydrocarbons



## Source

- Degradation of hydrocarbons
- Physical removal

## Pathway

- Movement of waste rock
- High depth to GW

## Receptor

- Limitation of movement
- Education

**should = changes in interpretation of classification under CS Act  
in comparison to the real life situation**





## Asbestos

- Asbestos use across Australia has been banned since December 2003
  - Current site infrastructure would therefore not contain asbestos
- As the site occupier → legally could be liable under the CS Act and DoH guidelines
- Contradicts agreement with EPA and ministerial statements

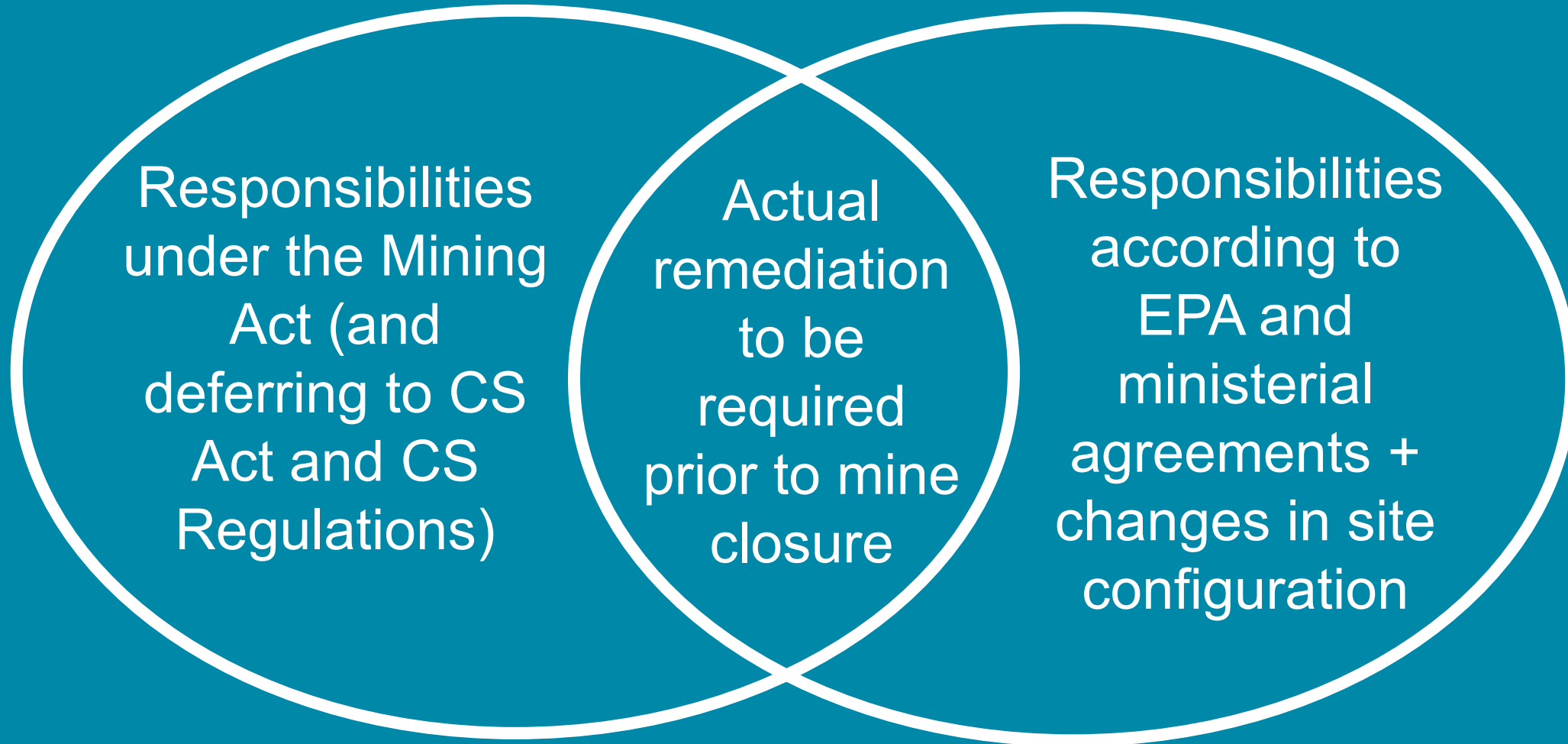
Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia

May 2009



Delivering a Healthy WA

# Conflict of responsibilities





**It's not all as straight forward  
as it seems**

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