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Dear Arminda

The Australian Sustainable Business Group (ASBG) welcomes the opportunity to provide comments on the EPA's [Consultants reporting on contaminated land: Contaminated Land Guidelines](#). Overall the guidelines are considered a comprehensive update on the current set, which is welcomed as the current Guidelines are 19 years old. The comprehensive check list will be also useful to ensure compliance by consultants and provide additional confidence in property transactions in the future.

While the Guidelines are written so that EPA receives the appropriate level of detail on a contaminated site, the guidelines are widely used as a reference for property transfers and land assessments and valuations.

There are a few areas where comment is provided including:

- Change from four to seven stages
- Technical Remediation Details

1 STAGES USED

The current 2000 Guidelines use the four stages in assessing and remediating a site. While not the same this approach is similar to that of the US EPA with its four phases. Having a similar map of remediation assessment and action has been well understood by all including many outside the contaminated land remediation sector. Real estate agents, insurance companies, banks and financiers etc have a simple grasp of the concept of four stages and roughly understand it.

ASBG is concerned going to a seven stage process will confuse and unnecessarily complicate the current understood basic concepts associated when entering land transfers and transactions. The new "stages" can be considered as additional requirements under the existing four stages, with out detracting from the new level of detail being sought. Figure 1 shows how this can work, keeping the four stages and the new details.

Use of the additional three 'stages' can be included as an additional requirement commencing from one of the existing four stages.

For example, a site specific risk assessment is generally not required for a preliminary site investigation, but should commence during the detailed site investigation where field work is being undertaken. Its level of detail should increase as further work and remediation commences. The risk assessment's level of detail should also be proportional to the risks the contaminated site presents, so it self establishes its own level of detail. The same can be said for sampling and analysis.

The requirement to prepare a Conceptual Site Model is perhaps premature if the preliminary site investigation shows little to no contamination. Many sites have simple contamination issues such as asbestos in soil. Consequently the conceptual site model will be simple, if the remediation is a low volume dig and dump process.

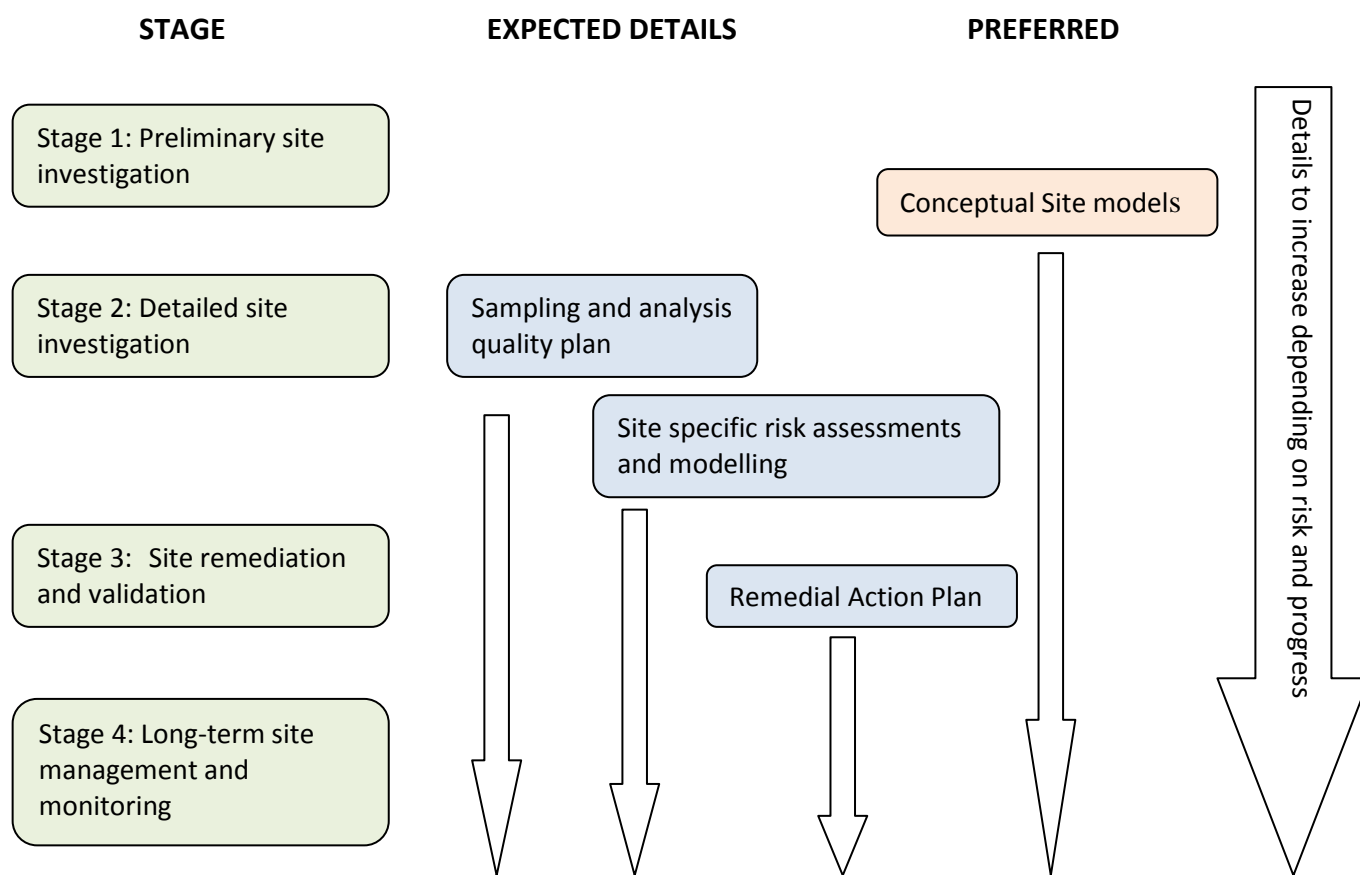


Figure 1 – Preferred Structure Keeping the Four Stages

R1 ASBG recommends keeping the four stages, but including the new 'stages' as expected details in the appropriate stage it is required.

2 TREATMENT TECHNICAL DETAILS

The Guidelines state under Remedial Action Plan:

“For major remediation projects that require the use of remediation technologies or processes, additional technical detail is needed in the form of a ‘Technology Assessment’. This is a stand-alone document that must be prepared as well as the remedial action plan. This provides further evidence that the chosen option will achieve the remediation goals for the site. The Technology Assessment report must contain all the relevant information that supports the chosen remediation approach. Information required includes details of proof of concept (extended from the RAP if necessary, with more detail), results from treatability trials, and an outline of Proof of Performance testing.

The requirement is probably outside the experience of most consultants for many remediation methods. Remediation methods are not in the NEPM and IMO what is in the NRF is relatively simplistic. Many consultants are familiar with a range of options / methods in general and one or two in detail. However, it is not necessary to be across the detailed design to do an options screening and selection of preferred option or short list of options.

The level of detail asked would in most instances be done in a detailed remedial design stage, post the Remediation Action Plan (RAP) and either before, but most usually after a tender. Use of such technical document appears more appropriate for an unusual remediation technology, or one which may attract public concern such as high temperature incineration on site.

Many standard approaches (e.g. encapsulation, bioremediation, stabilisation) do not necessarily need treatability trials to nominate them as a preferred option, though they may subsequently need to optimise the application and get an Environment Protection Licence (EPL).

At the moment the pathway to do anything more than encapsulation or treatment at a facility or landfill is complicated. Consequently, this is a disincentive to doing anything more than encapsulation, treatment at a facility or landfill. To clarify perhaps the EPA can list acceptable processing technologies, which do not require such a detailed technological explanation. It would also assist in better defining *major remediation projects*, perhaps based on scale or technology used for treatment.

R2 ASBG recommends the requirement to provide technical details, trails etc, be limited to high risk treatment processes and better explained, especially as to what are major remediations and preferably technologies which do not require such details or less details based on their risk.

3 USE BY OTHERS

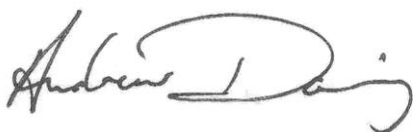
ASBG is concerned these guidelines are likely to be strictly adhered to and what are currently read as options become mandatory. This is particularly true where the guidelines are used by other agencies and the approach is in doubt leave it in. A common trend with government agencies are, at the time the guideline is written, the officers in place have a reasonable idea on what they mean and apply a level of flexibility. However, as staff change this flexibility reduces and strict and an ultra conservative interpretation becomes the normal. Making the assessment process to complex and not fitting the risks associated with the remediation or level of contamination to be assessed will detract from undertaking remediation resulting in poorer environmental outcomes.

In addition, the draft guidelines are written for the more heavily contaminated sites. In practice the vast majority of sites have no or small levels of contamination with the next level comprising of simple contamination issues such as asbestos. A good risk-based approach is to cater for all levels and be aware when the level of detail is disproportional to the level of risk the site poses.

R3 ASBG recommends a risk-based approach to the level of detail required in Consultants Reports, so they are balanced with the risk posed rather than a list of must do requirements regardless of scale of the contamination and remediation involved.

Should you require further information, clarification or details on the submission please contact me on 02 9453 3348.

Yours Sincerely



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