

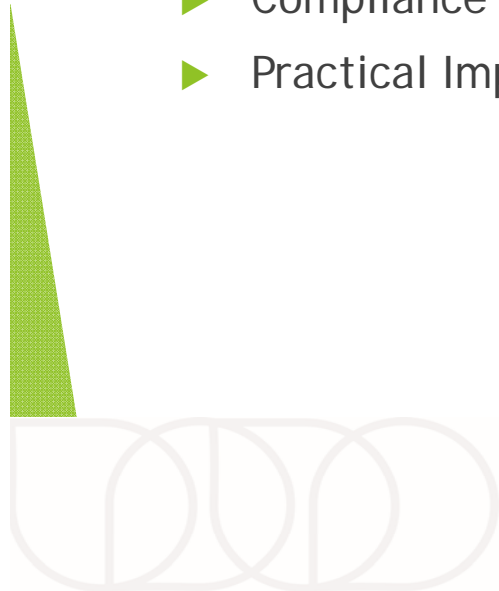


Qld Contaminated Land Auditor Process - Changes for the Industry

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Epic Environmental

Outline

- ▶ How is contaminated land managed in Qld
- ▶ EPOLA Act update and expected changes
- ▶ Available guidance
- ▶ The Audit process and roles
- ▶ Selecting the SQP and the Auditor
- ▶ Practical applications- Who When How
- ▶ The Prescribed Criteria
- ▶ Compliance permit
- ▶ Practical Implications



How is contaminated land managed?

- ▶ Environmental Protection Act (1994) administered by EHP:
 - ▶ Environmental Protection Regulations 2008 and relevant amendments
 - ▶ EHP endorsed guidelines
 - ▶ Environmental Management Register (EMR)
 - ▶ Contaminated Land Register (CLR)
 - ▶ Site Management Plans (SMP)
- ▶ Sustainable Planning Act (2009) planning provisions:
 - ▶ Material Change of Use
 - ▶ Compliance Permit
 - ▶ Lot reconfiguration (Local Gov.)
- ▶ Environmental Protection and Other Legislation Amendment (EPOLA) Act 2014

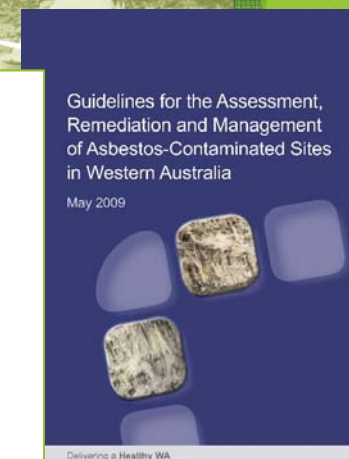
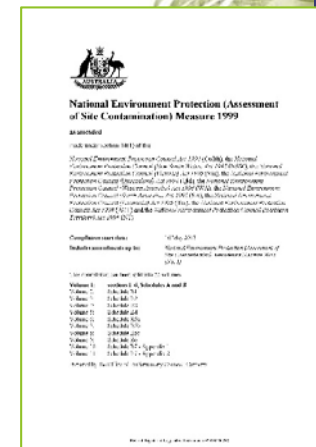
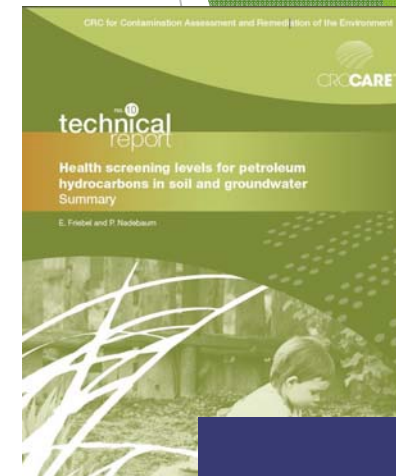
Relevant Guidelines in Qld

- ▶ Guideline: Contaminated Land Professionals, EHP August 2014.
- ▶ Contaminated Land Assessment Guideline, EHP July 2014.
- ▶ Guideline: Managing Contaminated Land under the Sustainable Planning Act(2009), EHP July 2014.
- ▶ Code of professional conduct for Auditors Approved under Chapter 12 part 3a, EHP May 2013.
- ▶ Guideline: Assessing a suitability Qualified Person, EHP June 2013.
- ▶ Best practice minimum for assessment of contaminated land.
- ▶ Auditor Guidance (in development)



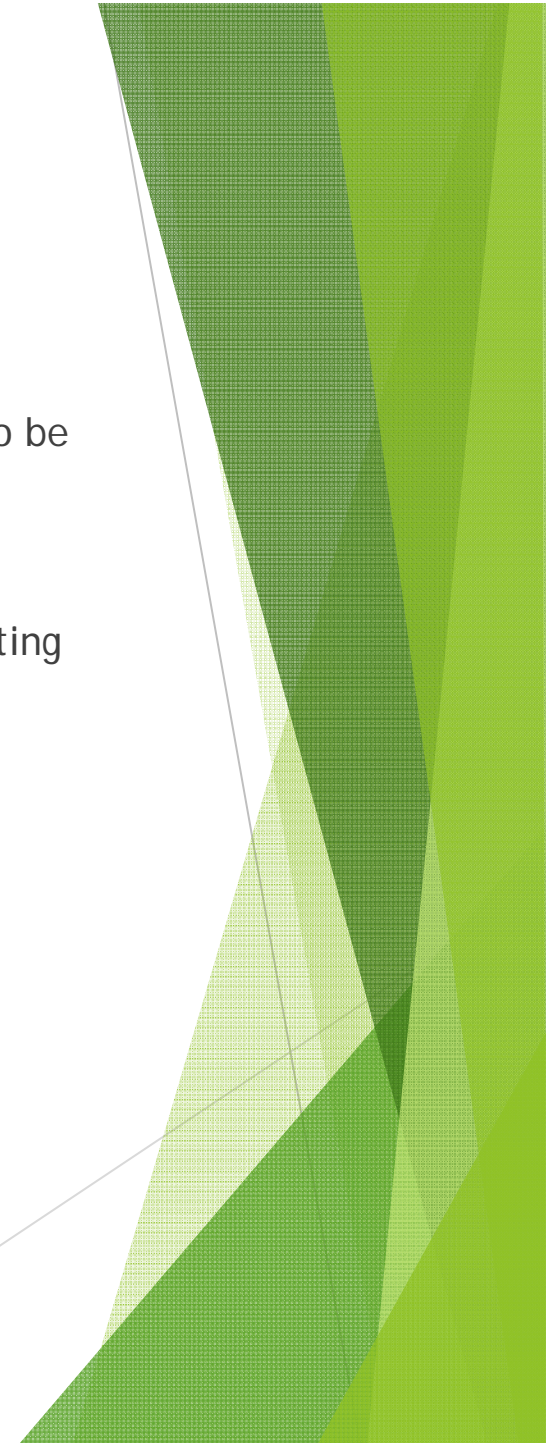
Relevant Guidelines in Qld

- ▶ National Environmental Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM), as amended in April 2013
- ▶ Health Screening Levels for Petroleum Hydrocarbons in Soil and Groundwater (CRC CARE Health Screening Levels) (Friebel and Nadebaum 2011).
- ▶ Canada-wide standard for petroleum hydrocarbons (PHC) in soil (CCME 2008).
- ▶ Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia (WA Asbestos Guidelines) (DoH and DEC 2009).
- ▶ US EPA Screening Levels.



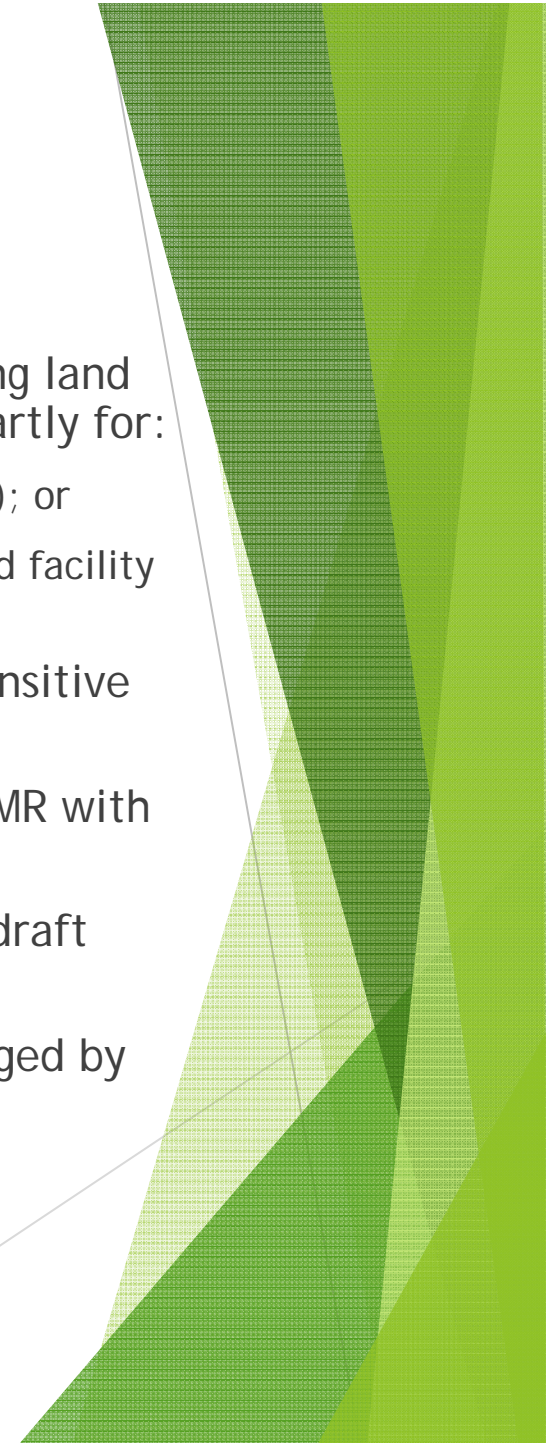
EPOLA Proclaimed?

- ▶ Expected to be proclaimed into effect in September this year.
- ▶ Chapter 7, Part 8 (contaminated land provisions) of the EP Act to be replaced.
- ▶ Audit requirements for contaminated land reports and plans.
- ▶ Soil disposal permits will continue to be assessed under the existing process (at least in the immediate future).
- ▶ Specified circumstances where EHP must remove land or amend details about land on the EMR/CLR.
- ▶ Streamlining of contaminated land matters into.
 - ▶ duty to notify provisions.
 - ▶ environmental investigations.
 - ▶ clean up notices.
- ▶ Minor changes to requirements when buying/selling/leasing contaminated land.



Triggers

- ▶ Under Schedule 18 of the SP Reg (2009), compliance assessment is required for any MCU application involving land listed on the EMR or CLR where the MCU is wholly or partly for:
 - ▶ a sensitive purpose (accommodation, childcare centre ...); or
 - ▶ a commercial purpose involving an accessible underground facility (e.g. basement car park, workshop or office).
- ▶ Does not apply if the site is already being used for a sensitive purpose.
- ▶ Under the EP Act removal of the a site from the CLR/EMR with require an Audit.
- ▶ Amendments of an SMP for a site or development of a draft SMP.
- ▶ Reconfiguration of Lot that is on EMR is normally managed by Local Government under the EP Act.
- ▶ Following a duty to notify of environmental harm.

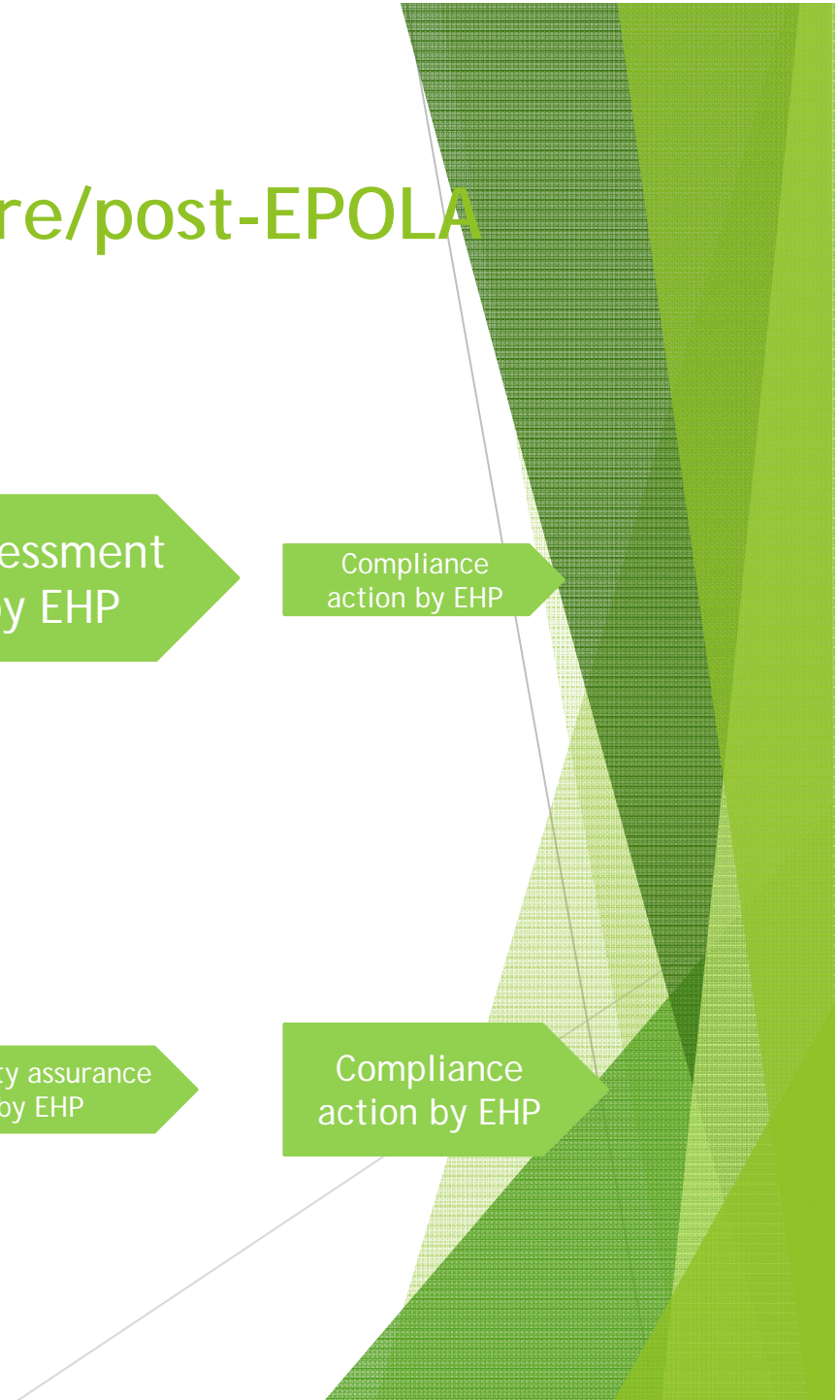
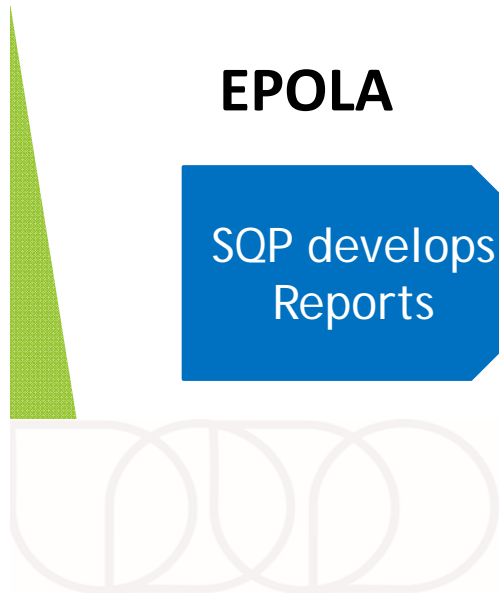
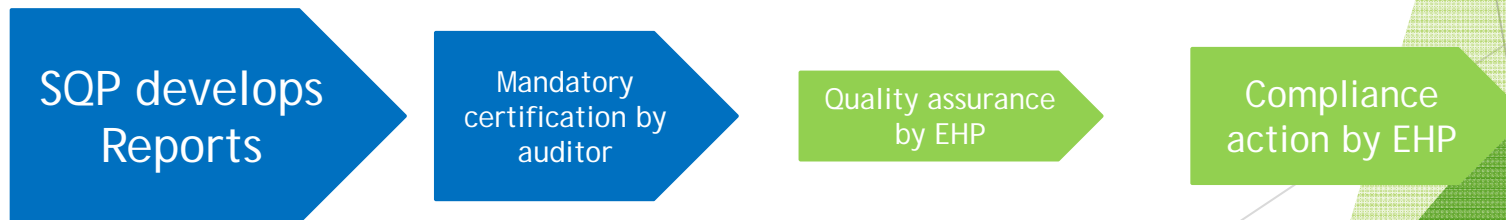


Evolving regulatory roles pre/post-EPOLA

Now

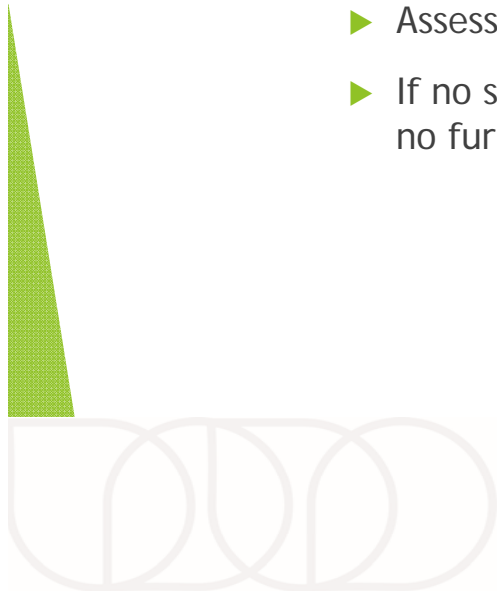


EPOLA



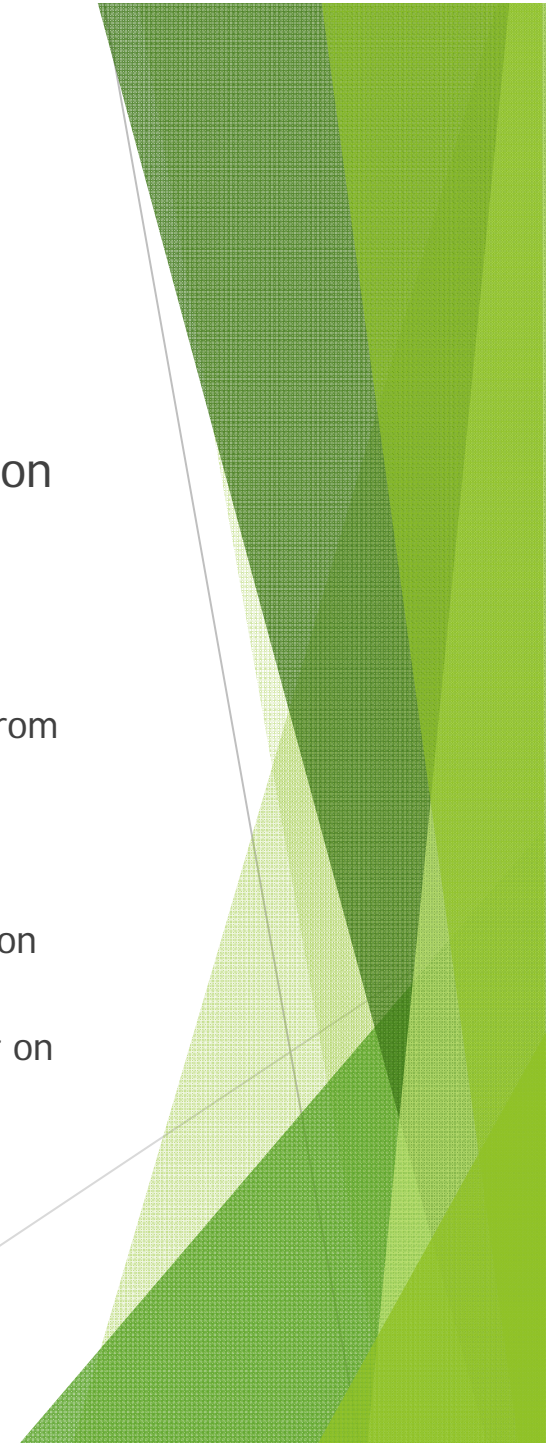
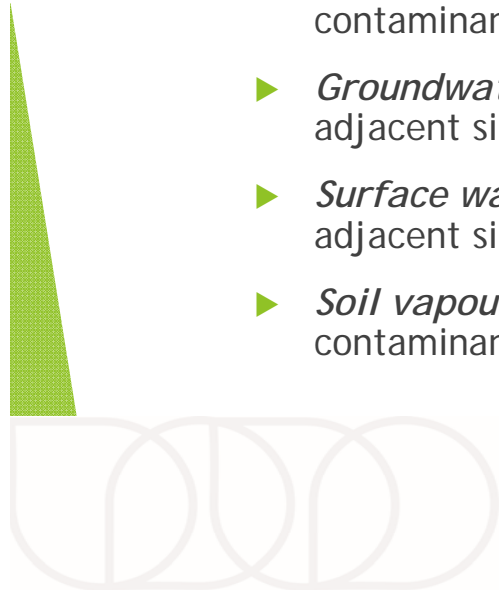
How is Contaminated Land Assessed

- ▶ The presence of contamination is identified by employing a systematic staged approach set out in guidelines endorsed by QLD EHP.
- ▶ Phase 1 Preliminary Site Investigation:
 - ▶ Desk-top assessment;
 - ▶ Historical records and title;
 - ▶ Site inspection;
 - ▶ Assessment of relevant historical and current activities;
 - ▶ If no significant contamination is indicated through assessment no further investigation is required.



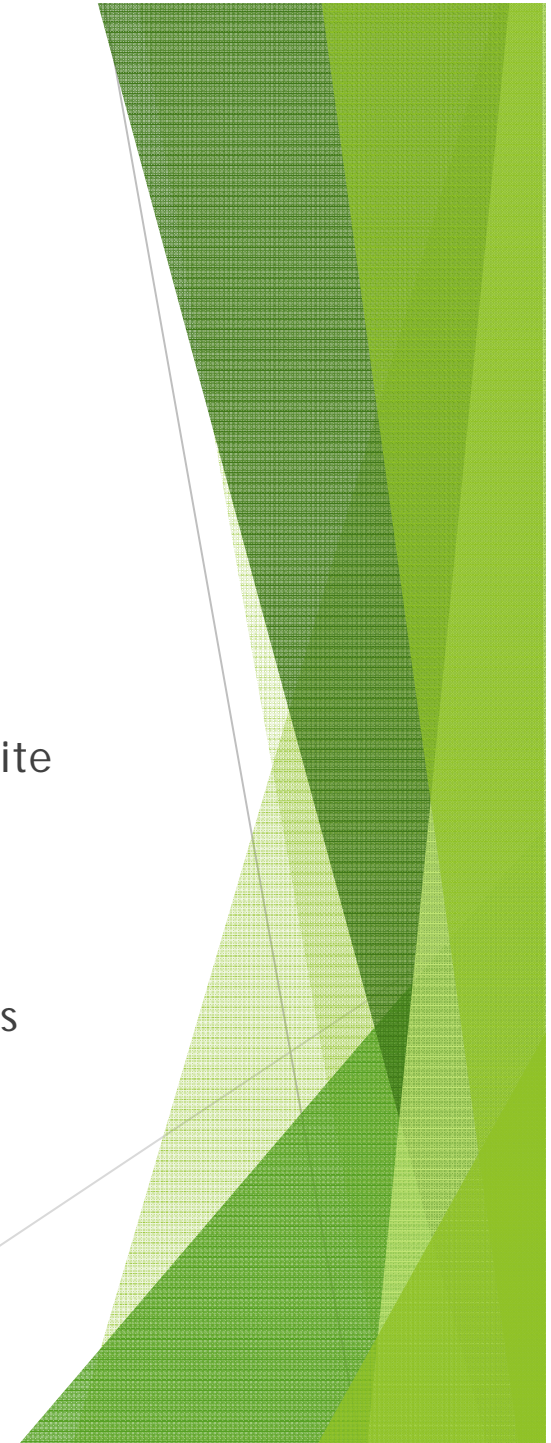
Phase 2 Investigations

- ▶ Intrusive investigation - collection of samples of environmental media and chemical analysis for chemicals of potential concern and comparison with published health-based and environmental investigation levels,
- ▶ The following environmental media commonly host contamination:
 - ▶ *Fill materials* that have been imported onto a site or derived from the site (waste);
 - ▶ *Natural soil* may be contaminated by spills or leakage of contaminants or by mixing with contaminated materials;
 - ▶ *Groundwater* may be contaminated by activities on the site or on adjacent sites;
 - ▶ *Surface water* may be contaminated by activities on the site or on adjacent sites; and
 - ▶ *Soil vapour* may be contaminated by the presence of volatile contaminants within soil or groundwater.

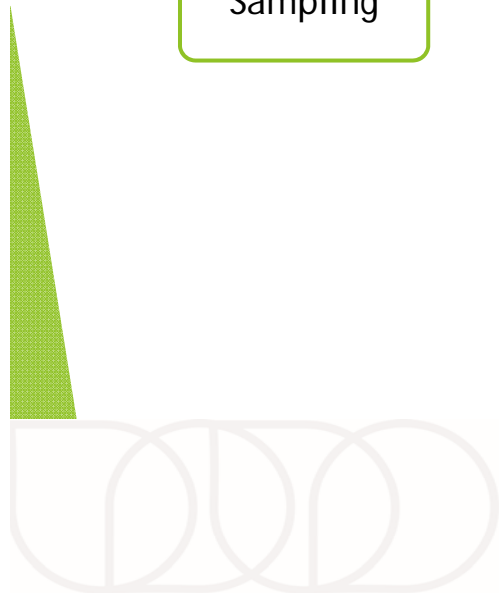
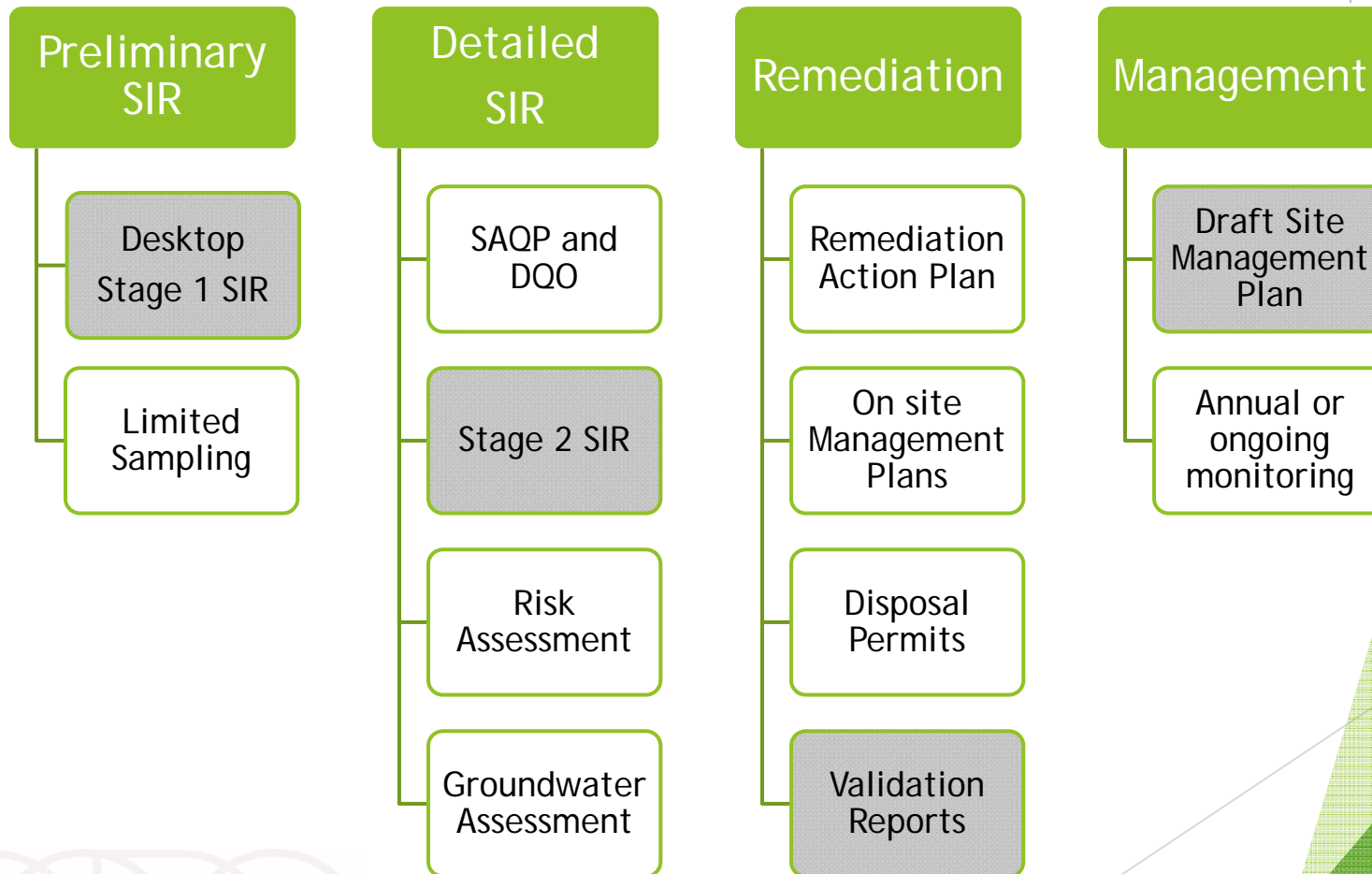


Remediation/Management

- ▶ 3 Risk Assessment and Remediation Action Plan
 - ▶ Investigation used to determine the potential human exposure and environmental impact.
 - ▶ Remediation options and site specific clean up criteria.
- ▶ Stage 4 Remediation and Validation
 - ▶ RAP sets remediation goals and program to ensure the site will be suitable for the proposed use/s.
 - ▶ Documents procedures and plans to reduce risk to acceptable levels.
 - ▶ Validation Report documents that the remediation works have been completed successfully.
 - ▶ SMP may be required for ongoing management.



What is relevant to the Audit



Contaminated Land Auditors

- ▶ Is the CLA is the compliance assessor approved under C12 part 3A of EP Act (1994), currently 17 approved Auditors.
- ▶ The process is aligned with the 2013 NEPM Schedule B9.
- ▶ Code of Conduct: Duty of Care to the environment, Health and Safety and Welfare of the people of Qld.
- ▶ Who are accredited by the State to provide advice relating to land contamination matters such as investigation reports and SMPs prepared by SQPs.
- ▶ Are obligated to conduct the Audit that promotes the objectives of the EP Act.
- ▶ Engaged separately from the SQP by the proponent directly.

SQP and Auditors

- ▶ The SQP and Auditor relationship is critical to the process.
- ▶ The EP Act requires that contaminated site investigation reports submitted to EHP (or Auditor) for assessment are prepared by a Suitably Qualified Person as outlined in s564 of the EP Act.
- ▶ The SQP process is now a self-assessment approach.
- ▶ EHP and/or Auditors will provide guidance, however the decision on the suitability of the SQP will rest with the SQP.
- ▶ Statutory Declaration is required with all submissions to the Department or Auditor.
- ▶ Ensure that the SQP and Auditor is appropriate for the project.

Practical Application - Who

- ▶ SQP and Auditor can engage support team with specific expertise.
- ▶ Specific expertise is generally required for assessment and reviewing of:
 - ▶ Complex industrial sites;
 - ▶ Groundwater, particularly where Dense Non-aqueous Phase Liquids or Light Non-aqueous Phase Liquids have been identified;
 - ▶ Land contaminated by asbestos materials;
 - ▶ Vapor assessment;
 - ▶ Land contaminated by radioactive substances;
 - ▶ Unexploded Ordnance.
- ▶ This may lead to increase in fees but will be offset but a more affective report and Audit process.

Practical Application - When

- ▶ When to engagement consultant and Auditor.
- ▶ As soon as possible!!
- ▶ Early communication will allow for a more efficient audit process.
- ▶ Avoid Action Notice or request for more information.
- ▶ In parallel or prior to the MCU process.
- ▶ Timelines:
 - ▶ Primary Investigation - 4 - 6 weeks to prepare.
 - ▶ Details Investigation - 6 - 12 weeks to complete field works, analytical and reporting.
 - ▶ Multiple stages for complex sites or groundwater and vapour issues.
 - ▶ Remediation works - 4 weeks to 3 years or more !!

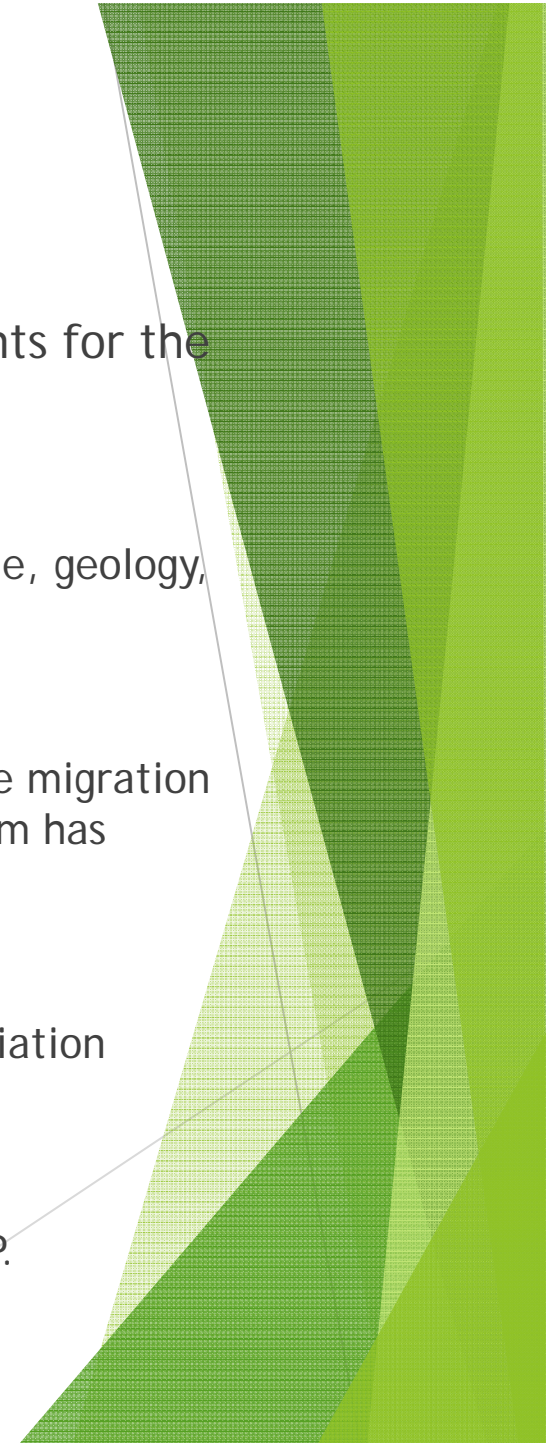
What is a Site Investigation Report (CLID)?

- ▶ Assessments of the environmental condition of land may be undertaken for many reasons, including:
 - ▶ Voluntary environmental compliance programs.
 - ▶ Due diligence purposes in property transactions.
 - ▶ Removal of the site or property from the EMR or CLR.
 - ▶ Satisfying the requirements of a Notice from QLD EHP under the EP Act (1994).
 - ▶ Addressing a complaint from a member of the public or a neighbour.
 - ▶ Planning triggers such as MCU under SPA (2009).
 - ▶ Supporting a waste disposal application under s242 of EP Act.

- ▶ Not all investigation reports are suitable for compliance assessment process.
- ▶ Check the scope and objectives of the report.

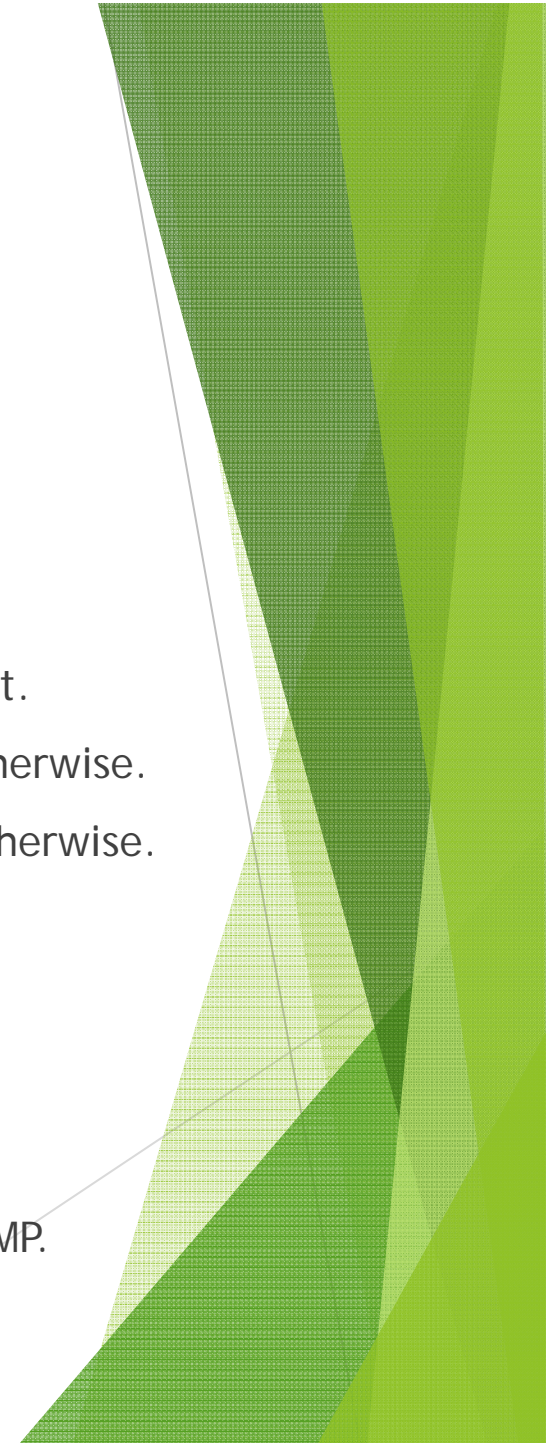
Prescribed Criteria

- ▶ Section 115c of the EP Act outlines the key requirements for the Auditor's assessment.
- ▶ Relevant site information.
 - ▶ EMR/CLR, subsurface infrastructure, surround area, waste, geology, hydrogeology, ERA or notifiable activities, site history...
- ▶ Contamination potential and nature
 - ▶ Description, nature and extent of known impacts, off site migration potential, manageable on site? actual environmental harm has occurred on or of site...
- ▶ Remediation and management
 - ▶ Management issues appropriate to address risk, is remediation required.
 - ▶ Contaminant levels before and after remediation.
 - ▶ Management and landuse limitation and outcome for SMP.



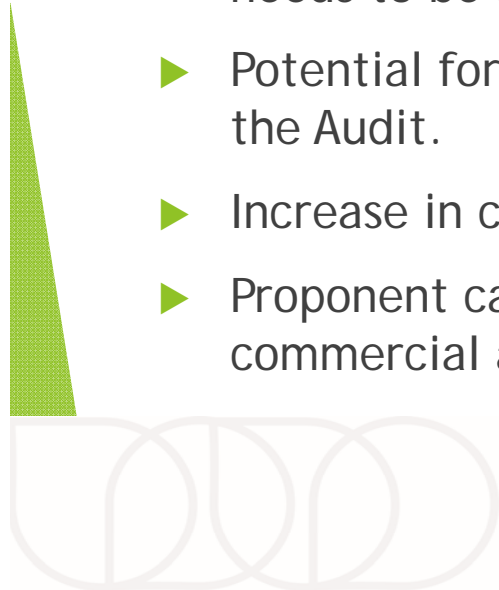
Compliance Permit and Audit Report

- ▶ Auditor Compliance Assessment Report
 - ▶ Provide summary of documents reviewed.
 - ▶ Summaries the site details and purpose.
 - ▶ Includes all relevant correspondence relating to the Audit.
 - ▶ Confirmed compliance with the prescribed criteria or otherwise.
 - ▶ Concurrence with the recommendations of the SQP or otherwise.
 - ▶ Statutory Declaration.
- ▶ Compliance Permit (under s407 of SP Act 2009)
 - ▶ Specifies the proposed land use is suitable.
 - ▶ Basis of the decision and the outcomes which are met.
 - ▶ Supported by the assessment report and if needed and SMP.



Impact of the Audit Process

- ▶ Improved certainty in the outcome of the investigation and validation program for proponents.
- ▶ Increased quality assurance and compliance across the industry.
- ▶ Additional steps in the Auditor review process that needs to be allocated in the program.
- ▶ Potential for revisions or rework by the SQP to satisfy the Audit.
- ▶ Increase in costs to the project to engaged Auditor.
- ▶ Proponent can control time and costs through commercial arrangement.



Summary

- ▶ A number of procedure and administration changes as EHP move to a poly development function.
- ▶ Initiate the Audit process as soon as possible if the objective is to obtain compliance permit or change in EMR/SMP.
- ▶ The CLA should be involved through out the project.
- ▶ Ensure the SQP and Auditor are experienced and appropriate for the project, ask for evidence.
- ▶ Not all reports are suitable for the compliance assessment, be careful relying on historical documents.
- ▶ Prescribed Criteria must be addressed for SIR, Validation and SMPs.
- ▶ Allow sufficient time and budget for the Auditor.
- ▶ Lead to more efficient outcomes for CL matters in Qld.



Questions?

