



Qld Contaminated Land Auditor Process

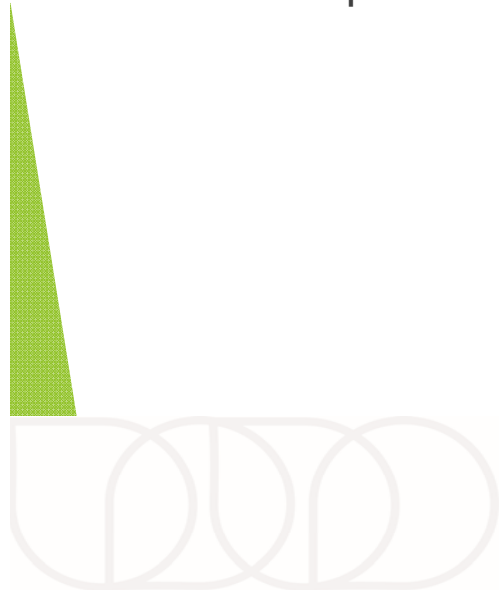
What is it and What do they want?

Brad May - DEHP Contaminated Land Auditor

bmay@epicenvironmental.com.au

Outline

- ▶ How is contaminated land managed
- ▶ The process and drivers
- ▶ The SQP and the Auditor
- ▶ Practical applications- Who When How
- ▶ The prescribed criteria
- ▶ Reporting SIR to the SMP
- ▶ Compliance permit and report



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)
- ▶ Sustainable Planning Act (2009) planning provisions:
 - ▶ Material Change of Use
 - ▶ Lot reconfiguration (Local Gov.)

Relevant Guidelines in Qld

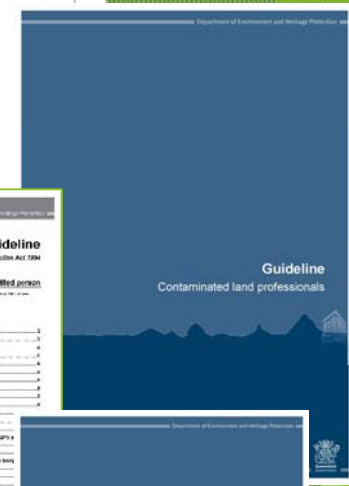
- ▶ Guideline: Contaminated Land Professionals, EHP August 2014.
- ▶ Contaminated Land Assessment Guideline, EHP July 2014.
- ▶ Guideline: Managing Contaminated Land under the Sustainable Planning Act(2009), EHP July 2014.
- ▶ Code of professional conduct for Auditors Approved under Chapter 12 part 3a,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

Guideline
Environmental Protection Act 1994

Assessing a suitably qualified person

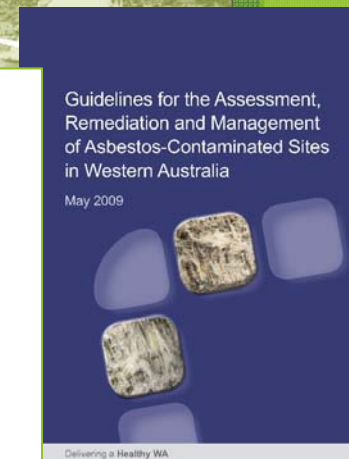
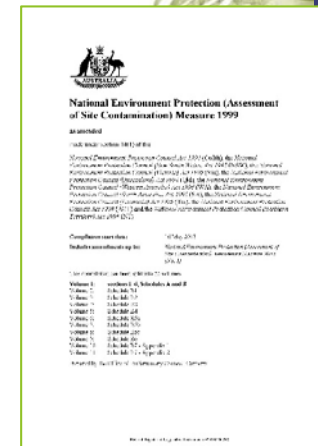
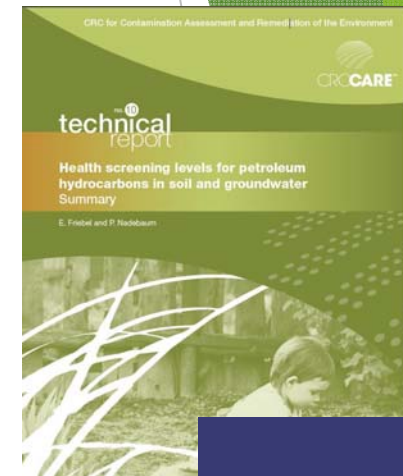
The objective of identifying, and the process of assessing, a suitably qualified person is to ensure that a person is qualified to undertake the work that is required.

Table of contents	
Introduction	3
What is a regulated function?	3
Guidance	4
Part 1 - Suitably qualified person (SQP)	4
1. What is a suitably qualified person?	4
2. How a person becomes fit to undertake to act as a SQP	4
3. What is SQP assessment or consent?	4
4. Can more than one person hold the same SQP?	4
5. What is a SQP in employment or as a representative?	4
Part 2 - Identification of a SQP	4
2.1. Identification of a SQP	4
2.2. Identification of a SQP	4
2.3. Identification of a SQP	4
2.4. Identification of a SQP	4
2.5. Identification of a SQP	4
2.6. Identification of a SQP	4
2.7. Identification of a SQP	4
2.8. Identification of a SQP	4
2.9. Identification of a SQP	4
2.10. Identification of a SQP	4
2.11. Identification of a SQP	4
2.12. Identification of a SQP	4
2.13. Identification of a SQP	4
2.14. Identification of a SQP	4
2.15. Identification of a SQP	4
2.16. Identification of a SQP	4
2.17. Identification of a SQP	4
2.18. Identification of a SQP	4
2.19. Identification of a SQP	4
2.20. Identification of a SQP	4
2.21. Identification of a SQP	4
2.22. Identification of a SQP	4
2.23. Identification of a SQP	4
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2.25. Identification of a SQP	4
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2.99. Identification of a SQP	4
2.100. Identification of a SQP	4



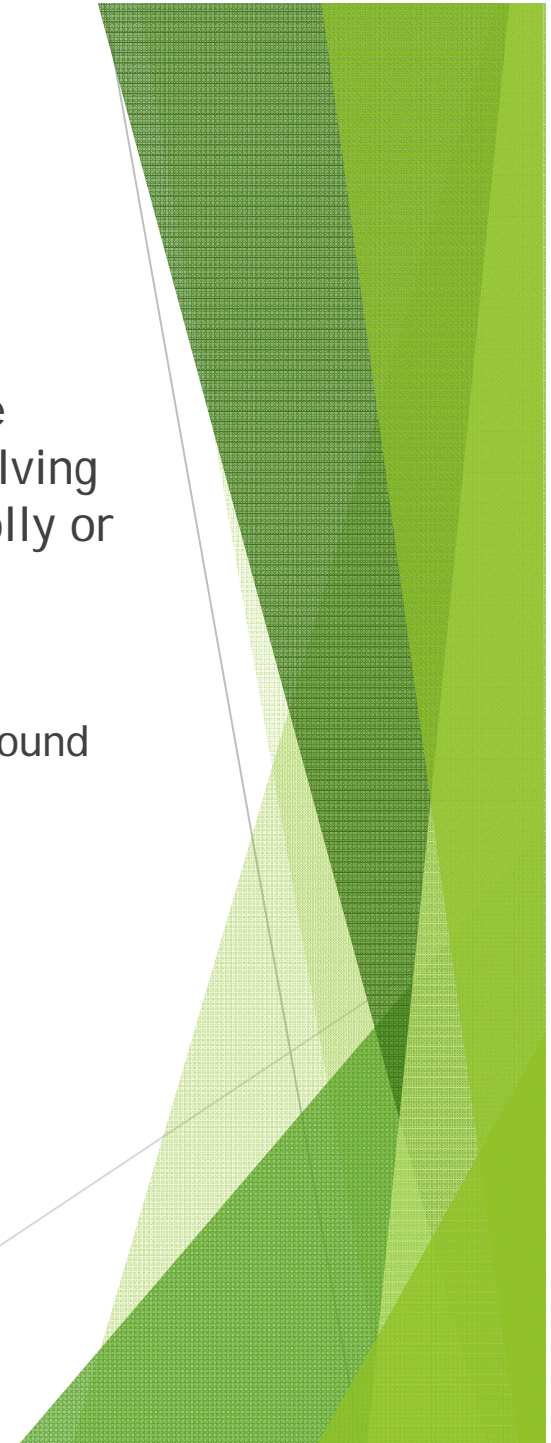
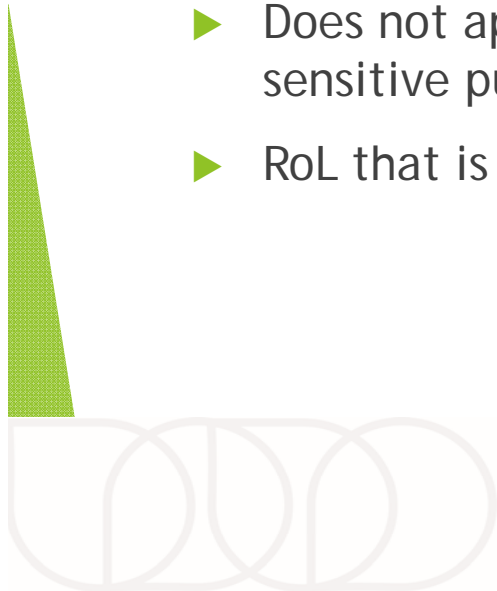
Relevant Guidelines in Qld

- ▶ 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.



Planning 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; 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.
- ▶ RoL that is on EMR is managed by the Local Govt.



Contaminated Land Auditors

- ▶ Is the CLA is the compliance assessor approved under C12 part 3A of EP Act (1994), currently 15 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 !!

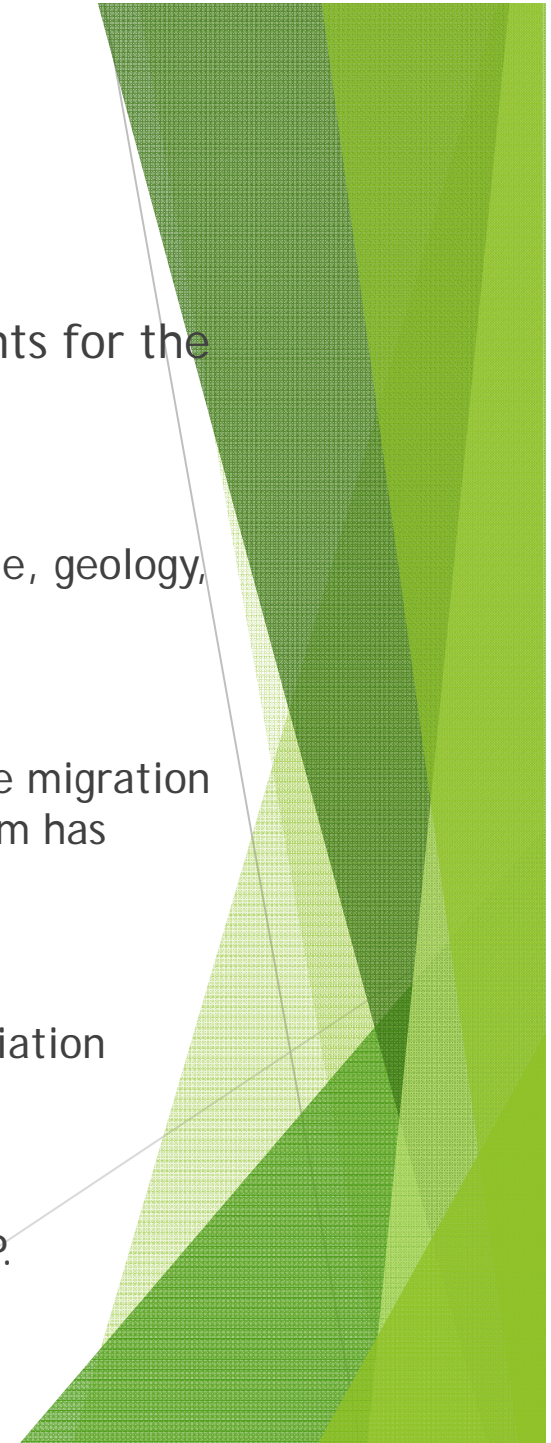
What is a Site Investigation Report?

- ▶ 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.

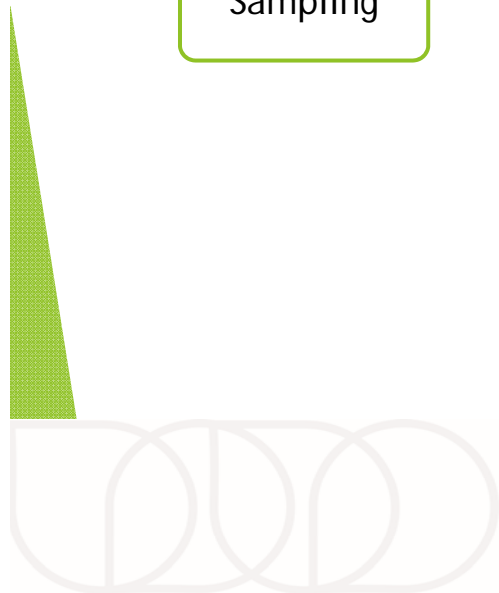
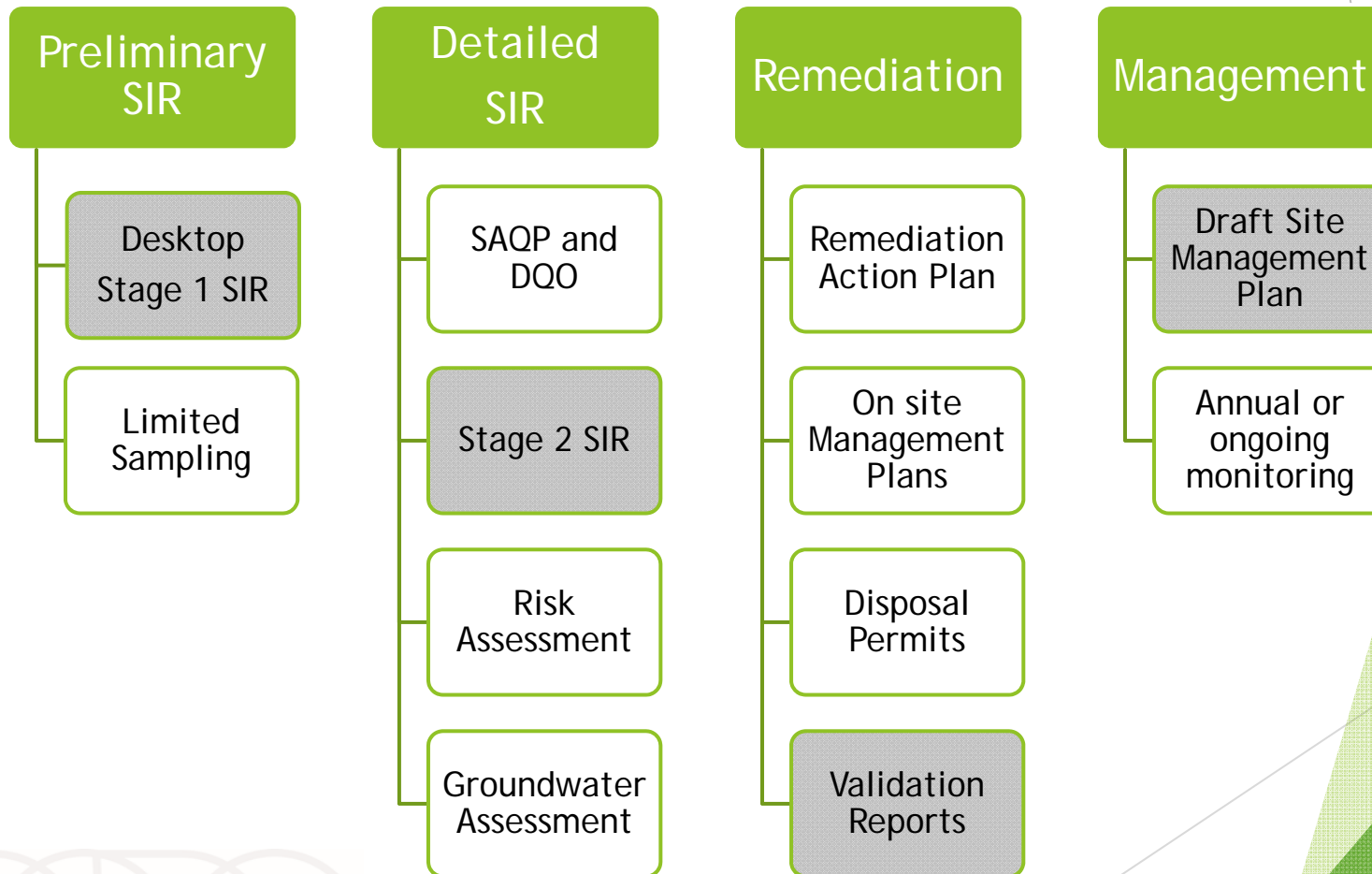
- ▶ Not all investigation reports are suitable for compliance assessment process.
- ▶ Check the scope and objectives of the report.

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.



What is relevant to the Audit



Auditor involvement SIR

Reporting

- ▶ Reporting Checklist Guidelines
- ▶ SAQP to meet objectives of the SIR.
- ▶ Site description and boundary of investigation.
- ▶ Site history and background needs to address the prescribed criteria.
- ▶ Justifiable and objectives set in advance.
- ▶ Appropriate acceptance criteria.
- ▶ Field and lab QAQC and data reliability for relevant media.
- ▶ Areas of uncertainty, limitations or departures from scope.
- ▶ Off site migration potential.
- ▶ Proposed landuse suitability....

Process

- ▶ The CLA engagement in the entire process not just for draft report.
- ▶ Allow adequate time for review.
- ▶ Avoid an Action Notice (s405) and ensure PC are addressed .
- ▶ Retain relevant Auditor correspondence and email.

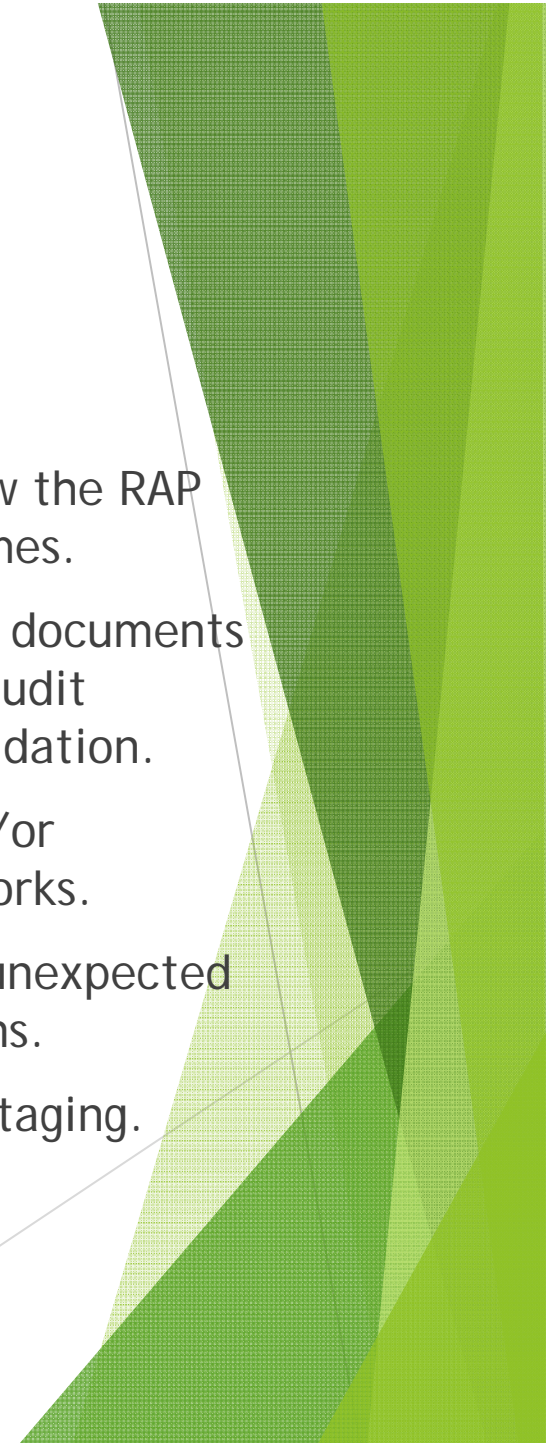
Remediation and Validation

Reports

- ▶ Clear outline of the objectives and goals to be achieved.
- ▶ Planned actions and measures to control contingencies.
- ▶ Remedial strategy appropriate to control risks to environment and human health.
- ▶ Departures from the RAP.
- ▶ Validation program and objectives.

Process

- ▶ Auditor should review the RAP and expected outcomes.
- ▶ Review of associated documents should improve the audit process and final validation.
- ▶ Regular updates and/or inspections during works.
- ▶ Auditor notified for unexpected conditions and actions.
- ▶ Validation plan and staging.



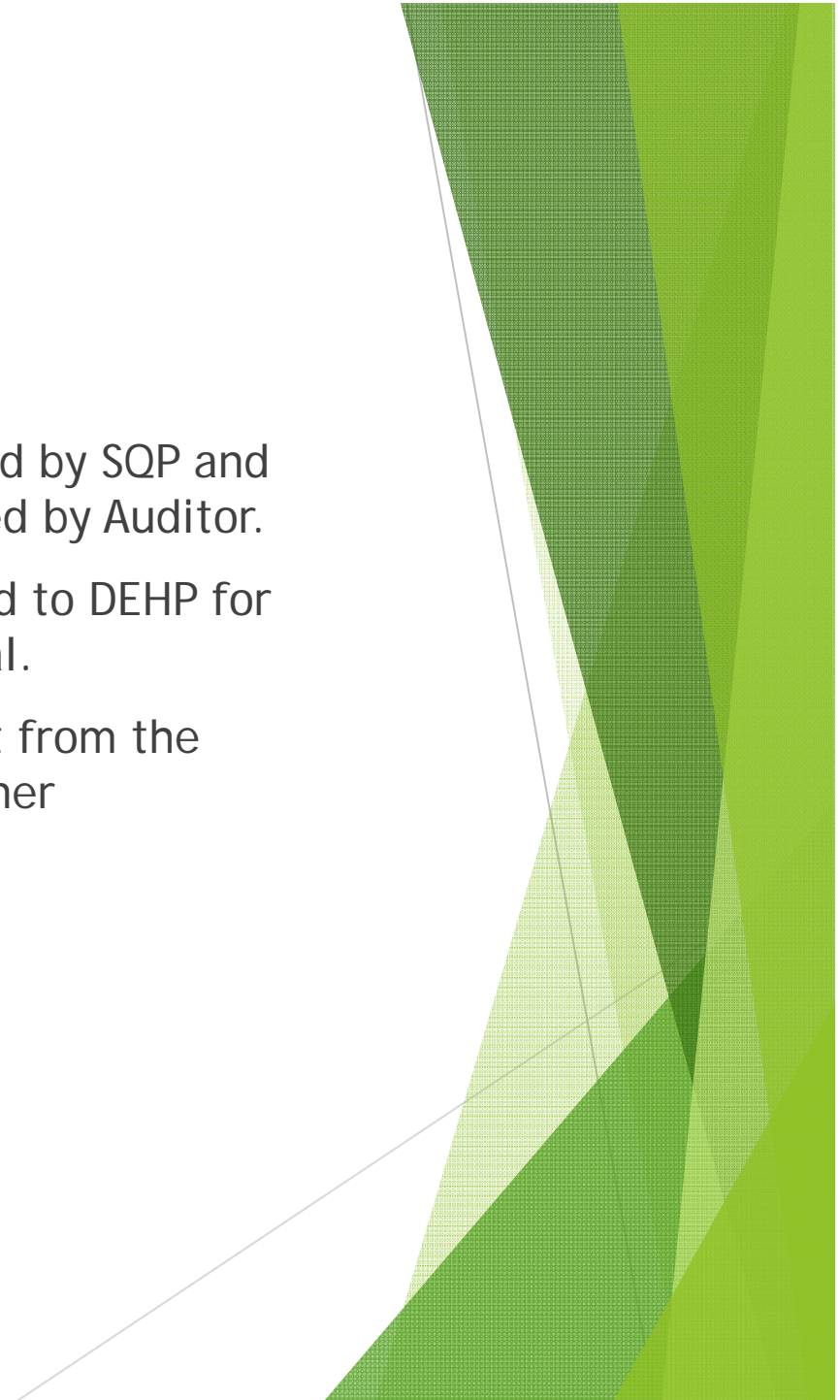
Management Plans

Reports

- ▶ Objectives to be achieved and maintained
- ▶ How the objectives can be maintained.
- ▶ Summary of managed contamination.
- ▶ Suitability to control risks.
- ▶ Measurable and reportable.
- ▶ Ownership of land and accountability and roles.

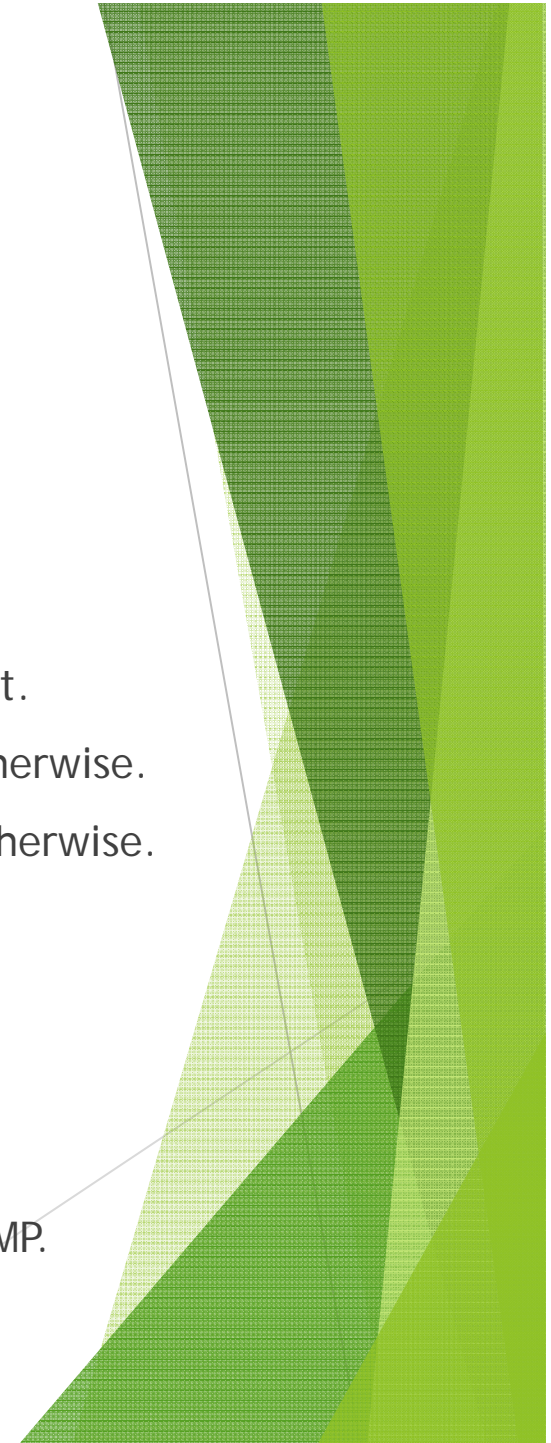
Process

- ▶ Prepared by SQP and reviewed by Auditor.
- ▶ Provided to DEHP for approval.
- ▶ Consent from the landowner



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.



Summary

- ▶ Initiate the Audit process as soon as possible.
- ▶ 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.
- ▶ Prescribed Criteria must be addressed for SIR, Validation and SMPs.
- ▶ Refer to the reporting guidelines, justify departures and significance to the assessment.
- ▶ Outline the limitation or uncertainties in the provided information.



Questions?

