

# Contaminated Sites Committee

## - Summary of Decision

## - Appeal Against Site Classification

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<b>Date of decision</b>	6 September 2007
<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 4/2007
<b>Date lodged</b>	14 February 2007
<b>Appellant</b>	Francis Stephenson
<b>Site name/address</b>	1 Felspar Street, Welshpool 6106
<b>Certificate of title no./ Crown reserve no.</b>	Lot 9 on diagram 14206 as shown on CoT 1579/547
<b>Background</b>	<p>On 2 February 2007 DEC classified the above site as <i>remediated for restricted use</i>.</p> <p>The appellant is the owner of the site and is objecting to the site classification for various reasons as detailed in the appellant's letter of appeal dated 14 February 2007.</p>
<b>Committee's decision</b>	The appeal is dismissed. The existing classification is affirmed.
<b>Reasons for decision</b>	<p>The appellant claims that</p> <ul style="list-style-type: none"><li>• the site was remediated by the State in 1998,</li><li>• only a small area of the site was not sampled,</li><li>• the chance of this being contaminated is remote, and</li><li>• the EPA advised the appellant in 1999 that remediation was complete.</li></ul> <p>The remediation of the site was limited, as it was infeasible to sample or remediate the soil below the incinerator. Rather, with the agreement of the appellant, a containment cell was constructed to retain any contamination below the incinerator and ensure, as far as possible that there were no ground water impacts.</p> <p>The appellant has provided no evidence to indicate that the soil within the containment cell below the incinerator is not contaminated. The classification remains appropriate.</p>