



## Identifying and reporting contaminated sites

### Purpose

This fact sheet is designed to provide targeted information on how to identify and report contaminated sites in Western Australia.

### Introduction

The *Contaminated Sites Act 2003* (the Act) was introduced to identify, record, manage and clean up contamination. Under the Act, land owners, occupiers and polluters must report known or suspected contaminated sites to the Department of Environment Regulation (DER).

Investigating and cleaning up contaminated sites is, in most cases, the responsibility of the polluter or current site owner. DER administers and enforces the Act which includes classifying sites (in consultation with the Department of Health) and making information on contaminated sites available to the public.

### What does 'contaminated' mean?

In the Act, **contaminated**, in relation to land, water or a site, means having a substance present in or on that land, water or site at above background concentrations that presents, or has the potential to present, a risk of harm to human health, the environment or any environmental value.

(There are some specific exemptions listed in the *Contaminated Sites Regulations 2006*.)

### Potentially contaminating activities

Land uses and activities that may cause contamination include (though are not limited to):

- fuel storage (including service stations);
- chemical manufacturing or storage; (including pesticide production);
- power stations;
- gasworks;
- agricultural use (including market gardens);
- landfill sites;
- large industrial facilities; and
- accepting fill from other sites that could be contaminated.

See DER's guideline [Assessment and management of contaminated sites](#) for a quick checklist of potentially contaminating activities, industries and land uses.



Service stations – a potentially contaminating activity.

## Exemptions

There are some situations listed in the Regulations where the 'contaminated' definition does not apply, including:

- asbestos that is part of a structure or contained within a building;
- algal blooms from excess nutrients or land affected by salinity (where these are the only indications of contamination); and
- land where fertilisers, pesticides and herbicides that were applied according to the laws of the day or manufacturer recommendations (only if land use has not changed).

## Impacts of contamination

Contamination can affect soil, surface water or groundwater. It can also affect air quality (vapours and/or dust).

Common contaminants of concern include metals (such as lead, mercury, zinc and nickel), fuels (such as petrol and diesel), oils, grease, solvents, paints and asbestos.

Contamination is usually caused by spills or leaks (from fuel or chemical storage tanks) or poor management practices at industrial or commercial sites.

Highly contaminated sites are often a result of long-term bad practices and involve a wide range of substances. Contaminated soil may also have been unknowingly imported onto sites as fill material for earthworks.

Site contamination can migrate offsite through surface drainage and groundwater movement.

Signs of potential contamination include:

- leaking chemical storage containers or fuel tanks;
- surface chemicals or wastes seen in soil during site works;
- abnormal odours, discolouration or staining of soil;
- oily or discoloured surface waters or bore water on or near a site;

- vegetation death or ground where plants will not grow;
- high numbers of animal deaths (e.g. fish, birds);
- rubbish on or emerging from the ground (possible former landfill or dumping site); and
- persistent health problems (e.g. headaches, nausea, skin problems).

## Rural activities

There are many potential causes of contamination associated with rural activities. These include:

- poor storage of chemicals resulting in leaks to soil, surface water and/or groundwater;
- spills of hazardous chemicals or fuels;
- incorrect use of fertilisers, pesticides and herbicides resulting in elevated concentrations in soil;
- arsenic-based sheep or cattle dips, especially if they were unlined or where residue soaked into the ground or poured down a soakwell; and
- poor rubbish disposal practices.



*Contamination can be associated with rural activities.*

When land contaminated by rural activities is changed to a more sensitive use, it may be necessary to engage an environmental consultant to determine soil and/or groundwater impacts and the risk to human health and/or the environment. For example, a former market garden being developed into a residential suburb will require investigation and, where necessary, remediation, as children may be exposed to contaminated soil when playing in their backyards.

## Reporting contaminated sites

The following people have a duty to report a contaminated site under the Act:

- an owner or occupier of the site;
- a person who knows or suspects that he/she has caused or contributed to the contamination; and
- an accredited contaminated sites auditor engaged to report on the site for the purposes of the Act.

A **known** contaminated site must be reported within 21 days of a person becoming aware of the contamination. DER expects suspected sites to be reported as soon as is reasonably practicable.

To report a contaminated site, complete a [Form 1](#) and submit it to DER.

**IMPORTANT:** Make sure you **sign the form** (page 4) and provide the required personal details. Your identity will remain confidential. If a body corporate is reporting contamination, the form must be signed by an authorised officer.

See DER's guideline *Reporting and classification of contaminated sites* for more details.

## Failing to report (s 11)

Maximum penalty: \$250,000 (individuals)  
\$1,250,000 (companies).

Possible maximum daily penalty: \$50,000.

## False or misleading information (s 94)

When reporting contamination, requesting information from DER, disclosing contamination under s 68 or providing information to the CEO or Contaminated Sites Committee, a person must not provide false or misleading information or fail to disclose all relevant information.

Maximum penalty: \$125,000.

Possible maximum daily penalty: \$25,000.

## More information

For advice on contaminated sites, please contact DER's **contaminated sites information line 1300 762 982** or email [contaminated.sites@der.wa.gov.au](mailto:contaminated.sites@der.wa.gov.au)

This document is available in alternative formats and other languages on request.

## Related documents

Other fact sheets in this series:

2. How to access information on contaminated sites
3. Seeking help from contaminated sites experts
4. Site classifications and appeals
5. Buyer beware – buying and selling contaminated land

Guidelines relating to investigating and managing contaminated sites are available at [www.der.wa.gov.au/contaminatedsites](http://www.der.wa.gov.au/contaminatedsites)

## Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation. The full text of the *Contaminated Sites Act 2003* is available electronically from the State Law Publisher website at [www.slp.wa.gov.au](http://www.slp.wa.gov.au).

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## Legal advice

The information provided to you by DER in relation to this matter does not constitute legal advice. Due to the range of legal issues potentially involved in this matter, DER recommends that you obtain independent legal advice.