



Contaminated sites fact sheet 1

Identifying and reporting contaminated sites

October 2024

Purpose

This fact sheet is designed to provide targeted information on how to identify and report known or suspected contaminated sites in WA.

Introduction

The *Contaminated Sites Act 2003* (the Act) was introduced to identify, record, manage and clean up contamination. Under the Act, landowners, occupiers and polluters must report known or suspected contaminated sites to the [Department of Water and Environmental Regulation](#) (the department).

Investigating and cleaning up contaminated sites is, in most cases, the responsibility of the polluter or current site owner. The department administers and enforces the Act which includes classifying sites (in consultation and agreement 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.

Some naturally occurring substances can present a risk of harm when disturbed, which may result in a site being considered contaminated. Movement or concentration of a specific substance, for example due to mining and processing of metal ores or naturally occurring asbestos, can increase the risk posed to the environment or human health. Disturbance can also cause a naturally occurring substance to undergo chemical reactions, for example acid sulfate soils or reactive sulfide minerals, which can lead to release of contaminants into the environment.

There are some situations listed in the Contaminated Sites Regulations 2006 that are considered to not amount to contamination or are not 'contaminated' for the purposes of the Act, 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)
- land where fertilisers, pesticides and herbicides were applied according to the laws of the day or manufacturer's recommendations (only if the land use has not changed).

The [Department of Health](#) provides guidance on circumstances when the presence of asbestos-containing materials in soil can be managed as a small-scale, low-risk occurrence, or requires reporting under the Act.



Potentially contaminating activities

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

- oil, gas and fuel refining and storage (including service stations and depots)
- chemical manufacturing or storage (including pesticide production)
- industrial and mining facilities
- power stations
- fire stations
- airports
- agricultural use (including market gardens)
- landfill sites or waste treatment facilities
- accepting fill from other sites that could be contaminated
- poor demolition or poor asbestos-containing material removal practices.

See Appendix B of the department's [guideline](#) for a more comprehensive list of potentially contaminating activities, industries, and land uses.

Generally, land use alone (without secondary indicators of possible contamination) is not sufficient to suspect that contamination is present at a site. Exceptions to this include filling of land other than with clean fill or uncontaminated fill, burial or illegal dumping of waste, and use of firefighting foams containing perfluoroalkyl and polyfluoroalkyl substances (PFAS).



Service stations – a potentially contaminating activity

Impacts of contamination

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

Common contaminants include metals (such as lead, mercury, zinc and nickel), nutrients (such as nitrate and ammonia), fuels (such as petrol and diesel), oils, grease, solvents, pesticides, paints, asbestos and PFAS (such as from firefighting foams or PFAS-containing waste).

Contamination is often caused by spills or leaks (from fuel or chemical storage tanks) or poor management and waste disposal practices at industrial or commercial sites. Contaminated soil may also have been unknowingly imported onto sites as fill material for earthworks. Some land uses, such as burial of waste, are inherently potentially contaminating.

Highly contaminated sites are often a result of long-term bad practices and involve a wide range of substances. Site contamination can migrate offsite through surface drainage and groundwater movement.

Signs of potential contamination may include:

- leaking chemical storage containers or fuel tanks
- surface chemicals or wastes seen in soil during site works
- encountering waste material or asbestos-containing material during excavations
- 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 closed landfill or dumping site).

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
- poor rubbish disposal practices.



Contamination can be associated with rural activities

Redevelopment of land

When land which has been used for potentially contaminating activities is proposed to be used for a more sensitive purpose (such as residential, day care centres or schools), 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 service station or 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 they have caused or contributed to the contamination
- an accredited contaminated sites auditor engaged to report on the site for the purposes of the Act.

A **known** contaminated site (where a substance is known to be present at levels that pose, or potentially pose, a risk) must be reported within 21 days of a person becoming aware of the contamination. The department expects suspected sites to be reported as soon as is reasonably practicable.

A site which has already been reported or classified is not required to be reported again; however, the department recommends submitting an additional report if new contamination is identified.

To report a contaminated site, complete a [Form 1 - Report of a known or suspected contaminated site \(www.wa.gov.au\)](#) and submit it to the department. The report must clearly describe the site, using details such as those on the certificate(s) of title.

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

See the department's [guideline](#) for more details including information on how to prepare a Form 1. Form 1s should be submitted by email to info@dwer.wa.gov.au.

Failing to report (section 11 of the Act)

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

Possible maximum daily penalty: \$50,000

A person also must not report a site maliciously or without reasonable grounds.

Maximum penalty: \$250,000

False or misleading information (section 94 of the Act)

When reporting contamination, requesting information from the department, disclosing contamination under section 68 of the Act or providing information to the CEO of the department 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 the department's contaminated sites information line on 1300 762 982 or email info@dwer.wa.gov.au.

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

Related documents

[Find additional publications](#) about contaminated sites and related fact sheets, or contact the department on 1300 762 982.

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 from the [Department of Justice](#).

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Legal advice

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