

Environmental auditor (contaminated land): Guidelines for issue of certificates and statements of environmental audit



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Guidelines

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1. Overview

1.1 Environmental audit system

The *Environment Protection Act 1970* ('the Act') makes provision for environmental auditors appointed by the Environment Protection Authority (EPA or the Authority) to undertake environmental audits of any segment of the environment and to issue a certificate or statement of environmental audit for that segment. This system is aimed at clearly identifying the environmental quality of a segment, and any detriment to the beneficial uses of that segment.

1.2 Environmental auditing of contaminated land

These guidelines provide environmental auditors (contaminated land) with detailed guidance for conducting environmental audits and issuing certificates and statements of environmental audit.

The environmental audit system for contaminated land provides a mechanism for assuring planning and responsible authorities, landholders and others that a potentially contaminated site is suitable for use.

The system has a particular focus on ensuring that sites proposed for redevelopment for a sensitive use are suitable for that use. This focus is reflected in Minister's Direction No. 1¹, which was established in 1990. When planning authorities are considering a planning scheme amendment that would allow potentially contaminated land to be used for a sensitive use, this direction requires them to be satisfied that the site is suitable for the use. The audit system is the mechanism by which a planning authority must be satisfied.

The system can also be used to confirm whether a site is suitable for its existing use or to assess the adequacy of works to clean up a polluting site.

The environmental audit system provides for an environmental auditor (contaminated land) ('auditor') to undertake an independent review of the condition of the site and form an opinion regarding its suitability for use. Section 53S of the Act provides for the appointment of environmental auditors to carry out environmental audits for the purposes of the Act, as outlined in Part IXD.

An environmental audit (contaminated land) must result in the issue of either a certificate of environmental audit ('certificate') or a statement of environmental audit ('statement').

A certificate indicates that the auditor is of the opinion that the site is suitable for any beneficial use: there is no restriction on use of the site due to its environmental condition.

A statement indicates that the auditor is of the opinion that there is, or may be, some restriction on use of the site.

The statement specifies:

- the condition of the site is (or is potentially) detrimental to any (one or more) beneficial use

- beneficial uses for which the condition of the site is not (or is not potentially) detrimental.

Depending on the condition of the site, a statement may indicate that the site is:

- not suitable for any use,
- suitable for specific uses (that is, not detrimental to the beneficial uses associated with the nominated land use) without further conditions or limitations, or
- suitable for specific uses (that is, not detrimental to the beneficial uses associated with the nominated land use) subject to conditions and/or limitations related to its use and management.

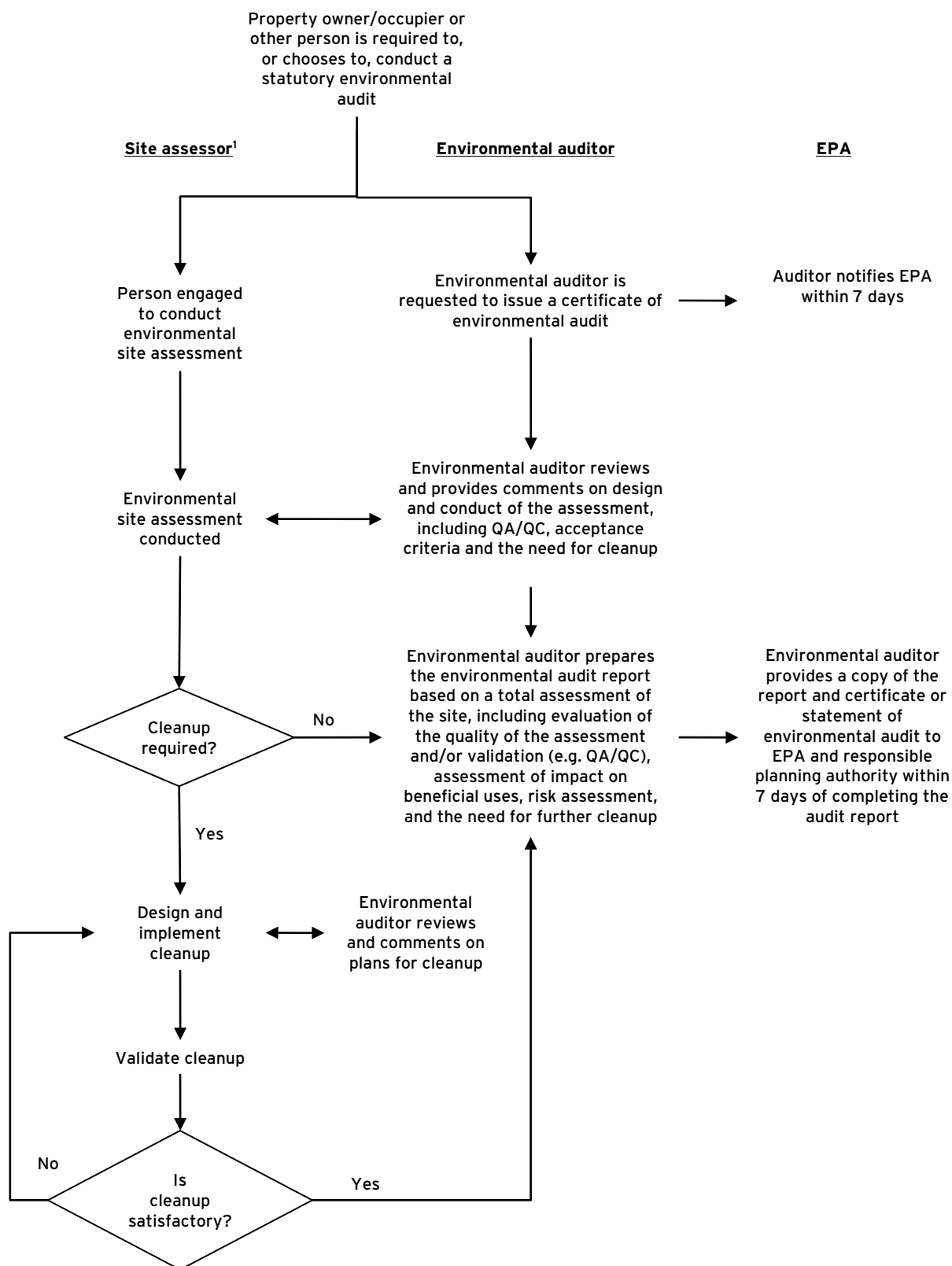
A certificate or statement is designed to inform decisions by the community, planning authority, prospective purchasers, financial institutions and others regarding the environmental condition of a site and its suitability for use.

Certificates or statements only reflect the condition of the site at the date of issue.

Figure 1 presents a flow chart of the environmental audit process.

¹ Pursuant to the *Planning and Environment Act 1987*.

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Notes 1: The assessment works may be undertaken by the auditor or a separate site assessor/contractor. Where the assessment work is undertaken by the auditor the assessment work must be conducted as part of the audit and the auditor must not be responsible for the design or implementation of the remediation/cleanup works.

Figure 1: Outline of the environmental audit process

2. Purpose of these guidelines

These guidelines have been issued for the purposes of the Act and have been designed to assist auditors appointed under s. 53S of the Act to conduct environmental audits (contaminated land) and issue certificates and statements of environmental audit.

It is a requirement of the Act that an auditor have regard to these guidelines when conducting an environmental audit.

Others involved in the environmental audit process who may find these guidelines useful include:

- planning and responsible authorities
- site assessors preparing assessment or validation reports for use in an environmental audit
- site owners or others who are required to or wish to conduct an environmental audit (e.g. for due diligence purposes)
- recipients of a notice, direction or other instrument pursuant to the Act, requiring them to engage an auditor to undertake an environmental audit.

These guidelines may be replaced, amended or updated periodically. EPA will ensure that updates of these guidelines will be provided to all environmental auditors (contaminated land). Others should refer to the EPA website (www.epa.vic.gov.au) for details of the most recent EPA publications related to environmental auditing.

An auditor must have regard to these guidelines in issuing any certificate or statement. Failure to give proper regard to these guidelines may be:

- considered by EPA in determining whether to subsequently appoint a person as an auditor
- grounds to review the appointment of an auditor.

Refer to the *Environmental auditor guidelines for appointment and conduct* (publication 865) for further details.

EPA may also provide site-specific guidance as it deems necessary. This may extend, clarify or vary guidance provided in these guidelines.

3. Definitions

The following definitions are relevant to environmental auditing of contaminated land.

Where a definition is amended in the source document, the definition in the source document takes precedence over the definition presented below.

Appointment Guidelines means *Environmental auditor guidelines for appointment and conduct* (EPA publication 865)

Auditor means a person appointed under s. 53S of the Act as 'an environmental auditor for the purposes of the Act.'(the Act)

'beneficial use means a use of the environment or any element or segment of the environment which-

- (a) is conducive to public benefit, welfare, safety, health or aesthetic enjoyment, and which requires protection from the effects of waste discharges, emissions or deposits, or of the emission of noise;² or
- (b) is declared in State environment protection policy to be a beneficial use;' (the Act)

'certificate of environmental audit means a certificate issued by an auditor certifying that the condition of the segment of the environment specified in the certificate is not or is not potentially detrimental to any beneficial use of that segment;' (the Act)

'element in relation to the environment means any of the principal constituent parts of the environment including waters, atmosphere, land, vegetation, climate, sound, odour, aesthetics, fish and wildlife;' (the Act)

'environmental audit means a total assessment of the nature and extent of any harm or detriment caused to, or the risk of any possible harm or detriment which may be caused to, any beneficial use made of any segment of the environment by any industrial process or activity, waste, substance (including any chemical substance) or noise;' (the Act)

² Noise is not a relevant consideration when conducting an environmental audit (contaminated land) but is a factor that can impact on a beneficial use.

Environmental audit report means the report that an auditor must prepare before determining whether or not to issue a certificate. The report must:

'(d) include:

- (i) an evaluation of the environmental quality of the relevant segment of the environment; and
- (ii) an assessment of whether any clean up is required to that segment of the environment; and
- (iii) if any clean up is necessary, any recommendations related to the carrying out of the clean up.'

(the Act)

'environmental hazard means a state of danger to human beings or the environment whether imminent or otherwise, resulting from the location, storage or handling of any substance having toxic, corrosive, flammable, explosive, infectious or otherwise dangerous characteristics;' (the Act)

'indicator means any physical, chemical or biological characteristic used as a measure of environmental quality ' [SEPP (*Groundwaters of Victoria*) and SEPP (*Waters of Victoria*)]

IWMP means Industrial waste management policy.

'land refers to the element of the environment which includes:

- (a) soil, fill, rock, weathered rock and sand;
- (b) the vapour and liquids within interstitial space, in the unsaturated zone of (a), or
- (c) subaqueous sediment.' [SEPP (*Prevention and Management of Contamination of Land*)]

Minister's Direction No.1 means *Potentially Contaminated Land*, 14 May 1992 and amended 27 September 2001 (Minister's Direction No. 1), made under s. 12 of the *Planning and Environment Act 1987*.

'occupier in relation to any premises includes a person who is in occupation or control of the premises whether or not that person is the owner of the premises and in relation to premises different parts of which are occupied by different persons means the respective persons in occupation or control of each part;'(the Act)

'potentially contaminated land means land used or known to have been used for:

- Industry,
- mining, or
- the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of the land).' (Minister's Direction No.1, 27 September 2001)

Note that in addition, other uses such as certain agricultural uses/activities (for example, sheep dipping) and landfill or other waste disposal may result in site contamination.

'segment in relation to the environment means any portion or portions of the environment expressed in terms of volume, space, area, quantity, quality or time or any combination thereof;'(the Act)

'sensitive use means a residential use, a child care centre, a pre-school centre or a primary school.' (Minister's Direction No. 1, 27 September 2001).

SEPP means state environment protection policy

Site means the segment of the environment that is the subject of the environmental audit.

For the purposes of environmental auditing of contaminated land, a site is defined in terms of a parcel of land and all other elements of the environment associated with the land within the boundary of the parcel of land.

'statement of environmental audit means a statement issued by an environmental auditor which-

- (a) states that the condition of the segment of the environment specified in the statement is or is potentially detrimental to any beneficial use of that segment; and
- (b) if the condition of the segment of the environment specified in the statement is not or is not potentially detrimental to a particular beneficial use of that segment, so states;'(the Act)

The Act means the *Environment Protection Act 1970*.

4. Related documents

These guidelines should be read in conjunction with:

- the Act, in particular Part IXD - Environmental Audits
-
- *Potentially Contaminated Land*, 27 September 2001 (Minister's Direction No. 1), made under s. 12 of the *Planning and Environment Act 1987*
- *Environmental auditor guidelines for appointment and conduct* (EPA Publication 865).

The auditor is required to have regard to:

- a) any relevant state environment protection policy or industrial waste management policy
- b) any guidelines issued by EPA for the purposes of the Act.

Auditors should also have regard to any national environment protection measure³.

A list of state environment protection policies, industrial waste management policies, guidelines (related to environmental auditing of contaminated land) issued for the purpose of the Act and national environment protection measures is presented in Appendix 1.

The auditor should refer to other published guidelines and standards relevant to the assessment and auditing of contaminated sites, including those nominated by EPA for use in environmental auditing (refer to Appendix 1).

Where an auditor adopts an approach that differs from that presented in a nominated guideline or standard, the auditor must provide adequate justification for the alternative approach in the environmental audit report.

Explanatory note

The guidelines and standards nominated in Appendix 1 provide a basis for assessment and auditing of contaminated sites. EPA acknowledges that site-specific considerations may warrant some variation from the nominated approaches, and expects auditors to exercise judgement in this regard. Where variation from the approach outlined in the nominated guidelines and standards is warranted, the auditor must make specific reference to the variation and include sufficient justification in the environmental audit report to support the variation, with particular reference to the site-specific conditions.

Where analytical methods other than those presented in the nominated guidelines have been used, the environmental audit report must contain or reference information that demonstrates the adopted method gives comparable results to the nominated reference method.

³ Refer to the National Environment Protection Measure website www.scew.gov.au/nepms/assessment-site-contamination for details.

5. When is an environmental audit required?

An environmental audit, resulting in the issue of a certificate or a statement, is required as follows:

In accordance with Minister's Direction No. 1, if a planning authority is preparing an amendment to a planning scheme to allow land used or known to have been used for industry, mining or the storage of chemicals, gas, wastes, or liquid fuel (potentially contaminated land) to be used for residences, a childcare centre, a preschool centre or a primary school (sensitive uses).

An environmental audit overlay may be used by the planning authority to defer the requirements of Minister's Direction No. 1 from the time of the planning scheme amendment to the time the use commences. If a site is covered by an environmental audit overlay an environment audit will be required prior to change to a sensitive use, in accordance with Minister's Direction No. 1.

In circumstances other than those set out in Minister's Direction No. 1, a planning or responsible authority (planning authority) can exercise its discretion to require an environmental audit for the purpose of satisfying itself that the environmental condition of the site is suitable for a proposed use, or if EPA requires it, for example, in a statutory notice, or as a condition of a licence.

A site owner/occupier or other appropriate person (refer to Section 7.2 of these guidelines) may request an auditor to issue a certificate (or, if a certificate cannot be issued, a statement) for purposes other than those outlined above. Typically this may occur as part of commercial due diligence or related processes where the site owner/occupier or other interested party is seeking a high level of confidence regarding the condition of the site and its suitability for use.

Where an environmental audit is conducted as a requirement of Minister's Direction No. 1 (including in response to an environmental audit overlay), the environmental audit must be conducted 'before the sensitive use commences or before the construction or carrying out of buildings or works in association with a sensitive use commences'. (Minister's Direction No.1, 27 September 2001)

Explanatory note

Minister's Direction No. 1 requires that 'in preparing an amendment, which would have the effect of allowing potentially contaminated land to be used for a sensitive use, agriculture or public open space, a planning authority must satisfy itself that the environmental conditions of the land are, or will be, suitable for that use'. For sensitive uses, an environmental audit provides the means by which a planning authority must satisfy itself of the condition of the site and its suitability for use.

While Minister's Direction No. 1 is confined to planning scheme amendments, an environmental audit:

- should be required whenever a change to a sensitive use occurs and the site is potentially contaminated
- may be required where potentially contaminated land is redeveloped for any other use and the planning authority wants a high level of assurance that the site is suitable for the use.

In these circumstances a planning authority may use its discretion to require a certificate or statement (for example, as a condition of a planning permit).

6. Role and responsibilities of the environmental auditor

6.1 Role

The role of the auditor is to evaluate the environmental condition of a site at the date of signing of the certificate or statement and to form an opinion, on which others can rely, regarding the suitability of the site for use.

In doing so the auditor is expected to:

- a) review any assessment or cleanup work undertaken by others
- b) evaluate the adequacy of the available information regarding the condition of the site
- c) seek further information about the condition of the site if necessary
- d) make an independent assessment of the condition of the site and its suitability for use.

The opinion of the auditor is not limited to an evaluation of the quality of any environmental assessment work undertaken by others. Rather, the auditor is required to express an opinion regarding the actual condition of the site. The fact that a site assessment may not have been undertaken or may not have identified all significant issues associated with the site will not, in itself, excuse a failure by the auditor to do so.

Explanatory Note

Auditors may audit a site in any condition. For practical purposes, the audit is normally completed once the site is in its final pre-development state, i.e. after any necessary cleanup works have been completed, but it is prudent, to involve an auditor from the start of the assessment and cleanup process. It should be stressed, however, that such involvement is to be limited to providing advice on the auditor's information requirements and criteria for determining the suitability of the site for use.

6.2 Responsibilities

The conduct of an environmental audit, the preparation of an environmental audit report and the subsequent issue of a certificate or statement is a statutory process outlined in Part IXD of the Act.

The auditor is required to comply with the provisions of the Act. Where a breach is detected, EPA may take further action in accordance with the Appointment Guidelines.

In particular, an auditor must not:

- a) give false or misleading information to the EPA
- b) issue a certificate or a statement that is false or misleading
- c) conceal any relevant information or documentation from the EPA.⁴

⁴ s. 53ZC of the Act

There are penalties for providing false or misleading information or concealing information, as set out above, of up to 2400 penalty units⁵ or imprisonment for two years, or both.

Neither must an auditor:

- d) issue a certificate or statement without first preparing an environmental audit report (up to 300 penalty units)⁶
- e) fail to notify EPA within seven days of receiving a request to issue a certificate (up to 300 penalty units)⁷
- f) fail to provide EPA's Manager environmental audit with a copy of the environmental audit report and certificate or statement within seven days (up to 300 penalty units),⁸ in accordance with EPA publication 1147
- g) purport to be an auditor when not appointed by EPA (up to 300 penalty units).⁹

An auditor must notify EPA of any imminent environmental hazard as soon as is practicable after becoming aware of the hazard in the course of conducting an environmental audit (refer Section 14.7 of these guidelines for further details). Failure to do so is an offence with a penalty of up to 300 penalty units.¹⁰

The Appointment Guidelines set out the process for the appointment of auditors and for the review of environmental audits.

Auditors are responsible for the maintenance of their appointment as outlined in Section 6 of the Appointment Guidelines. This includes maintaining professional indemnity insurance acceptable to EPA.

Issuing a certificate or statement after the expiry of the auditor's appointment is an offence.¹¹

⁵ The value of a penalty unit is available on EPA's website.

⁶ s. 53W of the Act.

⁷ s. 53ZB(1) of the Act.

⁸ s. 53ZB(2) of the Act.

⁹ s. 59B(6) of the Act.

¹⁰ s. 53ZB(3) of the Act.

¹¹ s. 59B(6) of the Act.

6.3 Independence of the environmental auditor

The environmental audit system depends on the auditor undertaking an **independent** evaluation of the condition of the site. The auditor must not place him or herself in a position where he or she (or his or her employer) may benefit from the outcome of the audit, or where the auditor is required to audit their own work.

Auditors must not issue a certificate or statement for any site where they:

- a) are the owner or occupier of any part of the site, or are related to a person who is the owner or occupier of any part of the site
- b) have a financial or proprietary interest in any part of the site or any activity carried out on any part of the site
- c) have been directly involved in the design or implementation of cleanup or management of the site, (including any cleanup or management designed or implemented by a company with which the auditor is, or was at the time, associated).

Similarly, an auditor may not issue a certificate or statement for a site where they have provided an opinion regarding:

- d) the condition of the site or its suitability for use
- e) the adequacy of site assessment works undertaken prior to being requested to issue a certificate (except as provided for in Section 7 of these guidelines).

This requirement includes any assessment works designed or implemented by a company with which the auditor is, or was at the time, associated.

The auditor must not have entered into any agreement or arrangement that may be reasonably perceived to constitute a conflict of interest.

The above prohibition extends to 'audit-like' non-statutory reviews of site assessment information. If an auditor has initiated a non-statutory review of site assessment information with the aim of providing an opinion regarding the condition of a site or the adequacy of site assessment information, the auditor may **not** subsequently convert this to a statutory environmental audit (except as provided for in Section 7.1).

At the same time, the mere fact that the auditor or the auditor's company has previously carried out work at the site, may not prevent the auditor from issuing a certificate or statement, if this work is unrelated to the environmental condition of the site (for example, geotechnical investigations).

While the auditor should not audit a site for which that auditor has previously conducted assessment work, the auditor may undertake any necessary investigation or assessment works as part of the statutory environmental audit (refer to Section 10.5 of these guidelines for details).

Explanatory Notes

If an auditor undertakes primary information collection (including sampling and analysis) with a view to advising on the detail of cleanup work, or to be prepared, should he or she be asked for such advice, a conflict of interest may arise. Potential conflicts include:

- the auditor using his or her position to unduly influence the extent of assessment and the nature of cleanup work to their own advantage
- the auditor being called on to audit their own work, including the implementation of their own advice regarding cleanup (i.e. the condition of the site depends on the effectiveness of the cleanup).

For these reasons an auditor should not accept audit assignments in these circumstances, or conversely if an auditor does undertake such work, they must not undertake a statutory audit of the site.

Applying for an exemption

An auditor may apply to EPA for a written exemption from one or other of the criteria discussed above. To do so the auditor must apply in writing explaining why his or her circumstances do not represent a conflict of interest.

In general, such an exemption would only be granted if the auditor can demonstrate that any prior involvement that they or their employer have had with the site does not constitute a conflict of interest or in any way constrain the outcome of the audit. The auditor should also be able to demonstrate that any work he or she (or their employer) has previously undertaken does not form part of the body of information that would ordinarily be reviewed and relied upon as part of the environmental audit. This may occur where:

- the scope of the previous work is not relevant to the environmental audit, or
- significant time has elapsed since the work was completed and the work is superseded by other more recent and relevant work.

6.4 Professional conduct

The value of the environmental audit system depends on the integrity and rigour of audits and on the users of the system having confidence in the outcome of any environmental audit.

Auditors are appointed pursuant to the *Act for the purposes of the Act*. In exercising functions and duties pursuant to the Act, an auditor is expected to act in a manner consistent with the intent of the Act. In exercising these functions and duties, an auditor owes a duty of care to the environment and to the people of Victoria above all others (including their client).

In addition to the responsibilities of an auditor under Part IXD of the Act, auditors are expected to:

- a) employ assessment methods and approaches consistent with good practice for the assessment and management of contaminated sites

- b) exercise due care, diligence and professional judgement, to the standard which may be reasonably expected of qualified and experienced contaminated land professionals
- c) act at all times in a professional manner, upholding the independence and integrity of the audit system.

The auditor (and the auditor's company) must not act:

- d) in a manner which is self-serving (for example, by overservicing or requiring that any site assessment work that may be necessary be undertaken by the auditor)
- e) as an advocate for the proponent of any development.

Where an auditor identifies the need for any substantive assessment works (to complete the audit), the auditor must advise their client of options available for completion of the work, including engaging another party (that is, not the auditor) to undertake the works.

The auditor, and the auditor's company, should not enter into discussions with any party during the audit with a view to undertaking further work (of any kind) where this work is contingent on a particular audit outcome. Any such discussions might mean that the auditor or the auditor's company have an interest in a specific audit outcome.

7. Engaging an environmental auditor

An environmental audit is initiated when an auditor receives (and accepts) a request to issue a certificate.

The auditor must, within seven days of being engaged to issue a certificate of environmental audit, send to the EPA a statement in writing specifying¹²:

- a) the name of the person making the request
- b) the location of the relevant segment of the environment in respect of which the request has been made
- c) the proposed completion date of the environmental audit.

The form of such notification should be in substantial compliance with the proforma for notification presented in Appendix 5.

An auditor should be appointed at the outset of the site assessment and management process, or otherwise as early in that process as practicable.

7.1 When does an environmental audit commence?

The receipt of a request to issue a certificate and the requirement to notify EPA, as set out in s. 53ZB(1) of the Act, marks the start of the statutory environmental audit process for contaminated land. The environmental auditor should determine whether he or she has received a request to issue a certificate, and hence whether the requirement to notify EPA has been triggered.

In particular, the obligation to notify EPA arises when:

- a) the auditor receives, and accepts, a written request to issue a certificate, or
- b) the auditor receives, and accepts, a written request to undertake audit work with a view to issuing a certificate or statement.

Commencing an environmental audit

Discussions between the auditor, site assessor and the person requesting the certificate prior to initiating the statutory environmental audit are frequently beneficial in clarifying the requirements and process for an environmental audit. However, such discussions and any advice provided by the auditor must not predetermine or constrain the outcome of any subsequent environmental audit. Further, the auditor should make clear that any advice they provided prior to receiving a request to issue a certificate is without prejudice to the conduct and findings of the audit.

Such discussions need not preclude an auditor from subsequently undertaking an environmental audit or trigger the requirement to notify EPA if, for example, they constitute:

- c) review of information, discussions and advice provided in the context of preparing a proposal to undertake an environmental audit

- d) review of information, discussions and advice provided to assist a site owner to determine the requirements for, and likely process and timing of, an audit
- e) advice provided to prospective purchasers of a site, including advice regarding the likely audit process and issues (subject to the requirement that such advice not constrain the auditor in determining the outcome of any subsequent environmental audit).

If an auditor commences works related to the assessment, auditing or management of contamination at the site without notifying EPA of the request to issue a certificate, he or she may not proceed to issue a certificate or statement for that site unless it is with the written agreement of EPA.

It is an offence for an auditor to commence an environmental audit without notifying EPA of the request to issue a certificate.¹³ If commencing an audit at a site where an audit has previously been notified but not completed, the auditor should confirm with the person engaging the audit that the previous audit has been terminated. Further information on the termination of audits is provided in Section 16 of this document.

Explanatory note

The requirement to notify EPA within seven days of a request to issue a certificate (signalling the start of the statutory audit) serves to:

- enhance public confidence in the audit system by ensuring that information about the commencement of an environmental audit is available
- ensure that the context of any advice provided by the auditor is clear, by specifically identifying when an audit has commenced
- provide certainty to the authority requiring an audit (for example, EPA or planning authority) that an audit has commenced
- ensure that any advice provided prior to commencing the statutory audit does not constrain the outcome of the audit process.

¹² s. 53ZB(1) of the Act.

¹³ s. 53ZB(1) of the Act.

7.2 Who can engage an environmental auditor?

The auditor may be engaged by a person who is legally authorised to enter the site for the purposes of the environmental audit. Thus, an auditor may be engaged by:

- a site owner/occupier
- a representative of the site owner/occupier
- a prospective purchaser or other person with written consent from the owner/occupier
- EPA.

An auditor must not be engaged by or through any company responsible for the site assessment or remediation works, even if that person is nominated by the site owner/occupier as project manager for the assessment, cleanup or redevelopment works.

7.3 Identifying the segment for notification purposes

To notify EPA of a request to issue a certificate the relevant segment of the environment must be identified by:

- a) municipality
- b) address of the site (street/lot numbers)
- c) certificate of title details.

A plan of the site, clearly identifying the area to be audited may be used if address or title details are not available or adequate.

Explanatory Note

The minimum requirements for identifying the segment to be audited for the purpose of issuing a certificate or statement are presented in Section 8 of these guidelines. Auditors should refer to locality descriptors outlined in Appendix A of EPA Publication 1147. In some circumstances, the complete information is not available at the start of the environmental audit.

In notifying EPA of a request, the auditor should, as a minimum, provide the information set out in Section 7.3 above.

8. Identifying the segment to be audited

8.1 Describing the segment

The relevant segment of the environment for the purposes of an environmental audit (contaminated land) is the 'site' (refer to definitions in Section 3 of these guidelines).

The certificate or statement and the environmental audit report must adequately identify the site to which it pertains, including, as a minimum:

- a) the municipality
- b) the common description of the site, for example, lot number, street and locality name
- c) an accurate and reproducible description of the parcel of land, such as:
 - standard parcel identifiers¹⁴
 - details of the title of which the site forms part, if the audit site is part of a lot for which a certificate of Title is registered
 - geographical coordinates of latitude and longitude in line with EPA publication 1147 if title details are not available or do not adequately describe the parcel of land
 - a plan prepared by a licensed surveyor, defining the site in terms of bearings and distances (in metres to the second decimal place) from a permanent mark (datum point) as registered and available from Land Victoria.

Where a site has been split into several sub-areas (or 'sites') for the purpose of issuing separate certificates or statements, no sub-area (or 'site') should be smaller than the corresponding lot in any existing or proposed subdivision.

¹⁴ Reference to a standard parcel identifier such as Lot on title plan, or volume and folio numbers of a title registered with the Registrar of Land Titles in accordance with the *Transfer of Land Act 1958* or a parcel of land, a memorial of the conveyance of which, containing a description of the said land, has been registered with the Registrar of Land Titles in accordance with the *Property Law Act 1958*.

8.2 Elements comprising the segment to be audited

An environmental audit is defined in terms of a '...total assessment of the nature and extent of harm or detriment caused to...any beneficial use made of any segment of the environment...' (the Act) (that is, the site in the case of an environmental audit - contaminated land).

All elements forming part of the site must be considered when completing an environmental audit.

The primary focus of any environmental audit (contaminated land) is the land at the site.

The depth to which the condition of the land at the site must be considered as part of an environmental audit must be determined by the auditor, having regard to:

- a) the likely depth of impact from activities conducted at the site
- b) the potential for any contamination present at depth to practically affect the beneficial uses of the site.

The condition of other elements may also affect use of the site and are therefore part of the relevant segment being audited.

Other elements to be considered include:

- c) surface water, where a surface water body exists within the boundary of the site
- d) groundwater
- e) air, where the condition of other elements at the site may affect air quality at the site or offsite.

9. Identifying beneficial uses

All elements forming part of the site, and all beneficial uses of those elements, must be considered when completing an environmental audit. It is possible that some beneficial uses may not be relevant - that is, may not affect whether a certificate or statement can be issued. However, they should still be considered as part of the audit process and their exclusion from consideration in the issue of the certificate or statement should be justified in the audit report.

The Act defines the term 'beneficial use'. In addition, the beneficial uses to be protected for various elements are set out in the respective SEPPs. The protected beneficial uses aim to reflect the aspirations of the Victorian community for the protection of the environment.

In some cases, not all beneficial uses of a segment are designated as protected under a particular SEPP - this may reflect the quality of the segment that is practicably attainable given its use and setting.

The auditor must have regard to all beneficial uses, including those protected beneficial uses nominated in SEPPs when identifying beneficial uses that may be made of the site for the purpose of the environmental audit.

An auditor is required to consider whether the condition of the relevant segment of the environment is or is potentially detrimental to any beneficial use of that segment (that is, the site) or may have the potential to affect offsite beneficial uses (e.g. groundwater or vapour pollution that poses a risk offsite).

For the purpose of determining whether to issue a certificate or statement, any beneficial use of that segment refers to the relevant beneficial uses of the elements that comprise the site.

Relevance is assessed in terms of the practical impact on use of the site. A beneficial use may be considered relevant if the beneficial use is existing or is likely to be realised at the site.

Where a site is or was a source of pollution (that has not been cleaned up), a restriction may exist on the use of the site and therefore a certificate should not be issued.

Only detriment to relevant beneficial uses precludes issue of a certificate.

9.1 Land

In accordance with the general test for relevance of beneficial uses set out above, all beneficial uses of land are relevant for the purpose of determining whether to issue a certificate, irrespective of whether they are protected for the current or proposed land use.

For example, 'aesthetics' is not a protected beneficial use for industrial use under the SEPP (*Prevention and Management of Contamination of Land*), but must be considered as part of any environmental audit.

Explanatory Note

Land use is controlled through the planning system and can change. The consideration of the beneficial uses protected for all land uses when undertaking an environmental audit is consistent with community expectations regarding long term use of land.

9.2 Groundwater

Protected beneficial uses of groundwater are defined in the SEPP (*Groundwaters of Victoria*). The protected beneficial uses are defined according to the inherent capacity of the groundwater at the site to support the use.

Explanatory Note

For example, if groundwater at a site is part of Segment C of the groundwater environment (in accordance with the SEPP (*Groundwaters of Victoria*)), then the impact of the condition of the site on potable use of groundwater does not need to be considered and would not preclude issue of a certificate. This is because potable use is not a protected beneficial use for Segment C of the groundwater environment SEPP (*Groundwaters of Victoria*); while treatment to allow potable use is possible, it is not reasonable to expect this to occur.

The specific tests for identifying which beneficial uses of groundwater are relevant in determining the outcome of the environmental audit (that is, whether a certificate or statement may be issued), are set out in Section 13 of these guidelines.

Any assessment of the likelihood of particular beneficial uses of groundwater being realised should be based on an evaluation of whether an owner/occupier of the site or in the vicinity of the site *may reasonably expect* to use or be able to use groundwater for those purposes.

9.3 Surface water

Where a surface water body exists within the segment being audited, contact EPA for detailed guidance on:

- beneficial uses of the surface water to be considered
- issuing a certificate or statement for a segment including a surface water body.

9.4 Air

The protected beneficial uses of air are defined in the SEPP (Ambient Air Quality) and SEPP (Air Quality Management).

Beneficial uses of air may be considered relevant in determining the outcome of the environmental audit, where those beneficial uses may be adversely affected by the condition of other segments (e.g. land, groundwater etc) at the site.

9.5 Other factors affecting use of a site

A range of other factors may be identified that do not affect a beneficial use of the site but may be relevant to development of, or activities at, a site. Examples include restrictions on offsite disposal of soil from excavations or groundwater from dewatering of excavations.

Such factors should be noted in the environmental audit report and the certificate or statement but do not necessarily preclude issue of a certificate.

10. Conducting an environmental audit

In conducting an environmental audit, an auditor will typically be required to:

- a) review relevant background information, including any previous assessments of the condition of the site (including any cleanup and validation works)
- b) evaluate the environmental quality of the site, including obtaining any additional information necessary to make such an evaluation
- c) assess whether the condition of the site is detrimental or potentially detrimental to the beneficial uses of the site or any other segment of the environment
- d) assess whether any cleanup is required to that segment of the environment and, if cleanup is necessary, make recommendations about how it might be carried out
- e) prepare an environmental audit report
- f) issue a certificate or statement of environmental audit
- g) provide a copy of the certificate or statement and the audit report to EPA's Manager Environmental Audit in accordance with EPA publication 1147, and a copy to the planning authority and the person who requested the auditor to issue a certificate.

An auditor should review any plans for cleanup of the site before the cleanup occurs. Additionally, the auditor should contact EPA early in the audit process if onsite retention of contaminated soil is being considered as this may trigger a Works Approval, Licence or remedial notice. The auditor is encouraged to provide comment on the extent to which the proposed cleanup complies with the requirements of any relevant state environment protection policy or industrial waste management policy.

10.1 Obtaining sufficient information

The conduct of an environmental audit requires the auditor to complete an assessment of the nature and extent of any harm or detriment caused to any segment of the environment, or the risk of any possible harm or detriment which may be caused to any beneficial use made of any segment.¹⁵

Where insufficient information is available to enable this assessment to be made, the auditor will not be able to complete the environmental audit in accordance with the Act.

Such information may be obtained in the following ways:

- directly, by the auditor or their representative (refer to Section 10.4 of these guidelines for guidance on auditors involved in field investigations)
- by another party (for example, a site assessor) on behalf of the person who requested the auditor to issue a certificate.

Where additional information is to be obtained by another person for use by the auditor, it is preferable that the auditor be involved in determining the scope and design of this work.

10.2 Review of information

An auditor should review any previous assessments for contamination (see Appendix 2) and all documentation relevant to the site in question. This will include, but need not be limited to:

- a) the basis for the identification of the site as potentially contaminated, including site history, land use, planning, zoning and development information
- b) licences and/or trade waste agreements from environmental, waste management, waste water management agencies, or dangerous goods regulatory and management agencies
- c) the condition of the adjacent land and activities conducted there, to the extent that it may act as a source of contamination at the site (including where a site has been subdivided for audit purposes)
- d) relevant correspondence
- e) geology/hydrogeology of the area
- f) quality of water resources, including groundwater and stormwater runoff
- g) chemical and physical characteristics of the soil, groundwater and other elements
- h) any characterisation of contamination, including the nature and mobility of contaminants, their depth and spatial distribution.

¹⁵ See definition of 'environmental audit' in the Act.

10.3 Level of assessment required to support issue of certificate or statement

The level of site assessment information must be:

- a) consistent with the definition of an environmental audit, that is, a total assessment of the nature and extent of any harm to any beneficial use
- b) sufficient to determine whether a certificate can be issued.

An auditor must not reduce the scope of the audit or supporting assessment work, such that it is only sufficient to determine whether the site is suitable for a restricted range of uses.

The scope of the audit should not be affected by the reason for which the audit was commissioned.

10.4 Use of support team

An auditor's support team forms an integral part of their appointment and ability to satisfactorily conduct environmental audits. When conducting environmental audits, auditors must refer to the support team nominated in their application for appointment as an auditor, as necessary.

If an auditor draws on particular expertise that has not been nominated in their application for appointment, details of this additional expertise must be included in the environmental audit report.

Where such expertise is intended to replace a part of the support team nominated in the auditor's application, reference should be made to the process set out in Section 3 of EPA Publication 865.

10.5 Should the environmental auditor be involved in field investigations?

The role of the auditor is to audit the condition of the segment of the environment.

This will involve the assembly of information by the auditor, including:

- a) any necessary sampling and analysis
- b) review of assessment and any cleanup work undertaken by others.

In any case the auditor must ensure that they have sufficient information to form an opinion regarding the condition of the segment of the environment.

In order to avoid a conflict of interest, the auditor (with the assistance of the auditor's support team) may only undertake the primary collection of information (including sampling and analysis) where:

- c) any such work is undertaken as part of the statutory environmental audit (that is, the auditor has had no prior involvement in the site; refer to Section 6.3 of these guidelines)
- d) any cleanup works that may be necessary are undertaken by others.

Further, the auditor (when acting as an auditor) is not to be involved in assessment of the same site for cleanup (remediation), or in the design or execution of cleanup (remediation).

Explanatory note

In order to avoid a conflict of interest, the auditor must not be involved in assessment for cleanup or the detailed design or implementation of the cleanup.

Where an auditor reasonably expects that cleanup of a site may be required for the purposes of a particular development, another person (not connected to the auditor) should be appointed to undertake the assessment, and if necessary, provide advice regarding cleanup. This enables the auditor to maintain his or her independence and review investigation and cleanup work as it is undertaken. This also provides for continuity of strategic advice, beyond that able to be provided by the auditor, regarding investigation and cleanup of the site.

Where an auditor undertakes the primary information collection (including sampling and analysis) as part of the audit, and a need for cleanup unexpectedly becomes apparent, the following options exist:

- complete the audit for the site in its current condition (stating that the site is detrimental to certain beneficial uses)
- immediately cease work and allow any cleanup (and associated sampling and analysis) to be undertaken by another person (not connected with the auditor) before completing the audit.

The auditor should seek advice from his or her client regarding the preferred option.

Where sampling, analysis and other information collection has been completed by another party, the auditor must be satisfied that there is adequate information (in both quality and quantity) to complete the audit. Usually, this will include the auditor carrying out any necessary sampling to verify the information collected by others. Verification samples should be comparable to assessment samples, i.e. taken in the same location and similar material, at a similar timeframe, and submitted to the same laboratory.

The need for such additional sampling by the auditor is greater where the auditor has not been involved in the project from an early stage, including prior to the design of the sampling program. Verification samples are not required if the auditor can otherwise demonstrate that the collected information is adequate. Verification samples should not be taken in order to facilitate another site assessment.

11. Environmental audit report

Before determining whether or not to issue a certificate, the auditor must prepare an environmental audit report.¹⁶

The report must be prepared by the auditor. It should be clear that the report is by the auditor rather than a report of the company employing the auditor. The report must be signed¹⁷ by the auditor in his or her role as an auditor, not on behalf of the company.

A certificate or statement issued without an auditor first preparing an environmental audit report is invalid.¹⁸

The environmental audit report must be issued before or at the same time as the certificate or statement.

An environmental audit report is a public document that may be made available to third parties on request. Ordinarily, this would occur via the provisions of the *Freedom of Information Act 1982*, but the audit report may be provided by an alternative process determined by EPA from time to time.

11.1 Contents of an environmental audit report

The environmental audit report must include:

- a) an evaluation of the environmental quality of the relevant segment of the environment (the site)¹⁹
- b) an assessment of whether the condition of the site is detrimental or potentially detrimental to the beneficial uses of the site or any other segment of the environment
- c) an assessment of whether any cleanup is required to that segment of the environment²⁰
- d) recommendations relating to the carrying out of any necessary cleanup.²¹

An environmental audit report should be in the form set out in Appendix 3.

The content of the environmental audit report should reflect the recommended approach to assessing contaminated sites outlined in the *National Environment Protection Measure (Assessment of Site Contamination)*.

Audit reports should be concise and informative, with information being displayed in an easily interpreted fashion.

The audit report must present clear justification for each conclusion reached. It should contain sufficient information to enable the reader to independently reach a conclusion regarding the condition of the site. Typically, this would include:

- site history
- details of sampling and analysis for all samples relevant to the condition of the site at the time of issue of the certificate or statement
- details of field observations

- bore logs
- field measurements
- site plans
- analytical results.

The necessary information may be presented in the environmental audit report or in attached site assessment reports. Where information is presented in attached site assessment reports, the environmental audit report must cross-reference the specific report and section in which the information is contained.

When a second environmental audit report is prepared for the same site, say, to reflect changed conditions (refer to Section 15.3 of these guidelines), the auditor should ensure that it addresses each of the items outlined above. The second audit report may cross-reference the earlier audit report, where appropriate, to reduce repetition.

11.2 Reliance and limitations

An environmental audit report must be capable of being relied on not only by the person who engaged the auditor to issue a certificate, but also by EPA and by planning authorities. An auditor must not qualify the report or certificate or statement to limit reliance to the auditor's client only. Depending on the circumstances, other stakeholders (e.g. local residents) may also be interested in the outcomes of an environmental audit.

Further, the auditor must not disclaim responsibility for the opinion that the auditor has expressed regarding the condition of the site, on the basis that the auditor has relied on the work of others (such as an assessment report prepared by the site assessor). It is the role of the auditor to confirm that the data on which he or she relies in forming an opinion about the condition of the site constitute an adequate basis for forming that opinion.

The environmental audit report may include a section that seeks to provide information to the reader about the uncertainties associated with the contaminated site assessment and auditing processes.

¹⁶ s. 53W(1) of the Act.

¹⁷ s. 53X of the Act.

¹⁸ s. 53W(2) of the Act.

¹⁹ s. 53X(d)(i) of the Act.

²⁰ s. 53X(d)(ii) of the Act.

²¹ s. 53X(d)(iii) of the Act.

12. Issuing a certificate or statement of environmental audit

If the auditor is of the opinion that the condition of the segment (the site) is detrimental or potentially detrimental to any beneficial uses (that is, one or more relevant beneficial uses) of the site, the auditor must refuse to issue a certificate for that site.²²

If the auditor refuses to issue a certificate, the auditor must issue a statement.²³ The statement may indicate the beneficial uses which, in the auditor's opinion, are not prejudiced by the condition of the site.²⁴

If the site (in its current condition) is not suitable for any use,²⁵ the auditor must issue a statement to this effect.

Further, if the site is the source of detriment to the beneficial use, no certificate may be issued irrespective of the relevance of the beneficial use. This reflects the potential for contamination of a site to have a practical restriction on use of the site.

12.1 Site polluting an adjoining segment of the environment

Where a site is polluting another segment of the environment, it is not suitable for any use unless cleanup has occurred to the extent practicable. In such circumstances, the auditor must issue a statement to this effect.

Where a site is polluting another segment of the environment, but the source and the pollution has been cleaned up to the extent practicable, an auditor may issue a statement indicating its suitability for particular uses. Such a statement should include conditions for management of the residual pollution.

In determining whether the source and the pollution has been cleaned up to the extent practicable, the auditor should (in order):

- a) provide an opinion regarding cleanup to the extent practicable
- b) contact EPA for advice regarding the adequacy of cleanup
- c) complete the audit in accordance with advice received from EPA.

Detailed guidance on cleanup of polluted groundwater to the extent practicable in environmental audits is provided in Section 13.6 of these guidelines.

Where the site is the source of offsite pollution and access to the site may be required for the purpose of cleanup of the offsite pollution, a statement must be issued to this effect. Depending on the nature of the access required, such a site may not be suitable for any use until the pollution has been cleaned up to the extent practicable. In such circumstances EPA may issue a clean up notice

pursuant to s.62A of the *Environment Protection Act 1970*.

(Refer to Section 13 of these guidelines for guidance related to groundwater.)

12.2 Preparing a statement of environmental audit

A statement must state that the auditor is of the opinion that the condition of the site is currently, or potentially, detrimental to any (one or more) beneficial use. The statement must include terms and conditions that need to be complied with before a certificate may be issued.²⁶

A statement may state that the auditor is of the opinion that the condition of the site is not detrimental or potentially detrimental to nominated beneficial uses subject to attached conditions.

A statement may state that:

- a) the site is not suitable for any beneficial use, or
- b) the site is suitable for the beneficial uses associated with a specific land use, without further conditions, or
- c) the site is suitable for the beneficial uses associated with a specific land use, subject to various limitations or conditions. Such conditions may be tailored to a specific development proposal.

Where an auditor states that the site is suitable for a specific land use, the land use description should be consistent, to the extent practicable, with:

- d) any land use description presented in any relevant state environment protection policy
- e) any land use description presented in the Victorian Planning Provisions
- f) descriptions of residential land uses presented in Appendix 4.

Further definition of the land uses for which the site is suitable may be included if necessary.

Where an auditor states that the site is not detrimental or potentially detrimental to the beneficial uses associated with specific land uses, the auditor must ensure that:

- g) the condition of the site is not detrimental to any beneficial uses protected for that land use
- h) any limitations in this regard are noted and such limitations are reasonable in the context of the nominated land use.

²² s. 53Y(2) of the Act.

²³ s. 53Z(1) of the Act.

²⁴ s. 53Z(2) of the Act.

²⁵ That is, there is no beneficial use for which the site is suitable.

²⁶ s. 53Z(2) of the Act.

Explanatory note

For example, for residential use (other than high-density) the auditor must ensure that each of the following beneficial uses are protected, or any limitations noted:

- maintenance of modified and highly modified ecosystems
- human health
- aesthetics
- buildings and structures
- production of food and fibre.

The purpose of a certificate or statement is to provide information to the user regarding the condition of a site and its suitability for use. An auditor cannot, by way of conditions attached to a statement, legally require or prohibit certain actions.

However, where the auditor issues a statement indicating that the auditor is of the opinion that the site is suitable for certain uses subject to conditions, these may be given legal effect by an authority with appropriate jurisdiction (for example, planning authority or EPA).

12.3 Statement conditions

Conditions included in statements of environmental audit must satisfy the following requirements:

- a) They must be clear, practicable and easily understood.
- b) They should be sufficiently specific for the reader to clearly understand the requirements for management of the site.
- c) They should be specific when addressing uncertainty about the reliability of information about the condition of the site. The conditions should specify the nature of the uncertainty and the area affected, but all practicable steps should be taken to minimise the need for such conditions.
- d) They must not place limitations on activities or use of the site that are inconsistent with the land use nominated in the statement.
- e) They should, to the extent practicable, be consistent with planning and building constraints on the site.
- f) Where practical and appropriate, conditions may be linked to an approved development plan.
- g) They should not require further assessment that is contrary to the requirement for the auditor to form an opinion regarding the condition of the site and its suitability for use (including consideration of any beneficial use).
- h) They must clearly state the nature of all hazards which require management to render the site suitable for the nominated use.

Auditors are strongly encouraged to discuss proposed conditions with the responsible planning authority, particularly where the conditions are unusual or there is uncertainty as to whether the conditions:

- i) are consistent with planning criteria

- j) can be given effect through planning tools, such as conditions on planning permits or inclusion in s. 173 agreements made pursuant to the *Planning and Environment Act 1987*.

Where an environmental audit is a requirement of a statutory notice, the auditor should discuss the proposed conditions with the appropriate regional manager at EPA.

Explanatory Note

The primary responsibility for ensuring compliance with any condition or restriction incorporated in a statement rests with the site owner/occupier.

The auditor is responsible for ensuring that any statement, including conditions, complies with the criteria set out above.

Where the environmental audit was undertaken as a requirement of EPA or a planning authority, the requesting agency has the primary responsibility to determine the need and mechanism for any action to give effect to any condition included in the statement.

Where a condition of a statement requires the implementation of a management plan, that management plan should be attached to the statement.

12.4 Form of certificates and statements of environmental audit

The wording and format for issue of certificates and statements is presented in Appendices 6 and 7 respectively.

Auditors must use the wording of the *pro forma* certificate or statement of environmental audit, unless agreement in writing is obtained from EPA for issue of a modified certificate or statement.

To ensure that the statement accurately reflects the condition of the site, the auditor must include a summary of the reasons for the refusal to issue a certificate. Detailed reasons should be presented in the environmental audit report.

Where a related environmental issue arises during the course of the environmental audit, but does not affect issue of the certificate or statement, the auditor should note that issue in the section of the certificate or statement titled 'Other related information'. An example of such an issue is the classification and management of any waste soil that may be generated at the site in the future. Such issues should be discussed in the audit report.

12.5 Mandatory copies of environmental audit report and certificate or statement

An auditor must, within seven (7) days of completing an environmental audit report send a copy of the report to the EPA (via Manager Environmental Audit) and the responsible planning authority, along with a copy of the certificate, or a copy of the statement (if the auditor does not propose to issue a certificate).

Audit reports provided to EPA's Environmental Audit Unit must comply with all relevant guidelines issued by the Authority, including the *pro forma* attached in Appendix 9 of this guideline and publication 1147, *Provision of environmental audit reports, certificates and statements*.

13. Groundwater in environmental auditing of contaminated land

The potential for pollution of groundwater at the site, or arising from the site, should be considered by the auditor as part of every environmental audit. Where the protected beneficial uses of groundwater at the site being audited are assessed as 'relevant' or the site is the source, pollution of groundwater may affect the ability of the auditor to issue a certificate or statement.

Figure 2 outlines the process for consideration of groundwater in determining whether to issue a certificate or statement. Auditors are expected to answer all of the following three questions (in order).

- a) Is groundwater likely to be polluted?
- b) If yes to (a), is groundwater polluted?
- c) If yes to (b), are the beneficial uses of the groundwater precluded by the pollution relevant or, is the site the source of pollution?

13.1 Is groundwater likely to be polluted?

Auditors must require or undertake an assessment of the potential for existing and former onsite activities to cause groundwater pollution. The potential for groundwater pollution from offsite sources should also be considered.

If the auditor determines that groundwater contamination at a site is not likely, there is no restriction on the site related to groundwater and a certificate can be issued (provided there is no other reason for a certificate not to be issued).

If groundwater contamination is considered likely, further assessment is warranted to determine if groundwater pollution is occurring and whether that pollution may cause a restriction on the site.

13.2 Is groundwater polluted?

An investigation of groundwater quality should be undertaken to determine the degree and extent of contamination. This assessment should include the potential for the site to generate offsite groundwater pollution, and an assessment of the nature and extent of any offsite contamination.

If groundwater is not polluted, a certificate can be issued (provided there is no other reason for a certificate not to be issued).

SEPP (Groundwaters of Victoria)

Determining whether groundwater is polluted requires a comparison of groundwater quality with the groundwater quality objectives for the protected beneficial uses, as set out in the SEPP (*Groundwaters of Victoria*).

The identification of beneficial uses may, in some cases, be confined to a desktop assessment, contingent on the existence of reliable data in the same hydrogeological setting as the site in question.

The groundwater quality objectives for protection of maintenance of aquatic ecosystems should be applied to groundwater at the point of discharge to a surface water body.

SEPP (*Groundwaters of Victoria*) defines 'background level' as 'the level or range of levels (usually determined from a number of sites or a series of measurements from the same site) of an indicator measured in a manner and at a location specified by the Authority in waters outside the influence of any contaminant containing a measurable level of that indicator.'

Where there are no objectives in the SEPP (*Groundwaters of Victoria*)

In cases where there are no objectives referred to in the SEPP (*Groundwaters of Victoria*) for the contaminants of concern, the auditor may adopt site-specific groundwater quality criteria (see Figure 2).

Such derivation must be undertaken using a risk assessment methodology that is acceptable to EPA.

Where the audit site is not the source site of the groundwater pollution and the potentially affected beneficial uses are not relevant there may be no need to investigate groundwater quality. An exemption from such an investigation may be granted where:

- a) groundwater is likely to be polluted, but the site is not a source of groundwater pollution
- b) the beneficial uses of groundwater are not likely to occur at the site
- c) any pollution of groundwater would not affect any other beneficial use of the site.

In this case, the auditor may complete the audit without determining whether groundwater is actually polluted, provided the auditor completes the audit based on the assumption that the groundwater is polluted.

13.3 Are the precluded beneficial uses of groundwater relevant?

Where pollution of groundwater has been identified, the outcome of the environmental audit depends on the relevance of the beneficial uses of groundwater affected by the pollution.

Beneficial uses of groundwater may be considered 'relevant' for the purpose of determining whether to issue a certificate in the following circumstances.

- a) The beneficial use is 'existing' in the vicinity of the site. A beneficial use may be considered 'existing' where an existing receptor (bore, spring, creek) is, or could plausibly be, impacted by the pollution under existing or reasonably foreseeable conditions (including altered groundwater flow resulting from groundwater abstraction, injection or other means).
- b) where the beneficial use is 'likely' to be realised in the vicinity of the site. A beneficial use may be considered 'likely' in circumstances including, but not limited to:
 - (i) use of groundwater in the same hydrogeological setting nearby or elsewhere in Victoria
 - (ii) the existing and likely future land uses both at the site and in the vicinity of the site are compatible with the beneficial use.

In determining whether a beneficial use is 'likely' or 'existing', consideration should be given to both registered and unregistered bores. Where a bore is installed and registered for a use, in the absence of evidence to the contrary, that use must be considered existing. Bores used for drought relief are considered to represent an existing use, even if they are not in use at the time of the environmental audit.

In the absence of evidence to the contrary, where a bore is registered for stock and domestic use, existing use for the highest protected beneficial use must be assumed.

Where the site is, or was, the source of existing groundwater pollution (even where the other elements at the site have been cleaned up to such an extent that it is no longer the source of groundwater pollution) a certificate must not be issued for the site, irrespective of the relevance of the beneficial uses precluded by pollution.

Explanatory note

Where groundwater pollution exists and the site is the source, a restriction on use of the site may exist and hence a certificate must not be issued.

Even where groundwater at the site has been cleaned up to the extent practicable and the site is no longer a source of groundwater pollution, periodic re-evaluation of the practicability of further cleanup of groundwater may be required in accordance with the SEPP (*Groundwaters of Victoria*).

13.4 Key audit outcomes

Where the site investigation establishes that there is groundwater pollution, cleanup must be undertaken to the extent practicable in accordance with the SEPP (*Groundwaters of Victoria*).

Key outcomes of the audit process (in relation to groundwater) are as follows.

- a) a certificate may not be issued for any site where a relevant (existing or likely) beneficial use of groundwater is precluded by pollution
- b) a certificate must not be issued for a site that is the source of groundwater pollution
- c) a certificate may be issued for non-source sites where the beneficial use precluded by pollution is not likely to be realised at the site (that is, the beneficial use is not relevant)
- d) a certificate may be issued for non-source sites where the only existing or likely beneficial use of groundwater (precluded by pollution) is 'maintenance of ecosystems' (unless this beneficial use is realised at the site, for example, polluted groundwater discharges at the surface onsite)
- e) a certificate may be issued where:
 - (i) groundwater is polluted (according to policy objectives) *but* is demonstrated not to be detrimental to the beneficial uses of groundwater based on a site-specific risk assessment (derived using a methodology acceptable to EPA)

- (ii) the site is not the source site
- (iii) nothing else precludes the issue of a certificate.

13.5 Conditions on statements of environmental audit where groundwater is polluted

Where beneficial uses of groundwater precluded by pollution are relevant (refer to Section 13.3 above) and a statement is issued, the statement should contain conditions that require:

- a) a clean up of groundwater pollution to the extent practicable (if this has not occurred already)
- b) ongoing management to avoid any use that is rendered unsafe by the pollution or other exposure
- c) periodic assessment of the status of groundwater pollution (where ongoing groundwater quality monitoring is required)
- d) information relating to the pollution is made easily available to future owners and other affected parties.

In the context of the cleanup of groundwater pollution, 'clean up to the extent practicable' includes consideration of time. All other factors being equal, a strong preference is afforded to options that result in cleanup in a shorter period of time. This reduces the risk of harm arising from use of groundwater.

There are certain key requirements for statement conditions under selected circumstances.

Groundwater pollution is precluding an existing beneficial use

A statement for a source site should state that the site is not suitable for any beneficial use in its current condition (unless it has already been cleaned to the extent practicable). It is inappropriate for an auditor to indicate any beneficial uses for which the site may be suitable.

A site that has caused pollution affecting an existing beneficial use, and at which the source and the pollution have not been cleaned up to the extent practicable, may be the subject of a notice issued by EPA.

Where the source and groundwater have been cleaned up to the extent practicable, a statement for a source site should state the uses for which the auditor considers the site suitable. These uses would be subject to conditions regarding ongoing management of groundwater. A reason for refusing to issue a certificate is the residual pollution of groundwater.

Where the source and groundwater have been cleaned up to the extent practicable but an existing beneficial use is still precluded, EPA may issue a notice to implement groundwater management.

For a non-source site, the statement should state the beneficial uses for which the auditor considers the site suitable. The statement should include conditions that ensure that all potentially affected parties are aware of the uses for which the groundwater is not suitable (without cleanup) and those for which it is suitable.

Groundwater pollution is precluding a beneficial use that is likely but not existing

A statement for a source site should state the beneficial uses for which the auditor considers the site suitable, subject to the conditions to clean up or manage groundwater pollution to the extent practicable.

Due to the likelihood of the beneficial use eventuating, conditions should emphasise active cleanup and pollution management. This may cause EPA to issue a notice to require cleanup and management.

Where the source and groundwater have been cleaned up to the extent practicable, a statement for a source site should state the uses for which the auditor considers the site suitable, subject to conditions on the ongoing management of groundwater pollution. This may cause EPA to issue a notice to require groundwater management.

For a non-source site, the statement should state the beneficial uses for which the auditor considers the site suitable, subject to conditions that ensure that all potentially affected parties are aware of the uses for which the groundwater is not suitable (without cleanup) and those for which it is suitable.

Groundwater pollution is precluding a beneficial use that is not likely, and the site is a source site

A statement should state the uses for which the auditor considers the site suitable, subject to conditions related to groundwater cleanup and management. Due to the low likelihood of the beneficial use, conditions should emphasise management and information requirements. In such circumstances, pollution of groundwater is a reason to refuse to issue a certificate.

While the beneficial use of groundwater at such a site may be unlikely, if groundwater at the site is causing pollution of another segment of the environment, then cleanup is required to abate such pollution.

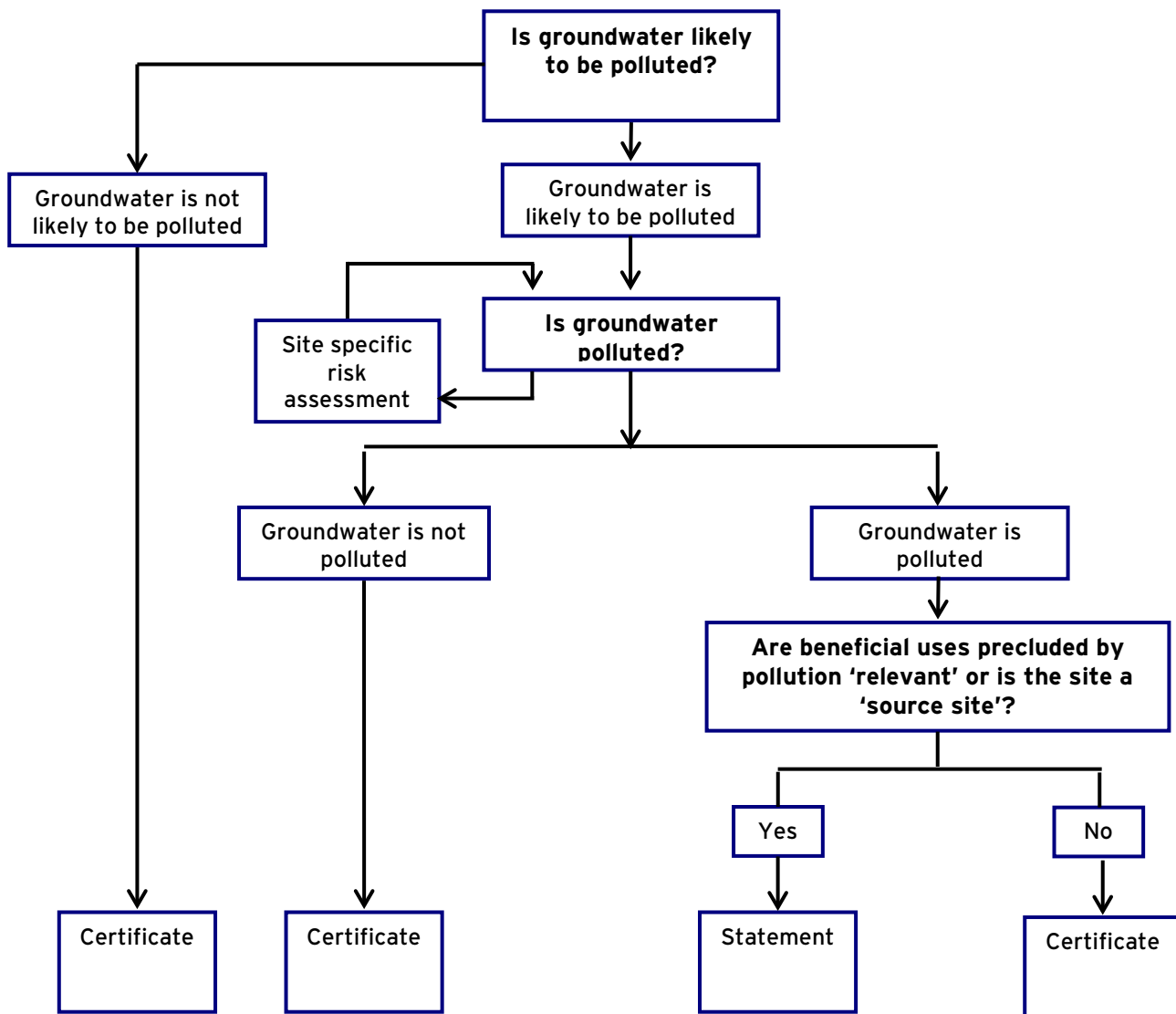


Figure 2: Flow chart for considering groundwater in issuing certificates and statements of environmental audit (assuming no other issue precludes issue of a certificate)

13.6 Clean up to the extent practicable (CUTEP)

Where polluted groundwater is established at a site, and it is not practicable to clean up groundwater to protect the beneficial uses, cleanup must be undertaken to the extent practicable in accordance with the SEPP (Groundwaters of Victoria), and a CUTEP determination must be made.

In particular, EPA needs to be satisfied that polluted groundwater has been (or will be) cleaned up to the extent practicable. However, in some circumstances physical remediation of groundwater may not be required to make a CUTEP determination.

In forming an opinion regarding the practicability of clean up of polluted groundwater, the auditor should refer to *The cleanup and management of polluted groundwater* (EPA publication 840).

General process

Where groundwater is polluted and the auditor is of the opinion that cleanup of polluted groundwater has occurred to the extent practicable (but pollution remains) the auditor must (unless otherwise specified) notify EPA that a CUTEP determination is required for the site (refer to Appendix 8).

In the circumstances described in Section 13.7, an auditor may determine that CUTEP has occurred. In all other circumstances EPA will determine CUTEP.

CUTEP determined by auditor

Where an auditor can determine CUTEP, they must:

- a) notify EPA with respect to the criteria by which an auditor can determine CUTEP (refer to Section 13.7 below and Appendix 8)
- b) provide an opinion (within the audit report) regarding the practicability of cleanup in accordance with EPA Publication 840 and provide a recommendation regarding the identification of a Groundwater Quality Restricted Use Zone (GQRUZ)
- c) provide information (within the audit report and statement of environmental audit) that groundwater is polluted and the uses for which groundwater is not suitable
- d) complete the audit report in accordance with any advice (if any) received from EPA and ensure that if the Authority has identified a GQRUZ that the extent is clearly delineated and attached as a map
- e) complete the statement of environmental audit, including:
 - (i) a condition restricting groundwater use for existing and potential precluded extractive beneficial uses of groundwater
 - (ii) a condition with sufficient detail to make clear the required ongoing groundwater monitoring and management, compliance of the plan and the mechanism for cessation of the groundwater monitoring and management (if required)
 - (iii) in the 'other related information' section of the statement (also with reference to Section 13.5 of this guideline) the auditor should include:

- a note that the auditor has determined that groundwater has been cleaned up to the extent practicable and that the site is a GQRUZ (if appropriate)
- information relating to the pollution of groundwater such as a list of beneficial uses of groundwater for which the auditor considers the site suitable
- a note that, in accordance with clause 19(3) of SEPP (*Groundwaters of Victoria*), the Authority may require periodic reassessment of the practicability of groundwater cleanup.

CUTEP determined by EPA

Where EPA is to determine CUTEP, an auditor must

- f) provide a submission to EPA prepared in accordance with EPA Publication 840, concluding that in the auditors opinion, CUTEP has been achieved. This submission should also provide a recommendation regarding the identification of GQRUZ. The auditor may be required to respond to requests from EPA regarding additional information or clarity,
- g) await the CUTEP determination by EPA before completing the audit report,
- h) following receipt of the determination advice from EPA, complete the audit report in accordance with any advice received from EPA.

Where polluted groundwater remains, EPA will normally identify a Groundwater Quality Restricted Use Zone in accordance with Clause 19 of the SEPP (*Groundwaters of Victoria*).

13.7 Criteria for CUTEP determination by an auditor

Environmental auditors may assess and determine CUTEP for audits that are:

- non-source sites
- diffuse source sites
- source sites where pollution is contained within the boundary of the site.

Each of these criteria is defined below.

Non-source sites

Where pollution of groundwater is identified (or is assumed to be present in accordance with Section 13.2) and the:

- a) site is not the source (or likely source) of the pollution
- b) beneficial uses of the groundwater are not 'relevant' (refer to Sections 9 and 13.3)²⁷
- c) access to the site is not required to affect the only practicable cleanup options to protect surface water from the effects of groundwater pollution.

²⁷ The relevancy of beneficial uses only needs to be considered at the site for non-source sites.

Where non aqueous phase liquid (NAPL) is present onsite (refer to Section 14.5) from an offsite source, contact EPA for advice prior to completing the audit.

Where access to the site is required (even though it is not the source of the pollution) to implement the only practicable cleanup option to protect surface waters, contact EPA for advice prior to completing the audit.

Diffuse source site

Where pollution of groundwater is identified (or is assumed to be present in accordance with Section 13.2) and:

- d) the site is a diffuse²⁸ source (or likely) source of pollution; and
- e) diffuse sources of the same contamination exist within the surrounding area
- f) groundwater at surrounding locations (up and down hydraulic gradient) of the site are polluted with the same contaminants at similar concentrations
- g) remediation of groundwater at the site will have no long term effect on the groundwater quality at the site and/or down hydraulic gradient of the site.

Examples of diffuse sources of contamination include market gardens and regional fill (e.g. in the Docklands area). Several point sources of contamination within the same area (i.e. a cluster of service stations) are not considered to be a diffuse source of contamination.

Source site where pollution is contained within the boundary of the site

Where pollution of groundwater is identified (or is assumed to be present in accordance with Section 13.2) and:

- h) the site is a source (or likely source)
- i) NAPL is not present (refer to Section 14.5)
- j) the pollution is located within the site boundary
- k) the extent of pollution is stable and is unlikely to migrate beyond the site boundary
- l) the presence of groundwater pollution does not affect the beneficial uses of land offsite.

²⁸ The SEPP (*Groundwaters of Victoria*) defines a diffuse source as 'a source of contamination which is not an identifiable single point of discharge'

14. Other issues in environmental auditing of contaminated land

14.1 Nature of impact on beneficial uses to be considered

An environmental audit must consider the impact of any hazard, consistent with the definition of an environmental audit (refer to Section 3 of these guidelines), which may cause detriment to the beneficial uses of the site. Issues to be considered include:

- a) toxic, corrosive, flammable, explosive and infectious hazards
- b) impacts from any wastes or substance (including chemical) that are noxious, poisonous or otherwise dangerous, including physical hazards to health (for example, sharps associated with medical waste)
- c) aesthetic impacts.

Physical hazards associated with geotechnical stability or those typically expected in an urban environment (for example, minor quantities of broken glass in fill) are not within the scope of an environmental audit.

The presence of small amounts of solid inert waste such as minor building and other debris such as is typically found in urban environments, need not preclude issue of a certificate. However, the presence of extensive rubble or wastes (for example, foundry slag or disposal of building wastes) may preclude issue of a certificate on the basis of detriment to the aesthetic enjoyment of the site.

14.2 Assessing the impact of natural levels of indicators

The environmental audit system is based on an evaluation of whether the condition of the site is detrimental or potentially detrimental to any beneficial use of the site. This evaluation does not distinguish between contamination and natural levels of indicators for land.

Where natural levels of indicators are detrimental or potentially detrimental to any beneficial use of the site, the auditor must refuse to issue a certificate. Where natural levels are significantly elevated, the auditor should contact EPA for specific advice prior to completion of the audit.

Acid sulfate soils

Acid sulfate soils are defined in the *Industrial Waste Management Policy (Acid Sulfate Soils)* (the IWMP). The IWMP outlines the requirements for onsite management of acid sulfate soils, and any offsite disposal or reuse. Acid sulfate soils may in some circumstances be detrimental to the beneficial uses of a site. In general this would occur following oxidation, releasing acid and sulfate.

The presence of acid sulfate soils may affect the issuing of a certificate in a number of ways:

- a) The presence of potential acid sulfate soils that have not been oxidised and are unlikely to become oxidised without other physical changes at the site (for example, depressed water table or excavation and redistribution of material) does not preclude issue of a certificate.

- b) The presence of actual acid sulfate soils (acid sulfate soils that have been oxidised and released acid) precludes issue of a certificate where the acidity and sulfate concentrations are detrimental to a beneficial use of the site.
- c) The presence of potential acid sulfate soils that have been dewatered or redistributed, such that they may be reasonably expected to oxidise and release acid and sulfate at such concentrations as to be detrimental to a beneficial use of the site, precludes issue of a certificate.

14.3 Offsite contamination

Providing information on offsite contamination

Where the auditor is aware of contamination offsite, or the potential for offsite contamination, arising from the condition of the site (current or historical) the environmental audit report must include:

- a) a clear statement to this effect in the summary and conclusions
- b) an assessment of the nature and extent of such contamination (to the extent practicable within the constraints of the environmental audit and the available information)
- c) recommendations regarding the need for further investigation or cleanup.

Where the auditor is of the opinion that action is required by EPA to ensure investigation and/or cleanup of offsite contamination occurs, this should be explicitly noted in the environmental audit report.

Impact of offsite contamination on issue of a certificate

Where the auditor is aware that contamination in the immediate vicinity of the site is likely to affect use of the site in the future (for example, by migration onto the site) the auditor should:

- d) specifically note this in the environmental audit report and the statement
- e) decline to issue a certificate (irrespective of the current condition of the site) if the risk of detriment to the beneficial uses of the site is significant. In this case the auditor should contact EPA.

Explanatory note

For example, a site may be cleaned up so that contamination is removed to the site boundary. If the contamination extends offsite and is such that it may be expected to migrate back on to the site being audited, thereby causing detriment to the beneficial uses of the site, issue of a certificate is not appropriate.

14.4 Underground storage tanks

Underground storage tanks (USTs) are a common source of groundwater contamination.

Where USTs on a site are not in use, they should, where practicable, be removed.

In determining whether groundwater pollution is likely to have occurred and therefore whether direct investigation of groundwater quality is required, auditors should consider:

- a) whether there is any evidence of product loss
- b) the nature of the product and its transport properties
- c) the depth to groundwater and the permeability of the unsaturated zone
- d) the potential for preferential transport pathways.

In most circumstances, direct measurement of groundwater quality is likely to be required. This is particularly important where good information about the significance and extent of any leak is hard to obtain. For example, the presence of fractured rock can make it difficult to determine the extent of contamination in the unsaturated zone, including validation of any tank pit.

Where an auditor concludes that groundwater is unlikely to be polluted and therefore does not require direct investigation, clear justification must be included in the environmental audit report.

The presence of any underground storage tanks and associated pipework or other equipment should be noted in any environmental audit report.

14.5 Non-aqueous phase liquids

In accordance with Clause 18 of the SEPP (*Groundwaters of Victoria*), any non-aqueous phase liquid (NAPL) must be removed unless it can be demonstrated to the satisfaction of EPA that the NAPL does not pose an unacceptable risk to any beneficial use of the groundwater.

There is the potential for NAPL to exist where one or more of the following occurs:

- a) a 'Free phase' or hydrocarbon sheen is observed within the water column of groundwater monitoring wells
- b) dissolved phase concentrations in groundwater infer the presence of NAPL
- c) NAPL is known (or likely) to be present within the unsaturated soil or rock profile or aquifer matrix, based on soil observations and/or laboratory results.

The responsibility for identification and removal of NAPL rests with the polluter and/or occupier of the site.

Where NAPL is present, an auditor must:

- d) notify EPA's Manager Environmental Audit within seven days (once aware of NAPL presence) including the information required in the pro forma attached in Appendix 10

- e) provide an opinion regarding the practicability of removal (if not done already) and the risk posed by the NAPL to the beneficial uses of the groundwater
- f) contact EPA prior to completing the audit for advice as to whether EPA is satisfied that the NAPL does not pose an unacceptable risk to any beneficial use of the groundwater
- g) complete the audit in accordance with any advice received from EPA.

Where EPA is satisfied that the NAPL does not pose an unacceptable risk to the beneficial uses of the groundwater, a statement may be issued indicating suitability of the site for various uses.

Where this cannot be demonstrated to the satisfaction of EPA and NAPL has not been removed to the extent practicable, the site is not suitable for any use (as the NAPL at the site may act as an ongoing source of groundwater pollution).

14.6 Occupational health and safety

In determining whether the beneficial use to 'human health' is protected at a site, the auditor must assess the risk to all users of the site, including workers involved in:

- a) remediation works (if the site is not currently suitable for the intended use)
- b) construction works
- c) installation and maintenance of sub-surface utilities.

The risks associated with the site being audited should not be considered in isolation from other exposures to which such workers may come in contact, including those related to other contaminated sites.

EPA has a strong preference for cleanup and management options that leave the site in a condition that does not require occupational health and safety measures (above those normally employed by construction and/or maintenance workers) to render it safe for construction and/or maintenance works.

If ordinary work practices at the site would not fully protect the health of workers from the hazards associated with contaminated soil or other media or the presence of waste, the auditor must include conditions in any statement that provide for the adequate protection of worker health. This may involve requiring specific precautions or work practices to protect worker health.

Alternatively, the statement may include a condition that a health and safety plan addressing certain nominated hazards be prepared and implemented.

In most circumstances, where the condition of a site is such that it poses a significant *acute* risk to the health of workers unless specific precautions are taken, the auditor should generally issue a statement indicating the site is not suitable for any use in its current condition. In some cases, remediation of a site to a level where exposure to the contaminated material would not pose a significant acute risk is not practicable. In these cases, a statement indicating suitability for nominated uses may be issued, providing control measures commensurate with the risk are implemented.

Employers have a duty to provide a safe workplace in accordance with the requirement of the *Occupational Health and Safety Act 1985*. Any requirement on the auditor, or any condition included in a statement, does not affect the primary responsibility for worker health and safety borne by employers.

For more information contact Victorian Workcover Authority.

14.7 Notifying EPA of an Imminent Environmental Hazard

Section 53ZB(3) of the Act requires environmental auditors to 'notify the Authority of any imminent environmental hazard as soon as is practicable after becoming aware of the hazard in the course of conducting an environmental audit'.

Further information about imminent environmental hazards are provided in EPA publication 865 Environmental auditor guidelines appointment and conduct.

If an auditor considers an event to constitute an imminent environmental hazard, he/she should immediately inform EPA's 24-hour Pollution Watch Line (1300 EPA VIC or 1300 372 842) and/or Emergency services (000). After that the Manager Environmental Audit Unit should be informed in writing.

Written communications can be provided via fax or email and should be clearly identified as an 'imminent environmental hazard report'.

15. Amending or withdrawing certificates and statements of environmental audit

15.1 Amendments

Certificates or statements may be amended where necessary.

Clerical errors

A certificate or statement may be amended to correct clerical or similar errors that do not alter the substance of the certificate or statement. The auditor should make the correction directly on each copy of the certificate or statement and must initial and date each change.

Adding further information

The auditor may add further information to a statement by issuing an addendum containing the additional information. The addendum must be signed and dated, and the auditor must be satisfied that the addendum reflects the condition of the site at the time of issue of the addendum.

In some cases this may require additional verification of the current condition of the site. The auditor must ensure in issuing an addendum that both it and the statement to which it pertains adequately reflect the condition of the site at the date of issue of the addendum.

The auditor must ensure that a copy of the addendum is attached to each copy of the statement and that

existence of the addendum is noted on each copy of the statement.

In each of the above cases there should be no substantive change to the outcome of the environmental audit.

The auditor must notify EPA's Manager Environmental Audit and the responsible planning authority within seven days of amending any certificate or statement.

15.2 Withdrawal

Certificates and statements provide information regarding the condition of the site and its suitability for use on which others may expect to rely (for example, EPA, planning authority, developers and owners).

Any decision by an auditor to withdraw a certificate or statement should be made in the knowledge that others may have relied upon the certificate or statement.

Nevertheless, the certificate or statement must be withdrawn where :

- the auditor becomes aware, following completion of the environmental audit, of additional information regarding the condition of the site at the time of issue of the certificate or statement
- that information indicates that the certificate or statement did not adequately reflect the condition of the site at the time of issue, such that the site (or a part of the site) is not suitable for a use as indicated
- additional conditions are required to render the site suitable (that is, the certificate or statement is 'incorrect').

Issue of an incorrect certificate or statement may be grounds for EPA to review the auditor's appointment in accordance with Section 8 of the Appointment Guidelines.

In order to withdraw a certificate or statement, the auditor must:

- write to the person who requested a certificate for the site, EPA and the responsible planning authority, explaining the reasons for withdrawal of the certificate or statement, within seven days of withdrawing the certificate or statement
- recover all copies of the certificate or statement, and the associated environmental audit report, to the extent practicable, with the exception of any copies held by EPA (EPA reserves the right to retain copies of any withdrawn certificate or statement and the associated environmental audit report)
- to the maximum extent practicable, advise parties that may have relied on the certificate or statement of its withdrawal, and the reasons for the withdrawal.

Any certificate or statement that is subsequently issued for the site must be dated at the time the revised certificate or statement is issued. The auditor must be satisfied that the new certificate or statement reflects the condition of the site at the time of issue. In some cases this may require further work on the part of the auditor.

A copy of the new environmental audit report and certificate or statement must be provided to EPA's Manager Environmental Audit and the planning authority

within seven days of issue of the new certificate or statement.

Audit reports provided to EPA must comply with all relevant guidelines issued by the authority, including Publication 1147, *Provision of environmental audit reports, certificates and statements*.

In addition, the auditor should provide a summary of the reasons for and implications of the withdrawal and replacement to all parties affected by the new environmental audit report.

15.3 Changed conditions

An auditor is not required to withdraw or amend a certificate or statement where the condition of the site changes (as opposed to changed information regarding the condition of the site at the time of issue). Typically, such a change would occur as a result of works or waste disposal at the site.

An auditor may be requested to undertake a second environmental audit to account for changed conditions at a site. Such an environmental audit is regarded as a new audit and the auditor must comply with all requirements applicable to the conduct of an environmental audit.

16. Terminating an environmental audit

Where an auditor has been requested to issue a certificate and subsequently is requested to terminate the environmental audit, he or she must advise the EPA in writing of the:

- a) details of the site as required for notification purposes
- b) brief description of contamination
- c) a site plan (if not already provided to EPA)
- d) date on which the environmental audit was terminated
- e) reasons for termination of the environmental audit.

Similarly, if an auditor decides not to proceed with an environmental audit (because, for example, the person who requested the audit has refused to provide information required by the auditor), the same requirements for notification must be met.

The auditor should provide any further information that may be of interest to EPA regarding the audit. This would include information such as whether the audit commenced because of a tool such as a licence or notice, whether NAPL was identified at the site, or whether contamination extends beyond the boundary of the site.

EPA may seek further information from the auditor, the person requesting the environmental audit or any other person regarding the reasons for termination of the audit and the condition of the site.

Appendix 1: Documents for use in environmental auditing (contaminated land)

In accordance with Part IXD of the *Environment Protection Act 1970*, auditors must have regard to the following documents.

Guidelines issued by EPA pursuant to Part IXD of the *Environment Protection Act 1970* (Vic.)

Publication title	Publication no.
<i>Guidelines for issue of certificates and statements of environmental audit</i>	759
<i>Environmental auditor guidelines for appointment and conduct</i>	865

State environment protection policies (SEPPs) and industrial waste management policies (IWMPs)

SEPP (<i>Waters of Victoria</i>)	
<i>Schedules F3, 5-8</i>	
F3 (Gippsland Lakes and Catchment)	
F5 (Waters of the Latrobe and Thompson River Basins and the Merriman Creek Catchment)	
F6 (Waters of the Port Phillip Bay)	
F7 (Waters of the Yarra Catchment)	
F8 (Waters of Western Port & Catchment)	
SEPP (<i>Air quality management</i>)	
SEPP (<i>Ambient air quality</i>)	
SEPP (<i>Groundwaters of Victoria</i>)	
SEPP (<i>Noise from industry, commerce and trade, N-1</i>)	
SEPP (<i>Control of music noise from public premises, N-2</i>)	
WMP (<i>Siting, design and management of landfills</i>)	
IWMP (<i>Waste minimisation</i>)	
IWMP (<i>Waste acid sulfate soils</i>)	
IWMP (<i>Control of ozone depleting substances</i>)	
IWMP (<i>National pollutant inventory</i>)	
IWMP (<i>Prescribed industrial waste</i>)	
SEPP (<i>Prevention and management of contamination of land</i>)	

Auditors should have regard to other relevant documents including (but not limited to) the following.

National Environment Protection Measures

National Environment Protection Measure (Ambient Air)

National Environment Protection Measure (Assessment of Site Contamination)

Other published guidelines and standards

Publication title	Publication no.
<i>ANZECC/NHMRC Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites</i>	
<i>AS 4482.1 Guide to the sampling and investigation of potentially contaminated soil, Part 1: Non-volatile and semi-volatile compounds</i>	AS 4482
<i>AS 4482.1 Guide to the sampling and investigation of potentially contaminated soil, Part 2: Volatile substances</i>	AS 4482
<i>Guide to the sampling and analysis of waters, wastewaters, soils and wastes (EPA)</i>	441
<i>Guide to the sampling and analysis of air emissions (EPA)</i>	440
<i>Classification of wastes (EPA)</i>	448
<i>Hydrogeological assessment (groundwater quality) guidelines (EPA)</i>	668
<i>Groundwater sampling guidelines (EPA)</i>	669
<i>Control on mine tailing, sand and rock (EPA)</i>	545
<i>Acid sulfate soil and rock (EPA)</i>	655

Appendix 2: Guidelines for a site assessment report

Contents of a site assessment report

Site assessment reports, including those prepared for the purpose of obtaining a certificate or statement, should follow the format and content of site assessment reports found in the *National Environment Protection Measure (Assessment of Site Contamination)*.

In addition, the following specific issues should be included in any site assessment report:

- a) consideration of the history of adjacent land uses, industrial processes and storage of chemicals
- b) recording of any visual inspections of the site
- c) details of the geology and hydrology of the area, including physical characteristics of the soil (for example, type, porosity, sorptivity, and variation of such characteristics with depth) and groundwater (depth, rate of flow, quality)
- d) details of the condition and location on the site of buildings, sewer and drainage systems, natural water courses, underground storage tanks, waste disposal areas and other activities
- e) details of analytical detection limits (levels chosen and how derived).

Scope of site investigations to support an environmental audit

The sampling and analysis program should be designed on the basis of all relevant background information for the site including that nominated in points (a) to (d) above. It should also be designed with reference to relevant guidelines and standards, including the following:

- National Environment Protection Measure (Assessment of Site Contamination)
- AS 4482.1-Australian Standard, Guide to the sampling and investigation of potentially contaminated soil, Part 1: Non-volatile and semi-volatile compounds
- AS 4482.2-Australian Standard, Guide to the sampling and investigation of potentially contaminated soil, Part 2: Volatile substances
- *Hydrogeological Assessment (Groundwater Quality) Guidelines*, EPA Publication 668

Sampling and analysis should be undertaken in accordance with approved methods and protocols, such as those described in:

- National Environment Protection Measure (Assessment of Site Contamination)
- *A Guide to the Sampling and Analysis of Waters, Wastewater, Soil and Wastes*, EPA Publication 441
- AS 4482.1-Australian Standard, Guide to the sampling and investigation of potentially contaminated soil, Part 1: Non-volatile and semi-volatile compounds
- *Groundwater Sampling Guidelines*, EPA Publication 669
- other methods approved by EPA.

Analyses should be performed in laboratories with NATA accreditation for the analyses undertaken and have test reports bearing a NATA stamp of endorsement.

A diagram indicating the grid or location reference and bore labelling system for a site must be included with laboratory results in the site assessment report. In addition, the bore logs and other relevant field observations should be included in the report.

Analyses should include sufficient attention to quality assurance to make it possible to differentiate between levels of contamination that may adversely affect the beneficial uses of a site associated with different land uses.

Background soil or groundwater samples should be collected in the surrounding locality, offsite. A minimum of two such soil samples should be collected. If possible, offsite soil and groundwater samples should be taken from areas that have not been exposed to contamination, and the soil type should be the same as that on the site under investigation. The collection of background samples is particularly important where the assessor/auditor may argue that the concentrations of substances detected at the site are typical of background conditions.

If a detailed site history is not available or the site history is deficient, the investigation should include a screen of soil samples for inorganics and organics, in accordance with the list of typical analytes for contaminated site assessment presented in the *National Environment Protection Measure (Assessment of Site Contamination)*.

If the past use of the site is known to have involved specific chemicals, these should be targeted in each sample taken in relevant areas. A screen for organic or inorganic contaminants should also be performed on representative samples.

If past use of the site indicates the possible presence of other environmental hazards such as asbestos, gases formed by the degradation of putrescible material, unexploded ordnance, radioactive substances or pathogens, an appropriate sampling or other investigation program should be implemented. The assessor should refer to EPA or other relevant government agencies for guidance on the assessment and management of these hazards.

Chemicals of concern

The following information should be compiled for each chemical of concern as part of the site assessment report:

- the toxicity, mobility, availability, potential for transformation, and likely fate of each chemical
- the form or species present
- physical characteristics
- potential exposure pathways
- potential harm to humans, plants, animals and structures
- any detriment to any beneficial uses to be made of the site
- potential for adverse offsite effects.

Assessing the significance of site investigation results

The assessor or auditor should use the indicators and objectives set out in the SEPP (*Prevention and Management of Contamination of Land*) and SEPP (*Groundwaters of Victoria*).

Evaluation of the risks presented by identified contamination can be carried out by:

- comparison with the investigation levels
- use of a site specific risk assessment to evaluate human health and environmental impacts resulting from the condition of the site.

These methods are set out in the SEPP (*Prevention and Management of Contamination of Land*) and the National Environment Protection Measure (Assessment of Site Contamination).

Any risk assessment should be consistent with the approach described in the National Environment Protection Measure (Assessment of Site Contamination).

Where the sources listed above do not provide Health or Environmental Investigation Levels for specific contaminants, other published guideline values may be used to assist in evaluating risk. The derivation of such guidelines should be reviewed to determine whether the basis for such guidelines is similar to that used to derive the Health or Environmental Investigation Levels.

Evaluation of the risks presented by contamination should consider impacts on *all* beneficial uses of the site. Evaluation of risk by only comparing with health-based investigation levels is unacceptable.

Use of waste classification criteria for the purpose of determining the suitability of the site for use is unacceptable.

Appendix 3: Format of an environmental audit report

The format for the audit report should be as follows:

- name of the environmental auditor
- date of appointment as an auditor under the Act
- name of the person making the request for a certificate
- where the person making the request is not the owner or occupier of the site or EPA, authorisation by the occupier for the person to request the certificate
- date of request to issue a certificate of environmental audit
- description of the site in question as outlined in Section 8 of these guidelines
- zoning information and coordinates in accordance with publication 1147, *Provision of environmental audit reports, certificates and statements*
- copies of relevant Titles should be included, where available
- completion date of the environmental audit
- documentation reviewed
- an opinion on the quality and completeness of prior assessment(s) of the site, including details of investigator, laboratory, sampling and analytical methods and type of assessment undertaken
- assessment of:
 - the nature and extent of any contamination
 - the potential impacts of the condition of the site on the beneficial uses associated with the site
 - any site rehabilitation method(s) used, quality control procedures followed, and subsequent validation monitoring of the site where appropriate.

Where another person has undertaken the site assessment, the audit report should include the auditor's verification of the assessor's conclusions in relation to these issues.

The report should also include:

- assessment of the risk posed by the condition of the site, including:
 - verification of compliance with soil, surface water, groundwater or air criteria used to determine the status of the site
 - assessment of possible impacts on beneficial uses associated with the site
- an evaluation of the nature and extent of risks to the beneficial uses associated with current use of the site including any ongoing activity at the site
- assessment of the compatibility of the proposed development of the site with the environmental condition of the site

- assessment of whether any cleanup is required,
- if cleanup is required, any recommendations relating to the carrying out of the cleanup
- a discussion on CUTEPA including the criteria by which it was determined by EPA or the auditor.
- comment on the consistency of any cleanup, already completed or proposed, with the requirements of any relevant SEPP or IWMP
- comment on the presence of, or potential for, offsite contamination (if any) including recommendations for any investigation or cleanup
- details of involvement of support team in conduct of the environmental audit.

The environmental audit report should include an executive summary as outlined in publication 1147. *Provision of environmental audit reports, certificates and statements*. In addition a summary of the outcome of the environmental audit and a statement identifying possible offsite contamination (if any) should be included.

Appendix 4: Residential land use descriptions

Where generic descriptions of residential land uses are used in statements of environmental audit, the auditor must use descriptions that are consistent with those used for planning purposes. The following descriptions are provided for information.

High-density residential

A density greater than one dwelling per 200 m² or a residential building greater than four storeys. Typically, this would include multistorey apartments with limited common garden or open space areas. Residential developments of this density are associated with the beneficial uses protected for the land use 'sensitive use': High Density in SEPP (*Prevention and Management of Contamination of Land*).

Medium-density residential

A density between one dwelling per 200 m² and one dwelling per 300 m². Typically, this would include townhouse and unit developments which have a small private courtyard or similar open space. Residential developments of this density are associated with the beneficial uses protected for the land use 'sensitive use': Other in SEPP (*Prevention and Management of Contamination of Land*).

Residential - single dwelling

A density between one dwelling per 300 m² and one dwelling per 4000 m². This would typically include detached housing with private yards and scope for significant home production of fruit and vegetables. Residential developments of this density are associated with the beneficial uses protected for the land use 'sensitive use': Other in SEPP (*Prevention and Management of Contamination of Land*).

Rural residential

A density between one dwelling per 4 000 m² and one dwelling per 20 000 m². This would typically include larger lifestyle blocks and small hobby farms with scope for extensive home production of fruit and vegetables as well as the maintenance of livestock.

Where a statement indicates that a site is suitable for residential use without further qualification, the site is deemed to be suitable for each of the residential uses listed above.

Appendix 5: Pro forma for notification of request to issue a certificate of environmental audit

The following *pro forma* must be used by auditors when notifying EPA of the request to issue a certificate of environmental audit. This *pro forma* should be forwarded electronically (in .docx and .pdf format).

<Date>

Manager - Environmental Audit

EPA Victoria

GPO Box 4395

MELBOURNE, 3001

I, _____, a person appointed as an environmental auditor (contaminated land) by the Environment Protection Authority under s. 53S of the *Environment Protection Act 1970* (Vic.), have been requested to issue a certificate of environmental audit for the above site. Details are as follows.

Auditor	First_name Last_Name
Auditor account number	
Auditor appointment end date	Day Month Year
Auditor's appointment category	e.g. CL, appropriate to audit notified
Audit Type	e.g. 53X
Name of person requesting audit	Title First_name Last_Name Company and/or Trading name Company ACN / Company ABN Job title Business phone number/mobile (one contact phone number is required) Business email address (optional) EPA customer account number (if available).
Relationship of person requesting audit to site	e.g. Owner/Manager Wade Enterprises Pty Ltd
Name of premises owner	(if different to person requesting audit) Title First_name Last_Name Company and/or Trading name Company ACN / Company ABN Job title Business phone number/mobile (one contact phone number is required) Business email address (optional) EPA customer account number (if available).
Date of auditor engagement	__ / __ / 20__
Proposed completion date of the audit	__ / __ / 20__
Reason for audit	e.g. Planning system, Clean up notice, Voluntary, etc.
Audit categorisation	e.g. 'Risk' (this is default for 53X audits)
Environmental Segments	e.g. 'Air, Land, Groundwater, Surface water' (this is default for 53X audits)
If the audit was required by an EPA notice, licence or other, please provide EPA service order number	
Current land use zoning	
EPA Region	e.g. Metro, Southern Metro, North East, South West etc.

Guidelines for issue of certificates and statements of environmental audit

Municipality	
Dominant Lot on title plan	e.g. Lot 1 TP102965
Additional Lot on title plan(s)	e.g. Lot 1 TP102964, Lot 1 TP102966
Site/Premises name	
Building/complex sub-unit/Lot No.	e.g.
Street/Lot - Lower No.	182
Street/Lot - Upper No.	186
Street Name	St Franks
Street type (road, court, etc)	Street
Street suffix (North, South etc)	South
Suburb	Fitzroy North
Postcode	3068
GIS Coordinate of Site centroid ²⁹	e.g. GDA94 - Latitude/Longitude in decimal degrees ³⁰
Latitude (GDA94)	37.784666
Longitude (GDA94)	144.982890
Site area (in square metres)	x,xxx.x m ²
Plan of site/premises showing the audit site boundary attached	Yes/No
Plan of site/premises showing the audit site boundary attached in a spatial data format	Yes/No
Proposed support team	First_name Last_Name (Expert support category)

In notifying EPA of this request to issue a certificate of environmental audit, I state that:

I am not aware of any conflict of interest that would preclude me from issuing a certificate of environmental audit for the above site.

I have not had prior involvement in any assessment or cleanup works at the site, which would preclude me from issuing a certificate of environmental audit for the above site.

A copy of a site plan indicating the proposed audit boundary is attached.

Yours sincerely,

Signed: _____

FIRST NAME_ MIDDLE NAME _ LAST NAME

ENVIRONMENTAL AUDITOR

(APPOINTED PURSUANT TO *THE ENVIRONMENT PROTECTION ACT 1970*)

²⁹ Longitude and latitude (decimal degrees) coordinates in the 1994 Geocentric Datum of Australia (GDA94) is required to six decimal places.

³⁰ The following equation can be used to convert Degrees° Minutes' Seconds" (D°M'S") into Decimal Degrees (DD°). DD° = Degrees + ((Minutes * 60 + Seconds)/3600).

Appendix 6: Pro forma certificate of environmental audit

ENVIRONMENT PROTECTION ACT 1970

CERTIFICATE OF ENVIRONMENTAL AUDIT

I, _____ of _____, a person appointed by the Environment Protection Authority ('the Authority') under the *Environment Protection Act 1970* ('the Act') as an environmental auditor for the purposes of the Act, having:

1 been requested by _____ to issue a certificate of environmental audit in relation to the site located at _____ ('the site') owned/occupied by _____

2 had regard to, among other things,

(i) guidelines issued by the Authority for the purposes of Part IXD of the Act

(ii) the beneficial uses that may be made of the site

(iii) relevant State environment protection policies/industrial waste management policies, namely _____,

in making a total assessment of the nature and extent of any harm or detriment caused to, or the risk of any possible harm or detriment which may be caused to, any beneficial use made of the site by any industrial processes or activity, waste or substance (including any chemical substance), and

3 completed an environmental audit report in accordance with section 53X of the Act, a copy of which has been sent to the Authority and the relevant planning and responsible authority.

HEREBY CERTIFY that I am of the opinion that the condition of the site is neither detrimental nor potentially detrimental to any beneficial use of the site.

Other related information _____

This certificate forms part of environmental audit report (*Company, Site, Report Number, Date*) Further details regarding the condition of the site may be found in the environmental audit report.

DATED _____

Signed _____

ENVIRONMENTAL AUDITOR

Appendix 7: Pro forma statement of environmental audit

ENVIRONMENT PROTECTION ACT 1970

STATEMENT OF ENVIRONMENTAL AUDIT

I, _____ of _____, a person appointed by the Environment Protection Authority ('the Authority') under the *Environment Protection Act 1970* ('the Act') as an environmental auditor for the purposes of the Act, having

1 been requested by _____ to issue a certificate of environmental audit in relation to the site located at _____ ('the site') owned/occupied by _____

2 had regard to, among other things,

(i) guidelines issued by the Authority for the purposes of Part IXD of the Act

(ii) the beneficial uses that may be made of the site

(iii) relevant State environment protection policies/industrial waste management policies, namely

_____ in making a total assessment of the nature and extent of any harm or detriment caused to, or the risk of any possible harm or detriment which may be caused to, any beneficial use made of the site by any industrial processes or activity, waste or substance (including any chemical substance), and

3 completed an environmental audit report in accordance with section 53X of the Act, a copy of which has been sent to the Authority and the relevant planning and responsible authority.

HEREBY STATE that I am of the opinion that

The site is suitable for the beneficial uses associated with [auditor to insert land uses].

subject to the following conditions attached thereto:

_____ The condition of the site is detrimental or potentially detrimental to any (one or more) beneficial uses of the site. Accordingly, I have not issued a certificate of environmental audit for the site in its current condition, the reasons for which are presented in the environmental audit report. The terms and conditions that need to be complied with before a certificate of environmental audit may be issued are set out as follows:

_____ Other related information _____

This statement forms part of environmental audit report (*Company, Site, Report Number, Date*). Further details regarding the condition of the site may be found in the environmental audit report.

DATED _____

Signed: _____

ENVIRONMENTAL AUDITOR

Appendix 8: Pro forma for notification to EPA that a CUTEP determination will be required

The following *pro forma* must be used by auditors when notifying EPA that a CUTEP determination will be required (either by the auditor or EPA) as part of the completion and issue of a statement of environmental audit or a certificate of environmental audit. This *pro forma* should be forwarded electronically (in .docx and .pdf format).

A statement is required from the auditor stating:

- that groundwater pollution has been identified at the site and that a CUTEP determination is required
- anticipated timing of the:
 - CUTEP submission to EPA (for EPA determined CUTEPs only), or
 - The final audit report to EPA (containing the auditor determined CUTEP discussion).

This pro forma should be provided to EPA at least six weeks prior to:

- the CUTEP submission to EPA, or
- the issue of the final audit report to EPA, or at an alternative time as agreed with EPA.

<Date>

Manager - Environmental Audit

EPA Victoria

GPO Box 4395

MELBOURNE, 3001

I, _____, a person appointed as an environmental auditor (contaminated land) by the Environment Protection Authority under s. 53S of the *Environment Protection Act 1970* (Vic.), have been requested to issue a certificate of environmental audit for the site located at (*insert site address as per CoEA*). It is intended that the Auditor/EPA (*select appropriate*) will determine that CUTEP has been achieved. Details are as follows.

Auditor	First name_LastName
Auditor account number	
Auditor appointment end date	Day Month Year to day Month Year
Auditor's appointment category	e.g. CL/NR/IF, appropriate to audit notified
Audit Type	e.g. 53X
Date EPA notified of audit	
Audit service order number	
Type of CUTEP determination	Auditor determined CUTEP e.g. The auditor intends to determine CUTEP (with reference to the guidance provided in Section 13.6 of this document) or EPA determined CUTEP e.g. The EPA will be required to determine CUTEP
GQRUZ identification	For Auditor determined CUTEPs: <ul style="list-style-type: none"> • The auditor intends to recommend that the site is not identified as a GQRUZ; or • The auditor intends to recommend that the site is identified as a GQRUZ; or • The auditor intends to recommend that the site is identified as a GQRUZ due to an off-site source of groundwater pollution.

Guidelines for issue of certificates and statements of environmental audit

	<p>For EPA determined CUTEPS:</p> <ul style="list-style-type: none">• The auditor intends to recommend that the site is not identified as a GQRUZ; or• The auditor intends to recommend that the site is identified as a GQRUZ; or• The auditor intends to recommend that the site is identified as being within a GQRUZ.
Anticipated timing	<ul style="list-style-type: none">• For CUTEPS submission to EPA (for EPA determined CUTEPS only), or• The final audit report to EPA (containing the auditor determined CUTEPS discussion).

In notifying EPA of the intention that the Auditor/EPA (*select appropriate*) will determine that CUTEPS has been achieved as part of the environmental audit at this site, I state that:

I am not aware of any conflict of interest that would preclude me from determining CUTEPS or issuing a certificate/statement (*select appropriate*) of environmental audit for the above site.

I have not had prior involvement in any assessment or cleanup works at the site, which would preclude me from issuing a certificate/statement (*select appropriate*) of environmental audit for the above site.

Yours sincerely,

Signed: _____

FIRST NAME_MIDDLE NAME_LAST NAME

ENVIRONMENTAL AUDITOR

(APPOINTED PURSUANT TO THE *ENVIRONMENT PROTECTION ACT 1970*)

Appendix 9: Pro forma for completion and issue of statement or certificate of environmental audit

The following *pro forma* must be used by auditors when notifying EPA of the completion and issue of a statement of environmental audit or a certificate of environmental audit. This *pro forma* should be forwarded electronically (in .docx and .pdf format).

<Date>

Manager - Environmental Audit

EPA Victoria

GPO Box 4395

MELBOURNE, 3001

I, _____, a person appointed as an environmental auditor (contaminated land) by the Environment Protection Authority under s. 53S of the *Environment Protection Act 1970* (Vic.), have completed an environmental audit and issued a certificate/statement (*select appropriate*) of environmental audit for the site located at (*insert site address as per SoEA/CoEA*). Details are as follows.

Auditor	First name_ Last name
Auditor account number	
Auditor appointment end date	Day Month Year to day Month Year
Auditor's appointment category	e.g. CL/NR/IF, appropriate to audit notified
Audit Type	e.g. 53X
Date EPA notified of audit	
Audit service order number	
Name of person requesting audit	Title_First name_Last name Company and/or Trading name Company ACN / Company ABN Job title Business phone number/mobile (one contact phone number is required) Business email address (optional) EPA customer ref. No (if available).
Relationship of person requesting audit to site	e.g. Owner/Manager Wade Enterprises Pty Ltd
Name of premises owner	(if different to person requesting audit) Title_First name_Last name Company and/or Trading name Company ACN / Company ABN Job title Business phone number/mobile (one contact phone number is required) Business email address (optional) EPA customer ref. No (if available).
Date of auditor engagement	__ / __ / 20__
Completion date of the audit	__ / __ / 20__
Reason for Audit	e.g. Planning system, Clean up notice, Voluntary, etc.
Audit Categorisation	e.g. 'Risk' (this is default for 53X audits)
Environmental Segments	e.g. 'Air, Land, Groundwater, Surface water' (this is default for 53X audits)
If the audit was required by an EPA notice, licence or other, please	

Guidelines for issue of certificates and statements of environmental audit

provide EPA reference number	
Current land use zoning	
EPA Region	
Municipality	
Dominant Lot on title plan	e.g. Lot 1 TP102965
Additional Lot on title plan(s)	e.g. Lot 1 TP102964, Lot 1 TP102966
Site/Premises name	
Building/complex sub-unit/lot No.	e.g.
Street/Lot - Lower No.	182
Street/Lot - Upper No.	186
Street Name	St Franks
Street type (road, court, etc)	Street
Street suffix (North, South etc)	South
Suburb	Fitzroy North
Postcode	3068
GIS Coordinate of Site centroid ³¹	e.g. GDA94 - Latitude/Longitude in decimal degrees ³²
Latitude (GDA94)	37.784666
Longitude (GDA94)	144.982890
Site area (in square metres)	x,xxx.x m ²
Plan of site/premises showing the audit site boundary attached	Yes/No
Plan of site/premises showing the audit site boundary attached in a spatial data format	Yes/No
Members and categories of support team utilised	First name_Last name (Expertise)
Further works or requirements	e.g. Ongoing groundwater quality monitoring, installation of vapour barrier etc.
Nature and extent of continuing risk	Brief description of risks that remain at the site (if applicable) e.g. Risks in soil include... and will be managed by ... Risks in groundwater include... and will be managed by ... Risks in soil vapour include... and will be managed by ...
Outcome of the audit	e.g. Statement, Certificate or Statement/Certificate
Has EPA determined CUTEP at this site?	Yes/No
Has the Auditor determined CUTEP at this site?	Yes/No
Has a GQRUZ been identified at the site/beyond the site by EPA?	Yes/No Site is identified as a GQRUZ/Site is identified as within a GQRUZ
Does NAPL remain at the site?	Yes/No

³¹ Longitude and latitude (decimal degrees) co-ordinates in the 1994 Geocentric Datum of Australia (GDA94) is required to six decimal places.

³² The following equation can be used to convert Degrees° Minutes' Second" (D°M'S") into Decimal Degrees (DD°). DD° = Degrees + ((Minutes * 60 + Seconds)/3600).

Guidelines for issue of certificates and statements of environmental audit

Please indicate which of the Protected Beneficial Uses of groundwater are precluded due to pollution	e.g. including site-sourced and regional pollution.	
	Protected Use	Precluded?
	Maintenance of Ecosystems	<input type="checkbox"/>
	Potable Water Supply (Desirable)	<input type="checkbox"/>
	Potable Water Supply (Acceptable)	<input type="checkbox"/>
	Potable Mineral Water Supply	<input type="checkbox"/>
	Agriculture, Parks and Gardens	<input type="checkbox"/>
	Stock Watering	<input type="checkbox"/>
	Primary Contact Recreation	<input type="checkbox"/>
	Industrial water use	<input type="checkbox"/>
	Buildings and Structures	<input type="checkbox"/>

Guidelines for issue of certificates and statements of environmental audit

Historical land use	e.g. the main contaminating activities/land use associated with the historic use of the site (list more than one if appropriate)
Current land use	e.g. Commercial
Proposed future land use	e.g. Residential - Low density
Surrounding land use - north	e.g. the most sensitive land use receptor in the vicinity of the site
Surrounding land use - south	e.g. the most sensitive land use receptor in the vicinity of the site
Surrounding land use - east	e.g. the most sensitive land use receptor in the vicinity of the site
Surrounding land use - west	e.g. the most sensitive land use receptor in the vicinity of the site
Proposed land use zoning	
Nearest surface water receptor - name	e.g. Yarra River
Nearest surface water receptor - distance (m)	e.g. 200
Nearest surface water receptor - direction	e.g. Southwest
Likely point of groundwater discharge	e.g. stormwater drain 5m north of site (if different from surface water receptor)
Site aquifer formation	e.g. Brighton Group
Groundwater flow direction	e.g. South-southwest
Groundwater TDS range (mg/L)	e.g. 560-1,500
Groundwater Segment	e.g. A1, A2, B, C, D
Are there multiple aquifers impacted by pollution at the site	Yes/No
Perched groundwater depth - upper (metres below ground level (mbgl))	e.g. 0.5
Perched groundwater depth - lower (mbgl)	e.g. 1.5
Regional groundwater depth - upper (mbgl)	e.g. 7.8
Regional groundwater depth - lower (mbgl)	e.g. 15.2
Number of bores within 2 km	e.g. 60
Closest extractive use (distance in m)	e.g. 525
Zone of groundwater plume influence (m from site boundary)	e.g. 2
Year groundwater last monitored	E.g. 2014
Have you attached electronic copies of Current Groundwater Analytical Results presented as a summary table?	Refer to requirements discussed in Appendix 2 of Publication 840

Guidelines for issue of certificates and statements of environmental audit

In notifying EPA of the completion of an environmental audit and issuing of a certificate/statement (*select appropriate*) of environmental audit, I state that:

I am not aware of any conflict of interest that would preclude me from completing the environmental audit or issuing a certificate/statement (*select appropriate*) of environmental audit for the above site.

I have not had prior involvement in any assessment or cleanup works at the site, which would preclude me from completing the environmental audit or issuing a certificate/statement (*select appropriate*) of environmental audit for the above site.

Yours sincerely,

Signed: _____

FIRST NAME_MIDDLE NAME_LAST NAME

ENVIRONMENTAL AUDITOR

(APPOINTED PURSUANT TO THE *ENVIRONMENT PROTECTION ACT 1970*)

Appendix 10: Pro forma for notification of NAPL identification

The following *pro forma* must be used by auditors when notifying EPA of the presence of NAPL. This *pro forma* should be forwarded electronically (in .docx and .pdf format).

<Date>

Manager - Environmental Audit

EPA Victoria

GPO Box 4395

MELBOURNE, 3001

Notification of NAPL Identification at _____ (address).

EPA CARMS Ref: _____

I, _____, a person appointed as an Environmental Auditor (Contaminated Land/Industrial Facilities/Natural Resources) by the Environment Protection Authority under s.53S of the Environment Protection Act, 1970 (Vic.), am writing to notify EPA of the presence of NAPL at the above site. Details are as follows:

Date NAPL identified	
Site address	
Past use/Site history	e.g. Service station/foundry
Surrounding land use	
Proposed Site use	
Geology	
Hydrogeology	
Groundwater sampling conducted	Discuss what has been done so far
Groundwater depth	Perched aquifer: _____ mAHD Regional aquifer: _____ mAHD
Groundwater flow direction	Perched aquifer: _____ Regional aquifer: _____
Groundwater TDS	Perched aquifer: ___ (insert range) ___ mg/L Regional aquifer: ___ (insert range) ___ mg/L
Nearest surface water receptor	e.g. Smith's Creek 150m SE from site
Details of Site NAPL	
- Extent/delineation	e.g. 150m southwest of GW1.
- Type	DNAPL/LNAPL
- Contaminant composition of NAPL	
- Thickness	
- Source	e.g. onsite/offsite fuel tanks
- Aquifer/s effected	
Practicability of removal	
Risk posed by the NAPL to the beneficial uses of groundwater	
Imminent Environmental Hazard present?	
Remediation options	
Map enclosed, including bore locations and delineated plume.	Yes/No. If no, explain why.

In notifying EPA of the presence of this NAPL, I state that:

- a) I have presented all the information I am aware of which indicates the extent of NAPL on and from the site.
- b) I declare all of the above to be true to my knowledge.

Guidelines for issue of certificates and statements of environmental audit

Yours sincerely,

Signed: _____

FIRST NAME_MIDDLE NAME_LAST NAME

ENVIRONMENTAL AUDITOR

(APPOINTED PURSUANT TO THE *ENVIRONMENT PROTECTION ACT 1970*)