

Your Ref: Waste Reform
Our Ref: DWER/001/2018

2nd February 2018

Project Manager
Proposed Regulatory Amendments to Categories 63-66, 89
Department of Water Environmental Regulation
Locked Bag 33
CLOISTERS SQUARE WA 6850

Dear Sir/Madam

**SUBMISSION: CONSULTATION PAPER - ENVIRONMENTAL PROTECTION
(AMENDMENT) REGULATIONS 2017)**

We make these comments in our capacity as expert environmental consultants who have practiced in Western Australia in the land development and associated industries since the early 1980s and have observed the evolution of environmental legislation and regulations over this period.

Our submission is as follows.

1. The review period has been too short. The selection of the Christmas and New Year summer holidays period constrains our opportunity for a detailed examination of the Consultation paper and its implications. We therefore request an extension of the review period, and as set out later here, a public technical seminar in which the Department explains the rationale and need for the proposed Amendments.
2. The Consultation paper does not explain why the environmental and health criteria set down in the Contaminated Sites Act 2003 and associated documents are now considered to be superseded as benchmarks for the determination of whether material is fit for purpose for particular end uses. We have been using these criteria both informally and following the introduction of the Contaminated Sites Act (2003) and have an understanding as to their provenance and local development.
3. There is no explanation provided as to how the maximum concentrations (thresholds) criteria set out in Table 1 have been developed. We expect that verified international scientific research findings would need to be the driving force behind the development of the new criteria and that these findings and their application to the derivation of the new criteria would be published for expert review.
4. It is particularly important that the explanation(s) referred to in point 3 are provided to specialist scientific consultants so that we can have confidence in advising industry as to the background and rationale for these new criteria.
5. In our view it would be appropriate for the Department to hold a public seminar to provide these explanations in detail, and allow discussion with industry, academia and research institutions. This is a routine process in public consultation in

Western Australia, and internationally. Such a seminar would properly be followed by a further period in which technical submissions to the Department could be made, based on the background technical information which is not contained in the Consultation paper.

6. The Consultation paper and its contents do not provide sufficient information or time to review what has been set down in the publication, to provide confidence sufficient for the proposed Amendments to the Environmental Protection Regulations to be supported.

Yours sincerely,

MARTIN BOWMAN

Director