

## Selecting a site contamination consultant

Updated August 2012<sup>1</sup>

*EPA 665/12: This information sheet has been prepared to provide guidance to the community in selecting consultants for the assessment and remediation of site contamination in South Australia.*

### Introduction

The assessment and remediation of site contamination is a complex and specialised professional area involving a wide range of disciplines. Consultants undertaking site contamination assessments should investigate both human health and environmental issues and therefore are required to possess a wide range of skills and knowledge.

### What is a site contamination consultant?

A site contamination consultant is defined in section 3(1) of the *Environment Protection Act 1993* (the EP Act) as a person other than a Site Contamination Auditor who, for fee or reward, assesses the existence or nature or extent of site contamination.

A site contamination consultant (consultant) is a company that employs a range of professional and technical staff or an individual person. Engagement of a consultant is undertaken in accordance with the Terms and Conditions of that company or, in some cases, as mutually agreed, to complete an agreed scope of works.

For information in regards to Site Contamination Auditors, refer to the EPA Information Sheet [Site contamination: Using a Site Contamination Auditor](#) (2009).

### When to use a site contamination consultant

A site contamination consultant can be engaged to assess site contamination for a variety of reasons. Assessment is usually undertaken where site contamination exists or where there is a reasonable suspicion of site contamination (resulting in the potential for risks to human health or the environment) due to a known current or previous potentially contaminating activity occurring on the land.

For the development or continuation of an existing 'non-sensitive' (eg commercial/industrial) land use, assessment by an experienced consultant should generally be acceptable.

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<sup>1</sup> Issued May 2007

The Environment Protection Authority (EPA) does not consider a report issued by a consultant to be acceptable to determine the suitability of land for a 'sensitive use'<sup>2</sup> where site contamination is suspected or known to exist at a site. In these instances, the EPA expects the use of an independent Site Contamination Auditor, accredited by the EPA, to independently review the work undertaken by the consultant and provide an expert opinion on the suitability of the site for its intended use.

## How to find a site contamination consultant

Selecting a consultant should be undertaken with care, as the quality and results of the assessment undertaken is dependent on the competency of the consultant. Selection should be similar to the process used when acquiring any professional service.

The EPA recommends consideration of all of the following to assist in finding an appropriately experienced consultant:

- contact a company that employs a Site Contamination Auditor accredited by the EPA. To identify these companies, refer to the auditor register available on the EPA website at [www.epa.sa.gov.au/environmental\\_info/site\\_contamination/auditor\\_register](http://www.epa.sa.gov.au/environmental_info/site_contamination/auditor_register) or
- contact the South Australian branch of the Australian Contaminated Land Consultants Association (ACLCA) for a list of current members on 08 8353 8151 or visit their website at [www.aclca-sa.org.au](http://www.aclca-sa.org.au) or
- seek advice from a trusted person who has previously engaged a consultant who successfully demonstrated acceptable standards of competency and completed similar projects successfully.

## Selecting a site contamination consultant

The following steps provide assistance when selecting a consultant:

- 1 Compile a short-list of consultants following the above recommendations.
- 2 Ask each consultant to provide a proposal which includes a scope of works, methodology, project team, experience/qualifications, timing and cost estimates.
- 3 Request from each consultant a record of previous projects that have similar site contamination issues to your project's requirements.
- 4 Request a list of clients whom are able to provide an independent opinion on the technical and management skills of the consultant.
- 5 Obtain the names and degree of input of persons to be involved in your project. It is important for the environmental consultant to include details of the staff that will work on the project as this provides additional confirmation of the technical competence of the consultant (refer to [Appendix 1](#)).
- 6 Ensure that the staff working on your project have worked on the projects described in (3) above.
- 7 Seek detailed estimates of costs and confirm that the scope of the works is clearly defined and will fulfil your requirements.
- 8 Check that there will be a peer review of all phases of the works by a person who is a senior professional within the company
- 9 Ask the consultant to explain the procedure for any additional services (and cost estimates) that may be identified as necessary during the progress of the works (e.g. if contamination is identified that requires further investigations) which may not specified in the original contract
- 10 Clarify who is to seek any approvals that may be necessary under the EP Act or any other Act (eg *Natural Resource Management Act 2004*, *Development Act 1993*).

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<sup>2</sup> Sensitive use is defined in section 3(1) of the EP Act as meaning: (a) use for residential purposes; or (b) use for a pre-school within the meaning of the *Development Regulations 1993*; or (c) use for a primary school; or (d) use of a kind prescribed by regulation.

- 11 Check that the company holds an acceptable level of professional indemnity and public liability insurance relevant to the scope and nature of work proposed.

In some assessments of site contamination, the consultant may subcontract selected elements of the work that is not within their area of expertise to other consultants. If this should occur, clarify who the subcontractors are, their position, who will be supervising them and exactly what portion of the project they will complete.

It is also important to highlight that when comparing costs from several consultants, it is important to recognise any value adding tasks in the proposal which may be beneficial to the project in the long term and hence, the cheapest quote may not always be the best.

## Qualifications and experience

It is important that the consultant selected has adequate experience and knowledge including:

competencies relevant to the work to be undertaken as summarised in [Appendix 1](#)

- demonstrated experience in site contamination assessment and management in accordance with the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (the NEPM)
- comprehensive knowledge of the EP Act and associated legislation, policies and guidelines
- knowledge of relevant scientific literature for assessment of the impacts of site contamination on human health and the environment
- comprehensive knowledge of the site contamination audit system used in South Australia, where relevant.

## If remediation is required

Remediation is defined in section 3(1) of the Act as meaning to treat, contain, remove or manage chemical substances on or below the surface of the site so as to—

- a eliminate or prevent actual or potential harm to the health or safety of human beings that is not trivial, taking into account current or proposed land uses; and
- b eliminate or prevent, as far as reasonably practicable—
  - i actual or potential harm to water that is not trivial; and
  - ii any other actual or potential environmental harm that is not trivial, taking into account current or proposed land uses,

If remediation is required after assessment, the same process of selecting a consultant to undertake assessment should be adopted as described above.

## Outcomes of engagement of a site contamination consultant

The outcome of the engagement of a consultant is the completion of the scope of work, or an agreed amended scope of work, and the issue of a report to the client. The report should be able to sustain to scientific and public scrutiny.

It is noted that in some specific instances, the scope of a consultant's assessment work may be limited by agreement with the client. In this case, the report should specifically identify the limitations relating to the scope of work and detail where this may not comply with relevant standards and guidelines.

## Opinions on the existence of site contamination

Section 103ZA of the EP Act requires that a site contamination auditor or site contamination consultant must, in any written report that the auditor or consultant prepares in relation to a site, clearly qualify any statement of the auditor's or consultant's opinion as to the existence of site contamination at the site by specifying the land uses that were taken into

account in forming that opinion. In order to do this, the assessment of site contamination must have been carried out in accordance with relevant guidelines issued by the EPA.

## False or misleading information and reports

Section 103ZB of the EP Act requires specifically that a person must not make a statement that the person knows to be false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information furnished to a site contamination auditor or site contamination consultant that might be relied on by the auditor or consultant in preparing a report relating to site contamination. There are significant penalties for breaching this section of the Act. For further information, refer to the EPA Information Sheet, [Site contamination: Honesty in reporting](#) (2008).

## Disclaimer

This publication is a guide only and does not necessarily provide adequate information in relation to every situation. This publication seeks to explain your possible obligations in a helpful and accessible way. In doing so, however, some detail may not be captured. It is important, therefore, that you seek information from the EPA itself regarding your possible obligations and, where appropriate, that you seek your own legal advice.

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## Further information

### **Legislation**

Legislation may be viewed on the Internet at: <[www.legislation.sa.gov.au](http://www.legislation.sa.gov.au)>

Copies of legislation are available for purchase from:

Service SA Government Legislation Outlet	Telephone:	13 23 24
Adelaide Service SA Centre	Facsimile:	(08) 8204 1909
108 North Terrace	Website:	< <a href="http://shop.service.sa.gov.au">shop.service.sa.gov.au</a> >
Adelaide SA 5000	Email:	< <a href="mailto:ServiceSAcustomerservice@sa.gov.au">ServiceSAcustomerservice@sa.gov.au</a> >

### **For general information please contact:**

Environment Protection Authority	Telephone:	(08) 8204 2004
GPO Box 2607	Facsimile:	(08) 8124 4670
Adelaide SA 5001	Freecall (country):	1800 623 445
	Website:	< <a href="http://www.epa.sa.gov.au">www.epa.sa.gov.au</a> >
	Email:	< <a href="mailto:epainfo@epa.sa.gov.au">epainfo@epa.sa.gov.au</a> >

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## Appendix 1 Consultant competencies

Schedule 10 of the *National Environment Protection (Site Contamination) Measure 1999* provides details of key competencies for environmental professionals.

Specific skills and experience that may be considered necessary of a site contamination consultant are provided below:

- collection of historical information
- environmental sampling design and methodology for soils, surface waters and groundwaters
- quality control and quality assurance procedures
- environmental chemistry and interpretation of analytical data
- assessment of impacts of site contamination on soils, surface waters and groundwaters
- soil science
- hydrogeology
- human toxicology and risk assessment
- ecological toxicology and risk assessment
- contaminant fate and transport
- groundwater modelling
- qualitative and quantitative risk assessment
- risk communication and community consultation in relation to site contamination
- remediation and remedial technologies
- health and safety issues associated with fieldwork during the assessment and remediation of site contamination.

In some instances, site contamination consultants may be required to have knowledge in specialist areas. The qualifications and experience of site contamination consultants where specialist knowledge is required should be determined as appropriate on a site-specific basis.