

To Whom it May Concern,

I am an EPA Appointed Contaminated Land Auditor and the proposed SEPP (WoV) will have significant impact on the way in which I would undertake statutory contaminated land audits in the future. As a stakeholder I provide the following general commentary:

1. "Authority" is not defined in Section 6;
2. The definition at Section 6 of "non-aqueous phase liquid" (NAPL) and its application as provided in Section 55 (with Explanatory Notes referencing EPA Publication 840 – which in turn references EPA Publication 759) provides opportunity for debate about when NAPL is actually present, and especially in situations when "sheen" has been adopted to mean NAPL. Given the special status that NAPL has under the SEPP (eg Section 55) it would be beneficial to include a more precise definition of NAPL than that provided, and one that provides clarity and consistency with other relevant EPA Publications (especially 840 and 759).
3. The status of "groundwater dewatering" is not clear in the draft SEPP. The definitions provided under Section 6 for "wastewater" do not include extracted groundwater. Current practices of Water Authorities are to exclude longer term extracted groundwater generated from buildings from the definition of wastewater and this has resulted in considerable difficulty in the proper management of longer term extracted groundwater from deeper basement excavations and other such structures. The inclusion of groundwater in the definition of "wastewater", when the quality of the groundwater exceeds stormwater disposal limits (as defined by the receiving surface water body quality objectives), would assist in better management of such extracted groundwater and especially via Clause 31 (2) wherein the EPA (assuming that it is EPA that is the referenced Authority in this Clause) can provide guidance to the water corporation on such disposals (which currently does not occur, presumably because EPA doesn't have such a specified accountability).
4. Figure 1 of Schedule 1 is not sufficiently accurate enough to define segments for statutory audit purposes – which is a significant use of the SEPP. For statutory Audits specified land boundaries need to be defined and as such each land boundary needs to be able to be placed into a relevant surface water segment. This Figure needs better boundary definitions.
5. Clause 12 uses imprecise and undefined aspirational language to define "practicability", which is prescribed via "must" rather than "should" – eg "maximum extent achievable" is problematic when it comes to implementation of strategies (and the term isn't even defined in Section 6) – it would be beneficial if either such language was better defined or other terminology adopted.
6. Schedule 2 under explanatory notes within "water dependent ecosystems and species" at the third dot point on page 63 refers to "*that groundwater quality does not adversely affect surface water ecosystems and other beneficial uses of surface environments*". It is unclear what is meant by this reference to "surface environments" as the term is not defined in Section 6. Does this reference apply to "*beneficial uses of land*" as defined in the SEPP (Prevention and Management of Contamination of Land)? Furthermore if this is the intended definition then it would be beneficial to clarify that such protection is afforded to all "beneficial uses of land", current and future (and future would require definition in the context of "likelihood" as is commonly adopted by EPA for other considerations).
7. The Beneficial Uses of Groundwater Table 2 at page 65 – Segments E and F are excluded for "Industrial and Commercial" beneficial uses – salinity may not be a barrier for many industrial or commercial uses of groundwater and as such automatic exclusion of such uses based on TDS is not considered relevant and these two boxes should be included as potential beneficial uses

Thank you for the opportunity to comment.

Regards

Peter Mirkov