



**EnviroRisk**

**PROPERTY ACQUISITIONS/ DIVESTMENTS**

***ENVIRONMENTAL  
LIABILITY  
REVIEW***

***Divestment  
Checklist for Property  
Managers***

Prepared by  
EnviroRisk Management Pty Ltd  
ABN 24 069 947 904

**Ph: 61 3 5282 3773**  
Fax: 61 3 5282 4430

Head Office: PO Box 183, LARA 3212

[info@envirorisk.com.au](mailto:info@envirorisk.com.au)

## **1. INTRODUCTION**

Environmental law employs the ‘polluter pays’ principal. Polluters can be held accountable for their actions, irrespective of when the polluting event occurred.

Pollution not only attracts hefty civil fines but can involve significant clean-up costs for decontamination of land or waters. If slow and gradual pollution has resulted, the blame for the pollution may be apportioned to past owners and occupiers suspected to have contributed to the contamination.

Sound risk management practices will ensure that, at the time of divestment, documentation is available to evidence that adequate control mechanisms ensure the site is free of contamination. Alternatively, if contamination is suspected, the extent, type and significance of contamination should be well documented. In such cases, remediation may be required to counteract the impact of pollutants before proceeding with a divestment.

## **2. CHECKLIST**

To avoid future liabilities originating from environmental contamination an environmental assessment is required. The attached checklist is designed to assist with the first phase of such as assessment. The checklist is designed to establish the likelihood of any contamination.

The checklist is designed to be completed by a person with a good understanding of the site history and current operational risks.

## **3. DETERMINATIONS**

If the response to any question is not positive, further professional advice should be sought before proceeding with a divestment.

EnviroRisk Management’s environmental specialists are available to assist with further advice as required.

**ENVIRONMENTAL DIVESTMENT QUESTIONNAIRE**

**1. SITE CONTAMINATION**

*A contaminated site may attract significant liabilities. Accordingly, the status of soil quality at the time of department should be well documented. This will provide protection from future land owners apportioning blame due to slow and gradual environmental pollution.*

**1.1. UNDERGROUND STORAGE TANKS**

*Leaking underground fuel/chemical tanks or pipelines may contaminate groundwater reserves and soil quality.*

Are there underground storage tanks (fuel storage, oil, solvents, etc) or process pipelines on the site?

- Yes  No  Uncertain

If so, have surrounding soils been checked for contamination as a result of leakage?

- Yes, Determination...  No  Uncertain

Comments:.....  
.....

**1.2. ABOVEGROUND STORAGE PRACTICES**

Is there potential for aboveground material, product or waste storage to have seeped into the ground due to spillage or tank leakage?

- Yes  No  Uncertain

Comments: .....  
.....

Has testing proven that these areas are uncontaminated?

- Yes  No  Uncertain

Comments: .....  
.....

**1.3. PERSISTENT POLLUTANTS**

*Certain chemicals and radioactive matter are persistent environmental pollutants. Their use may have contaminated the site if insufficient control measures have been employed, particularly around storage and Trade Waste transfer (piping) and treatment areas. Persistent pollutants include, but are not restricted to, heavy metals, arsenic, hydrocarbons, pesticides, chlorinated hydrocarbons, polycyclic aromatic hydrocarbons (PAH's), polychlorinated biphenyls (PCB's), phenolic compounds, etc.*

Is there potential for persistent environmental pollutants to be present on the site?

- Yes                                       No                                       Uncertain

Comments: .....  
.....

If so, is documentation available revealing that soils on the premises are free from such contaminants?

- Yes                                       No                                       Uncertain

Comments: .....  
.....

**1.4. INTRODUCED SOIL**

*Soil introduced onto a site may not always originate from an uncontaminated area. Contaminated soils and sludges from off-site sources may have been included as fill material.*

Has soil been introduced onto the site?

- Yes                                       No                                       Uncertain

Comments: .....  
.....

Has the soil been tested for contamination?

- Yes                                       No                                       Uncertain

Comments: .....  
.....

**1.5. ON-SITE DUMPING OF WASTE**

Are there any previous operations on the site where effluent or solid waste has been dumped on the site?

- Yes
- No
- Uncertain

Comments: .....

.....

**2. ASBESTOS**

*Asbestos holds concern, both as an occupational and an environmental hazard. Asbestos sources should be well documented with provisions available to evidence responsible containment practice.*

**2.1. ASBESTOS REGISTER**

Has there been an asbestos survey undertaken on the premises?

- Yes
- No
- Uncertain

Comments: .....

.....

Has all asbestos been documented into an asbestos register or an asbestos management program?

- Yes
- No
- Uncertain

Comments: .....

.....

**2.2. REMOVAL**

If asbestos is on the site, is there a plan that shows that acceptable removal and disposal practices have been employed for any removed asbestos?

- Yes
- No
- Uncertain

Comments: .....

.....

**3. DOCUMENTATION EVIDENCING ENVIRONMENTAL PROTECTION**

*Environmental protection can best be evidenced by supporting documentation. Without documentation, proof of responsible practice protecting environmental conditions may be difficult.*

**3.1. WATER/AIR DISCHARGES IN COMPLIANCE WITH LEGISLATION**

Are monitoring results available demonstrating compliance with environmental legislation?

Yes  No  Uncertain

Comments: .....  
 .....

**3.2. POLLUTION ABATEMENT NOTICES**

Is there any outstanding government requirement (eg notice) on the company concerning environmental protection?

Yes  No  Uncertain

Comments: .....  
 .....

**3.3. PROCEDURES**

Have written procedures been in place for chemical storage, handling and disposal practices evidencing responsible environmental management?

Yes  No  Uncertain

Comments: .....  
 .....

**4. CHEMICAL ACCOUNTABILITY**

*Chemical accountability will evidence that chemicals were not polluting the environment at the time of the divestment and are not left to pollute during the ownership transition period.*

**4.1. CHEMICAL REGISTER**

Has a chemical register been developed for all chemicals stored on the premises?

Yes  No  Uncertain

Comments: .....  
 .....

**4.2. CHEMICAL MANAGEMENT**

Does the register list the quantities of chemicals, their storage position and the type and integrity of containers which store the chemicals?

- Yes                                       No                                       Uncertain

Comments: .....  
.....

**5 HISTORIC USE OF THE SITE**

Is there potential for previous occupants of the site to have left persistent environmental pollutants in the soils?

- Yes                                       No                                       Uncertain

Comments: .....  
.....