



NATIONAL GENERATORS FORUM

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Ms Kerry Scott
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Copy to: Mr. Craig Heidrich
Chief Executive Officer
Ash Development Association of Australia
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4 January 2010

Email: kscott@ephc.gov.au

Dear Ms Scott

REVIEW OF THE NATIONAL ENVIRONMENT PROTECTION (MOVEMENT OF CONTROLLED WASTE BETWEEN STATES AND TERRITORIES) MEASURE 2009

The National Generators Forum (NGF) represents the market-facing electricity generators in Australia. This includes nearly all coal-based power stations.

The coal-based electricity generation businesses have requested the NGF to make a late submission on the Review of the National Environment Protection (Movement of Controlled Waste between States and Territories) Measure (NEPM-Waste). This submission is in support of the submission by the Ash Development Association of Australia (ADAA) dated 5 November 2009.

This supporting submission is made in the face of growing regulatory uncertainty and potential restrictions by state jurisdictions that inhibit the efficient and effective recycling of power station based fly ash for use in construction materials and other uses, such as soil conditioners.

These impediments relate directly to the 2004 NEPM-Waste in which, without qualification, fly ash is listed as a category in List 1 of Schedule A with its controlled movement between jurisdictions being triggered by the vague characteristics of UN Code H13 in List 2. This is done without any regard to the chemical characteristics of Australian power station fly ash and the benign levels of potentially hazardous components.

In turn, this has led to uncertainties and delays in gaining state-based exemptions for the movement of power station fly ash while at the same time tainting power station fly ash virtues as a valuable product for recycling for use in building materials and other products.

NGF members have advised that the genesis of the power station fly ash classification goes back to the Basel Convention listing of fly ash as a hazardous waste. However, its listing does not identify all ash as a hazardous waste. Only fly ash containing Annex I substances in concentrations sufficient to exhibit Annex III characteristics are classified as hazardous.

Australian power station fly ash has been tested extensively over many years and none exhibit Annex III characteristics and hence none would be classified under the Basel Convention as hazardous.

Therefore, it is logical, sensible, fair and environmentally beneficial to amend the NEPM-Waste to exclude power station fly ash from List 1 in Schedule A or to amend the fly ash entry so that it only applies to fly ash that exhibits the Basel Convention characteristics.

The NGF and ADAA would welcome a combined opportunity to discuss this issue further with you and to develop a process for delisting power station fly ash as a controlled waste under the NEPM-Waste. Should you wish to take up our offer to further discuss this issue, please contact the NGF's Policy Advisor, Dr Harry Schaap (telephone 03 9499 4249 or 0413 623 043 or email Harry.Schaap@tpg.com.au).

Yours sincerely



Malcolm Roberts
Executive Director