

5. Revocation

- 5.1. *The coal ash exemption 2013* which commenced on 18 April 2013 and the *fly ash and bottom ash from burning NSW or Queensland coal exemption 2006* which commenced on 1 December 2006 are revoked from 24 November 2014.

6. Exemption

- 6.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of coal ash or blended coal ash to land as an engineering material at the premises:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109, 110 and 114 of the Waste Regulation
- 6.2. The exemption does not apply in circumstances where coal ash or blended coal ash is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

7. Conditions of exemption

The exemption is subject to the following conditions:

- 7.1. At the time the coal ash or blended coal ash is received at the premises, the material must meet all chemical and other material requirements for coal ash or blended coal ash which are required on or before the supply of coal ash or blended coal ash under 'the coal ash order 2014'.
- 7.2. Coal ash and blended coal ash can only be applied to land:
- 7.2.1. as a soil amendment for the growing of vegetation,
 - 7.2.2. in cementitious mixes such as concrete, and
 - 7.2.3. in non-cementitious mixes such as an engineered fill, stabiliser, filter or drainage material or as a sand substitute as follows:
 - (a) pipe bedding material,
 - (b) selected backfill adjacent to structures,
 - (c) road pavement, base and sub-base structures,
 - (d) composite filler in asphalt pavements,
 - (e) rigid and composite pavement structures,
 - (f) select layers which act as working platforms at the top of earthworks,
 - (g) fill for reinforced soil structures (including geo-grid applications).
- 7.3. In cementitious mixes, the consumer can only apply coal ash or blended coal ash to land where it complies with a relevant specification or Australian Standard or supply agreement.
- 7.4. In non-cementitious mixes the consumer can only apply coal ash or blended coal ash to land where it:

Notes