

**Draft - End of Waste Code
Incinerator Bottom Ash Aggregate
(EOWC010004246)**

Waste Reduction and Recycling Act 2011

Version history

Version	Date	Description of changes
Draft	July 2026	Consultation Draft

Prepared by: Waste Assessment, Department of Environment, Tourism, Science and Innovation

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1. Explanatory Statement

This End of Waste (EOW) code for **incinerator bottom ash aggregate** has been issued by the **chief executive** in accordance with section 159 of the *Waste Reduction and Recycling Act 2011* (WRR Act).

This EOW code states when **incinerator bottom ash aggregate** becomes a **resource** and any relevant requirements and/or conditions for its use. If the **incinerator bottom ash aggregate** is not being used in accordance with the relevant requirements and/or conditions of this EOW code, it is considered a waste under section 8AA of the WRR Act and must be disposed of appropriately at a facility that is **lawfully** able to receive the waste.

2. Guidance

2.1 Resource use versus activity

Under section 159 of the WRR Act, an EOW code specifies the circumstances when a waste becomes a resource; and conditions for how it must be used to be considered a resource.

An Environmental Authority (EA) under the *Environmental Protection Act 1994* (EP Act) is required where an activity being undertaken triggers the threshold for any environmentally relevant activity (ERA). This means that treating or processing the waste to meet the resource quality criteria under the EOW code may require an EA under the EP Act if the activity meets the threshold for an ERA.

2.2 Resource versus waste

A waste stops being a waste and becomes a **resource** when it meets the relevant requirements of an EOW code. A waste that becomes a **resource** under an EOW code is considered a **resource** only for the use(s) approved in the EOW code. A **resource** must be used in accordance with the conditions of the EOW code, otherwise it is considered a waste and must be managed in accordance with waste management requirements under the EP Act and the WRR Act and their subordinate legislation.

A **resource** under an EOW code, is deemed to be a waste again, if it is not used in accordance with the EOW code (including if it is being stored without use); if it is disposed of at a waste disposal site; or if it is deposited at a place in a way that would, apart from its use approved under an EOW code, constitute a contravention of the general littering provision (section 103) or the illegal dumping of waste provision (section 104) under the WRR Act.

2.3 Failure to comply

It is an offence under section 158(1) of the WRR Act for a **registered resource producer** to produce the **resource**, or use, sell or give away the **resource** unless they comply with the requirements under an EOW code. Further, it is an offence under section 158(2) of the WRR Act for a **person** to use the **resource** in a way, or for a purpose, that does not comply with an EOW code for the **resource**. These offences carry a maximum penalty of 1,665 penalty units for an individual and 8,325 penalty units for a corporation¹.

Please refer to Appendix A of this EOW code for general obligations for all **persons** operating under this EOW code, which includes the **resource users**.

¹ The value of a penalty unit is stated in the *Penalties and Sentences Regulation 2015* (Qld).

2.4 Lawfulness of the activity

The issuing of this EOW code for the use of a **resource** does not warrant or imply the lawfulness of the activity under all legislation, or that approvals necessary under other legislation have or will be approved. It is the responsibility of the **registered resource producer** and **resource user** to identify and obtain all other approvals necessary for the relevant activities.

3. Period of this EOW code

This EOW code takes effect from the day of gazettal of this EOW code and remains in force until it is amended, cancelled or suspended by the **chief executive**².

4. Waste to which this EOW code applies

This EOW code is limited to **incinerator bottom ash aggregate** which is the aggregates created from the processing of **incinerator bottom ash** generated by the combustion of **municipal solid waste, commercial and industrial waste** and **construction and demolition waste** through an incineration process at energy from waste facility. The **incinerator bottom ash aggregate** becomes a **resource** when *Requirement (6.3)* under this EOW code is met. Where not all conditions in this EOW code are complied with, the **resource** becomes a waste again in accordance with section 155(4) of the WRR Act.

5. Person to whom this EOW code applies

5.1 Registered resource producers of the resource

- 5.1.1 A **registered resource producer** for this EOW code must comply with the stated registered resource producer requirements in Section 6 – Registered Resource Producer Requirements.

5.2 Resource users

- 5.2.1 The **resource user** must only use the **resource** in a way, and for a purpose allowed under this EOW code.
- 5.2.2 The **resource user** must comply with the stated conditions of use in Section 7 – Conditions of Use.

² If an EOW code is to be amended, cancelled or suspended, the chief executive will provide an opportunity to make written submissions by providing a proposed action notice to the registered resource producers; and publishing the proposed action notice on the chief executive's [website](https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework) (<https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework>).

6. Registered Resource Producer Requirements

Registration under this EOW code		
(6.1)	Prior to operating under this EOW code, the producer of the resource must register with the chief executive by giving a notice in the approved form ³ to become a registered resource producer for this EOW code.	
Approved resource		
(6.2)	The approved resource is incinerator bottom ash aggregate which complies with <i>Requirement (6.3)</i> of this EOW code.	
(6.3)	The registered resource producer must not use, sell or give away the resource under this EOW code unless the resource complies with all of the following criteria and quality characteristics: a) the resource does not exceed the quality criteria stated in <i>Table 1: Resource quality criteria</i>; and b) only contain feedstocks permitted under the relevant environmental authority held by the facility where the incinerator bottom ash was generated; provided that the incinerator bottom ash does not include any other contaminants not listed in this code that may cause environmental harm.	
Table 1: Resource quality criteria		
Quality characteristics	Limits for specific uses	
	Bound applications	Unbound applications
	Total maximum concentration (mg/kg, dry weight)	Total maximum concentration (mg/kg, dry weight)
Arsenic	NS	20
Boron	NS	100
Cadmium	NS	1
Chromium (Total)	NS	100
Cobalt	NS	100
Copper	NS	150
Lead	NS	150
Mercury	NS	1
Nickel	NS	60
Selenium	NS	5
Zinc	NS	300
PCBs	NS	0.2
PAHs	NS	6
pH	NS	NS

³ The approved form, *Registered Resource Producer for an EOW code*, is available on the chief executive's [website](https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework) (<https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework>).

		Analysis of the compounds below is only required if the resource is generated from the use of waste with potential PFAS contamination** Maximum concentration (mg/kg, dry weight)	
	Sum of PFOS and PFHxS	0.01	0.002
	PFOA	0.1	0.001
	Sum of PFBA, PFPeA, PFHxA, PFHpA, PFNA, PFDA, PFUnDA, PFDODA, PFTrDA, PFTeDA, PFBS, 4:2 FTS, 6:2 FTS, 8:2 FTS and 10:2 FTS (above LOR)	NS	0.003
	Sum of PFOSA (or FOSA), N-MeFOSA, N-EtFOSA, N- MeFOSE, N-EtFOSE, N- MeFOSAA and N-EtFOSAA (above LOR)	NS	0.001
	Sum of PFAS	0.1	NS
	PFAS Leachability*	To be kept to minimum practicable (µg/L)	To be kept to minimum practicable (µg/L)
Notes: NS = Not Specified, monitoring still required. *Leaching analysis must be undertaken using the Australian Standard Leaching Procedure (ASLP) test, Australia Standard AS4439 using an unbuffered leach solution.			
(6.4)	For the resource exceeding total maximum concentrations for any metals in <i>Table 1: Resource quality criteria</i> , the resource must comply with the TCLP maximum concentrations in <i>Table 2: TCLP limits</i> . Table 2: TCLP limits		
	Quality characteristics		TCLP maximum concentration (mg/L)
	Arsenic		0.1
	Boron		0.5
	Cadmium		0.01
	Chromium (Total)		0.1
	Cobalt		0.05
	Copper		0.2
	Lead		0.0034
	Mercury		0.002
	Nickel		0.2
	Selenium		0.02
	Zinc		2
Resource monitoring			
(6.5)	The registered resource producer must sample, measure and record the composition of the resource for the quality characteristics in <i>Table 1 - Resource quality criteria</i> at a minimum of the following frequencies:		

	a) if feedstocks are used that contain or are reasonably likely to contain PFAS, every three months; b) otherwise, every six months. NOTE: Once statistical analysis has been undertaken that demonstrates no significant (at minimum 95% Confidence Interval) difference in the mean and standard variation of contaminant concentrations over three years, this monitoring can be undertaken annually.
(6.6)	All analysis required under this EOW code must be carried out by a laboratory that has NATA certification, or an equivalent certification, for such analyses.
Monitoring for PFAS	
(6.7)	Where the resource potentially contains PFAS, the registered resource producer must sample, measure and record the quality of the resource for PFAS for at least Total Oxidisable Precursor Assay (TOPA) with a minimum: a) C4-C14 perfluoroalkyl carboxylic acids; b) C4-C10 perfluoroalkyl sulfonic acids; c) perfluoroalkyl sulphonamides; and d) n:2 fluorotelomer sulfonic acids.
(6.8)	When sampling, measuring and recording the quality of the resource for PFAS in accordance with <i>Requirement (6.6)</i>: a) analysis techniques must achieve lowest practicable limits of reporting; b) analysis techniques must achieve maximum extraction of PFAS from samples following Australian Standard Leaching Procedure (ASLP) test, <i>Australia Standard AS4439</i>; c) quality assurance measures for every TOPA measurement must be complied with <i>Section 19.2 of the PFAS National Environmental Management Plan Version 3.1</i> unless superseded by a revised or new version of the document, including checks against PFAS results for corresponding non-oxidised samples; and d) any advice from the chief executive concerning improvements in analysis techniques must be implemented.
Information to be provided	
(6.9)	The registered resource producer must provide the following to the resource user each time the resource is supplied for use: a) a copy of the EOW code for incinerator bottom ash aggregate (EOWC0xxxxx)⁴; b) the registered resource producer's business name, ABN and address; c) confirmation in writing that the resource being supplied is compliant with the requirements of this EOW code; d) a most recent certificate of analysis for the quality characteristics listed in <i>Table 1: Resource quality criteria</i>; and

⁴ This can be a physical copy, an electronic copy or a link to the chief executive's [website](https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework) (https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework) where this EOW code is available.

	e) safety data sheet for the resource .
Records	
(6.10)	The registered resource producer must keep the following records for each load of the resource supplied to a resource user : a) quantity (in tonnes or cubic metres) of the resource supplied; b) quality criteria of the resource (including but not limited to the quality characteristics listed in <i>Table 1: Resource quality criteria</i>); c) date of dispatch of the resource; and d) business name, ABN and address of the person receiving the resource.
(6.11)	All records required to be kept by the registered resource producer under this EOW code must be: a) kept by the registered resource producer for a period of not less than five (5) years; and b) provided to the chief executive upon request, in the format requested and in the time period specified.
Notification of emergencies, incidents and breaches	
(6.12)	Any breach of a requirement of this EOW code must be reported to the chief executive within 24 hours of becoming aware of the breach ⁵ .
(6.13)	Records of any breach of a requirement of this EOW code, including full details of the breach and any subsequent actions taken, must be kept and provided to the chief executive upon request, in the format requested and in the time period specified.

7. Conditions of Use

Notification under this EOW code	
(7.1)	Prior to operating under this EOW code, a person who intends to use the approved resource must notify the chief executive by giving a notice in the approved form ⁶ at least 10 days prior to the commencement of using the resource .
Approved uses	
(7.2)	The approved resource is incinerator bottom ash aggregate that complies with <i>Requirement (6.3)</i> of this EOW code and is used for the following purposes: a) in bound applications in accordance with <i>Condition (7.3)</i>; and/or b) in unbound applications in accordance with <i>Conditions (7.4)-(7.6)</i>.

⁵ Reporting can be via the chief executive's Pollution Hotline (1300 130 372 – option 2) or via online reporting through the chief executive's [website](http://www.detsi.qld.gov.au) (www.detsi.qld.gov.au).

⁶ The approved form, *Resource user for an EOW code notification form* is available on the chief executive's [website](https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework) (https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework).

Resource use in bound applications																						
(7.3)	The resource used in bound applications must only be used in manufacturing processes and applications which encapsulate or chemically transform and incorporate the resource into a final product that complies with relevant Australian Standards ⁷ for that product. Final products for the purpose of this EOW Code are limited to: a) Non-structural concrete products																					
Resource use in unbound applications																						
(7.4)	Use of the resource in unbound applications is limited to the below applications on standard areas : a) Road pavement, base, sub-base and subgrade structures; and b) ⁸ Engineered construction works .																					
(7.5)	The minimum buffer distances stated in <i>Table 2 – Minimum buffer zones to sensitive receptors</i> must be kept between all application areas and sensitive receptors. Table 2 – Minimum buffer zones to sensitive receptors <table><tr><th rowspan="2">Sensitive Receptor</th><th colspan="3">Minimum buffer distance (meters)</th></tr><tr><th>Flat (<3% or <2°)</th><th>Downslope⁹ (>3% or >2°)</th><th>Upslope¹⁰</th></tr><tr><td>Surface waters</td><td>50</td><td>100</td><td>5</td></tr><tr><td>Farm dams used for stock water or human consumption</td><td>20</td><td>30</td><td>5</td></tr><tr><td>Drinking water bores</td><td>250</td><td>250</td><td>250</td></tr></table>			Sensitive Receptor	Minimum buffer distance (meters)			Flat (<3% or <2°)	Downslope ⁹ (>3% or >2°)	Upslope ¹⁰	Surface waters	50	100	5	Farm dams used for stock water or human consumption	20	30	5	Drinking water bores	250	250	250
Sensitive Receptor	Minimum buffer distance (meters)																					
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Surface waters	50	100	5																			
Farm dams used for stock water or human consumption	20	30	5																			
Drinking water bores	250	250	250																			
(7.6)	Use of the resource in unbound applications must not be carried out on land which: a) has a soil pH of greater than 8.																					
Storage of the resource																						
(7.7)	Any storage of the resource on the site of use must not exceed the operational demand for the purpose of the use(s) approved under this EOW code.																					

⁷ In the absence of Australian Standards for the product, it is required that the final product meets any other appropriate industry standards (e.g. Registered Professional Engineer of Queensland certified technical specifications).

⁸ Use of the Incinerator Bottom Ash Aggregates (IBAA) at a facility as fill material must be carried out in accordance with the requirements of an environmental authority that authorises Environmentally Relevant Activity (ERA) 60 as prescribed under Schedule 2 of the Environmental Protection Regulation 2019. For the purpose of filling a void, the IBAA is not considered as a resource.

⁹ Downslope refers to the situation where the sensitive receptor is at a lower point on the slope than the IBAA application area.

¹⁰ Upslope refers to the situation where the sensitive receptor is at a higher point on the slope than the IBAA application area.

Records	
(7.8)	The resource user must record the following information for each load of the resource received by the resource user under this EOW code: a) business name, ABN and address of the registered resource producer who supplied the resource; b) date the resource user received the resource; c) quantity (in tonnes or cubic metres) of the resource received by the resource user; and d) site of use of resource (street address, lot on plan and/or GPS coordinates).
(7.9)	All records required to be kept by the resource user under the conditions of this EOW code must be: a) kept by the resource user for a period of not less than five (5) years; and b) provided to the chief executive upon request, in the format requested and in the time period specified.
Notification of emergencies , incidents and breaches	
(7.10)	Any breach of a condition of this EOW code must be reported to the chief executive within 24 hours of becoming aware of the breach ¹¹ .
(7.11)	Records of any breach of a condition of this EOW code, including full details of the breach and any subsequent actions taken, must be kept and provided to the chief executive upon request, in the format requested and in the time period specified.

8. Definitions

Words and phrases used throughout this EOW code are defined below. Where a definition for a term used in this EOW code is sought and the term is not defined within this EOW code the definitions provided in the relevant legislation shall be used.

‘ABN’ means Australian Business Number which is a unique 11 digit number issued by the Australian Business Register and identifies a business in Australia.

‘chief executive’ means the Department of Environment, Tourism, Science and Innovation or its successor.

‘emergency(ies)’ means a situation where either human health or safety is threatened, or serious or material **environmental harm** has been or is likely to be caused; and urgent action is necessary to protect the health or safety of persons, or prevent or minimise the harm, or rehabilitate or restore the environment because of the harm.

‘engineered construction works’ means:

- a) where the **resource user** uses the **resource** in accordance with an applicable prescribed engineering standard; and/or
- b) engineer designed civil applications that have been certified by a Registered Professional Engineer of Queensland (RPEQ) as suitable for its intended purpose.

¹¹ Reporting can be via the chief executive's Pollution Hotline (1300 130 372 – option 2) or via online reporting through the chief executive's [website](http://www.detsi.qld.gov.au) (www.detsi.qld.gov.au).

‘environmental harm’ means environmental harm as defined in Chapter 1 of the *Environmental Protection Act 1994*.

‘incinerator bottom ash’ means a material stream generated by the combustion of waste through an incineration process at an energy from waste facility.

‘incinerator bottom ash aggregate’ means the aggregates created from the processing of **incinerator bottom ash**.

‘lawful(ly)’ means allowed or permitted by law and not contrary to law.

‘load’ means the volume of **resource** put in or on something for conveyance or transportation, carried at one time and to one **site of use**. For example, a truck and trailer carrying the **resource** is considered as one load as well as multiple bins travelling by rail. Where the **resource** is transported via conveyor systems, information should be recorded on a daily basis until the transfer ceases.

‘measures’ have the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

‘NATA’ means the National Association of Testing Authorities.

‘person(s)’ means an individual or a corporation.

‘records’ include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs and any other record keeping required under the relevant requirements or conditions of this EOW code.

‘registered resource producer(s)’ means a **person** who produces the **resource** and has registered with the **chief executive** (in accordance with *Requirement (6.1)*) to use, sell or give away the **resource** to be used under this EOW code. Where the registered resource producer uses the resource, notification must also be made in the approved form in accordance with *Condition (7.1)* of this EOW code.

‘resource(s)’ means **incinerator bottom ash aggregate** that meets the criteria and quality characteristics in *Requirement (6.3)* of this EOW code.

‘resource user(s)’ means a **person** who uses the **resource** for a use approved under this EOW code and in such a manner which does not cause any **environmental harm**. This includes any **registered resource producer(s)** who use the **resource**.

‘safety data sheet’ means a document containing data regarding the properties of the **resource** which provides information on handling or working with that substance in a safe manner; and includes information such as physical data toxicity, environmental characteristics, health effects, first aid, reactivity; and storage, disposal, protective equipment and spill handling procedures. The safety data sheet must be compliant with Safe Work Australia’s *Model Code of Practice: Preparation of safety data sheets for hazardous chemicals*.

‘standard areas’ mean land use including residential, parks, recreational play fields, open spaces and commercial and industrial sites; excluding waters and/or the bed and banks of **waters**.

‘site of use’ means the relevant location(s) where the **resource user** uses the **resource** in accordance with this EOW code.

‘waters’ includes river, stream, lake, lagoon, pond, swamp, wetland, surface water, natural or artificial watercourse, bed and bank of any watercourse, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

- END -

Appendix A —General obligation for all persons

This appendix is not intended to provide a comprehensive assessment of all obligations under Queensland law. It provides some general information and persons are encouraged to familiarise themselves with all requirements related to their specific operation.

Responsibilities under the *Environmental Protection Act 1994*

All persons within the State of Queensland must also meet their obligations under the *Environmental Protection Act 1994*, and the regulations made under that Act.

General environmental duty

Section 319 of the *Environmental Protection Act 1994* (EP Act) states that we all have a general environmental duty. This means that we are all responsible for the actions we take that affect the environment. We must not carry out any activity that causes or is likely to cause environmental harm unless we take all reasonably practicable measures to prevent or minimise the harm. To decide what meets your general environmental duty, you need to consider:

- the nature of the harm or potential harm
- the sensitivity of the receiving environment
- the current state of technical knowledge for the activity
- the likelihood of successful application of the different measures to prevent or minimise environmental harm that might be taken
- the financial implications of the different measures as they would relate to the type of activity.

It is an offence to contravene the general environmental duty if this contravention causes or is likely to cause serious or material environmental harm.

More information is available on the Department's website www.detsi.qld.gov.au.

Duty to restore

In the event that an incident contaminates the environment causing unlawful environmental harm, the duty to restore may apply. Section 319C of the EP Act states that if a person causes or permits an incident involving contamination of the environment to happen that results in unlawful environmental harm, they must take reasonably practicable measures to rehabilitate or restore the environment to its condition before the harm. These measures must be taken as soon as reasonably practicable after the incident happens. A person should not wait for instructions from the administering authority to clean-up or remediate contamination.

When deciding measures to take to comply with the duty, regard must be had to:

- the nature and extent of the harm or potential harm
- the sensitivity of the receiving environment
- the current state of technical knowledge for the activity
- the likelihood of the successful application of the different measures to prevent or minimise environmental harm that might be taken
- the financial implications of the different measures as they would relate to the type of activity.

A person commits an offence against the duty to restore if they contravene the duty and the contravention relates to harm that is serious or material environmental harm.

More information is available on the Department's website www.detsi.qld.gov.au.

Duty to notify

Sections 320 to 320E of the EP Act outline situations in which a person has a duty to notify the department of environmental harm being caused or threatened. The duty is commonly engaged when a person carrying out an activity becomes aware, or ought reasonably to have become aware, that an event has happened that causes or threatens serious or material environmental harm. Notification must always occur if there has been a pollution incident that will cause, or threatens to cause, material or serious environmental harm.

Other relevant offences under the *Environmental Protection Act 1994*

Causing serious or material environmental harm (sections 437–39)

Material and serious environmental harm are defined in sections 16 and 17 of the EP Act. Material environmental harm is when the harm is not trivial or negligible in nature. Serious environmental harm is harm that is irreversible, of a high impact or widespread, or that is caused to an area of high conservation value or special significance. Damages, or costs required to rehabilitate the environment, of over thresholds amounts in the EP Act also constitutes material or serious environmental harm.

Causing environmental nuisance (section 440)

Environmental nuisance is unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke. It may also include an unhealthy, offensive or unsightly condition because of contamination.

Depositing a prescribed water contaminant in waters (section 440ZG)

Prescribed water contaminants include a wide variety of contaminants listed in Schedule 9 of the Environmental Protection Regulation 2019.

It is your responsibility to ensure that prescribed water contaminants are not left in a place where they may or do enter a waterway, the ocean or a stormwater drain. This includes making sure that stormwater falling on or running across your site does not leave the site contaminated. Where stormwater contamination occurs you must ensure that it is treated to remove contaminants. You should also consider where and how you store material used in your processes onsite to reduce the chance of water contamination.

Placing a contaminant where environmental harm or nuisance may be caused (section 443)

A person must not cause or allow a contaminant to be placed in a position where it could reasonably be expected to cause serious or material environmental harm or environmental nuisance.

Some relevant offences under the *Waste Reduction and Recycling Act 2011*

Littering (section 103)

Litter is any domestic or commercial **waste** and any material a person might reasonably believe is refuse, debris or rubbish. Litter can be almost any material that is disposed of incorrectly. Litter includes cigarette butts and drink bottles dropped on the ground, fast food wrappers thrown out of the car window, poorly secured material from a trailer or grass clippings swept into the gutter. However, litter does not include any gas, dust, smoke or material emitted or produced during, or because of, the normal operations of a building, manufacturing, mining or primary industry.

Illegal dumping of waste (section 104)

Illegal dumping is the dumping of large volumes of litter (200 litres or more) at a place. Illegal dumping can also include abandoned vehicles.

Failure to comply with EOW code (section 158)

A registered resource producer for an EOW code must not use, sell or give away the resource unless the registered resource producer complies with the requirements of the EOW code relating to the resource.

A person, other than a registered resource producer, must not use a resource in a way, or for a purpose, that does not comply with an EOW code for the resource.

Approved:

24 July 2026

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