

1 September 2010

Jasmine Tan  
Australian Competition & Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601

Dear Jasmine

**Pozzolanic Enterprises Pty Ltd application for authorisation A91245  
– Interested party consultation**

The Nucrush Group is an independent concrete supplier. It has an ongoing interest in having third party access to flyash from Tarong and/or Tarong North power stations to provide flyash as an input into concrete production. Our concerns are:

1. Nuash has reviewed the submission as presented by Pozzolanic Enterprises and while it accepts the data presented, it is not in a position to verify the correctness of that data.
2. Clause 4.1 allows Pozzolanic to purchase flyash from Tarong and Tarong North. While Clause 4.2 limits the extent to which Pozzolanic may have access to transfer points at Tarong, a similar limitation does not apply to Tarong North power station where Pozzolanic have all of the connection points to the Baghouse filter hoppers.

Under the proposed agreement there does not seem to be a provision for Pozzolanic's to relinquish the connection points to the Tarong North Baghouse filter hoppers if during a period of, say, three or more consecutive months Pozzolanic collects less than 50% of the total amount of available flyash.

3. Furthermore the configuration of the Pozzolanic processing plant and in particular the reject ash handling facility results in the deposit of reject ash into the 700 tonne flyash storage facility.

As a result, the flyash in the silo is contaminated with waste and third party purchasers only have access to a lower quality ash than may be available at the Baghouse filter hoppers. Should third parties wish to process this ash by classification it would result in higher percentage of reject ash and increases in production costs.

Summary: The exclusive access to the Baghouse filter hoppers and the configuration of Pozzolanic Plant has the effect of limiting the number of competitors for off take of ash at Tarong North power station.

Nuash cannot say if the Pozzolanic application has general benefits to the public however it has particular concerns as a third party with access to flyash from the power stations.

Nuash concerns would be substantially reduced should the proposed agreement be amended to address the issues – outlined in items 2 and 3, above and if undertakings were given to ensure continued third party access to flyash.

Nuash request ongoing updates on the progress of the application for authorisation A91245 as relevant milestones are achieved.

Yours faithfully



**Michael Cooper**  
General Manager