



Fossil Fuel Combustion Waste Regulation

Statement of the American Road and Transportation Builders Association

Submitted to the United States House of Representatives Committee on Energy and Commerce Subcommittee on Environment and the Economy

April 14, 2011

On behalf of its 5,000 member firms and public agencies nationwide, the American Road and Transportation Builders Association (ARTBA) would like to thank Chairman Shimkus and Ranking Member Green for today's hearing on fossil fuel combustion waste regulation and H.R. 1391, the "Recycling Coal Combustion Residuals Accessibility Act of 2011" (RCCRA 2011).

ARTBA members come from all aspects of the intermodal transportation design, safety, and construction sectors. As a result, our association brings together contractors, engineers, product suppliers, equipment manufacturers, public officials and financial experts to advance a singular mission: improving the nation's transportation infrastructure network. The industry we represent generates more than \$200 billion annually in U.S. economic activity and sustains more than 2.5 million American jobs.

ARTBA commends Representative McKinley for introducing H.R. 1391, which would prohibit the United States Environmental Protection Agency (EPA) from regulating coal ash as a "hazardous substance." ARTBA supports H.R. 1391 and adamantly opposes any attempts to label recycled coal ash as a "hazardous substance."

The transportation sector's use of coal ash is truly an environmental success story. According to EPA's own data, coal ash accounts for between 15 and 30 percent of the cement in concrete. Further, EPA has noted using coal ash at this level results in annual greenhouse gas (GHG) reductions in concrete production of between 12.5 and 25 million tons and an annual reduction in oil consumption of between 26.8 and 53.6 million barrels. Also, EPA has stated coal ash "generally makes concrete stronger and more durable," which "reduc[es] the need for future cement manufacturing and corresponding avoided emissions and energy use."

EPA has also stated the benefits from reusing coal ash in applications such as concrete for transportation improvements leads to “significant environmental benefits that accrue both locally and globally.” Specifically, EPA indicates the annual financial benefits of using coal ash as a substitute for raw materials such as cement, aggregate, lime and gypsum contributes \$4.89 billion in energy savings, almost \$1 billion per year in water savings, \$239 million in emissions reduction, \$17.8 billion in non-GHG related air pollution reduction and \$2.93 billion in disposal cost savings.

In 2008 alone, more than 12.5 million tons of coal ash was used in the production of concrete. Specific details on the beneficial use of coal ash in transportation improvements have been reported from a variety of states, including:

- Colorado, where the use of coal ash in 2008 reduced GHG emissions by 19,500 tons;
- Indiana, where the state department of transportation is able to use an average of 42 percent of the coal ash generated in the state on recycled construction material;
- North Carolina, where the use of coal-ash is saving \$5 to \$10 million annually on transportation projects;
- Texas, where the annual savings from coal ash is estimated at \$16 million;
- And, perhaps most recognizably, in Minnesota, where coal-ash was used in the concrete for the new I-35 bridge replacement.

In more general terms, EPA has properly acknowledged the use of coal ash “an important function in road building, replacing material that would otherwise need to be replaced such as aggregate or clay.” EPA also acknowledged in many cases coal ash use leads to “better road performance.” In terms of safety, EPA has stated coal ash is used to “replace fine aggregate that would otherwise need to be used to prevent skidding.” Thus, in terms of both specific and general benefits, coal ash is a significant benefit for both the production and maintenance of transportation improvements.

In order to preserve all of the benefits recycled coal ash has provided to the transportation sector and the environment, ARTBA has urged EPA not to regulate coal ash as a “hazardous waste” in multiple sets of regulatory comments. On at least four separate occasions in 1988, 1993, 1999 and 2000 EPA has found coal ash did not warrant regulation as a “hazardous waste.” There has been no new scientific information since the last time this issue was broached to warrant reaching a different conclusion now.

Every element of the transportation construction process, from the suppliers of concrete to the contractors who handle construction materials would be affected by the stigma of a “hazardous waste” label for coal ash. Specifically, because of the increased expense of handling a “hazardous waste,” the producers of coal ash would be resistant to continue providing it to concrete manufacturers.

Another potentially unintended consequence of categorizing coal ash as a “hazardous substance” would be the invalidation of already existing guidance on coal ash use. Specifically, EPA, the Federal Highway Administration and the Department of Energy collaborated with the regulated community in 2005 to craft guidance on the appropriate use of coal ash in highway construction.

This guidance has contributed to all of the aforementioned benefits from coal ash use. A reclassification of coal ash as a “hazardous substance” would invalidate this guidance, as it was not designed to address “hazardous substances,” and leave the regulated community without any direction in coal ash use.

Ultimately, without coal ash, concrete will become more expensive and less durable. This will not only increase the environmental footprint of the transportation sector, because more concrete production will be necessary, but it will also increase the overall cost of transportation projects to the public.

In conclusion, ARTBA takes great pride in the environmental successes the transportation sector has been able to achieve through recycling coal ash. ARTBA urges the passage of H.R. 1391, which will allow these achievements to continue and even grow by rejecting the option of regulating coal ash as a “hazardous waste.” Thank you for the opportunity to make these views part of today’s hearing record.