

November 19, 2010

Hazardous Waste Management System
Identification and Listing of Special Wastes
Disposal of Coal Combustion Residuals from Electric Utilities Docket
Environmental Protection Agency
Mail Code 5305T
1200 Pennsylvania Avenue
Washington, D.C. 20460
Attn: Docket ID Number EPA-HQ-RCRA-2009-0640

Re: Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities

On behalf of the 5,000 members of the American Road and Transportation Builders Association (ARTBA), I respectfully offer comments on the U.S. Environmental Protection Agency's (EPA) proposed rule regarding the disposal of coal combustion materials ("coal ash") published in the June 21 *Federal Register*.

ARTBA's membership includes public agencies and private firms and organizations that own, plan, design, supply and construct transportation projects throughout the country. Our industry generates more than \$200 billion annually in U.S. economic activity and sustains more than 2.2 million American jobs. ARTBA members routinely use coal ash to produce concrete, an essential material in transportation improvement projects.

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."

In the June 21 proposal, the EPA 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 properly acknowledges 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 acknowledges in many cases coal ash use leads to “better road performance.” In terms of safety, EPA states 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 urges EPA not to regulate coal ash as a “hazardous waste.” 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” will 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 EPA to allow these achievements to continue and even grow by rejecting the option of regulating coal ash as a “hazardous waste.”

Sincerely,

A handwritten signature in black ink that reads "T. Peter Ruane". The signature is written in a cursive, flowing style.

T. Peter Ruane
President & C.E.O