



COLORADO READY MIXED CONCRETE ASSOCIATION

August 25, 2009

The Honorable Lisa Jackson
Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson,

We are a Not for Profit Association representing the Ready Mixed Concrete Industry in the state of Colorado. located in. Please allow this letter to serve as our objection to a potential ruling by the U.S. EPA that would regulate coal combustion fly ash as a hazardous waste material. Such regulation would result in limiting the beneficial uses of fly ash which would then result in increasing the amount that would need to be placed in landfills.

In 2007, the concrete industry used approximately 14.5 million tons of fly ash in concrete which makes it the most widely used supplemental cementing material (SCM). Under the proposed terms of the EPA's regulations, almost all of this 14.5 million tons would not have been used and would have found it's way to a landfill.

Fly ash is a major contributor to concrete's exceptional performance. When combined with Portland Cement, it improves durability, strength, constructability and cost. In the case of highways, streets and local roads, buildings, dams, power generation structures, parking areas and residential uses, durability is the number one concern. Fly ash is used to enhance the durability by decreasing permeability and cracking.

The use of an industrial by-product like fly ash has obvious environmental benefits. What is not so obvious is the fact that fly ash makes longer lasting concrete products which greatly reduces the amount of waste materials sent to landfills, raw materials that must be extracted, energy required for production, air emissions, etc.



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It is our understanding that the proposed regulation may include a reclassification of fly ash to a hazardous waste material for disposal purposes and a non-hazardous waste material when used for beneficial purposes. A great deal of fly ash is used in the construction of state highways and roads. However, most states also prohibit the use of hazardous materials as part of the concrete mix design. We believe the re-designation of fly ash as a "sometimes hazardous material" would result in a ban of it's use by state and local governments and many commercial and residential building owners. Inappropriate regulation would increase the cost of fly ash to the point that it would no longer be feasible or economical to use. When this occurs, an additional 14.5 million tons (and growing every year) will find its way to a landfill for disposal. **A better approach might be to leave the designation of fly ash as a non-hazardous material and promote the reuse and control the storage aspects.**

We would encourage you to not inadvertently discourage the use of this important by-product in your efforts to ensure proper management and storage. Reuse of industrial by-products is at the top of the waste management hierarchy and should be encouraged, especially when accompanied by a number of proven environmental and economic benefits. We respectfully ask to ensure the regulation of fly ash does not create a number of unintended consequences on the beneficial reuse of this material.

Sincerely,

Bernie Cawley
Executive Director