



IOWA CONCRETE PAVING ASSOCIATION

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September 22, 2009

The Honorable Lisa Jackson
Administrator, Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Ms. Jackson:

On behalf of the Iowa Concrete Paving Association, I wish to express appreciation for the opportunity to provide comments to the EPA while your agency is still vetting options respective to potential regulation of the beneficial use of fly-ash. Since 90% of the electricity in Iowa is generated by coal-burning facilities, the issue of regulating the beneficial use and disposal of coal combustion waste (CCW) has serious implications to our state. For many years, Iowa's concrete paving industry, with guidance from the state Department of Transportation, has incorporated fly-ash as an important component for many miles of concrete pavement construction across the state. The beneficial use of fly-ash, a proven supplemental cementitious material, pays an immediate dividend to the Iowa taxpayer in lowered cost of concrete.

Members of our Association believe beneficial use of fly-ash would be severely crippled under the proposed rulemaking relevant to regulating fly-ash as a hazardous waste. Numerous other benefits derived from using fly-ash in concrete include improved longevity, increased strength, and enhanced durability. Increasing the longevity of our concrete infrastructure, alone, has significant positive implications for natural resource conservation and energy savings. There are also greenhouse gas savings realized with the use of fly-ash in concrete mixtures.

It is our understanding that your agency is reconsidering previous EPA determinations that suggest that these materials do not warrant regulation as hazardous waste materials (1993 and 2000). It is clear to the concrete pavement industry that the conclusion of these earlier determinations is that the safe and beneficial use of fly-ash has grown significantly over the last few decades.

Regulating fly-ash as a hazardous waste would have significant unintended negative consequences that could potentially undo several decades of advancement in concrete durability and infrastructure longevity. Such regulation would also necessitate a major disposal dilemma.

Thank you for your attention and consideration.

Sincerely,

A handwritten signature in black ink that reads "Gordon L. Smith".

Gordon L. Smith, P.E.
President