



GEORGE N. CAMPBELL, JR.  
COMMISSIONER

JEFF BRILLHART, P.E.  
ASSISTANT COMMISSIONER

October 1, 2009

Honorable Lisa Jackson, Administrator  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave. NW  
MC 1101A  
Washington, DC 20460

Administrator Jackson:

The Materials & Research Bureau of the New Hampshire Department of Transportation (NHDOT) wishes to voice its opposition to the ruling under consideration by the U.S. Environmental Protection Agency (EPA) that would designate coal combustion products (CCP) as hazardous waste.

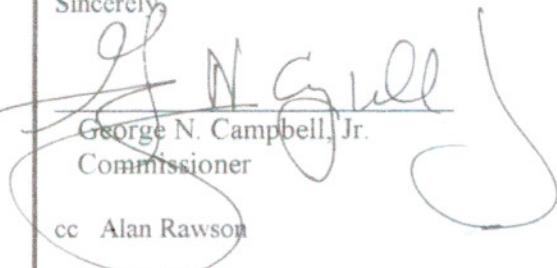
Fly ash is a CCP that is used extensively in NHDOT concrete products to arrest the impacts of Alkali-Silica Reactivity and decrease the permeability of concrete. These properties improve the durability of the concrete products and our transportation structures, while reducing the environmental impacts of the manufacture of cement.

As you must know, EPA determined in 2000 that these materials "do not warrant regulation under subtitle C of RCRA and is retaining the hazardous waste exemption under RCRA section 3001(b)(3)(c)." Characterizing these materials as hazardous would discourage their use for beneficial purposes and only exacerbate the problem of waste disposal by multiplying these quantities.

Each year, significant reductions in greenhouse gas emissions are achieved worldwide by fly ash reuse. The high temperature needed for cement manufacturing makes it an energy-intensive process. The U.S. cement industry uses energy equivalent to about 16 million tons of coal every year, accounting for 0.33 percent of energy consumption, according to the Department of Energy. (From the PCA publication: *U.S. and Canadian Labor-Energy Input Survey 2001*). CCPs are an economical cement substitute material that can reduce cement requirements by to 30-40 percent.

New Hampshire supports a national enforcement program for fly ash impoundment to reduce containment disasters, rather than adding to the waste stream by discouraging the use of these products.

Sincerely,



George N. Campbell, Jr.  
Commissioner

cc Alan Rawson