

Oral Statement of Nick Goldstein  
Before the Environmental Protection Agency  
Proposed Coal Ash Rule Public Hearing  
Arlington, VA  
August 30, 2010

Good morning, I am Nick Goldstein, Assistant General Counsel for the American Road and Transportation Builders Association (ARTBA).

ARTBA represents more than 5,000 members nationwide, involved in all sectors of the U.S. transportation design and construction industry.

I would like to begin my statement by thanking the Environmental Protection Agency (EPA) for the opportunity to speak at today's public hearing regarding the agency's proposed rule to regulate the disposal of coal ash. 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 tons and an annual reduction in oil consumption of between 26.8 and 53.6 million barrels. Further, as EPA has noted, 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 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 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.

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 the recycling of 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.”