

AMERICAN ASSOCIATION OF
STATE HIGHWAY AND
TRANSPORTATION OFFICIALS

AASHTO
THE VOICE OF TRANSPORTATION

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Executive Director, Mississippi Department of Transportation

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November 23rd, 2009

Ms. Lisa Jackson, EPA Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Ms. Jackson,

The American Association of State Highway and Transportation Officials (AASHTO) Board of Directors urge you to take the steps necessary to protect and maintain the ability to use Fly Ash in Highway Construction, and is against any proposed ruling that would impede its use for such purposes. The purpose for this letter is to notify the Environmental Protection Agency (EPA) and Department of Transportation (DOT) of the adverse impact to the nation's infrastructure, if the proposed Coal Combustion Byproduct (CCB) regulations issued by EPA in spring 2009, were imposed.

Fly Ash is a Coal Combustion Byproduct (CCB) commonly used in highway construction such as bridges, pavements and sub-grades. In the spring 2009 EPA proposed to regulate CCBs as "hazardous waste" for disposal purposes, with the exception for certain beneficial uses.

The AASHTO Board of Directors would like to inform the EPA of the consequences of such a regulation. In our view, the stigma and legal ramifications associated with using a "hazardous waste" material could effectively eliminate the ability to use Fly Ash in highway construction, even if exceptions are made to allow its use for beneficial applications.

With proper controls and in appropriate applications, Fly Ash serves as a tremendous engineering benefit in an environmentally responsible manner. The use of Fly Ash in concrete improves durability, increases ultimate compressive and flexural strengths, reduces permeability and mitigates Alkali Silica Reactivity (ASR). The use of Fly Ash in highway construction measurably reduces greenhouse gas emissions through the reduced consumption of Portland cement in concrete and promotes recycling of a Byproduct that would otherwise require disposal in landfills.

Fly Ash has been used in highway construction for many years without documented adverse environmental impacts. No research exists which conclusively provides scientific argument to designate Fly Ash as a hazardous waste.

The AASHTO Board of Directors requests to be notified by the EPA of any future revisions to the proposed regulations regarding CCB, and will coordinate responses on behalf of the Departments of Transportation nationwide.

Sincerely,

John Horsley
AASHTO Executive Director

Cc: Matt Hale, EPA