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AGC of America
THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA
Quality People. Quality Projects.



June 22, 2011

The Honorable John Shimkus
U.S. House of Representatives
Washington, D.C. 20515

Re: Support McKinley H.R. 1391: Coal Residuals Reuse and Management Act

Dear Representative Shimkus:

On behalf of the Associated General Contractors of America (AGC), I am writing to urge you to support the legislation introduced by Representative David McKinley, H.R. 1391: Coal Residuals Reuse and Management Act, which would amend the Solid Waste Disposal Act to properly manage coal combustion residuals, e.g., fly ash, as a nonhazardous waste and in a way that protects human health and the environment as well as facilitates the recycling or “beneficial use” of fly ash and other waste materials. The construction industry supports this legislation because the industry has recycled these waste materials for years, making construction products stronger and longer lasting. The legislation is balanced and comprehensive. It empowers the states to use their already robust waste management programs to cover coal combustion residuals. It also allows the U.S. Environmental Protection Agency (EPA) some oversight and authority to ensure the effectiveness of those programs. EPA also would retain its authority to take action in times of “imminent hazard.”

EPA is working on first-ever national rules related to the disposal and management of coal combustion residuals. The agency proposes to regulate the waste as either a hazardous or nonhazardous waste and retain certain beneficial uses of coal combustion residuals. AGC is concerned that a hazardous waste designation or even the threat of the designation would create implications for the shipping and handling of the material to be used in construction applications, as well as increase any potential liability related to beneficial use. AGC is also concerned that a new classification as a hazardous waste would create a stigma that could result in curtailing one of the most widely and successfully recycled products used in construction.

The construction industry has relied on used coal combustion residuals, primarily fly ash, for more than 60 years in the construction of roads, bridges, buildings and other critical infrastructure. The use of fly ash eases the strain on the nation’s natural resources by reducing the requirements for obtaining new materials and alleviates already strained landfill accommodations. As an additive to cement mixes, it is also estimated to avoid the production of 5 million tons of carbon annually. The beneficial use of fly ash also improves the performance of both concrete and hot-mix asphalt.

AGC urges you to support H.R. 1391.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey D. Shoaf', is written over a light blue horizontal line.

Jeffrey D. Shoaf
Senior Executive Director
Government Affairs