**AGC Responds to EPA on Consideration of Beneficial Use Data in Fly Ash Disposal Rule**

On November 14, AGC submitted a comment letter in response to the U.S. Environmental Protection Agency’s (EPA) request for comment on specific information the agency collected in conjunction with its 2010 proposed rule to regulate the disposal of coal combustion residuals (CCR), such as fly ash, as either hazardous or non-hazardous waste.  During this comment period, the public could only respond to specific EPA questions related to limited information identified in the notice.

AGC reviewed the studies and other information on the beneficial use of CCRs in construction applications and—in response to EPA’s specific query—determined that the agency should consider that information in its development of a final rule.  The studies and/or reports that EPA included for public review demonstrate the environmental benefits of reusing CCRs in construction applications.  Specifically, the studies reflect favorably on the use of fly ash in concrete, bricks and pavements—from both an environmental and human health perspective.

AGC urged EPA to weigh the potential impacts of its regulatory options on the beneficial use of these materials and take into consideration the real environmental benefits of reusing these materials and the lack of negative reports (*i.e.*, alleged or proven damage cases) associated with the beneficial use of CCRs in construction.

In its November 14, 2011, comment letter, AGC included brief summaries of the findings and key points associated with the beneficial use studies and other relevant information that EPA indentified for public review.

AGC recently [reported](http://news.agc.org/2011/10/28/congress-acts-to-prevent-hazardous-designation-of-fly-ash-epa-accepting-limited-comment-on-additional-data/) on U.S. Congress’ consideration of AGC-supported legislation that would establish a non-hazardous waste designation for CCRs and disposal program—which would safeguard the beneficial use of fly ash and guarantee safe disposal of unused CCRs.  Last year, AGC submitted comments on the agency’s proposed rule: Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities; Proposed Rule; 75 *Federal Register* 35128-35264 (June 21, 2010).  The proposed rule and additional information are on [EPA’s website](http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/ccr-rule/index.htm).

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