

Testimony of David C. Goss
For the American Coal Ash Association
Hearing Before the House Subcommittee Water Resources and Environment
“Coal Combustion Waste Storage and Water Quality”
April 30, 2009

Madame Chairman, Members of the Committee and Distinguished Panelists:

My name is Dave Goss, former Executive Director of the American Coal Ash Association (ACAA) and I have been asked to appear before you today by ACAA’s current Executive Director and its membership. ACAA promotes the recycling of coal combustion products (or CCPs) which include fly ash, bottom ash, boiler slag and air emission control residues, such as synthetic gypsum. It is our opinion, that the U.S. Environmental Protection Agency (EPA) regulatory determinations, made in 1993 and reaffirmed in 2000, are still correct that CCPs DO NOT warrant regulation as hazardous waste.

The recycling of these materials is a tremendous success story that has displaced more than 120 million tons of greenhouse gases since 2000. During that same period, more than 400 million tons of CCPs have been recycled in road construction, architectural applications, agriculture, mine reclamation, mineral fillers in paints and plastics, wallboard panel products, soil remediation and numerous other uses that would have required other materials if these CCP

products were not available. Use of 400 million tons of CCPs displaces enough landfill capacity to equal 182 billion days of household trash.

The use of CCPs goes back more than forty years. In the last three decades, the EPA, other federal agencies, numerous universities and private research institutes have extensively studied CCP impact on the environment. The U.S. Department of Energy and the U.S. Department of Agriculture have both funded, conducted and evaluated mining and land case studies using a variety of applications.

Consistently, these federal agencies found that when properly characterized, managed and placed, CCPs do not have a harmful impact on the environment or on public health.

EPA reported to Congress on March 31, 2009, results of data collected and analyzed by the Agency from the Tennessee Valley Authority ash spill on December 22, 2008. This data showed that there were no exceedances to drinking water or air quality standards. This information was based on hundreds of water samples and more than 26,000 air samples.

State Departments of Transportation, using technical and environmental guidance issued by the American Society for Testing and Materials (ASTM), the U.S. Federal Highway Administration and the American Association of State Highway and Transportation Officials (AASHTO), have used millions of tons of CCPs without incident or risk. Many years of monitoring and studies following the use of CCPs in road construction have not identified any cases where there has been a negative impact on public health or on the environment.

A goal of this committee, I believe, should be to understand how the use of CCPs has had and can continue to have a positive impact on our nation's resource conservation goals. CCPs have been and should remain a key part of resource conservation efforts because CCPs safely used in lieu of earth, clays, aggregates or soils promote a zero waste goal. Fly ash, bottom ash and synthetic gypsum used to displace the production of portland cement reduce significant carbon dioxide emissions and similarly conserve natural resource consumption (i.e., the need for quarrying shale, clays or rock gypsum). International and domestic protocols recognize the greenhouse gas reduction benefit of using these materials.

When fly ash is used in concrete, it produces longer lasting, more durable structures and pavements. The fly ash is not just a substitute recycled product; it improves the performance of the concrete. Nearly half of the concrete placed in the U.S. incorporates fly ash because it makes concrete better. We need Congressional support to promote a green supply chain promoting higher replacement rates of fly ash and broader usage. Building longer lasting concrete structures by using fly ash allows our country to move toward a greener and more sustainable economy -- less rebuilding in the future, lower life cycle costs and fewer CO2 emissions.

A key part of the strategy of recycling industrial materials must be to minimize the need for landfills or disposal facilities. By recycling fly ash in concrete, we bind the fly ash into a concrete matrix and significantly eliminate the potential for any impacts on water resources. Beneficial use regulations are crafted at the state level to promote recycling and to accommodate local environmental conditions. Regulatory programs and policies, developed and implemented by the states, provide for the proper use of CCPs.

The recycling of nearly 43 percent of the 130 million tons of CCPs produced annually is an excellent example of environmental stewardship and sustainability. An effort by EPA or Congress to designate coal ash as hazardous, even if only for the purposes of disposal, could have the dramatic impact of eliminating nearly all these safe, beneficial uses. As America joins the world in seeking to address climate change, a hazardous designation would significantly handicap America as it would not use and therefore not be able to rely upon CO₂ reductions from the use of CCPs in lieu of portland cement or other applications. Also, America would have to find environmentally safe disposal facilities for 130 million tons or more of CCPs produced annually. Producers and end-users would no longer use CCPs because of the stigma that a “hazardous” designation would have upon the end user. Furthermore, recycling would end due to the “cradle to grave” liability associated with a “hazardous waste” label.

If this nation is going to develop a culture where safe use and reuse of products and waste streams conserves our nation’s resources, CCPs have played and should continue to play an important role in sustainability. Ample technical guidance is available to ensure the environment is protected while still recycling millions of tons of these mineral resources. State specific regulatory guidance will best be able to address local conditions.

As part of the recent economic stimulus efforts supported by the President and Congress, green building has been highlighted. ACAA believes a key component must be the creation of a green supply chain. Developing green jobs as part of a green supply chain and implementing projects that include safe recycling of CCPs should be a vital part of these sustainable projects. With an emerging focus on

greenhouse gases, recycling of CCPs contributes measurably to reduction of CO₂ and should, therefore, be encouraged more aggressively. We must better manage our scarce natural resources by using and recycling our existing industrial resources, including CCPs.

Thank you for this opportunity to address this committee.

David Goss

Testimony of the

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To be presented by David Goss

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