



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

September 3, 2009

The Honorable Richard Burr
United States Senate
217 Russell Senate Building
Washington, DC 20510

Dear Senator Burr:

It has come to the attention of the North Carolina Department of Transportation that the United States Environmental Protection Agency is considering revising the regulations for coal ash and is considering designating fly ash as a hazardous material. We are aware of a spill of this material in Tennessee that has properly caused concern; however, it appears the spill most likely would have been prevented by best practices for containment of this material.

Fly ash has been used in concrete mixes in North Carolina for approximately 25 years without detrimental human or environmental effects. This product has also been used in the construction of roadway embankments with the same success. The benefits of including fly ash in concrete mixes for use in our transportation system include improved durability, better ultimate strengths, reduced permeability, and mitigation of the detrimental effects of alkali silica reactivity. All these benefits translate into better quality and lower costs in transportation projects. The use of fly ash in concrete also results in a measurable reduction of greenhouse gas emissions due to a reduced consumption of Portland cement and promotes recycling of a byproduct that would otherwise be disposed.

The potential designation of fly ash as a hazardous waste, even if limited for the purpose of its disposal, will likely result in a negative impact on both the quality and cost of concrete used by the Department. The negative public perception of allowing a hazardous material within our right-of-way will likely force us to cease using fly ash, and result in more costly and potentially lower quality concrete product being used.

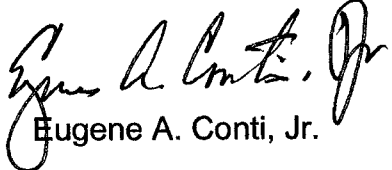
The Department uses approximately one million cubic yards of concrete annually and approximately 75 percent of it contains fly ash. Without the use of fly ash, our choices are limited to achieve the desired results. The use of cement only would increase our cost approximately \$5 million annually, while also increasing greenhouse gas emissions and reducing the quality of the concrete. The use of slag and/or silica fume would help with the durability of the concrete, but would increase our cost approximately \$5 million annually; however, the cost could be higher due to potential lack of an adequate supply of the materials being available.

The Honorable Richard Burr
September 3, 2009
Page 2

With the numerous positive benefits of this material to the transportation industry and the public, it appears significant deliberation should be given to the development of best practices and requirements for containment of this material rather than designating fly ash as a hazardous material. Based upon the long positive track record of this material, your consideration that fly ash not be designated as a hazardous waste and best practices for containment be developed is respectfully requested.

Thank you and please advise should you have any questions.

Sincerely,



Eugene A. Conti, Jr.

EAC:sh

cc: Jim Trogdon, PE, Chief Operating Officer
Susan Coward, Deputy Secretary of Transportation
Susan Howard, Federal Programs Coordinator