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22 January 2015

The Honorable John Shimkus
Chairman
Subcommittee on Environment and the Economy
Energy & Commerce Committee
United States House of Representatives

The Honorable Paul Tonko
Ranking Member
Subcommittee on Environment and the Economy
Energy & Commerce Committee
United States House of Representatives

Subject: Hearing on "EPA's 2014 Final Rule: Disposal of Coal Combustion Residuals from Electric Utilities"

Dear Hon. Shimkus and Hon. Tonko,

The U.S. Green Building Council (USGBC) is a nonprofit organization with more than 12,000 member companies and organizations, and 76 chapters. USGBC first established the Leadership in Energy and Environmental Design (LEED©) rating system in 1998. The LEED system is intended as a leadership standard, and plays a critical role in advancing U.S. building technology, from the supply chain through operations. Over the past 15 years, leaders in both the private and public sectors have voluntarily decided to use LEED to help ensure better building performance across energy, water and other environmental indicators. Today, 88 of the Fortune 100 are using LEED, along with more than 30 states, 400 localities, and federal agencies.

LEED encourages leadership practices in building construction and operations. Relevant here, LEED awards credits for qualifying use of recycled content building materials. LEED's credits thus encourage concrete made with recycled fly ash as a substitute for Portland cement. LEED also encourages building-scale and materials-scale life cycle impact reduction. Here, we note that the use of fly ash rather than Portland cement has a significant life cycle benefit in reducing carbon emissions, by avoiding the large energy input needed to manufacture Portland cement.

An issue has been raised about whether EPA's final rule on disposal of coal combustion could inadvertently have a negative impact on current beneficial uses of these materials, by imparting a stigma. We wish the Subcommittee to be aware that from the vantage point of the USGBC, our intent is to continue to support beneficial use of fly ash where appropriate as determined by our committee process and in alignment with EPA regulations as to allowed beneficial uses. We support EPA's rule and support beneficial

use of fly ash as a supplementary cementitious material and replacement for Portland cement. We encourage companies to ensure that all conditions are being met for fly ash to qualify for beneficial reuse, so that there are no improper uses of these materials. We also encourage companies to follow best practices for storage of fly ash prior to beneficial reuse.

In sum, the use of coal ash in concrete, an encapsulated use, has a significant life cycle benefit in reducing carbon emissions. The recycled material credit in LEED v2009 will continue to recognize fly ash as recycled material in encapsulated uses, primarily concrete. As our latest version of the rating system, LEED v4, is implemented in the coming years, recycled fly ash in concrete will fall under the credit for raw materials sourcing, and may also be rewarded under new credits for building life cycle assessment and environmental product declarations. We believe the continued award of LEED credits for this recycled material, in alignment with EPA regulations as to allowed beneficial uses, will provide market assurance.

Please feel free to call me at (202) 595-3989 if you have any questions.

Sincerely,

Elizabeth R. Beardsley, P.E.
Senior Policy Counsel