



October 27, 2010

Thomas Pounds
CEO
CalStar Products, Inc
6851 Mowry Avenue
Newark, CA 94560

Dear Mr. Pounds,

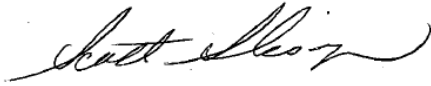
On June 21, 2010, the U.S. Environmental Protection Agency (EPA) put forth two alternative draft rules to address the risks from the disposal of wastes generated by electric utilities and independent power producers. One of these proposals would, for the first time, bring federal oversight to the disposal of fly ash and other Coal Combustion Residuals (CCRs) under the Resource Conservation and Recovery Act (RCRA). NRDC supports this option that would regulate coal ash disposal as a “special waste” subject to the Subtitle C standards for disposal of metals.

Under this proposal, the Bevill exemption for appropriate beneficial use (including concrete, bricks, wallboard, and other building products) will remain unchanged. This means the uses of fly ash in building materials and products will remain free from federal regulation as it is today. NRDC agrees with the rationale in the preamble to the proposed rule¹ that the beneficial use of encapsulated fly ash in products, such as bricks, is sound and is a major source of the reduction of greenhouse gas emissions that should be encouraged.

Fly ash has been increasingly included as a binding or filling agent in concrete mixes in place of Portland cement. When used in this way, it reduces the lifecycle impacts of concrete—every ton of fly ash that is used in place of cement avoids almost a ton of CO₂ emissions. It also reduces the need to mine raw materials, and lessens the volume of ash required to be disposed. As a result of these greenhouse gas properties, and the fact the fly ash is considered a “reuse,” the U.S. Green Building Council grants recycling credit for fly ash use in bricks and will continue to do so under the proposed rule endorsed by NRDC. We believe their rationale is sound and we support it.

NRDC strongly endorses EPA's proposal to bring federal enforceable standards to coal ash disposal. Furthermore, we agree with the U. S. Green Building Council that recent gains in appropriate beneficial uses of fly ash bring significant environmental benefits to the building sector, and should continue to grow as disposal costs increase, creating an additional incentive to beneficially use fly ash.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Slesinger". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Scott Slesinger
Legislative Director

¹ 72 Federal Register 35128 at 35154/2, June 21, 2010