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The Honorable Lisa P. Jackson  
 EPA Administrator  
 USEPA Headquarters  
 Ariel Rios Building  
 1200 Pennsylvania Avenue, N. W.  
 Mail Code: 1101A  
 Washington, DC 20460

Mr. Matthew Hale, Director  
 Office of Resource Conservation & Recovery  
 U.S. EPA (5301P)  
 1200 Pennsylvania Ave., N.W.  
 Washington, D.C. 20460

Subject: Fly Ash as a "Hazardous Waste"

Dear Ms. Jackson and Mr. Hale:

My company uses coal combustion products (CCPs) as part of our concrete mixes. We have been encouraged to be good corporate citizens and use where possible this product that would otherwise have to go to landfills as a waste material.

We have heard that EPA is considering classifying coal combustion products as "hazardous" wastes. To even utter this statement is dangerous because who in their right mind would use hazardous waste to build their houses with. The fact that we are even talking about the possibility is frightening to me as a CCP user. I literally cannot guess or even possibly begin to identify the number of jobs such as factories and hospitals and homes where CCP's have already been used. To reclassify this product as "Hazardous waste" would be incalculable damaging. Can you even begin to imagine the number of law suits and class action suits that would be initiated?

I understand that EPA might consider language stating that CCPs being used in certain applications would not be deemed a hazardous waste. Give me a break..., do you really think that motivated reporters would even try to make that distinction, certainly attorneys won't. Not only can you not call this material a hazardous waste, as a producer of a potentially hazardous waste product, I now need to know definitively that it is not now and never will be classified as a hazardous waste to continue to use it. I cannot afford to put a potential hazardous waste into my finished product.

**Port Washington Plant**  
 775 Schmitz Drive  
 Port Washington, WI  
 262-284-4494  
 Metro 414-831-2401

**Mequon Plant**  
 11050 N. Industrial Drive  
 Mequon, WI  
 414-831-2402

**Richfield Plant**  
 2707 Scenic Road  
 Richfield, WI  
 262-644-9650  
 Metro 414-831-2403

**Silver Spring Plant**  
 5400 N. 124th Street  
 Milwaukee, WI  
 414-831-2404

**Franklin Plant**  
 3131 W. Elm Road  
 Franklin, WI  
 414-831-2405

**New Berlin Plant**  
 8868 Crowbar Road  
 New Berlin, WI  
 414-831-2406

**Grafton Plant**  
 989 Uleo Road  
 Grafton, WI  
 262-378-2087

We urge you to seriously consider this impact on our business and hope that EPA can avoid this unfortunate result, so we can continue to beneficially use CCPs. The CO2, green and LEED benefits of utilizing CCPs is a key strategic lever for my business.

Alan Schmitz

A handwritten signature in cursive script that reads "Alan Schmitz".

President

Schmitz Ready-Mix Inc.