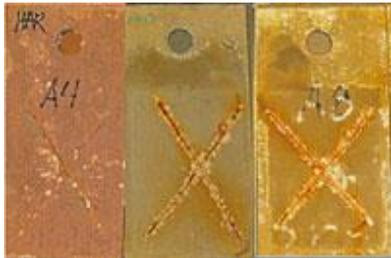


August 28, 2014 – VOLUME 11, ISSUE 8

21st Century Pipe Coalition Urges Congress on Pipe Preference Issue



Corrosion test results conducted by the Bureau of Reclamation. Click photo to visit the Bureau of Reclamation site.

On August 21, the “21st Century Pipe Coalition” delivered a [letter](#) to House and Senate Appropriations Committee members urging lawmakers to restore a level playing field for pipe products used in Bureau of Reclamation (Reclamation) projects.

ACPPA is a leading member of the alliance of companies and associations formed to fight legislative language favorable to ductile iron pipe manufacturers.

In recent years, Congress has included language in annual appropriations bills that benefits ductile iron pipe by subverting Reclamation’s judgment on corrosion prevention. Most recently, Section 203 of the omnibus appropriations bill adopted this past January prevents Reclamation from applying its technical memorandum entitled “Corrosion Considerations for Buried Metallic Water Pipe.” Ductile iron pipe manufacturers allege that the memorandum imposes unnecessary requirements that make their product less competitive. In addition to the moratorium on the memo, Congress has answered concerns by asking the memo be reviewed and possibly revised.

In the letter, ACPPA and its allies argue that Reclamation’s memo is based on sound technical and scientific data, as well as time-tested water resources engineering methodology and experience. The coalition strongly believes, “[T]he Bureau of Reclamation guidelines set forth in its Technical Memorandum will help ensure that pipeline products are selected on a fair and competitive basis where the best product for the respective project is selected.

ACPPA and its allies are working to educate Congress about the impact of their language; however, we need your help! Weigh in with your lawmakers on [this topic](#) and other ACPPA priorities at www.ACPPA-Action.org.

Congress Avoids Highway Fiscal Cliff – At Least for Now

On August 8, President Obama signed legislation ([H.R. 5021](#)) to keep highway and transit construction money flowing to the states through May 2015. Congress put the bill on the president’s desk with just hours to go before the federal Highway Trust Fund (HTF) was set to fall off a fiscal cliff.

The HTF patch passed by the [House](#) and [Senate](#) has been a top priority for ACPPA for many months. The federal highway program alone supports more than \$2.4 billion in equipment market activity and an estimated 4,000 dealership jobs around the country (and those numbers do not include all the state highway and transit construction activity induced by the federal contribution).



Click here to visit
www.fixthetrustfund.org

The good news is that the federal highway program isn't going to collapse in the middle of the busy summer construction season. The bad news is that Congress has once again kicked the can down the road rather than dealing head-on with the fact that current HTF revenues are inadequate to support annual federal surface transportation spending.

The extension debate wasn't without controversy or drama. The Senate's version of the patch – which was broadly supported by leading transportation advocacy organizations, would have forced Congress to revisit highway funding during the lame duck session in December. However, House GOP leaders were ultimately able to force the Senate to agree to the House version because of a \$2 billion drafting error in the Senate bill and by running out the clock. The final House vote on the bill did not take place until hours before the start of the August recess. The Senate was left with the choice of passing the House version or letting the highway program collapse.

Extending funding and program authorization through May 2015 means that we will be fighting the same battle again next year in a potentially more difficult political environment (a debt ceiling fight, many new members of Congress unfamiliar with HTF issues, [possibly] the inevitable chaos associated with a new party in control in the Senate, and the start of the presidential campaign season).

ACPPA and its allies are working for a long-term highway bill fix; however, we need your help! Weigh in with your lawmakers on the Highway Trust Fund [here](#).

Expansive EPA, Corps Proposal Threatens Jobs and Growth **By U.S. Rep. Bob Gibbs (R-Ohio)**

On April 21 of this year, the Environmental Protection Agency (EPA) and Army Corps of Engineers published a proposed rule in the Federal Register that, according to the agencies, would "clarify" the scope of federal jurisdiction under the Clean Water Act. After reviewing the proposed rule, I have serious concerns about the rule and the process the agencies are following to develop it.

Since 1972, the Clean Water Act has been instrumental in dramatically improving the quality of the nation's waters. Fundamental to that progress has been the federal-state partnership, which recognizes that not all waters need to be subject to federal jurisdiction, and the states should have the primary responsibility of regulating waters within their individual boundaries.



Congressman Bob Gibbs (R-Ohio) is chairman of the House Water Resources & Environment Subcommittee

However, I am concerned this rule will undermine that federal-state partnership and erode state authority by granting sweeping new federal jurisdiction to waters never intended for regulation under the Clean Water Act, including ditches, man-made ponds, floodplains, riparian areas and seasonally-wet areas.

In promoting this rule, the agencies are implying to the public that massive amounts of wetlands and stream miles are not being protected by the states, and that this rule, which will essentially federalize all waters, is needed to save them. However, nothing is further from the truth. States care about and are protective of their waters.

I also am concerned how the proposed rule misconstrues and manipulates the legal standards announced in the *SWANCC* and *Rapanos* Supreme Court cases, effectively turning those cases that placed limits on federal Clean Water Act jurisdiction into a justification for the agencies to expand federal authority over all waters nationally.

The agencies had an opportunity to develop clear and reasonable bright line rules on what is jurisdictional versus not, but they instead chose to write many of the provisions in the proposed rule vaguely, in order to give federal regulators substantial discretion to claim federal jurisdiction over most any water or wet area. This is dangerous because this vagueness will leave the regulated community without any clarity and certainty as to their regulatory status and will leave them exposed to citizen suits. In addition, since many of these jurisdictional decisions will be made on a case-by-case basis, this will give the federal regulators free rein to “find” jurisdiction.

This rule, in essence, will establish a presumption that all waters are jurisdictional and will shift, to property owners and others in the regulated community, the burden of proving otherwise. This rule will set a very high bar for the regulated community to overcome. Nevertheless, the agencies continue to claim that no new waters would be covered by the rulemaking.

The agencies cannot, through guidance or a rule, change the scope and meaning of the Clean Water Act, as they are trying to do here. I also am troubled that the sequence and timing of the actions the agencies have been taking to develop this rule are undermining the credibility of the rule and the process to develop it.

First, instead of initiating a rulemaking process by soliciting input from, and developing consensus with, the general public, scientific communities, and federal and state resource agencies on how to identify the appropriate scope of jurisdiction, the agencies rushed ahead on their own to develop draft “guidance” that would, by the agencies’ own admission, “increase significantly” the scope of the Clean Water Act’s jurisdiction over more waters and more provisions of the Act.

Then, after facing substantial bipartisan opposition to the expansive new guidance, the agencies proceeded ahead, again on their own, with a rulemaking that is simply based on that expansive guidance.

And, to hide the inadequacies of the rulemaking process that the agencies have embarked on, EPA decided to develop a so-called “scientific” study that is supposed to provide a basis for determining the reach of federal jurisdiction under the Clean Water Act.

It is disturbing that EPA intentionally precluded from the study a review and discussion of scientific concepts that are highly relevant to determining which waters should be subject to Clean Water Act coverage. The interconnectedness of the science and policy issues here warrants rigorous scientific peer review prior to a rule’s crafting. However, instead of waiting until the science study was completed, the agencies wrote the rule long before the study’s report has been peer reviewed and finalized.

The agencies also took steps to hide the regulatory impacts of the rulemaking by preparing a flawed economic analysis that did not comprehensively assess all costs and benefits. This is very troubling because this rule, if not carefully crafted, will have sweeping economic and regulatory implications for the entire nation, by adversely impacting nearly all sectors of the economy, threatening jobs, increasing compliance costs, restricting the rights of landowners, inviting costly litigation, and undermining the ability of states and local governments to make decisions about their lands and waters.

I look forward to working with concrete pressure pipe manufacturers to ensure rulemakings don’t hinder job creation and economic growth.

Editor’s note: ACPPA periodically invites members of Congress and other policy leaders to provide commentary in Actionline. The views expressed are those of commentators, not necessarily ACPPA. Congressman Gibbs is in his second term representing Ohio’s seventh congressional district. He is chairman of the House Transportation and Infrastructure Committee’s Water Resources and Environment Subcommittee and also sits on the Agriculture Committee.

Interior and Environment Appropriations Bill Includes Buy America Provision



**Click photo to read about
DWSRF projects**

House legislation to fund various federal agencies, including the Environmental Protection Agency (EPA) for fiscal year 2015 ([H.R. 5171](#)) includes a Buy America provision aimed to restrict the use of non-U.S.-made iron and steel from use in Drinking Water State Revolving Fund (DWSRF) projects.

H.R. 5171, which was approved by the House Appropriations Committee on July 23, appropriates \$1.02 billion for the Clean Water State Revolving Fund (CWSRF) and \$757 million for the DWSRF (cuts from current levels of \$1.44 billion for CWSRF and \$906 million for DWSRF).

A provision in the bill restricts the use of DWSRF monies for the construction, alteration, maintenance or repair of a public water system or treatment works unless all of the “iron and steel” products used in the project are produced in the United States. “Iron and steel,” includes lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials. As discussed in [May’s edition of Actionline](#), H.R. 5171 is following a recent pattern of congressional shortsightedness, by limiting the use of

materials from outside the United States in federally funded infrastructure projects under the guise of economic stimulus and domestic job creation.

With the congressional session rapidly coming to a close, further action on H.R. 5171 is unlikely. However, the legislation will serve as the basis for the House Appropriations Committee's Interior and Environment funding bill next Congress. If Buy America provisions are negatively affecting your company, [please inform](#) ACPPA so we can tell your story on Capitol Hill.

Pressure Pipe Chronicle

ACPPA's Monthly Source for Industry News

August 2014

To keep members aware of the activities of government and standards organizations, we regularly sweep public databases and publications for the industry-specific terms indicated below. We then provide our members with links to documents identified in the search. Please note that in some cases the URLs may link to subscription-only databases. The purpose of this service is to identify emerging threats and trends as well as opportunities for collective action by ACPPA.

Search Terms:

Pressure Pipe
Concrete Pressure Pipe

Cement
Fly Ash

Silica Fume

NEWS RESULTS

Pressure Pipe

Questar Reports Second-Quarter 2014 Earnings of \$40.3 Million

08/15/2014 <http://online.wsj.com/article/PR-CO-20140730-916374.html>

Questar Corporation reported second-quarter 2014 net income of \$40.3 million, or \$0.23 per diluted share compared to second-quarter 2013 net income of \$39.4 million, or \$0.22 per diluted share.

Hanwei Energy Services Provides Corporate Strategy Update and Reports First Quarter Fiscal 2015 Financial and Operational Results

08/12/2014 <http://online.wsj.com/article/PR-CO-20140812-912417.html>

Hanwei's corporate strategy is focussed on: (A) maintaining and growing its FRP pipe manufacturing business while, (B) building recurring revenue, oil and gas production from its operating Leduc Lands in Alberta.

Watermain Break Invades UCLA Campus

07/30/2014 <http://www.inlandnewstoday.com/story.php?s=34249>

Damage being assessed from the worst water main break in Los Angeles in at least five years. The 93-year-old high pressure pipe ruptured Tuesday afternoon beneath Sunset Boulevard above the campus of UCLA.

Concrete Pressure Pipe

There's A Perfect Pipe For Every Water And Wastewater Project

08/15/2014 http://www.mswmag.com/editorial/2014/08/theres_a_perfect_pipe_for_every_water_and_wastewater_project

Choosing the right materials requires an understanding of conditions and the strengths and weaknesses of each material. Aging infrastructure is a prime concern in the water and wastewater world. And with good reason.

Cement

Ash Grove fills President Position Vacant Since 2010

08/15/2014 <http://www.bizjournals.com/kansascity/news/2014/08/15/ash-grove-cement-president-randy-vance.html>

The board of directors at Ash Grove Cement Co. promoted J. Randall Vance to president and COO. Vance fills a presidency that has been vacant since Charles Wiedenhoft died in 2010. Charles Sunderland handled the duties in the interim.

Business Overview: The Cement Industry

08/15/2014 <http://marketrealist.com/2014/08/business-overview-cement-industry/>

Cement is one of the basic materials in construction. However, it's an essential item for development in the construction industry.

Linde and Solidia in CO2 deal

08/15/2014 <http://www.gasworld.com/regions/north-america/linde-and-solidia-in-co2-deal/2004176.article>

Solidia Technologies has signed a partnership agreement with The Linde Group to industrialise an innovative technology that could reduce the environmental footprint of pre-cast concrete while reducing production costs and improving the performance of building materials.

Former Neighbor of Pipe Manufacturer Sues Over Lung Cancer Diagnosis

08/15/2014 <http://louisianarecord.com/news/262650-former-neighbor-of-pipe-manufacturer-sues-over-lung-cancer-diagnosis>

A Gretna native is suing after she allegedly contracted mesothelioma after living next to a facility for three decades that manufactured cement piping containing asbestos.

TV Tuesday: New reality series Cement Heads makes its debut on A&E

08/10/2014 <http://www.theprovince.com/entertainment/Tuesday+reality+series+Cement+Heads+makes+debut/10106751/story.html>

Set in a family-run concrete business, this new unscripted series opens with The Big Bid, in which Billy and Danielle face a tight deadline to submit a bid on an important new project.

'WaterFest' Generates Goodwill, but Concerns Linger

08/09/2014 <http://www.wvgazette.com/article/20140809/GZ01/140809278#sthash.7KVcbm8V.dpuf>

When one event has cost you more than \$10 million — with the possibility of millions more to come — it can't hurt to spend a couple thousand dollars to generate some goodwill. So West Virginia American Water gave out rubber duckies, tote bags and water bottles, and offered inflatable castles, water balloons and a backhoe as it opened up its Charleston treatment plant Saturday for a "WaterFest."

Water Pipes Aged, Breaks on the Rise

08/06/2014 http://www.caller.com/news/local-news/water-pipes-aged-breaks-on-the-rise_00554731

Corpus Christie city crews have fielded nearly 750 calls for water line repairs since January, topping the 697 received throughout 2013. Aged and brittle water lines are at the root of the issue, city officials said.

Lanco Industries to Expand its Product Range

08/06/2014 http://www.business-standard.com/article/companies/lanco-industries-to-expand-its-product-range-114080600604_1.html

Lanco Industries Limited (LIL), a Lanco group company engaged in production of pipes, pig iron and cement, is adding smaller dia ductile iron pipes (SDP) to its existing range of products at a cost of Rs 325 crore.

Leaky Barrels, German U-Boats And 2.6 Million Miles Of Pipe

08/01/2014 <http://wyomingpublicmedia.org/post/leaky-barrels-german-u-boats-and-26-million-miles-pipe>

There's an invisible network connecting every corner of the United States. Without it, cars wouldn't start and lights wouldn't turn on. At 2.6 million miles, if it were stretched out, it would reach around the Earth more than a hundred times. Chances are, you've never noticed it. The nation's sprawling pipeline network is buried underground, out of sight and out of mind.

Historic flowline exhibit opens Aug. 1

07/30/2014 <http://www.sookenewsmirror.com/community/269090021.html>

The construction of the pipes was carried out at Cooper's Cove and was considered, at the time, to be one of the largest construction projects and feats of engineering to ever take place in the Sooke area. The project employed over 400 men in the installation of the 48" concrete pipeline, also known as the "flowline."

Concrete Shortage Looms for Major Projects (UK)

07/29/2014 <http://www.nce.co.uk/concrete-shortage-looms-for-major-projects/8666481.article>

The UK's biggest projects are facing a shortage of concrete due to the dwindling availability of a key material. Readymix incorporating fly ash or ground-granulated blast furnace slag (GGBS) is commonly used on most major civil engineering schemes, including Crossrail and the Thames Tideway, chiefly because of its strong technical and environmental credentials.

Fly Ash

State OKs Expansion of Coal-Ash Dump in Knowlton (Wis.)

08/15/2014 <http://www.wausaudailyherald.com/story/news/local/2014/08/02/wps-expand-coal-fly-ash-landfill-marathon-county/13520339/>

The Wisconsin Public Service Commission has approved a \$13.18 million expansion of a landfill in the town of Knowlton that will store coal fly ash from power plants in the village of Weston and Green Bay.

Ash In Lungs: How Breathing Coal Ash is Hazardous to Your Health

08/13/2014 <http://blog.cleanenergy.org/2014/08/13/ash-in-lungs-how-breathing-coal-ash-is-hazardous-to-your-health/#sthash.qnZvA2WL.dpuf>

Physicians for Social Responsibility and Earthjustice released a new report on the harm to public health from breathing toxic coal ash titled Ash in Lungs: How Breathing Coal Ash is Hazardous to your Health.

Seeing Great Potential in Waste Product

08/10/2014 <http://www.thestar.com.my/News/Education/2014/08/10/Seeing-great-potential-in-waste-product/>

A Malaysian is researching the recovery of magnesium from coal fly ash in the Yallourn region in Victoria, Australia, thanks to the Victoria International Research Scholarship (VIRS). While researching a waste product like coal fly ash might not be a popular career choice, Choo Teck Kwang has a keen interest in the field.

Enmin Industrial Vibrators Offer Concrete Solutions to EPA Guidelines

08/07/2014 <http://www.infolink.com.au/articles/supplier-news/enmin-industrial-vibrators-offer-concrete-solutions-to-epa-guidelines-n2507842>

Industrial vibrators are widely used in concrete batching plants where there are holding bins, silos and open bins to store bulk material including fly ash, sand, gravel or aggregates. Dust control guidelines mandated by environmental protection agencies often require these materials to be maintained in a condition that prevents excessive dust being generated during loading and unloading operations.

Silica Fume

Benefits of Using High-Strength Concrete

08/11/2014 http://www.worldcement.com/news/cement/articles/The-Concrete-Centre-reports-on-the-benefits-of-high-strength-concrete-121.aspx#.U_yWavldWSo

Continued developments in high-performance high-strength concretes are enabling taller, lighter and more cost-effective high-rise construction, reports Jenny Burridge, head of structural engineering at The Concrete Centre.

REGULATORY RESULTS

Pressure Pipe

Continuation of Countervailing Duty Order: Circular Welded Austenitic Stainless Pressure Pipe From the People's Republic of China | International Trade Administration

08/12/2014 <http://www.gpo.gov/fdsys/pkg/FR-2014-08-12/pdf/2014-18706.pdf>

As a result of the determinations by the Department of Commerce (the "Department") the International Trade Commission (the "ITC") that revocation of the countervailing duty ("CVD") order on circular welded stainless pressure pipe from the People's Republic of China ("PRC") would likely lead to continuation or recurrence of a countervailable subsidy and material injury to an industry in the United States, the Department is publishing this notice of the continuation of this CVD order.

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review | International Trade Administration

08/01/2014 <http://www.gpo.gov/fdsys/pkg/FR-2014-08-01/pdf/2014-18253.pdf>

Each year during the anniversary month of the publication of an antidumping or countervailing duty investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended ("the Act"), may request, in accordance with 19 CFR 351.213, that the Department of Commerce ("the department") conduct an administrative review of that antidumping or countervailing duty.

Welded Stainless Steel Pressure Pipe From Malaysia, Thailand, and Vietnam | International Trade Administration

07/25/2014 <http://www.gpo.gov/fdsys/pkg/FR-2014-07-25/pdf/2014-17469.pdf>

The Commission instituted these investigations effective May 16, 2013, following receipt of a petition filed with the Commission and Commerce by Bristol Metals, L.P., of Bristol, TN; Felker Brothers Corp., of Marshfield, WI; and Outokumpu Stainless Pipe, Inc., of Schaumburg, IL.

Fly Ash

Approval and Promulgation of Implementation Plans; State of Iowa; 2014 Iowa State Implementation Plan | Environmental Protection Agency

08/13/2014 <http://www.gpo.gov/fdsys/pkg/FR-2014-08-11/pdf/2014-18952.pdf>

The Environmental Protection Agency (EPA) is proposing to grant full approval of Iowa's State Implementation Plan (SIP) revision for the 2006 24-hour PM_{2.5} National Ambient Air Quality Standard (NAAQS).

Tennessee Environmental Council et al v. Tennessee Valley Authority (TV1) | U.S. District Court

08/1/2014 http://www.gpo.gov/fdsys/pkg/USCOURTS-tned-3_13-cv-00374/pdf/USCOURTS-tned-3_13-cv-00374-0.pdf

This civil action is before the Court on cross motions for summary judgment. Defendant Tennessee Valley Authority ("TVA") has filed a Motion for Judgment on the Administrative Record [Doc. 46] and plaintiffs have also filed a Motion for Summary Judgment on the Administrative Record and Request for Hearing [Doc. 50].