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Mixing It Up with PCA's Bryan Brendle

Actionline recently sat down with Bryan Brendle, senior director of government affairs at the [Portland Cement Association \(PCA\)](#), whose members represent America's cement manufacturers.

On Dec. 19, 2014, the Environmental Protection Agency (EPA) finalized regulations to provide a comprehensive set of requirements for the safe disposal of coal combustion residuals (CCRs), commonly known as coal ash, from coal-fired power plants. Can you please elaborate on what exactly the new rule requires?

While cement manufacturers are still analyzing details related to EPA's 745-page rule regulating CCRs, the regulation imposes the first-ever federal handling and disposal requirements for coal ash. EPA has classified coal ash under the less restrictive "Subtitle D," of the Resource Conservation and Recovery Act (RCRA), instead of Subtitle C, which would classify the material as "hazardous waste."

Past EPA proposals would have significantly driven up costs for cement manufacturers, threatening job creation and growth. Is PCA copacetic with the new rule?

Cement manufacturers are pleased that EPA has chosen the more flexible classification of coal ash as "solid waste" under RCRA. However, the industry has concerns about an overly-restrictive definition of "beneficial use," which could impose regulatory requirements on piles of coal ash at cement plants intended to be recycled.

Environmental groups have been critical of the new rule, claiming it's not stringent enough because it doesn't classify coal ash as a hazardous waste. Is the criticism warranted?

Environmental groups are wrong to assume that the new rule is not flexible enough. EPA will be charged with outlining a program that protects the environment and public health for the safe disposal of coal ash.

Are there other EPA regulations PCA members are watching out for?

Cement makers are engaged in advocacy to preserve EPA's existing standard for ozone concentrations, as opposed to adopting stricter standards as proposed by the agency in December. EPA is also proposing first-time greenhouse gas (GHG) regulations for power plants. Because we consume large amounts of electricity, we have a stake in the outcome, with final rules due in the summer of 2015. ♦

ACPPA would like to thank Bryan for taking the time to share his insights. To encourage your lawmakers to support the concrete industry's policy priorities, be sure to visit www.ACPPA-action.org.

Editor's note: ACPPA periodically invites policy leaders to provide commentary in Actionline. The views expressed are those of commentators, not necessarily ACPPA.



Bryan Brendle serves as the senior director of government affairs at the Portland Cement Association. (photo courtesy of Bryan Brendle)

The State of the Union's Infrastructure – Was the President's Silence Golden?

On Jan. 20, President Obama gave his second-to-last State of the Union Address to a joint session of Congress. The nation's growing economy played a central role as the president ticked off an ambitious list of policy goals for 2015.

In Washington, D.C., the event gets all the hype of the Super Bowl or Oscar Night. It provides fodder for political pundits for days, but the speech's impact on policy is very limited. In fact, listening to Obama this year was a bit like listening to the anti-Santa Claus. As a kid you go to the mall, tell Santa what you want for Christmas, and if you're lucky some of it shows up under the tree. But SOTU (as the speech is known inside the D.C. beltway) is the equivalent of Santa sitting you down for an hour and telling you all the stuff he wants to give you that you're never actually going to get (because the president doesn't have the power to make much of it happen).

Perhaps most vexing was the fact that the president started by claiming credit for the nation's improving economic conditions. Many American businesses would say the recovery is happening in spite of, not because of the federal government. Over the last five years, Congress and the president have created unprecedented uncertainty. Given the chaos resulting from Obamacare, a federal tax code that changes every year and a highway program on the verge of collapse, America's business owners, not the president, should be taking a victory lap for persevering and succeeding in the face of it all.

Then, later in the speech, the president chastised American companies for not thinking past the next quarter. If American businesses weren't thinking past the next quarter and didn't believe in the long-term resilience of the U.S. economy, they wouldn't be investing in our companies and people ... and the recovery wouldn't be happening.

To the dismay of some infrastructure advocates, the president failed to specifically discuss the crisis facing the federal highway program. Despite passing mention of the need to improve national infrastructure, Obama neglected to map specific policies for addressing the crisis of American surface transportation.

In a way, the president's near-silence may be a blessing in disguise. Washington's tendency towards partisan gamesmanship would likely turn a White House endorsement of any program into the next political football – something tossed around Capitol Hill but never taken into the end zone.

Instead, lawmakers can begin the complex work of developing responsible, long-term policy and returning certainty to the federal highway system. They can start by aligning funding and financing options with policies that bolster the construction industry and provide long-term capital investment in the American economy. That challenge, great under any circumstance, simply cannot get done before the Highway Trust Fund faces bankruptcy this May; another "patch" will be needed to keep the fund afloat while lawmakers produce more durable legislation.

"We need some kind of bridge," said Rep. Peter DeFazio (D-Ore.) at a Jan. 21 event on Capitol Hill, referring to the need for another short-term funding measure, "or we're going to have a miserable construction season."

UPDATED: View the 2015 ACPPA Congressional Directory

ACPPA is always encouraging its members to actively engage in the legislative process. Developing a relationship with your lawmakers and serving as a representative of the concrete pressure pipe industry is crucial.

The ACPPA congressional directory is the best resource to identify your members of Congress and find contact information to connect with their key staff members.

[Click here to view the new congressional directory.](#)



President Obama waits to greet Members of Congress before delivering the State of the Union address at the U.S. Capitol, Jan. 20, 2015. (Official White House photo by Pete Souza)

When considering long-term options, DeFazio noted growing sentiment in favor of new user fee revenues. Possible funding mechanisms include increased gas taxes, but also could take the form of taxes on vehicle miles driven or the portions of oil barrels refined for currently taxable uses (such as gasoline), in addition to financing options through public/private partnerships.

While some of these solutions are still years away, DeFazio noted that the need for reform is well documented, and with a broad range of industry groups advocating for new revenues, calls for change have become significant factors on the Hill.

All that said, more and more lawmakers seem to be fixated on using revenue gains from tax reform to pay for the next highway bill. In particular, the idea of letting corporations repatriate their money held overseas at a lower tax rate, and using those revenues for roads and bridges, seems to be gaining traction. This renewed focus on solving the problem is good, but serious questions remain about how much repatriation would actually raise.

The bottom line? The fight goes on.

Administration Announces Increased Public-Private Partnerships Emphasis

Recognizing the role private financing can play to rebuild the United States' crumbling infrastructure, the Obama administration recently [announced](#) a government-wide effort to facilitate public-private partnerships (PP3s).

PP3s, while not a substitute for federal infrastructure investment, are an important project financing tool, particularly in periods of scarce government funding. Specifically, the administration is establishing a new Water Finance Center at the Environmental Protection Agency to help interested state and local governments bring private sector investment and expertise into water system construction and management. Among other roles it will bring together investors and project sponsors, highlight promising deals, provide peer-to-peer learning and workshops and develop case studies and toolkits.

The White House also plans to facilitate private investment in rural infrastructure projects and establish a new municipal bond – Qualified Public Infrastructure Bond (QPIB) – a financing tool to increase private sector participation in building the United States' public infrastructure.

Stay tuned to *Actionline* as the Obama administration reveals further details.



Two construction workers build out a Washington, D.C., water infrastructure project. (Photo courtesy of EPA)

Multimedia

Sound clips: Speaker: Gina McCarthy, EPA Administrator discusses the new Water Finance Center.

 [“The Water Resiliency and Finance Center is part of the new Build America investment initiative ...”](#)

 [“This center is really important, not just to communities, but to EPA in terms of providing some core public health protections especially those in a changing climate ...”](#)

Lawmakers Introduce Bipartisan Water Infrastructure Legislation

On March 13, Reps. Jimmy Duncan (R-Tenn.) and Bill Pascrell (D-N.J.) introduced legislation ([H.R. 499](#)) to lift the cap on private activity bonds (PABs) for water and sewer projects.

According to estimates, removing the cap on PABs could generate as much as \$5 billion annually in incremental private capital for water infrastructure projects with a hit to U.S. Treasury of only \$214 million over 10 years.

The association has made the bill a top legislative priority and will be actively lobbying for support as a [Sustainable Water Infrastructure Coalition](#) member. In past congresses, the proposal has attracted hundreds of co-sponsors from across the political spectrum.

A bipartisan companion bill will be introduced in the Senate in the near future with the ultimate goal of inserting the legislative language into a larger package, such as highway reauthorization or comprehensive tax legislation.

EPA Proposes Growth Hinderer Ozone Regs

Late last year, the Environmental Protection Agency (EPA) unveiled its long-awaited [proposal](#) to significantly tighten the eight-hour ground-level ozone standard, which could have widespread ramifications for the manufacturing sector and the broader economy.

Specifically, EPA is proposing to set primary and secondary national ambient air quality standards (NAAQS), between 65-70 ppb (parts per billion), a significant reduction from current requirements (75 ppb). The agency is also seeking comment on cutting the NAAQS even more drastically – to as low as 60 ppb.

If finalized in its current form, the new NAAQS will push much of the country into nonattainment, forcing state regulators to pursue emissions reductions while limiting growth and making permitting more difficult. According to a [study](#) by the National Association of Manufacturers (NAM), tighter ozone standards, such as those proposed by EPA could:

- Reduce U.S. GDP by \$270 billion per year and \$3.4 trillion from 2017 to 2040.
- Result in 2.9 million fewer job equivalents per year on average through 2040.
- Cost the average U.S. household \$1,570 per year in the form of lost consumption.
- Increase natural gas and electricity costs for manufacturers and households across the country.

If finalized, the new standards will increase electricity prices and material costs for concrete pressure pipe manufacturers. It could also limit expansion and development as state regulators will be unable to issue new building permits for fear of pushing areas into nonattainment status.

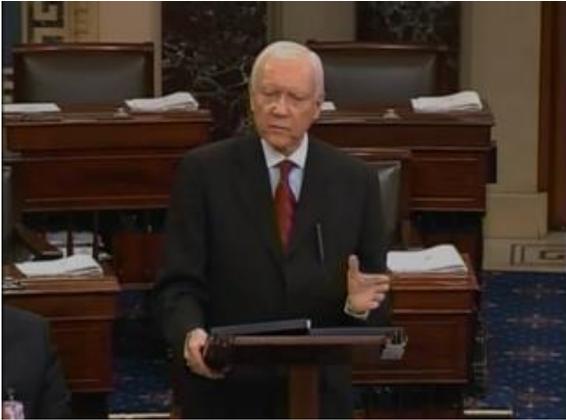
Interested parties have until March 17 to submit comments. The EPA plans to release final regulations by Oct. 1. ACPPA will continue to monitor the situation and support efforts by the U.S. Chamber of Commerce, NAM and our congressional allies to prevent implementation of the proposed NAAQS.

For further information about the EPA's proposal visit: <http://www.epa.gov/airquality/ozonepollution/actions.html#current>

New Senate Finance Chair Says Tax Reform, Highways Are Top Priorities

While many in the business community were disappointed with President Obama's State of the Union address, another January speech has renewed hopes that tax reform and a solution to the highway crisis could be in the offing.

In remarks at the [U.S. Chamber of Commerce](#) on Jan. 20, [Senate Finance Committee](#) Chairman [Orrin Hatch \(R-Utah\)](#) outlined a growth-oriented committee agenda aimed at achieving a healthy economy by pursuing bipartisan, job-creating initiatives such as reforming the tax code and enacting trade promotion authority (TPA) as key methods to achieving a more stable financial future for the U.S.



Senator Orrin Hatch (photo courtesy of hatch.senate.gov)

"If we're going to right this ship, we're going to need a new agenda," Hatch said. "An agenda that puts a healthy economy and job creation first ... that gives hardworking taxpayers greater security and independence ... [and] that will put our government on a better and more responsible fiscal footing." The chairman then highlighted his plan to strike away at Obamacare while detailing how the committee intends to address entitlement programs and pension reform.

Hatch also detailed the Finance Committee's recent steps to create five working groups to study various areas of the tax code to find solutions and offer reform proposals in areas including individual income tax, business income tax, savings and investment, international tax and community development and infrastructure.

The Highway Trust Fund was not excluded from this tax discussion. "I agree ... that a gas tax increase is very unlikely. But, I believe we can find other solutions," Sen. Hatch said hopefully.

In closing, Sen. Hatch expressed his desire to uphold the Senate Finance Committee's long-standing tradition of working together. "So, let me just say that, when it comes to items that fall under the jurisdiction of the Finance Committee, my preference is to work toward bipartisan solutions ... I've always been proud to serve on the committee for just that reason. So, I look forward to working with my colleagues on the committee – both Republicans and Democrats – to make this agenda a reality."

To read the speech in full, click [here](#). To read Sen. Hatch's seven principles for comprehensive tax reform, follow [this link](#).

President Unveils Free Community College Plan

On Jan. 9, the White House [unveiled a proposal](#) to make two years of community college free for many students. At the same time, President Obama announced a new American Technical Training Fund to prepare Americans for better-paying jobs by connecting skills development to the needs of employers.

Building on a model that has been used by Tennessee and Chicago, the president's America's College Promise proposal would allow students to attend community college with two years of tuition paid for by federal and state



Multimedia

 [Video: President Obama proposed making two years of community college free for anyone who's willing to work for it aboard Air Force One. \(whitehouse.gov\)](#)

governments.

Given the federal budget situation and the ongoing debate about the proper role of the federal government, there are considerable questions about whether making community college a new entitlement is the right course of action. But ACPPA commends the administration for highlighting the country's skilled, technical worker shortage and looks forward to working with Congress and the president on this important issue. America's manufacturing sector depends on trained technicians and there are important opportunities for the federal government to help get more workers into the pipeline.

Click [here](#) for more information on the president's proposal.

House Advances Legislation to Tweak Obamacare Workweek Definition

The House took the 114th Congress' first step towards tweaking Obamacare by approving the [Save American Workers Act of 2015](#) on Jan. 8.

The legislation, which received the support of 12 Democrats and the entire GOP caucus, raises the Affordable Care Act's full-time workweek definition to 40 hours from 30. If enacted, employers would only be required to provide health benefits for workers who work 40 hours or more per week, significantly scaling back the law's employer mandate. While not a full repeal substitute, ACPPA and the business community recognize that as long as the White House is occupied by President Obama, completely scrapping the law is unlikely. Consequently, Congress must enact reforms to the health care law to lessen the burden on employers.

The Senate is expected to consider similar legislation in the near future, although the Obama administration has committed to vetoing the bill.

Pressure Pipe Post

ACPPA's Monthly Source for Industry News

January 2015

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

Cement

Silica Fume

Concrete Pressure Pipe

Fly Ash

NEWS RESULTS

Pressure Pipe

[AWWA Comment Period on ANSI/AWWA C606-15, Grooved and Shouldered Joints](#)

Jan. 2, 2015 - AWWA solicits public comments on all proposed new AWWA Standards, and on all proposed revisions, reaffirmations, or withdrawals of existing AWWA Standards.

[Fire Hydrant Floods Home, Sends Water Shooting into Air](#)

Dec. 22, 2014 - A Montgomery County home was flooded Monday morning after a fire hydrant broke away from a pipe and sent water shooting into the air.

Cement

[Greening the World's Most Ubiquitous Building Material](#)

Jan. 23, 2015 - Concrete is one of the oldest building materials with a history dating back to ancient Egypt. Today, concrete – comprised primarily of water, aggregate and cement – is the most widely used material in the world.

[County Behind Board on TVA Permit Altering](#)

Jan. 18, 2015 - Roane County Executive Ron Woody has been directed by Roane County Commission to write a letter to the state expressing the Commission's support of the county's Environmental Review Board's position on TVA's permit modification.

[Smart Utilities Know There Are Responsible Solutions for Their Coal Ash Waste](#)

Jan. 12, 2015 - Many utilities no doubt are breathing a sigh of relief over the absence of a 'lump of coal' in their holiday stockings but not so at Santee Cooper in South Carolina and other utilities in the Southeast U.S. willing to connect with viable disposal and recycling solutions.

[Flawed Concrete Found On Detroit Metro Airport Runway](#)

Jan. 6, 2015 - The \$225-million runway that Detroit Metro Airport added in 2001 was expected to last for 30 years, but cracks and flaws in the concrete that started to show just three years after it opened have posed risks to safety and are forcing a costly reconstruction.

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[AGC Heralds EPA Decision](#)

Jan. 5, 2015 - Stephen Sandherr, the CEO of the Associated General Contractors of America, (AGC), Arlington, Virginia, has heralded the U.S. Environmental Protection Agency's (EPA's) recent decision to set performance standards for the safe disposal of coal combustion waste, including fly ash.

[Fly Ash Forever](#)

Jan. 2, 2015 - The use of fly ash as an ingredient in concrete steadily increased for many years, mostly due to the benefits fly ash imparts to the qualities of hardened concrete—higher strength, reduced permeability, lower heat of hydration, and lowered susceptibility to alkali-aggregate reactions. With the desire to make concrete more sustainable, fly ash found a new niche: since it reduces the quantity of portland cement in a mix, it also reduces the carbon footprint associated with that mix, making concrete more sustainable.

[Coal Ash, Wood Ash and Gypsum - From Byproduct to Product](#)

Dec. 28, 2014 - Some say byproducts from coal-burning power plants are waste. Others say that "a waste is only waste if you waste it."

[Downtown Madison Built on Coal Ash](#)

Dec. 25, 2014 - For many years, David Benzschawel, a civil engineer for the city of Madison, kept a large map in his office. It detailed dozens of closed landfills and historic dumps around the city. Benzschawel, who is now retired, checked the sites out himself and combed historic records to find out what was buried at each site. At many of the sites, he found coal ash.

Silica Fume

[South Platte Bridge: Still Unfinished](#)

Jan. 11, 2015 - Crews finally completed work on one of two U.S. 83 South Platte River bridges on Dec. 22, when both northbound lanes opened to traffic.

REGULATORY RESULTS

Pressure Pipe

Pipeline and Hazardous Materials Safety Administration | Final Rule| Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments

Dec. 30 2014 <https://www.federalregister.gov/articles/2015/01/05/2014-30336/pipeline-safety-periodic-updates-of-regulatory-references-to-technical-standards-and-miscellaneous>

PHMSA is amending the Federal pipeline safety regulations to incorporate by reference new, updated or reaffirmed editions of the voluntary consensus standards that are applicable to pipelines subject to the requirements of the Federal pipeline safety regulations.

Fly Ash

Environmental Protection Agency | Proposed Rule| Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units

Jan. 21, 2015 <http://www.gpo.gov/fdsys/pkg/FR-2015-01-21/pdf/2014-29568.pdf>

On February 7, 2013, the Environmental Protection Agency (EPA) promulgated its final response to petitions for reconsideration of the final new source performance standards (NSPS) and emission guidelines (EG) for commercial and industrial solid waste incineration (CISWI) units that were promulgated on March 21, 2011.