

May 29, 2015 – VOLUME 12, ISSUE 5

## Senate Waters Down Reclamation Pipe Preference Language

On May 21, ACPPA and its allies in the 21<sup>st</sup> Century Pipe Coalition received welcome news as the Senate Appropriations Committee approved an FY 2016 Energy and Water funding bill without problematic language in the House version of the bill subverting the Bureau of Reclamation's ("Reclamation") judgment on corrosion prevention.

While the Senate's legislation once again requires Reclamation to conduct an independently peer-reviewed analysis of pipeline reliability standards and prevents it from using the "Corrosion Considerations for Buried Metallic Water Pipe" technical memorandum as the sole basis for determining the type of pipe used in projects (similar to bills in past Congresses), it doesn't withhold Reclamation funding (as the House bill would).

The panel's action comes after the coalition delivered a [letter](#) to committee members educating lawmakers about Reclamation's technical memorandum and the negative implications were the upper chamber to adopt the House's provision.

The Senate language isn't ideal, but it's far better than the House's FY 2016 Energy and Water appropriations bill, which denied Reclamation needed resources to force it to ignore a memo based on sound technical and scientific data, as well as time-tested water resources engineering methodology and experience, to tilt the playing field in ductile iron pipe's favor.



The full Senate must now consider the legislation and amendments are possible. However, it's not expected that senators will alter the report language dealing with Reclamation's technical memorandum. A conference committee negotiating a compromise FY 2016 Energy and Water appropriations bill will likely have the final word on the buried metallic pipe issue.

ACPPA is a leading member of the 21<sup>st</sup> Century Pipe Coalition, an alliance of companies and associations formed to fight legislative language favorable to ductile iron pipe manufacturers. ACPPA will continue to advocate for a level playing field and for pipe selection decisions based on scientific and engineering merits, not politics.

To weigh-in with your lawmaker about this critical issue, visit [www.ACPPA-action.org](http://www.ACPPA-action.org).

## **EPA Finalizes Regulatory Power Grab**

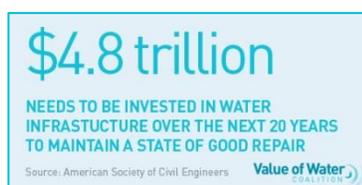
On May 27, the Environmental Protection Agency (EPA) issued its final [“waters of the United States” rule](#), which significantly expands the agency’s jurisdiction under the Clean Water Act (CWA).

Last fall, ACPA [joined 375 industry organizations](#) opposing EPA’s proposal to redefine “waters of the United States” for purposes of federal regulatory oversight. The association also [submitted comments](#) to the *Federal Register* (see throwback, next page) highlighting the agency’s failure to assess the economic impact that the proposed regulation will have on small businesses and to follow Supreme Court precedent, as required by the Regulatory Flexibility Act.

Unfortunately, last week the EPA paid lip service to those public comments and issued a rule that is virtually identical to its original proposal.

The agency contends that the rule is necessary to clarify its enforcement powers under the CWA because of numerous Supreme Court decisions curtailing its regulatory authority. Under the guise of clarity, however, the EPA reformulates its jurisdiction to give it expansive new powers to regulate development, farming, mining and other activity in large swaths of the country. At the same time the agency erroneously asserts that its authority under the final rule is narrower than that under existing regulations.

The impact of this overreach cannot be overstated and has garnered bipartisan opposition in Washington. On May 12 the House approved the Regulatory Integrity Protection Act ([H.R. 1732](#)) by a vote of [261-155](#), with the support of twenty-four Democrats. In the Senate, Sen. John Barrasso (R-Wyo.) introduced—with twenty-seven Republican and three Democratic co-sponsors—the Federal Water Quality Protection Act ([S.1140](#)).



Both bills would require the EPA to withdraw the rule and the Senate bill provides criteria the agency must use when crafting a revised rule. Should either measure make it to the president’s desk – Senate action remains uncertain – a veto-proof majority will be required to overcome opposition from the Obama administration.

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**Actionline Throwback – November 2014**  
**ACPPA to EPA: Sink “Waters of the U.S.” Proposal**

On Nov. 13, ACPPA [joined 375 industry organizations](#) from 50 states to protest an administration proposal that alters the definition of "waters of the United States" for protection under the Clean Water Act. The notice of proposed rulemaking (NPRM) is so expansive that it could potentially place every ditch, retaining pond and seasonal stream within the ambit of the federal government's regulatory authority, dramatically expanding the Environmental Protection Agency's (EPA) jurisdiction, hindering growth, and preventing economic development.

In June, [ACPPA submitted its own comments](#) highlighting the agency's failure to assess the economic impact that the proposed regulation will have on small businesses and to follow Supreme Court precedent, as required by the Regulatory Flexibility Act.

Getting Congress to reign in the EPA is a main item on the agenda of the association.

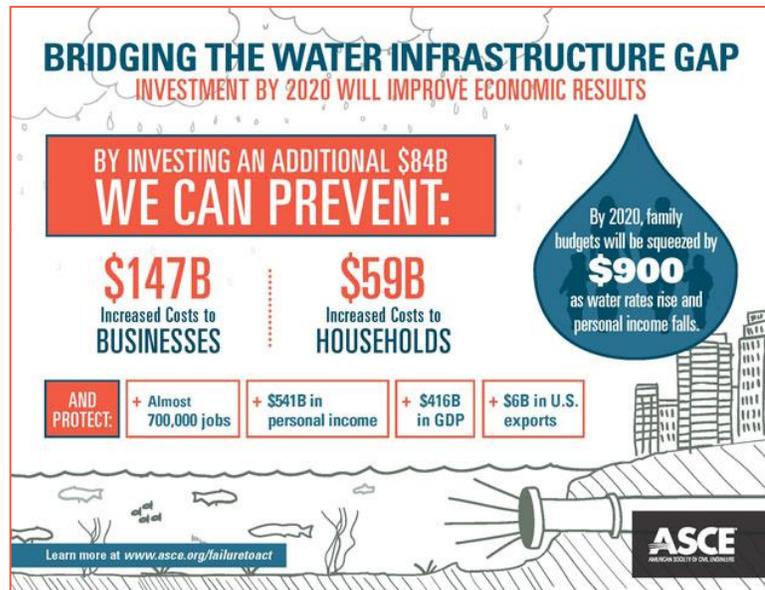
[Click here to see the entire November, 2014 edition.](#)

## Beyond Infrastructure Week

As lawmakers on Capitol Hill continue to bicker about how to keep the highway program running for a few more months, community and business leaders around the country and in Washington, D.C. joined together in May under the banner of [Infrastructure Week](#) to focus attention on the nation's long-term transportation, sewer and drinking water needs.

From May 11 to 15, a series of events in Washington, D.C. and around America focused public attention on advocacy for urgent, meaningful action to revitalize America's infrastructure – from roads and rails and ports and planes to the power grid, water quality and the internet – and to ensure America's economic competitiveness by investing in agile, efficient, and secure infrastructure systems. Infrastructure Week is led by the AFL-CIO, American Society of Civil Engineers, the Brookings Institution's Metropolitan Policy Program, Building America's Future, National Association of Manufacturers and the U.S. Chamber of Commerce.

Events like Infrastructure Week focus attention on the importance of investing in America's roads, bridges, railroads, ports and pipes. The challenge for ACPPA and its industry allies is to maintain that pressure throughout the year by constantly illustrating for local, state and national lawmakers the value of dependable water infrastructure.



What You Can Do

1. Lobby for good investment. Visit [ACPPA-action.org](http://ACPPA-action.org) and tell Congress to encourage private investment in our nation's deteriorating water infrastructure by supporting the [Sustainable Water Infrastructure Investment Act \(H.R. 499\)](#).
2. Join the conversation. The water facts in this edition of *Actionline* are "shareable" graphics that can be a powerful tool in building future American Infrastructure investment. Visit [infrastructureweek.org/tweet\\_act\\_learn/](http://infrastructureweek.org/tweet_act_learn/) to learn more about how you can encourage lawmakers to #RebuildRenew.

### Canadian Election Results Could Clog KXL

On May 5, voters in the Canadian province of Alberta – the origination point of the proposed [Keystone XL Pipeline](#) (KXL) – delivered a stunning defeat to the ruling [Conservative party](#). For the first time in over four decades, the provincial election was won by a left-of-center government.



The results could reverberate into American politics by weakening cross-border support for KXL construction. The victory of the [New Democratic Party](#), led by Premier Rachel Notley, represents a trend away from official support for oil production. Notley has indicated her government would review the royalty rates paid by energy companies, increase corporate taxes, strengthen environmental rules, and halt the practice of spending taxpayer dollars to promote pipeline projects.

Alberta has more than 170 billion barrels of proven oil reserves, much of it from tar sands oil. Since 2008, [TransCanada Corporation](#) has been lobbying for the necessary approvals to construct the portion of KXL from Hardisty, Alberta to Steel City, Nebraska. Having faced countless political and procedural delays, the effort has now lost a devoted ally in the form of Alberta's government.

### Merkley Sells Out Industry with "Buy America" Bill



On April 22, Sen. Jeff Merkley (D-Ore.) introduced the Invest in American Jobs Act ([S. 1043](#)). The bill would require contractors working on federally funded construction projects to use American steel, iron and manufactured products whenever possible.

The legislation is the most recent effort to strengthen "Buy America" requirements, through which the government imposes limitations on the source of materials and goods utilized for projects supported by public money. Proponents contend that constraining business options in the acquisition of materials helps to maximize the economic benefits of public investment.

In reality, Buy America rules drive up project costs, lead to unnecessary delays and administrative burdens for contractors and suppliers and are impractical given global sourcing of equipment and components.

While past federal Buy America legislation (including the 2009 stimulus bill) required iron, steel, and manufactured goods used “in” a project be produced in the United States, Merkley’s bill extends the requirement to manufactured goods used “for” a project. The proposed change from “in” to “for” creates some ambiguity as the former clearly requires the project is built with American-made products, while the latter could be interpreted more broadly, causing confusion and implicating more components and materials in the mandate.

While S. 1043 is unlikely to be enacted into law as a standalone bill in the current Congress, the risk is that provisions could be incorporated into a highway reauthorization package or other legislation. ACPPA and its allies will continue to work to prevent the enactment of Buy America legislation that would unfairly tilt the economic playing field and waste taxpayer money by driving up project costs.

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# Pressure Pipe Post

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ACPPA’s Monthly Source for Industry News

May 2015

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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.

## **NEWS RESULTS**

### **Cement**

#### **Green Infrastructure: Highlighting the Economic Benefits**

5/1/2015 <http://www.fmlink.com/article.cgi?type=Magazine&title=Green%20Infrastructure%3A%20%20Highlighting%20the%20Economic%20Benefits%20&pub=CoreNet%20Global:%20The%20LEADER&id=43470&mode=source>

Polluted stormwater runoff is a primary cause of water pollution nationwide. To restore the health of local waterways, protect downstream drinking water supplies and address evolving federal and state regulatory requirements, cities nationwide are making significant investments to reduce stormwater runoff, which can have important implications for the commercial building sector.

### **Beyond the Headlines: Are Well Construction Practices Safe for the Environment?**

5/1/2015 <http://www.spe.org/jpt/article/8784-beyond-the-headlines-are-well-construction-practices-safe-for-the-environment/>

Wells are designed from the bottom to the top and from the inside outward, but they are drilled and constructed in exactly the opposite manner—often by practitioners with metrics different from the initial design principles.

### **Water mains being replaced in Hawley**

5/14/2015 <http://www.neagle.com/article/20150514/NEWS/150519855?template=printart>

Three Aqua Pennsylvania (Aqua) infrastructure improvement projects totaling nearly \$1.2 million are taking place in Wayne County.

### **Man rescued after being stuck in Nashville storm drain for 4 days**

5/18/2015 <http://www.wjhl.com/story/29093835/man-rescued-after-being-stuck-in-nashville-storm-drain-for-4-days>

A 53-year old Nashville man was rescued Sunday after he got stuck in a storm drain four days ago near Centennial Park.

## **Construction**

### **Making a ‘smart’ pipe**

5/1/2015 <http://www.oedigital.com/engineering/construction/item/8932-making-a-smart-pipe>

Researchers at Norway’s SINTEF together with a consortium of industrial partners have developed technologies to enable real-time condition monitoring reports from within pipelines to be transmitted to shore.

### **Geothermal Piping Systems Get into the Groove**

5/8/2015 <http://www.renewableenergyworld.com/articles/2015/05/geothermal-piping-systems-get-into-the-groove.html>

How do you design outdoor piping to account for changing elevation, uneven terrain, seismic and thermal movement, and the reroutes required of a drilling fluid system?

### **Mile of pipe: Hickory wants to replace 5,500 feet of sewer line**

5/13/2015 [http://www.hickoryrecord.com/news/mile-of-pipe-hickory-wants-to-replace-feet-of-sewer/article\\_d21e1964-f8f8-11e4-a9c1-37ec4346bcdb.html](http://www.hickoryrecord.com/news/mile-of-pipe-hickory-wants-to-replace-feet-of-sewer/article_d21e1964-f8f8-11e4-a9c1-37ec4346bcdb.html)

Some concrete pipes from the 1930s and 1940s beneath Hickory have to go. The only problem is that it’s about 3,000 feet worth of pipe. Fortunately, most of the construction will be offroad.

**Pipe trucks rolling daily**

5/13/2015 [http://www.fortstocktonpioneer.com/community/article\\_750855c8-f9a2-11e4-a31d-17164c03b3c6.html](http://www.fortstocktonpioneer.com/community/article_750855c8-f9a2-11e4-a31d-17164c03b3c6.html)

Trans-Pecos Pipeline, LLC, is using every daylight hour to stage pipe in Fort Stockton. Nearly a year ahead of construction, pipe trucks are running from 7 a.m. to 7 p.m. seven days a week between a railroad siding in Belding and the storage yard, which is east of town on the north side of Interstate 10.

**Pipeline Billionaire Kelcy Warren Is Having Fun in the Oil Bust**

5/19/2015 <http://www.bloomberg.com/news/features/2015-05-19/pipeline-billionaire-kelcy-warren-is-having-fun-in-the-oil-bust>

The founder of Energy Transfer Partners has built his \$7.3 billion personal fortune by making smart moves during the industry's 'dark times.'

**Portal responds to wastewater violations**

5/19/2015 <http://www.statesboroherald.com/section/1/article/67843/>

Portal city officials are working towards improving wastewater disposal and maintenance issues after the Georgia Environmental Protection Division mandated changes following an unpermitted discharge and sewage spill.

**Crews To Begin Tunneling Under Railroad Tracks On Bonita Road For Water Pipeline**

5/19/2015 <http://www.oregonherald.com/oregon/local.cfm?id=9048>

Beginning next week, crews will start excavating and constructing an entry shaft in the center lane of Bonita Road, near 74th Avenue, for a tunnel underneath the railroad tracks. Once complete, a new waterline will be installed through the tunnel.

**Sewer project discussed in Edgmont**

5/19/2015 <http://www.delcotimes.com/government-and-politics/20150519/sewer-project-discussed-in-edgmont>

Edgmont supervisors met with five residents from Castle Rock regarding continuing issues on the sewer project.

**Middletown To Seek More Funding For Pump Station Construction**

5/21/2015 <http://www.styrk.com/posts/middletown-to-seek-more-funding-for-pump-station-construction>

City officials said they will need to ask voters to approve additional funding to build the pump station that will link the city with the Mattabasset District for sewage treatment.

### **Schools, industry look to close the 'skills gap'**

5/21/2015 <http://www.houstonchronicle.com/business/article/Schools-industry-look-to-close-the-skills-gap-6279790.php>

A week away from graduation, Rigoberto Deleon is already working a full-time job - sometimes with overtime pay - as a welder on the evening shift at a company that manufactures tanker railcars. Classmate Omar Argueta heads to the Industrial Welding Academy after school en route to getting his certification.

### **Water Project Includes On-Site Pipe Manufacturing**

5/26/2015 <http://www.undergroundconstructionmagazine.com/water-project-includes-site-pipe-manufacturing>

New Zealand polyethylene pipe manufacturer Aquaduct NZ Ltd. recently completed a project to convert an open channel irrigation system to a closed polyethylene pipe system to provide water to farmers on the Canterbury Plains of New Zealand's South Island.

### **Ductile Iron Pipe**

#### **Water main replacement project to begin in Frackville**

5/10/2015 <http://republicanherald.com/news/water-main-replacement-project-to-begin-in-frackville-1.1879131>

Pennsylvania American Water will start of a weeks-long water main replacement project Monday in Frackville.

#### **Cobb to pay \$2.6 million for infrastructure**

5/15/2015 <http://www.myajc.com/news/news/local/cobb-to-pay-26-million-for-infrastructure/nmHFk/>

The Cobb County Board of Commissioners voted Tuesday to spend \$2.6 million for two water main replacements and utility improvements.

### **Fly Ash**

#### **Activist: Public sentiment led to toxic waste landfill defeat**

5/1/2015 <http://www.leroypcpress.com/news/politics-and-government/2015-05-01/activist-public-sentiment-led-toxic-waste-landfill-defeat.ht>

Illinois will continue to be without a Toxic Safety Control Act (TSCA) regulated toxic waste landfill due to a Thursday agreement passed by the DeWitt County Board.

#### **Few lessons taken from ash spills**

5/2/2015 <http://www.newsobserver.com/news/local/coal-ash-issue/article10075892.html>

With its creation last week of a \$10 million fund for Carolinas waterways, Duke Energy followed the pattern set by other utilities in atoning for high-profile coal ash spills.

### **EPA Coal Ash Rule Will Foster Citizen Suits**

5/4/2015 [http://www.martindale.com/environmental-law/article\\_Breazeale-Sachse-Wilson-LLP\\_2203862.htm](http://www.martindale.com/environmental-law/article_Breazeale-Sachse-Wilson-LLP_2203862.htm)

Under the rule, a facility is required to post compliance-related information on the Internet, creating a wealth of information that may be utilized by citizens. Like a discharge monitoring report filed with a state agency, the information submitted to the agency and/or posted on the Internet by the company will be difficult, if not impossible, to refute. The citizen's case is proven by the owner's own information.

### **Sodium Sulphate Effect on Cement Produced with Building Stone Waste**

5/7/2015 <http://www.hindawi.com/journals/jma/2015/813515/>

In this study, the blended cements produced by using the building stone waste were exposed to sulphate solution and the cement properties were examined.

### **Coal-Ash Issues to Cost Duke \$102M**

5/17/2015 <http://www.paintsquare.com/news/?fuseaction=view&id=13180>

Three subsidiaries of the nation's largest power company will pay \$102 million in fines and environmental projects after pleading guilty to federal crimes in connection with a massive 2014 coal-ash spill.

### **Fly ash bricks sales run into clay brick wall**

5/20/2015 <http://www.environmentguru.com/pages/elements/element.aspx?id=2195746#ixzz3bMDPjtGa>

Though the construction sector has been witnessing a spurt in demand over the last one year, the more eco-friendly fly ash bricks are yet to gain popularity among builders and contractors.

### **Planning for the Wastewater Impacts of the CCR Rule and Effluent Limitation Guidelines**

5/21/2015 <http://www.power-eng.com/articles/print/volume-119/issue-5/features/planning-for-the-wastewater-impacts-of-the-ccr-rule-and-effluent-limitation-guidelines.html>

In April 2015, the U.S. Environmental Protection Agency (EPA) published a final rule in the Federal Register to regulate the disposal of coal combustion residuals (CCR) as solid waste as part of its Resource Conservation and Recovery Act.

### **Water Infrastructure**

#### **Another View: It's Time Our Nation Wakes Up!**

5/1/2015 <http://www.pobonline.com/articles/97584-another-view-its-time-our-nation-wakes-up>

The United States is a world economic power in spite of its surveying and mapping, not because of it.

### **NH's Invisible Infrastructure Dilemma**

5/1/2015 <http://millyardcommunications.com/index.php?src=news&srctype=detail&category=News&refno=5194>

Lacking clean, reliable water is a third world problem, right? Think again. New Hampshire could be facing significant water challenges if communities don't start investing in aging infrastructure.

### **Plastic Pipe, Innovative Solution to Saving Water**

5/11/2015 <http://www.nbc26.tv/story/29029418/plastic-pipe-innovative-solution-to-saving-water>

JM Eagle, the world's largest manufacturer of plastic pipe, urges cities and municipalities to save water with plastic pipe. With conditions worsening regarding the drought crisis in the Western United States, JM Eagle is sharing the benefits of plastic pipe in the states affected by the drought, including: California, Washington, Oregon, Arizona, New Mexico, Nevada, Utah, Colorado, Idaho, Wyoming and Montana.

## **REGULATORY RESULTS**

### **Fly Ash**

#### **Tennessee Valley Authority | Notice | Environmental Impact Statement for the Disposal of Coal Combustion Residuals From the Bull Run Fossil Plant**

5/21/2015 <http://www.gpo.gov/fdsys/pkg/FR-2015-05-21/pdf/2015-12305.pdf>

TVA intends to prepare an environmental impact statement (EIS) to address the continued disposal of Coal Combustion Residuals (CCR) from the Bull Run Fossil Plant (BRF).

## **LEGISLATIVE RESULTS**

### **Water Infrastructure**

#### **H.R. 2332 | Introduced by Rep. Brian Higgins (D-N.Y.) | Nation Building Here at Home Act of 2015**

5/14/2015 <https://www.congress.gov/bill/114th-congress/house-bill/2332?q=%7B%22search%22%3A%5B%22%5C%22water+infrastructure%5C%22+or%5C%22underground+infrastructure%5C%22%22%5D%7D>

Directs the Secretary of Transportation (Secretary) to establish a transformational infrastructure competitive grant program to award grants to state and local governments, transit agencies, and port authorities for certain public transportation projects (including water infrastructure projects) that will significantly impact a metropolitan area, a region, or all of the United States.

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**H.R. 1060 | Introduced by Rep. Doug LaMalfa (R-Calif.) | Sacramento Valley Water Storage and Restoration Act of 2015**

5/19/2015 <https://www.congress.gov/bill/114th-congress/house-bill/1060?q=%7B%22search%22%3A%5B%22%5C%22water+infrastructure%5C%22+or+%5C%22underground+infrastructure%5C%22%22%5D%7D>

To direct the Secretary of the Interior to take actions to support non-Federal investments in water infrastructure improvements in the Sacramento Valley, and for other purposes.