Ohio Lawmaker Introduces Pipe Material Selection Legislation

Ohio, a state known for its determinative role in presidential politics, is now a battleground for pipe preference legislation following the introduction of a measure aimed to limit the discretion of public authorities to choose piping material used in local projects.

On May 18, Ohio State Representative Andy Thompson introduced House Bill (H.B. 214), which restricts the “state, a county, municipal corporation, water or sewer district, school district, or other political subdivision, or any public agency, authority, or board” from preferring one type of material over another if it meets or exceeds the standards issued by the “American society for testing and materials or the American water works association”, unless “sound engineering practices suggest that one type of suitable piping material is more appropriate for a particular project.” The provision applies to constructing, developing, maintaining, rebuilding, improving, repairing, or operating a water, wastewater, or storm water drainage project that is funded in whole or in part with state funds.

The effort in Ohio is similar to attempts at all levels of government to deny utilities, engineers, and local communities the ability to continue to design projects in the manner that best fits the needs of the project. While innocuous on its face, the language would undermine a locality’s ability to make judgments as to the best piping material for a particular water system.

ACPPA will continue to monitor this and other efforts that alter the ability of utilities and design professionals to maintain control over material selection.

President Obama Ratchets Up War on Coal

On Aug. 3, President Obama announced the final version of the Environmental Protection Agency’s (EPA) Clean Power Plan, which aims to fight global warming and increase renewable energy usage. The greenhouse gas emissions rules targeting coal-burning power plants are more aggressive than any other climate rules in U.S. history.

The energy industry believes requiring power plants to lower carbon dioxide emissions by 32 percent by 2030 will be too expensive to implement and will raise bills for American consumers. The plan pushes power plants fired by coal to either shut down or use natural gas and renewable resources instead. The plan also includes a cap-and-trade system, which will force companies to pay before they emit.
Emissions reduction goals vary by state based on current energy infrastructure. States have two years to decide how to meet lower emissions standards, but many plan to ignore the rules and instead have requested their attorneys general prepare legal challenges. Widespread opposition may place the fate of this plan in the hands of the Supreme Court.

Although EPA Administrator Gina McCarthy said the estimated public health and environmental benefits will fall between $34 billion and $54 billion annually, energy industry officials find the estimated implementation cost of $8.4 billion far too steep.

Criticism of the rules has come from all corners of the business community, with many organizations questioning the efficacy of the proposal, citing concerns about the economic impact, and challenging EPA's authority to act in this area.

“This regulation will be exceptionally difficult for manufacturers to meet and will increase energy prices and threaten electric reliability,” National Association of Manufacturers President & CEO Jay Timmons said. “Manufacturers are already building more efficient power plants, factories, cars and appliances, all of which are leading to lower emissions. We need policies that foster continued innovation, encourage new investments and allow manufacturers to remain competitive—not ones that punish and penalize. This regulation and the President’s Climate Regulatory Action Plan are not the answer.”

"While the final rule will take some time to analyze, we know that it still has the same fundamental legal flaws and imposes the same unbearable costs as the original proposal, while having no measurable impact on global emissions," U.S. Chamber of Commerce President & CEO Tom Donohue said. “With these rules, the EPA is trying to stretch its authority beyond recognition and to double down on its attempt to impose an unprecedented takeover of our energy system.”

"These unprecedented regulations will have enormous impact," said James Toscas, president and CEO of the Portland Cement Association (PCA). "Everybody, including EPA, agrees that they will boost the cost of electricity, which in turn will increase the cost of making and using nearly everything. Higher costs hurt every American's pocketbook, and mean fewer investments, fewer construction projects, and fewer jobs. Americans need to understand this."

National Mining Association (NMA) President and CEO Hal Quinn said that the plan, “reflects political expediency, not reality for supplying the nation with low cost reliable power.” Quinn said the EPA plan, “will burden Americans with increasingly high-costs for an essential service and a less reliable electric grid for delivering it. American households and businesses will be forced to accept higher electricity rates in exchange for what EPA admits are negligible environmental gains.”

NMA has already requested EPA stay the rule while the legal challenges play out and has threatened to seek a court-ordered stay if the agency refuses. The political and legal fights will continue, and you can weigh in. Visit ACPPA-action.org and tell your lawmakers to clean up the EPA’s regulatory agenda.
Carper Commits to FixtheTrustFund One Gallon at a Time

On Aug. 5, Sen. Tom Carper (D-Del.) introduced the Tax Relief and FixTheTrustFund For Infrastructure Certainty (TRAFFIC) Relief Act, which would raise the national gasoline and diesel taxes to fund infrastructure investment. Carper, a leading voice for highway investment on Capitol Hill, is the second ranking Democrat on the Senate Environment & Public Works Committee and chairs the panel's Transportation & Infrastructure Subcommittee.

The bill would raise the federal user fee on gasoline by four cents over each of the next four years – a 16 cents-per-gallon increase by 2020. In addition to state taxes, the annual hikes would result in American drivers paying 34 cents for every gallon of unleaded gas pumped into their vehicles by the start of the next decade.

At the end of the four-year increase period, the bill would then index both gas and diesel taxes to inflation, protecting them from the erosion of value suffered by the levels since they were last set in 1992. Carper’s office estimates this new revenue stream would generate at least $220 billion in additional funding for the federal Highway Trust Fund (HTF) over the next decade, enough to cover baseline infrastructure requirements and support $10 billion in additional spending each year and maintain the HTF’s solvency for the foreseeable future.

“Rather than lurching from crisis to crisis, increasing country’s debt, and borrowing more money from foreign governments to pay for our transportation system, I say it's time to do what's right,” Carper said. “At a time when gas prices are some of the lowest we’ve seen in recent memory, we should be willing to make the hard choice to raise the federal gas tax.”

Unfortunately, few in Congress have shown the political will to even propose such a step – Carper joins Reps. Jim Renacci (R-Ohio) and Earl Blumenauer (D-OR) as one of only a handful of lawmakers to have introduced bills that would increase highway user fees – most prefer funding gimmicks that provide immediate cash infusions but no lasting revenue.

To solve the infrastructure crisis and get the industry to work, Congress will have to take bold action. The federal highway program has become the punchline of too many jokes about congressional inaction; read more about the current status of the HTF here.
Manufacturing Matters and so Does its Workforce

By Jennifer M. McNelly, President, The Manufacturing Institute

Manufacturing matters in the United States. The manufacturing industry has the largest multiplier effect of any sector, with every dollar in manufacturing supporting $1.37 in other sectors. According to our most recent public perception report, if given an opportunity to create 1,000 new jobs in their community, Americans ranked manufacturing first.

At the same time, only about one third of these respondents said they would encourage their own children to pursue a career in manufacturing. The manufacturing industry is well aware of the image issue we are facing when trying to attract new talent. The Manufacturing Institute has worked to address this through three key pillars: changing the perception of careers in manufacturing, re-establishing the United States as the global leader of manufacturing education and advocating for education and job training policies that strengthen the U.S. manufacturing workforce.

The Manufacturing Institute is focusing on the following best practices to strengthen career and technical education (CTE) and science, technology, engineering and math (STEM) careers and education pathways and make them more attractive to students:

1. Increase the number of industry recognized credentials awarded at the secondary and postsecondary levels.
2. Increase industry partnerships to better align curriculum and apprenticeship, internship and work based learning opportunities.
3. Better articulate credit transfers from high school to community colleges and from community colleges to four-year institutions.
4. Increase access and incentives for dual enrollment.
5. Develop Comprehensive State Strategies to include each of these elements.

States like Kansas have taken steps to utilize existing resources to better align incentives to attract students into manufacturing education pathways by providing incentives to enroll in college level CTE courses while still in high school. Tennessee has gone a step further by better aligning their College of Applied Technologies (T-CAT) system to bring better course equivalencies to their CTE programs when compared to college level programs. These state-led fixes using existing resources can be brought to federal policy as well and the upcoming reauthorization of the Higher Education Act (HEA) and the Carl D. Perkins Career and Technical Education Act (Perkins) are perfect opportunities for manufacturers and their partners to push for change.

The Higher Education Act is the largest federally funded training program in the United States (see following story for more information on education legislation), yet our community and technical colleges' workforce training programs aren’t able to fully access the $130 billion dollars in federal financial aid and Pell grants because of policy limitations. With the recent reauthorization of the Workforce Innovation and
Opportunity Act (WIOA), we have seen that bi-partisan support exists for recognizing the value of industry recognized credentials and high quality job training. However, a disconnect remains between policies being promoted by the labor market and those in place in education.

In the United States, only 30 percent of the population holds a bachelor’s degree, yet we have continued to frame our higher education policies around that small population. Policies at the state and federal level that control higher education funding are largely out of line with what is needed at our nation’s community and technical colleges to prepare our future workforce. The unemployment rate is at a seven year low, yet about 29 million “middle-skills jobs” – positions that require more than a high school diploma but less than a bachelor’s degree – remain unfilled. Of these 29 million jobs, 14 million of them have a starting pay of at least $50,000 a year, with four million paying a starting salary of $75,000 or more a year. These job vacancies put a strain on American competitiveness and our nation’s manufacturers.

The most frustrating part of this scenario is that it doesn’t have to be the case. Community and technical colleges provide the bulk of the training to fill these job vacancies, yet headline after headline seek to condemn these schools for not hitting metrics designed without their programs in mind. It’s time for the conversation around higher education to change.

The way today’s education policy is constructed, a student graduating from a four-year institution with an average of just under $30,000 in debt and uncertain job prospects is a better education outcome than a student who receives an industry recognized certification but no degree and leaves with one of those middle skill jobs paying upwards of $50,000 … and no debt. In many states, the latter scenario would be a blight on an institution’s completion rates, despite the student completing the necessary courses and credentials needed to gain a middle-wage job. Policies like these need to better reflect both student and employer expectations.

Students are entering postsecondary education expecting to receive the education and training needed to thrive in today’s job market, yet only 11 percent of employers say that recent graduates are well prepared for the labor market. This is unacceptable and unsustainable for the future of our economy. We need to revisit the purpose of higher education in the United States and to make it a priority to improve quality education pathways and incorporating work-based learning opportunities. Manufacturers and their partners need to be more active in this conversation because building a high quality talent pipeline is critical for both future of manufacturing as well as the broad economic needs in the United States.

Actionline guest contributor Jennifer M. McNelly is president of the National Association of Manufacturer’s Manufacturing Institute. ACPPA is an NAM member and collaborates with NAM staff on policy issues. Ms. McNelly’s views do not necessarily reflect those of the American Concrete Pressure Pipe Association.
Congress’ Homework: Reauthorize Education Trio

As lawmakers spend time in their districts during August recess, plenty of work awaits on their return to Washington. Looking ahead, a trio of education and workforce related bills are patiently awaiting attention.

Congressional inaction and its occasional distraction have delayed the reauthorization of three key pieces of education legislation: the Elementary and Secondary Education Act (ESEA), the Higher Education Act (HEA) and the Carl D. Perkins Perkins Act. In order to build and maintain a strong workforce, industry must be supported by education policy that ensures high school, college, technical school and community college graduates have employable skills.

Get to know the bills:

**ESEA**
Commonly referred to as No Child Left Behind, ESEA accounts for $60 billion in federal education funding and is the primary law governing K-12 education in the United States. It does this largely by setting federal standards for testing and accountability for failing schools. While both the House and the Senate have passed reauthorizations of ESEA, they haven’t settled on a single bill. The House’s bill also contains a provision on portability – the ability of funding to “follow” students to the school of their choice – which would likely draw opposition from Democrats and a veto from the White House.

**HEA**
The Higher Education Act supports college affordability and seeks to make schools more accountable to graduation rates and job prospects which is good for students as well as employers, but since 2008 there have only been extensions with no new long-term reauthorizations – a theme of all three pieces of education legislation. Unfortunately, policy limitations prevent many technical training programs from dipping in to the large pot of grands and other funding assistance designed to help student pay for education.

**Perkins**
The Perkins Act is supports career and technical education (CTE) programs through grants to states. It has come under fire in recent years as being out of touch with the needs of the modern workforce, especially with regards to science, technology, engineering and math (STEM) education.

**Looking Ahead**
While there has been significant action on ESEA, the conference period required for the House and Senate to agree on a single bill could be lengthy. Less progress has been made on the other bills. Both the House and Senate are currently holding hearings on HEA reauthorization but as of yet neither chamber
has agreed to any legislation. Serious discussion of the Perkins Act will likely fall in line behind the other two bills.

For reference, download the STEM Education Coalition's reference guide on these three bills.

Join the Team, Host a Congressional Facility Visit Today!

Threats and opportunities abound on Capitol Hill and engagement is the key to ensuring lawmakers understand how their actions impact your company and its employees. One of the most effective and impactful ways to participate in the policymaking process is to host a facility visit for your elected officials and their staffers.

With water infrastructure funding in the crosshairs, transportation reauthorization pending, the introduction of burdensome EPA mandates and pipe preference language changes on the horizon, now is the time to host a facility visit for lawmakers and/or congressional staffers to show what your company does and how it fits into the broader construction industry.

Contact ACPPA's government affairs counsel today to get the ball rolling.

You don't need to be an infrastructure policy expert or even current on congressional news and happenings. Just be yourself! All parties benefit: Members of Congress meet your employees and show their commitment to the local business community while witnessing your company’s contribution to the economy.

Hosting a facility visit is an easy and fun way to raise the profile of your company and your industry. It's also a great way to build relationships with the legislators who will serve your interests down the road. Get the process started today!
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

Water Supply

Bend’s Bridge Creek Pipeline Almost Done

The city of Bend has decided losing access to Tumalo Falls this summer is a fair price to pay for clean and tasty drinking water. Luckily for hiker and utility manager alike, the wait is almost over.

Five Questions: Old Water Pipes and Your Health

For all the excitement over high-tech drugs and surgical procedures, clean drinking water is one of the top life-saving health advances of the modern age. Yet billions do not have access to it. According to a June report by the World Health Organization, at least 1.8 billion people still drink water contaminated with feces.

Even in the Drought, America is Leaking Water
08/20/2015  http://www.cnbc.com/2015/08/20/even-in-the-drought-america-is-leaking-water.html

One-third of the country is in a drought, according to the federal government, affecting 95 million people. Despite the urgency, America is still losing a lot of water it still has. There are nearly a quarter-million water main breaks a year, according to the American Water Works Association.

Underground Infrastructure

A New Way to Get to Those Hard-to-Reach Parts
08/03/2015  http://www.mswmag.com/online_exclusives/2015/08/a_new_way_to_get_to_those_hard_to_reach_parts

Many municipalities are putting their facilities managers in tough situations with their aging equipment. Some of their old machinery or pumps or devices were put in place when there was either no thought that they might break down one day or how someone in the future might get to the part they need to replace.
Schiavoni Proposes Bond Issue for Underground Infrastructure
State Sen. Joe Schiavoni is working to create funding that could benefit Mill Creek MetroParks. Schiavoni, D-Boardman, wants to create a state bond issue for underground infrastructure, similar to one already in place for roads and bridges.

National Fuel reminds customers: 'Call Before You Dig'
In recognition of National 811 Day on Aug. 11, National Fuel reminds homeowners and professional contractors to "Call Before You Dig." Before starting any excavation projects this year, call 811, a toll-free national phone number, or visit www.call811.com.

Trenchless Companies Form Strategic Alliance
08/10/2015  http://tmb.bigdrum.net/content/trenchless-pipe-companies-form-strategic-alliance
HammerHead Trenchless Equipment, a Charles Machine Works company, has announced it has formed a strategic alliance with RS Lining Systems, LLC, the provider of RS Technik pipe rehabilitation solutions in the Americas. This will complete the suite of nonintrusive rehabilitation solutions available to HammerHead customers.

How to See Invisible Infrastructure
08/14/2015  http://www.theatlantic.com/technology/archive/2015/08/how-to-see-invisible-infrastructure/401204/?single_page=true&print=
It’s a struggle to explain the 14th Annual International Utility Locate Rodeo to anyone outside of the utility-locator world. To begin with, most people don’t realize there is a utility-locator world—who utility locators are, what they do, and how they do it.

Pipe’s Age is One of Many Factors that Might Explain Failure
Hundreds of miles of water pipes run beneath the ground of Luzerne County. Many of them are very old, like the 126-year-old main that burst Tuesday in Kingston and left thousands without water for days.

Coal Ash Safety and Disposal

TDEC Issues Administrative Order Against TVA On Coal Ash Disposal
The Tennessee Department of Environment and Conservation (TDEC) on Friday issued a Commissioner’s Order to the TVA directing the investigation, assessment and remediation of coal ash disposal sites.
Coal Storage Expansion Causes Dust Concerns at Wisconsin Power Plant
With plans to increase the coal storage capacity at its Oak Creek power plant near Milwaukee, We Energies has recently raised concerns about human health and the environment.

A New Day for Coal Ash Recycling
08/11/2015  http://www.energybiz.com/article/15/08/new-day-coal-ash-recycling
The coal ash recycling industry went into a tailspin after a major 2008 spill at a TVA plant in Kingston, Tenn., prompted the EPA to question whether coal ash should be treated as hazardous material. Last December, however, the EPA relented, to a point anyway. As a result, recycling of coal ash now appears to be coming back to life.

EPA Permits Unlimited Use of Toxic Coal Fly Ash in Chemical Geoengineering Operations
The U.S. Environmental Protection Agency (EPA) is well known for working directly with industry lawyers and lobbyists to ensure that corporate interests are served first, second and third. Whether it’s rule-making or regulation-changing at the federal or state level, the high-paid corporate lobbyists are always the first through the EPA door.

Some Residents Had Health Problems from PPL Ash Spill
08/17/2015  http://www.lehighvalleylive.com/opinion/index.ssf/2015/08/some_residents_had_health_prob.html
I want to address the statement by Talen Generation LLC spokesman Todd Martin that the Pennsylvania Department of Health determined there was "no adverse impact to human health ... because residents were not exposed to the material" from the PPL fly ash spill in 2005 in Lower Mount Bethel Township.

$18 Million Lawsuit Filed over Coal-ash Worker’s Death
The safety contractor for the cleanup of the coal-ash spill at TVA’s Kingston Fossil Plant knew the fly ash was toxic but didn’t take steps to protect workers from serious health hazards, a lawsuit alleges.

Duke study: Residential Wells Not Contaminated by Coal Ash
Duke Energy on Monday released a self-funded study stating Buck Steam Station’s coal ash ponds aren’t the reason for nearby water wells being declared unsafe.
Steel and Plastic Pipe

Century-old Birmingham Steel Mill to Close
U.S. Steel Corp. said Monday that it will close its Fairfield Works mill, one of the largest remaining pieces from Birmingham's years as a Southern steel-making giant. The decision will affect about 1,100 workers at the roughly century-old plant, company spokesman Sarah Cassella said.

Area Firms Contest Workplace Safety Citations
Two area businesses facing Occupational Safety and Health Administration citations for workplace safety violations have opted to contest the department's findings. Hyatt Ball Co., of Fort Edward, was hit with 48 serious violations of federal workplace safety laws in April, as a result of an inspection prompted by employee complaints.

ASCE Launches New Institute for Pipeline Engineers
The American Society of Civil Engineers (ASCE) has formally launched its Utility Engineering and Surveying Institute (UESI), the first national organization designed to provide a broad-based forum for the exchange of ideas and best practices among utility- and pipeline-infrastructure engineers and surveyors.

REGULATORY RESULTS

Water Supply

Environmental Protection Agency | Final Rule | Water Quality Standards Regulatory Revisions
EPA updates the federal water quality standards (WQS) regulation to provide a better-defined pathway for states and authorized tribes to improve water quality and protect high quality waters.

Cement

Department of Labor | Proposed Rules | Occupational Exposure to Beryllium and Beryllium Compounds
The Occupational Safety and Health Administration (OSHA) proposes to amend its existing exposure limits for occupational exposure in general industry to beryllium and beryllium compounds and promulgate a substance-specific standard for general industry regulating occupational exposure to beryllium and beryllium compounds.
Environmental Protection Agency | Notice | Applicability Determination Index (ADI)
This notice announces applicability determinations, alternative monitoring decisions, and regulatory interpretations that EPA has made under the New Source Performance Standards (NSPS); the National Emission Standards for Hazardous Air Pollutants (NESHAP); and/or the Stratospheric Ozone Protection Program.

Tennessee Valley Authority | Notice of Intent | Applicability Determination Index (ADI)
The Tennessee Valley Authority (TVA) intends to prepare an Environmental Impact Statement (EIS) to address the closure of coal combustion residual (CCR) impoundments at its coal-fired power plants.

Infrastructure

Department of Homeland Security | Notice | National Infrastructure Advisory Council
The National Infrastructure Advisory Council will meet Friday, September 11, 2015, at the Navy League Building, 2300 Wilson Blvd. Arlington, VA 22201. This meeting will be open to the public.

Pipeline Safety

Department of Transportation | Notice | Pipeline Safety: Request for Revision
PHMSA invites public comments on our intention to request the Office of Management and Budget's (OMB) approval to revise this information collection.

LEGISLATIVE RESULTS

Water Supply

08/04/2015  https://www.congress.gov/bill/114th-congress/senate-bill/1936/text?q=%7B%22%5D%7D&resultIndex=2
To provide for drought preparedness measures in the State of New Mexico, and for other purposes.