

December 21, 2018 – VOLUME 15, ISSUE 12

Infrastructure Poised to be Top Agenda Item in 2019 ... Maybe

ACPPA and our North American Concrete Alliance allies have been making the rounds on Capitol Hill in recent weeks, laying the foundation for an aggressive infrastructure push in early 2019. There's a sense of optimism that infrastructure could be the one area where President Trump and the Democrats who will be in control of the House of Representatives next year could see eye-to-eye.

Here are some of the themes that have emerged from our Hill meetings:

- Infrastructure could move early in the next Congress. Both Incoming House Speaker Nancy Pelosi (D-Calif.) and President Trump have pointed to infrastructure as one area (potentially the only area?) of bipartisan agreement. But for a big infrastructure bill to happen, it will have to start moving quickly. The longer lawmakers wait, the closer the 2020 elections will get and the harder it will be Republicans and Democrats to work together.
- Infrastructure legislation could proceed in separate parts. A compromise tax bill that raises revenues could come first and policy decisions about how to spend the money in various infrastructure modes could come later. Finding new money would make highway reauthorization (which has to happen by Sept. 30, 2020) easier. Republicans have been reluctant to support a gas tax increase, fearing backlash from their political base. If President Trump jumps on the user fee bandwagon, it will give the GOP rank and file cover. But some Democrats want to pay for infrastructure by rolling back recent corporate tax cuts. That will be non-starter for Trump and Senate GOP leaders.
- Rep. Peter DeFazio (D-Ore.), the incoming chairman of the House Transportation & Infrastructure (T&I) Committee wants to make infrastructure the first order of business. Expect lots of hearings and outreach to stakeholder groups and members of Congress on both sides of the aisle to craft a consensus bill that can pass both the House and Republican-controlled Senate.
- DeFazio's [personal infrastructure priorities](#) are well known. He's been touting his "A Penny for Progress" (P for P) plan to pay for increased investment. P for P would authorize the U.S. Department of Treasury to issue 30-year "Invest in America Bonds" which would be repaid using revenues from indexing the gasoline and diesel user fees. DeFazio also wants to take the Harbor Trust Fund off budget to provide more resources for coastal and inland harbors and lift the cap on passenger facility charges so airports can raise money for terminal and runway improvements.
- New members of Congress are going to be an important part of the equation. T&I could have as many as 20 new members. Educating those newbies about existing federal programs, funding mechanisms and national needs will be a top priority, both for groups like ACPPA and T&I leadership.
- Earmarks might make a comeback. Congress got rid of earmarks in 2011 over concerns about wasteful spending and the appearance of corruption. However, there's growing recognition on the Hill that earmarks allow Congress to direct investment towards specific priorities. Getting rid of

earmarks shifted decision-making power to executive branch bureaucrats. And including individual member priorities in legislation has historically made it easier to pass a big infrastructure bill. Earmarks weren't exactly outlawed in 2011; they were banned by Republican caucus rules. Democratic rules don't prohibit earmarks, which makes bringing them back easier.

- Water infrastructure is also on the radar screen. There's interest in reauthorizing the Clean Water State Revolving Loan Fund and boosting investment. But that could open the door to partisan battles over regulatory issues (see related article about WOTUS in this issue of *Actionline*). We're reminding folks on the Hill that although Congress did pass important drinking water legislation this year, needs dramatically outstrip available funding and additional investment has to be part of the equation.
- With Democrats taking charge in the House, energy efficiency, climate change and resiliency will all be persistent themes in the infrastructure conversation. To succeed in the new political environment, stakeholders will need to emphasize "the green side of things" (as one congressional staffer put it). The focus on carbon emission could pose challenges for the cement and concrete sector, but we win when it comes to resiliency.

2019 is going to be filled with opportunities and challenges on the Hill. ACPPA will stay engaged on your behalf and continue to be a resource for members who want to make an impact on the process. 

Canada Infrastructure Minister Touts 2018 Infrastructure Accomplishments

François-Philippe Champagne, Canada's minister of infrastructure and communities released an update this month about Infrastructure Canada's activities over the past year and its efforts to implement the government's more than \$180 billion [Investing in Canada](#) plan.

According to Minister Champagne, since the plan was launched in 2016, more than 4,700 projects have been approved and more than 98 percent are underway or completed. Highlights of Infrastructure Canada's activities include:

- New long-term agreements with all provinces and territories to allow communities to make investments in priority areas such as new water and wastewater, broadband infrastructure, community recreation areas and public transit projects.
- The [Disaster Mitigation and Adaption Fund](#), a new program that will help communities invest in significant local projects to better prepare and cope with the impacts of climate related natural hazards such as floods, wildfires, earthquakes and droughts.
- The [Smart Cities Challenge](#), which is supporting 20 finalists from across Canada to use innovative solutions to solve local challenges using data and technology.
- Construction of the [new Champlain Bridge](#), which will open no later than June 30, 2019 and ensuring the existing Champlain Bridge remained open and safe.
- Starting construction on the new [Gordie Howe International Bridge](#), which will improve the flow of travelers and the more than \$173 billion in bilateral trade that crosses through the Windsor-Detroit border each year.
- The [Canada Infrastructure Bank's](#) investment in the Réseau Express Métropolitain in Montreal, which will connect downtown with surrounding suburbs through a 67-kilometer light-rail network.
- Improved data and information about Canada's infrastructure assets and investments through [Canada's Core Public Infrastructure](#) survey and the [Infrastructure Economic Account](#).

- Working with the provincial and territorial governments on a progress billing pilot program that will ensure payments are made as construction takes place.

Infrastructure Canada is one of 14 federal departments and agencies that are delivering more than 70 new infrastructure funding programs established under the Investing in Canada plan. For a comprehensive look at all the infrastructure activity underway, go to: to: www.infrastructure.gc.ca/plan/funding-financement-eng.html.

INVESTING IN CANADA PLAN - INFRASTRUCTURE CANADA RESULTS:



Source: Infrastructure Canada. For online version go to: www.infrastructure.gc.ca/plan/icp-results-resultats-pic-eng.html.

EPA and Army Propose New "Waters of the United States" Definition

The Trump administration is continuing its efforts to resolve widespread concerns surrounding the definition of the "waters of the United States" (WOTUS). A new definition adopted during the Obama administration defined WOTUS so broadly that landowners, farmers, developers and others feared it would dramatically expand the scope of the U.S. Environmental Protection Agency's (EPA) jurisdiction and threaten development in areas previously not subject to federal regulation.

On Dec. 11, [EPA and Army Corps of Engineers proposed](#) a "clear, understandable, and implementable" WOTUS definition to clarify federal authority under the Clean Water Act. Unlike the Obama administration's 2015 WOTUS definition, the new proposal contains a definition regulators say is more "straightforward" that would result in significant cost savings, protect the nation's navigable waters, help sustain economic growth, and reduce barriers to business development.

"Our proposal would replace the Obama EPA's 2015 definition with one that respects the limits of the Clean Water Act and provides states and landowners the certainty they need to manage their natural resources

and grow local economies,” EPA Acting Administrator Andrew Wheeler said in a statement. “For the first time, we are clearly defining the difference between federally protected waterways and state protected waterways. Our simpler and clearer definition would help landowners understand whether a project on their property will require a federal permit or not, without spending thousands of dollars on engineering and legal professionals.”

The agencies’ proposal is the second step in a two-step process to review and revise the definition of “waters of the United States” consistent with President Trump’s [February 2017 Executive Order](#) entitled “Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule.” The Executive Order states that it is in the national interest to ensure that the nation’s navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty and showing due regard for the roles of Congress and the states under the Constitution.

“EPA and the Army together propose this new definition that provides a clear and predictable approach to regulating ‘waters of the United States.’ We focused on developing an implementable definition that balances local and national interests under the Clean Water Act,” Assistant Secretary of the Army for Civil Works R.D. James said. “I have heard from a wide range of stakeholders on Clean Water Act implementation challenges. This proposed definition provides a common-sense approach to managing our nation’s waters.”

The agencies say the proposed rule would provide clarity, predictability and consistency so that the regulated community can easily understand where the Clean Water Act applies—and where it does not. Under the agencies’ proposal, traditional navigable waters, tributaries to those waters, certain ditches, certain lakes and ponds, impoundments of jurisdictional waters, and wetlands adjacent to jurisdictional waters would be federally regulated. It also details what are not included in the WOTUS definition, including features that only contain water during or in response to rainfall (e.g., ephemeral features); groundwater; many ditches, including most roadside or farm ditches; prior converted cropland; stormwater control features; and waste treatment systems.

The agencies say this proposed definition appropriately identifies waters that should be subject to regulation under the Clean Water Act while respecting the role of states and tribes in managing their own land and water resources. States and many tribes have existing regulations that apply to waters within their borders, whether or not they are considered “waters of the United States.” The agencies’ proposal gives states and tribes more flexibility in determining how best to manage their land and water resources while protecting the nation’s navigable waters as intended by Congress when it enacted the Clean Water Act.

The response from the business community to the Trump administration’s proposal was positive. “This new rule is good news for businesses, farmers, and localities because it strikes a better balance between economic growth and environmental progress than the rule it replaces,” U.S. Chamber of Commerce Global Energy Institute President & CEO Karen Harbert said. “The previous rule gave EPA and the Army Corps unprecedented authority to permit and enforce areas well beyond what Congress intended. This revised rule will end a great deal of uncertainty that came in the wake of the former rule, and it will provide much-needed clarity.”

But that positive sentiment wasn’t universal. Rep. Peter DeFazio (D-Ore.) and Grace Napalitano (D-Ca.), respectively the ranking members of the House Transportation & Infrastructure Committee and water resources subcommittees, issued a statement saying that, “Now is not the time to cut back on the protections of our nation’s clean water. Clean and safe water is a basic human need. Unfortunately, this Administration

has made it a priority to dismantle the Clean Water Act, regardless of the science or the law. The President's #DirtyWaterRule puts our water and health at risk, and must be stopped."

With strong feelings on both sides of aisle, WOTUS will no doubt stay in the spotlight as Democrats take control of the House of Representatives next year.

The EPA/Army Corps proposal will be open for comment for 60 days after publication in the *Federal Register* (as of Dec. 19, the proposal had not yet been published). More information including a pre-publication version of the Federal Register notice, the supporting analyses and fact sheets are available at: www.epa.gov/wotus-rule. 

Pressure Pipe Post

ACPPA's Monthly Source for Industry News

December 2018

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

Industry

Underground Construction Technology Returns to Fort Worth, Jan. 29-31

12/17/2018 <https://informedinfrastructure.com/44363/underground-construction-technology-returns-to-fort-worth-jan-29-31/>

The Underground Construction Technology (UCT) International Conference & Exhibition returns to Fort Worth, Texas, in January. Hosted by Underground Construction magazine, UCT is the premier annual event for professionals employed in the underground utility/pipeline construction and rehabilitation industries.

Infrastructure Policy

A Tale of 'Smart' Cities

12/20/2018 <http://www.realvail.com/a-tale-of-smart-cities/a5839>

Denver is known as one of the most innovative, forward-thinking cities in the country. Despite that, our city still faces many challenges.

[Louisiana] Sewerage & Water Board Seeks \$40 Million Bond for Drainage System

12/19/2018 <https://www.nola.com/politics/2018/12/sewerage-water-board-seeks-40-million-bond-for-drainage-system.html>

Looking to bolster its drainage system, the Sewerage & Water Board took steps Wednesday (Dec. 19) toward issuing a \$40 million bond to help finance around \$166 million in construction projects budgeted for next year. Utility officials also approved a budget for 2019 that boosts operating spending, but lags far behind estimated construction needs that have been constrained by tight finances.

[Washington] Longview Finds New Drainage System, Storage Units Won't Harm Environment

12/19/2018 https://tdn.com/news/local/longview-finds-new-drainage-system-storage-units-won-t-harm/article_0c344235-0fc6-5b01-9ff2-5d69e54b5c37.html

The City of Longview has found that the construction of a closed-pipe storm drainage system to replace the existing box culvert in the median of Beech Street between 20th and 28th avenues would not negatively affect the environment.

[Ontario] City Looking at Options to Soften Impact of Water, Sewer Rate Hikes

12/14/2018 <https://www.timminspress.com/news/local-news/city-looking-at-options-to-soften-impact-of-water-sewer-rate-hikes>

Timmins city council is being pushed to make a tough decision on how much to raise the water and sewer rates for 2019.

[Wisconsin] Park Falls Begins Dumping Water into River

12/12/2018 https://www.apg-wi.com/park-falls-begins-dumping-water-into-river/article_e5de77c3-2a9c-5a54-953b-4c95ea17091e.html

When the Flambeau River Paper mill closed down its largest paper making machine early this year, the City of Park Falls also felt the pain. The machine that was shut down was the largest user of municipal water in the city, and although the mill continues to operate, the number of gallons needed for the papermaking process has dropped dramatically.

[Colorado] City Unveils Long List of Capital Improvement Projects

12/10/2018 https://www.gjsentinel.com/news/western_colorado/city-unveils-long-list-of-capital-improvement-projects/article_1bb2bbc0-fcab-11e8-b6fe-10604b9ffe60.html

The new year promises a host of capital improvement projects in Grand Junction, with some of an expected \$42 million investment next year aimed at popular public amenities, but most invested in nuts-and-bolts infrastructure.

New Report Details Montana's Aging Infrastructure

12/06/2018 <https://ktvq.com/news/montana-news/2018/12/06/new-report-details-montanas-aging-infrastructure/>

The American Society of Civil Engineers compiled the report over the last year. Ten areas were examined including the state's bridges, drinking water, dams, energy, rail, roads, schools, solid waste, stormwater and wastewater.

[Ontario] Hamilton Residents Paid More for Water than the City Needed in 2018

12/06/2018 <https://www.cbc.ca/news/canada/hamilton/hamilton-water-1.4935545>

Hamilton Water has \$18 million left over from last year's budget, and local water rates are still set to increase by 4.66 per cent.

Materials**[Indiana] Large Amounts of Fly Ash In Unpermitted Areas Of Tanners Creek Plant Site**

12/20/2018 <https://www.eaglecountryonline.com/news/local-news/idem-finds-large-amounts-of-fly-ash-in-unpermitted-areas-of-tanners-creek-plant-site/>

Coal fly ash is not just located within designated landfills at the former Tanners Creek Power Plant property in Lawrenceburg.

Know How Blended Cement Makes a Concrete Structure Durable and Fly-Ash Improves its Strength

12/19/2018 <https://www.constructionworld.in/News/Know-how-blended-cement-makes-a-concrete-structure-durable-and-fly-ash-improves-its-strength/114353>

Blended cement makes sense economically, environmentally and functionally. Greater awareness of these benefits could pave the way for more blending. ACC is India's first cement company to be awarded the GreenPro certification by the Confederation of Indian Industries for all its eco-friendly, blended cement products.

Bill Currey: South Charleston Made Right Choice to Develop Industrial Site

12/01/2018 https://www.wvgazette.com/opinion/gazette_opinion/op_ed_commentaries/bill-currey-south-charleston-made-right-choice-to-develop-industrial/article_acc951b3-a474-5e50-8b5e-6be82c8a0673.html

The recent op-ed by Howard Swint, headlined "South Charleston's Gamble" left the impression that maybe the City of South Charleston had bit off more than it could chew with the acquisition of the former FMC fly ash impoundment. It posed several "what-if" situations which were not particularly well explained or proven.

Projects**[Ontario] What's Going on with Alder Street?**

12/19/2018 <https://www.sachem.ca/news-story/9091711-what-s-going-on-with-alder-street/>

All of the underground infrastructure, including the sanitary sewers, storm sewers and watermains, have been replaced.

[West Virginia] Commission Gives Additional \$60K for Project

12/19/2018 http://www.herald-dispatch.com/news/putnam_news/commission-gives-additional-k-for-project/article_76e5776d-5efd-52bd-8dc1-537c1f4308be.html

The total project was about \$16 million and was funded through a TIF district. The extra money will pay to fix a pipe underneath the parking lot that was compromised during construction.

[Maine] Livermore Falls Agrees to Patch Sewer Main

12/05/2018 <http://www.sunjournal.com/livermore-falls-agrees-to-patch-sewer-main/>

Selectmen approved spending \$5,000 Tuesday to have two patches put in a sewer main that is in disrepair and starting to collapse on lower Depot Street.

[Florida] Is Something in the Air at Miami's Art Fairs? Might Be a Sewage Spill12/05/2018 <https://www.miamiherald.com/news/local/environment/article222662665.html>

A construction contractor broke a 16-inch sewage pipe Tuesday, spilling just over 9,200 gallons of poopy waste at the corner of Northeast Second Avenue and 30th Street and into storm drains that flush into Biscayne Bay.

[Florida] Lakes Drying Up, Fish Dying from Sewage Pipe Construction12/03/2018 <http://www.nbc-2.com/story/39580213/sewer-construction-sucks-water-from-neighborhood-lakes-killing-fish>

The water was sucked out of the lakes in Suncoast Lakes because of a sewage pipe construction project more than a half mile away, according to Charlotte County Public Utilities Manager Craig Rudy.

Workforce Development**Colorado Civil Construction Firm Completes School Outreach**12/20/2018 <https://newswire.net/newsroom/pr/00106600-http-milestoneco-us.html>

Fort Collins, Colorado civil construction firm Milestone Companies announced the successful completion of a community educational outreach program in the neighboring town of Keenesburg. The northern Colorado sewer line repair company hosted an on-site program for students of Hoff Elementary School.

[West Virginia] Editorial: Build the Pipelines but Stop the Relentless Appeals12/19/2018 https://www.wvgazette.com/opinion/daily_mail_opinion/daily_mail_editorials/daily-mail-editorial-build-the-pipelines-but-stop-the-relentless/article_364f9994-ae66-58d7-a502-8bc0111bd35c.html

There are about 4,500 skilled craftspeople in West Virginia, Virginia and North Carolina trained, able and ready to work right now. But instead, they are idled. These folks would be working, earning paychecks, paying taxes and buying groceries and presents for a big family Christmas. Instead, they are waiting for word of when — or if — their jobs will resume.

REGULATORY RESULTS**Water Infrastructure****Environmental Protection Agency | Notice | Meetings of the Local Government Advisory Committee and the Small Communities Advisory Subcommittee**

12/20/2018 <https://www.govinfo.gov/app/details/FR-2018-12-20/2018-27608/summary>

The focus of the Committee meeting will be on issues pertaining to water and water infrastructure; emerging contaminants; superfund and brownfields; risk communication and other issues in EPA's Strategic Plan.

Department of the Interior | Notice | Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Actions

12/18/2018 <https://www.govinfo.gov/app/details/FR-2018-12-18/2018-27329/summary>

Notice is hereby given of contractual actions that have been proposed to the Bureau of Reclamation (Reclamation) and are new, discontinued, or completed since the last publication of this notice.

Water Quality**Environmental Protection Agency | Proposed Rule; Incorporation by Reference | Water Quality Standards; Establishment of a Numeric Criterion for Selenium for the State of California**

12/13/2018 <https://www.govinfo.gov/app/details/FR-2018-12-13/2018-26781/summary>

The Environmental Protection Agency (EPA) is proposing to establish a federal Clean Water Act (CWA) selenium water quality criterion applicable to California that protects aquatic life and aquatic-dependent wildlife in the fresh waters of California.

Materials**Tennessee Valley Authority | Notice | Environmental Impact Statement for Gallatin Fossil Plant Surface Impoundment Closure and Restoration Project**

12/07/2018 <https://www.govinfo.gov/app/details/FR-2018-12-07/2018-26531/summary>

The Tennessee Valley Authority (TVA) intends to prepare an Environmental Impact Statement (EIS) to address the potential environmental effects associated with management of coal combustion residual (CCR) material at the Gallatin Fossil Plant (GAF) located near Gallatin in Sumner County, Tennessee.

LEGISLATIVE RESULTS

Water Infrastructure

H.R. 7279 | Introduced by Rep. Gibbs, Bob (R-Ohio) | Water Infrastructure Improvement Act

12/12/2018 <https://www.congress.gov/bills/115/congress/house-bills/7279>

To amend the Federal Water Pollution Control Act to provide for an integrated planning process, to promote green infrastructure, and for other purposes.

