So Much at Stake
Even in ruby-red Texas, your vote matters

Also Inside
☞ NESHAP, Fly Ash Rules
☞ Resilience is the New Sustainability, Part 2
☞ Governmental Affairs Update
Kirby-Smith Machinery, Inc.

Rents:

• Crushing
• Screening

Abilene
877.577.5729

Amarillo
800.283.1247

Dallas
800.753.1247

Ft. Worth
877.851.9977

Kansas City
877.851.5729

Lubbock
866.289.6087

Odessa
877.794.1800

Oklahoma City
800.375.3339

St. Louis
866.279.1392

Tulsa
800.375.3733

www.kirby-smith.com
FEATURES

6 SO MUCH AT STAKE
Even in ruby-red Texas, your vote matters
NICK GUSTAV

9 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS
Plus: How proposed fly ash rules could affect your business
JEAN FEINGOLD

13 RESILIENCE IS THE NEW SUSTAINABILITY, PART 2
Resilience in green building, rebuilding stronger and greener, strengthening building codes for all
TIEN FENG, LIONEL LEMAY AND JON HANSEN, NRMCA

ALSO

15 GOVERNMENTAL AFFAIRS UPDATE
Representing TACA at every level of government
CHRISTY HINCHLEY, KGBTEXAS.COMMUNICATIONS

16 ANNUAL MEETING RECAP
Networking, education and best practices at Austin’s Barton Creek Resort, June 25-27

17 WELCOME NEW TACA MEMBER
Scofield: Concrete coloring, texturing and performance
For our customers.
For our neighbors.
For our environment.

It’s not just what we make, it’s what we make possible.℠

2012-2013 Board of Directors

Larry Roberts, Chairman
Martin Marietta Materials
San Antonio, TX

Roy Kirkpatrick, Vice Chairman
Knife River Corporation, South Region
Bryan, TX

Jamie Rogers, Treasurer
Texas Industries, Inc.
Dallas, TX

Weldon Ratliff, Secretary
Ratliff Ready-Mix, LP
Waco, TX

Earl Ingram, PhD, PE, Immediate Past Chairman
Ingram Readymix, Inc.
New Braunfels, TX

Tommy Abbott, Director
ARGOS USA South Central
Irving, TX

Allen Ferguson, Director
Trinity Industries, Inc.
Dallas, TX

Jerry Gaubert, Director
Custom-Crete, an Oldcastle APG TX Inc.
Company
Dallas, TX

Tom Green, Director
CEMEX, Inc.
New Braunfels, TX

Jim Greer, Director
BASF Construction Chemicals
Dallas, TX

Lee Hunter, Director
Texas Lehigh Cement Company
Buda, TX

Wallace H. Johnson
U.S. Concrete, Inc.
Houston, TX

Terry Koy, Director
Koy Concrete, Inc.
Sealy, TX

Jeff Lott, Director
Vulcan Materials Company
San Antonio, TX

David Littiken, Director
OK Concrete Company
Wichita Falls, TX

Kelly McDonald, Director
Ash Grove Texas, LP
Houston, TX

TEXAS LEHIGH CEMENT COMPANY, LP

Quality Cements For Texas!

www.texaslehigh.com

www.martinmarietta.com

View past issues of the TACA Conveyor online at www.tx-taca.org
The other day, I was at lunch with a general manager, a sales manager, and a quality control manager. About halfway through the chicken fried steak, one of them dropped a question on the table—a question I would characterize as a “plutonium type question,” meaning one that nobody wants to deal with. Notice that I said “deal with,” not “answer.”

The question hung in the air for an uncomfortable moment as they looked to me for some wisdom, or a Kreskin-like response. The answer I came up with was not what they expected. I told them, very plainly, “The problem with our industry . . . is us.”

More than at any other time in the history of our industry, right now we have enormous pressure bearing down on us. We face emission regulations on cement production, the potential reclassification of fly ash as a hazardous waste, rising fuel prices, a shortage of qualified drivers to support the transportation of our products, more stringent technical specifications (and limitations) on the materials we produce, and a looming issue regarding the sustainability classification and labeling of our products. None of these things are going to improve in the foreseeable future. Their response was less than positive. How is any of this our fault, they asked. I told them that those are just the causes of our current situation. We control the effects.

Despite the challenges we face in the current marketplace, our aggregates and concrete products are poised to have a greater value than ever.

Despite the list of challenges we face only serves to increase the value of what we produce. Consider all of the competing materials within the construction materials market. None offer the durability, sustainability, or resiliency of the aggregates and concrete we produce. None. This is a message that we control. Controlling that message is what determines the value. Looking at the increasingly dire regulatory environment, higher fuel costs, and the labor shortage as the source of our problems is just an excuse. The fact is, those issues are providing us with an ideal opportunity to increase the value of our products within our communities and with our customers. So, the next time I am at lunch with you, and you ask what’s wrong with our industry, I’ll give the same answer: we are. And I’ll take the opportunity and to ask what you did today to improve the value of our products. And I’ll even pick up the tab.
Constrained by the threat of higher taxes, unnecessarily strict environmental regulations, a burdensome health-care law and economic uncertainty, TACA’s membership needs to send a statement to Washington, and voting in large numbers is the most effective way to speak out.

“Even if you think Romney is going to carry the state, that doesn’t matter—you still need to vote to show that 60 percent of Texans believe this is the direction in which we want to go, or not go,” said TACA President Richard Szecsy. “Every vote counts, and our members need to know that.”

Szecsy said this election is among the most important in recent history because it presents a crystal-clear choice: an Obama administration that has hurt the construction industry through its economic and environmental policies, or a Romney presidency that promises to unshackle business from the burdens of government.

Strict Environmental Regulations

In June, the cement, aggregates and concrete industry got a break when the U.S. Environmental Protection Agency, at the urging of industry stakeholders, proposed amendments to air-quality rules it had set in 2010 to govern cement manufacturing.

The National Emissions Standards for Hazardous Air Pollutants (NESHAP) requires expensive upgrades to equipment at cement plants in an effort to reduce toxic emissions. The amendments recommend delaying the implementation of NESHAP from 2013 to 2015, which was good news for Texas, which accounts for 15-20 percent of the nation’s concrete production, Szecsy said.

Bob Sullivan, CEMEX USA’s vice president of government affairs, said NESHAP is the biggest environmental issue currently affecting his company.

“CEMEX is pleased with the new NESHAP proposal issued by the EPA,” he said. “This new proposal allows the cement industry additional time to make investments and operational changes necessary to comply with the new standards.”

But other regulatory challenges loom, including an EPA effort to have fly ash, the waste produced from burning coal to generate electricity, classified as hazardous waste under the Solid Waste Disposal Act. Recycled fly ash is a key component in construction materials such as drywall and concrete, so classifying it as a hazardous waste would harm the construction industry, Szecsy said, adding that the proposal currently is in draft form and could become law.

“In the proposal, there’s talk about continuing to allow fly ash for beneficial use, but once something is designated as a hazardous waste, you have to look at the potential legal liability and perception problems associated with that,” said David Perkins, vice president of environmental, government and public affairs for Texas Industries Inc. and
chairman of TACA’s Government Affairs Committee.

“That really has the potential to eliminate the use of fly ash, and when you look at lowering the energy intensity and extending the use and durability of concrete, that’s one of the materials that’s probably best suited for that, so that’s a real challenge.”

Szecsy said that while everyone wants clean air and water, unnecessarily strict environmental regulations threaten to shutter cement plants in Texas and would simply move concrete production to countries with weaker regulations. The benefit to the environment, therefore, would be negligible, but the resulting job losses in the United States would hurt an already-fragile economy.

The Second-Term Scenario

If Obama wins re-election, the second-term president wouldn’t have to worry about future campaigns and would have a green light to further increase regulation.

If Democratic voter turnout is especially high, the party likely would retain control of the Senate and might even retake the House of Representatives, driving the agenda for the next four years farther to the left of the political spectrum.

“There would be no reins on the horses anymore,” Szecsy said. “They could do whatever they want, and it will be a negative business environment. The wagons will continue to stay circled. Cash won’t be spent; it will be hoarded because of the unpredictability of the business climate.”

Conversely, a Romney win driven by high GOP voter turnout could give control of both houses of Congress to the Republicans and provide a boost to industry.

“If that happens, I think the day after the election, the business community will breathe a sigh of relief because the business climate is going to be more positive,” Szecsy said. “I think people’s confidence will rise.

“Some of those down-ballot races are almost as important as the presidential race because Congress and the Senate control the funding that flows to the states, and Texas, being one of the biggest states, gets a sizeable percentage of every dollar spent on transportation infrastructure.”

‘Anyone but Obama’

Ahead of the GOP national convention in August, Romney had failed to electrify the Republican base, having been battered by a bitter primary fight in which opponents criticized his moderate record in Massachusetts and several well-publicized reversals of policy positions. But Szecsy said the business community will show up in force in November, largely because of dissatisfaction with Obama’s first term.

“I think the energy is 51 percent ABO—anyone but Obama—and 49 percent support for Gov. Romney,” Szecsy said. “(Romney) is at least promoting policies that are more...
business-friendly and predictable. The business community loathes more than anything else unpredictability, and under Obama, you can’t predict what the economic or regulatory environment is going to be like in six months or a year, especially when a lot of his agenda is done by executive order.”

The business community also is wary of possible tax increases in a second Obama term. The president has pledged to renew the Bush-era tax cuts for all Americans for the first $250,000 in income but would eliminate those for higher incomes. Romney, however, has endorsed the budget plan presented by Rep. Paul Ryan (R-Wis.), chairman of the House Budget Committee, which many business leaders hail as pro-growth.

The Ryan plan would limit the top individual income-tax rate to 25 percent, lower the corporate rate from 35 percent to 25 percent and kill the tax provisions of the 2010 Affordable Care Act. Such policies would encourage businesses to hire again, according to the plan’s supporters.

Perkins said that pro-business approach is key for a construction industry that sees unemployment rates as high as 20 percent in some regions, well above the national figure of 8.2 percent in July.

“Romney’s approach tends to be more pro-business and recognizes the need to support private enterprise and the value that that brings to our economy,” Perkins said. “He’s going to be more favorable for our industry. We need someone who is going to bring a long-term focus on restoring jobs in the construction industry. That’s just critical for us.”

In July, Obama signed a $105 billion bill to fund highway construction, but that covered just a fraction of the nation’s growing infrastructure needs.

“We are concerned with the poor condition of America’s transportation and infrastructure system,” Sullivan said. “According to the U.S. Chamber of Commerce, the decaying transportation system costs our economy more than $78 billion annually in lost time and fuel. CEMEX applauds the recent passage of the transportation bill, particularly the new lifecycle costing performance measures. However, the new law does not adequately address the massive deficit in infrastructure investment.”

**Health-Care Concerns**

Szecsy said another big concern for the industry is the Affordable Care Act, the controversial health-care law that has become Obama’s signature piece of legislation. The Supreme Court upheld the bill’s individual mandate to get health insurance by a 5-4 vote in June, though Romney has pledged to repeal the bill.

Szecsy said many concrete and aggregate companies are small, privately held firms with anywhere from five to 25 employees, and the new law places such a big burden on them that many are no longer offering health insurance to employees.

“They’ve already been impacted from a cost standpoint by the Affordable Care Act,” Szecsy said. “Their costs have skyrocketed in the past two years. This is a big issue for small, independent companies, and in Texas, we’ve got a ton of them.”

With so much at stake, Szecsy said it’s critical for TACA members to stay politically engaged. He said TACAPAC, the association’s state-registered political action committee, is prohibited by law from contributing money to presidential or congressional campaigns and instead focuses on local elections. But TACA members are free to donate to any candidate or PAC and volunteer for campaigns.

“All elections are important, and it is critical that TACA member companies and their employees support public officeholders and office-seekers who support the free-market system as well as investment in concrete-intensive public infrastructure,” CEMEX’s Sullivan said.

Nick Gustav is a freelance writer with an interest in the interaction between politics and business.
The U.S. Environmental Protection Agency (EPA) defines National Emission Standards for Hazardous Air Pollutants (NESHAP) as stationary source standards for hazardous air pollutants (HAPs). HAPs are substances known or suspected to cause cancer or other serious health effects including reproductive effects, birth defects or adverse environmental effects.

Before the 1990 Clean Air Act amendments expanded EPA’s authority to regulate HAPs, only seven substances fit this definition: asbestos, beryllium, mercury, vinyl chloride, benzene, arsenic and radon/radionuclides. The 1990 amendments list 188 substances as HAPs including some air pollutants emitted during cement and concrete production. Companies emitting HAPs must apply technology based emissions standards called Maximum Achievable Control Technology (MACT). Both EPA and the states implement and enforce these MACT standards.

Sources emitting HAPs must perform an initial performance test to demonstrate compliance. These companies must install and operate emission control equipment and emission monitors continuously to show compliance.

Where the Rule Stands Now

When NESHAP was first promulgated in September 2010, “no cement manufacturing plant in the country could meet all the requirements of the rule,” noted Bob Kidnew, President of Texas Lehigh Cement Company. “2010 was a time when the industry was least able to implement the rule due the dire state of the economy and the rigor of the new standards,” said Andy O’Hare, Vice President of Regulatory Affairs for the Portland Cement Association (PCA). “PCA challenged the rule in court and the court ultimately sent the rule back to EPA for more work.”

Jean Feingold
Recent developments include EPA’s signing of a public notice on June 22, 2012 reproposing the rule on July 18, 2012 with modifications to some compliance parameters for portland cement. This would also reset the compliance date for the industry to consider, design and install the necessary equipment from September 2013 to September 2015. “This breathing room was sought by PCA and is most welcome considering the state of the construction industry,” said O’Hare. “The additional compliance time will hopefully allow the economy a chance to recover and see the cement industry return to profitability, allowing the industry to be in a position to finance what will still be significant investments to comply with NESHAP.”

Ash Grove Texas opposed many aspects of the 2010 rule because EPA had failed to consider the capabilities of available control technologies and the impact of on-site raw material on emissions. As a result, the company sued on that and other technical aspects of the rule, including the statistical methodology used to create long term emissions standards based on short term stack test data. The resulting court ruling forced EPA’s reconsideration. This yielded positive revisions to the particulate matter standard, but Ash Grove’s Vice President of Environmental Affairs Curtis Lesslie said many monitoring and testing requirements were changed to become unreasonably expensive.

O’Hare is optimistic cement and concrete producers will have taken advantage of the public comment period, which ended August 17, 2012, to support the 2015 compliance reset. EPA is expected to issue a final rule by December 20, 2012. “While the 2015 reset is a positive aspect of the proposal, my industry colleagues and I are concerned that some compliance dates have actually been shortened from September 2013 to June 2013,” noted Lesslie. He said many technical aspects of the rule have changed and they are evaluating how those changes will impact each of Ash Grove’s plants.

“The reset date is important to allow the cement industry time to complete the testing, engineering and installation of equipment necessary to meet the new guidelines,” Kidnew pointed out. He said his company has already completed the engineering work associated with the permit requirements of the 2010 rule. They will reevaluate their engineering timetable and competitive position if the final rule resets the compliance deadline.

“When NESHAP was first promulgated in September 2010, “no cement manufacturing plant in the country could meet all the requirements of the rule.”

— Bob Kidnew, President, Texas Lehigh Cement Company
“Regardless of whether the compliance date is changed or not, we will continue to operate the facility in a manner protective of health and the environment,” he added. “From a company and facility standpoint we intend to meet the rule, continue operations and provide the same quality product to our customers.”

Because the specifics of the final rule will be unknown until at least December 20, 2012, cement companies are working to comply with the 2010 rule. “Ash Grove recently announced a $125 million modernization project for our Midlothian, Texas, cement manufacturing plant, which will include a new preheater, precalcinet production system that will make our facility among the lowest emitting cement producers in Texas,” Lesslie said.

**The Cost of Compliance**

But complying with NESHAP and other regulations comes at a price to cement manufacturers. “We’re the closest cement plant to Houston,” Kidnew said. “I can bring cement in from China cheaper than I get make it here and ship it to Houston. Five, six years ago I could make more money doing it from my plant. Why not now? Energy costs, taxes and government regulations and part of energy costs come from regulation.”

Continued uncertainty surrounding the final rulemaking and whether the September 2013 compliance date still applies greatly affects the cement industry’s ability to plan for the future, said Lesslie. “During the worst economic downturn this industry has experienced since the Great Depression, Ash Grove and the industry are investing billions of dollars into equipment to ensure that we comply with the new rule,” he added. “Some companies are simply choosing to shut down plants or halt modernization projects because of the costs associated with the rule.”

**The Fly Ash Dilemma**

Fly ash and other coal combustion products (CCPs) are currently used as an admixture in concrete and in making residential shingles, wallboard, carpet backing and other products. In other rulemaking, EPA is considering classifying fly ash in two ways. It could be considered hazardous waste if put into landfills but not if it were beneficially used to create products.

“If fly ash is determined to be a hazardous waste for ANY purpose it would have a chilling effect on continued use in concrete,” stressed Tom Adams, Executive Director of the American Coal Ash Association. “Markets tell us the use of a ‘hazardous waste’ in concrete presents an unacceptable risk to the owner, specifier, producer and contractor.” He fears creative tort attorneys would file frivolous suits, liability insurance carriers would not cover designers for projects including fly ash, and building codes would remove potential fly ash use to protect public safety.

“The problem is the marketplace cannot differentiate between the two situations,” said Bob Sparacino, Technical Sales Representative for Headwaters Resources,
“Fly ash reduces permeability, increases ultimate strengths, and mitigates alkali silica reactions which lead to premature deterioration in concrete structures.”

— Tom Adams, Executive Director, American Coal Ash Association

a company that creates construction products using fly ash. “Based on the threat of reclassification, some government agencies have already banned the use of fly ash in their construction projects because they don’t want any ‘hazardous waste.’ They’re saying until there’s a definitive ruling, they’re not going to use it. Potentially it could eliminate all the beneficial uses of fly ash because end users are afraid of liability.”

“Fly ash reduces permeability, increases ultimate strengths, and mitigates alkali silica reactions which lead to premature deterioration in concrete structures,” Adams pointed out. “Alternate materials are available to achieve these goals but those materials are not available in the quantities and at the same low cost as fly ash. The American Road and Transportation Builders Association surveyed departments of transportation across the country and determined that the loss of fly ash as a tool for the transportation industry would cost over $100 billion over the next 20 years.”

Adams said there is no scientific justification for labeling fly ash and other CCPs as “hazardous” or “toxic.” No damage cases related to legitimate beneficial use of any CCP have been filed. He believes EPA wants to apply this label to gain primary enforcement of ash disposal. If fly ash and other ash products become labeled hazardous waste, he said up to 60 million tons of ash will be directed to landfills for disposal. Since landfill space is limited and permitting for new waste facilities is complicated and costly, this could raise disposal expenses for all landfilled materials dramatically.

This issue is not expected to reach the rule stage quickly. Adams said if a fly ash hazardous waste rule were promulgated next year, it would take up to seven years before full implementation. Litigation challenging the proposed rule could add another three years to that schedule.

“The recycling of fly ash and other CCPs is one of the great environmental success stories of our time,” Adams said. “Not only do these materials provide direct and indirect economic benefits estimated to be as much as $23 billion per year, but ash recycling reduces pressure on landfills, provides more sustainable construction projects and helps produce dramatic reduction in greenhouse gas emissions. This success story is threatened simply due to the anti-coal agenda of the current administration and environmental extremists.”

Among other things, Jean Feingold writes about politics and the environment.
Resilience is the New Sustainability

Part 2: Disasters Show the Need to Build for the Future

Resilience in green building, rebuilding stronger and greener, strengthening building codes for all

Tien Peng, Lionel Lemay and Jon Hansen, NRMCA

The first part of this article appeared on pages 8-11 in the Summer 2012 issue of TACA Conveyer. Look for part 3 in the Winter 2012 issue.

Resilience in Green Building

Critical infrastructures and other essential services have enabled societies to thrive and grow and become increasingly interconnected and interdependent from the local to global levels. As a society, we have placed a great deal of emphasis on recycling rates and carbon footprints. We are surprisingly willing to invest considerable amount of upfront capital for a LEED (Leadership in Energy and Environmental Design) Platinum certified building to achieve a mere 14 percent energy efficiency, yet be completely satisfied if the structure meets only the code minimum requirements for seismic or wind load.

Sustainable development entails making long-term use of our resources, including our buildings. It permeates all aspects of infrastructure design, construction and maintenance throughout the life of the structure. Therefore, the life of the building matters. Functional resilience is a building’s capacity to provide viable operations through extended service life, adaptive reuse and the challenges of natural and manmade disasters.

The California Green Building Code, the ASHRAE 189.1 Standard, and the ICC700 (National Green Building Standard) all cite life-cycle assessment (LCA) as a means to promote sustainable building practices. The latest version of LEED rating system developed by the U.S. Green Building Council (USGBC) introduced special emphasis on regionalization and LCA criteria, but does not recognize disaster resilience as one of its standard criteria. The building service life plan (BSLP) elective by the International Green Construction Code (IGCC) gives credit to proposed projects designed to have a 100-year or 200-year life span as approved by the jurisdictions.

This is a good start as building service life is rarely considered but is critical to any analysis of long-term sustainability. Balancing long-term development plans with the ability to adapt to the needs of a rapidly evolving society is vital to the ultimate success of a building life plan.

Rebuilding Stronger and Greener

On the night of May 4, 2007, a 1.7-mile-wide EF5 tornado destroyed 95 percent of the two-mile-wide town of Greensburg, Kan. Winds were estimated to have reached 205 miles per hour in the town. The tornado traveled for 25 miles and was on the ground for about one hour. The outbreak did not end there: a total of 84 tornadoes were confirmed reported on May 5 in the same area. Fourteen more tornadoes were confirmed on May 6 in the same general area before the activity subsided. The Greensburg tornado was the strongest to hit the U.S. since the F5
tornado that hit Moore/Oklahoma City, Okla., on May 3, 1999.

High winds turned the town’s infrastructure into flying debris: 961 homes and businesses were destroyed and over 500 were damaged. Out of a population of about 1,500, 11 people died (most were killed by debris while seeking shelter in basements) and 63 were injured. About 800,000 cubic yards of debris were hauled away. The town received soaking rain that night and the following days, leaving many remaining possessions unsalvageable. Hazardous waste was spread around town and oil storage tanks were damaged nearby, causing problems for the local environment and public safety.

What followed the devastation was unprecedented. A few town officials presented the idea for a model “green” community the week after the tornado struck. The Greensburg City Council approved a resolution that required all city building projects to be built according to LEED Platinum criteria. This initiative has put Greensburg on the map and is providing an example for rejuvenating rural America by reducing its environmental footprint while keeping citizens safer from severe weather.

To make buildings safer from future severe storms, every home and public building is also required to have a storm shelter or “safe room,” and all building materials will focus on stability and durability to make them last longer. For example, the concrete grain silo was one of the only buildings still intact after the tornado, so a new Silo Eco-Home has recently been built using the same construction methods.

With the town’s goal is to run on 100 percent renewable energy, 100 percent of the time, while reducing energy use, they kept energy independence in mind as well. They chose to create buildings that are less expensive to heat and cool, healthier to live and work in, durable despite occasional hazard conditions, survivable in times of extended power outages or fuel supply interruptions, and far better for the environment.

Would the devastation encountered by this community in lives, cultural and infrastructure costs have been reduced if the community was built this way to begin with? The answer is likely yes. Ultimately, it does not matter whether urban development is wrapped in neo-traditional facades or LEED certified solar panels, if all the structures continue to camouflage the problem of poor hazard-preparedness.

**Strengthening Building Codes for All**

About 200 years ago, in 1811 and 1812, there were earthquakes that were so powerful in the area 50 miles north of Little Rock that seismologists still talk about it today. All of the quakes were estimated to have been magnitude 7.0 or greater. It is said that those earthquakes opened deep fissures in the ground, caused the Mississippi River to run backwards and that they were felt as far away as Boston. The earthquakes along the New Madrid Seismic Zone (NMSZ) rank as some of the largest in the United States since its settlement by Europeans. The area of strong shaking associated with these shocks were 10 times as large as that of the legendary 1906 San Francisco earthquake. Despite the significant risk, many communities living above the New Madrid fault have not enacted significant earthquake preparedness policies such as the adoption of building codes with more stringent seismic requirements.

Building codes are effective for reducing disaster risk. A building code sets standards that guide the construction of new buildings and, in some cases, the rehabilitation of existing structures. Currently, building codes set minimum construction standards for life safety. Maintaining the functionality of structures is important for high-risk areas, but more importantly may be critical for certain groups that are more vulnerable to natural hazards, those who do not have a choice on where they live and work.

Consider again post-Hurricane Katrina in New Orleans. Images of mostly poor people crowded into the Superdome and Convention Center vividly illustrate the argument that disasters disproportionately affect the poor. Many structures that house low-income families are relatively unsafe with respect to natural hazards, either because of poor structural quality or risk-prone locations. Such families are far less likely to have the resources to prepare themselves for catastrophes. Lower income families also commonly occupy rental housing that are often more poorly constructed than owner occupied housing. A building code that sets equal disaster resilience standards for all citizens would clearly offer greater social justice.

To date, among the seven states in the New Madrid Seismic Zone, four (Arkansas, Indiana, Kentucky and Tennessee) have statewide building codes as minimum requirements, but three (Illinois, Mississippi, Missouri) do not and they pass the responsibility to the local jurisdictions to adopt the codes themselves. While all the statewide building codes have adopted the national model codes, one state also adopted amendments that weakened the model codes. Although earthquakes are high-consequence events, seismic mitigation in Mid-America generate little public interest because earthquakes in this region are low frequency.

If we are to take people’s vulnerability seriously, we must deploy—and insist on—much greater technical expertise in resilient code adoption. The design community can provide some of the expertise, but its skills are not being effectively considered on the planning and policy level. The key, missing element is awareness among practitioners, the development community and policy makers.

**Reference**


At the National Ready Mixed Concrete Association (NRMCA), Tien Peng serves as Senior Director, Sustainability, Codes and Standards; Lionel Lemay as Senior Vice President, Development; and Jon Hansen as Senior Director, National Resources, Mid/Northwest. Visit NRMCA on the web at www.nrmca.org.
This interim has been a busy one for our government relations team. From tracking federal legislation and monitoring state interim charges to engaging with the Edwards Aquifer Authority, we are truly representing TACA at every level of government. As summer winds down and fall starts up, we wanted to update you on the latest from both the Federal Transportation Bill and the Edwards Aquifer Authority.

**Federal Transportation Legislation**

In June, the U.S. House and Senate agreed to a compromise regarding federal transportation legislation that will allow Texas to get back 95 percent of funds paid into the Highway Trust Fund. This money is paid to the fund through the federal portion of your motor fuels tax, which is currently 18.4 cents per gallon. This percentage has increased since 1993, when we were only getting back 76 percent of funds. While we are still a “donor state,” the government is moving in the right direction, and sending $2 billion back to Texas annually will allow for more infrastructure, transit and rail projects.

The legislation calls for $109 billion in spending on highways, transit and other mobility programs over the next 26 months. One of the key provisions of this legislation is that the toll conversion is still not permitted, with the exception of added capacity to existing congested interstates. For example, while the current IH-35 could not be tolled, additional lanes to the highway could be. Infrastructure loans of up to $1.75 billion will be allotted to Texas for leveraging funds for various projects.

There are also multiple provisions involving bus safety including safety belts and reinforced roofs on motor coaches. On a national level, the bill will save or create more than one million jobs.

**Edwards Aquifer Authority**

As you know, TACA has been engaged with the Edwards Aquifer Authority over the past six months regarding ASTs and storage capacity of regulated substances over the EAA recharge zone. We have met with the Edwards Aquifer Authority Board of Directors through individual meetings, as well as committee and board meetings. Over the past few weeks, we had TACA representation at all three of the public meetings on the issue. Additionally, we have met with our San Antonio legislative delegation, and expressed our concern over this issue of preserving AST usage.

The EAA Board has proposed rules with three different options for regulating new ASTs. After the public comment period closes, the EAA’s Aquifer Management Planning Committee will discuss these options and make a recommendation to the Board. The Board will then determine if they want to adopt the recommendation of the AMP committee or proceed with another option. These events should happen throughout the summer, and will most likely be resolved by the printing of this edition. We will brief you all on the outcome in the next issue of TACA Conveyor.

This issue should be important to all TACA members. Even if you do not operate a facility within the EAA boundaries, if the EAA were to adopt a significant change in policy regarding storage of regulated substances, that policy could create a precedent affecting groundwater districts throughout the state.

**Other Activities**

With the 2013 legislative session beginning in January, we are monitoring interim hearings and other activities. We look forward to working with the TACA Governmental Affairs committee in the fall to determine our next legislative agenda. And finally, we are planning the 2013 Capitol Day, which will be on February 28; stay tuned for more details on this exciting event.
For the first time in TACA history, we held our Annual Meeting in our Capitol city of Austin. The theme of our 58th annual gathering was “Progress Through Education.”

Visit the Texas Aggregates and Concrete Association Facebook page for more photos of our annual meeting, courtesy of photographer and TACA member Tim Mummey of Holcim (US), Inc.

Formal passing of the gavel from 2011-12 Chairman Earl Ingram of Ingram Readymix to 2012-13 Chairman Larry Roberts of Martin Marietta Materials Southwest.

Mr. Bruce Ingram was presented with the inaugural Bruce Ingram Excellence in Concrete Award, created in his honor by the Industry Promotion & Marketing Committee.

Immediate Past Chairman of the Board Frank Johnson was the proud recipient of the Bob R. Beard Good Neighbor Award in commemoration of his many years of service to the industry.
Welcome New Member

Scofield works to support the concrete industry by stimulating the demand for architectural concrete, as an aesthetically attractive, versatile and structurally sound building material. Concrete provides advantages for colorful, healthy, sustainable, LEED-compliant and cost-effective construction to meet today’s design and construction challenges.

### AGGREGATES

**Alan Ritchey Materials, LC**
740 S Interstate 35
Frontage Road
Valley View, TX 76272
Phone: (940) 726-5360
Fax: (940) 726-5323
E-mail: gssumms@alannritchey.com
Web: www.alanritchey.com
Aggregate Sales: Glenn Sessums, Gary Baker; Production Manager: Danny Noltkamper; Transportation: Patricia Davis, Cody Phillips - 2952 Smith Rd, Yukon, OK, Office 877-671-6917 or 580-285-2424; Fax 580-285-2193 - Family owned mining, processing and transportation of small aggregates serving the north TX and southern OK area. Source for TX-DOT approved and C-33 materials.

### CEMENT

**VHSC Cement, LLC**
2204 Timberloch Place, Suite 248
The Woodlands, TX 77380
Phone: (281) 419-2422
Fax: (281) 419-2446
E-mail: mbest@pozzoslag.com
Web: www.pozzoslag.com
VHSC Cement’s plant location is in Jewett, Texas with corporate offices in The Woodlands, Texas. We prepare pozzolans for use as supplementary cementitious materials (SCM) that replace Portland cement at 50 to 60% or higher replacement rate. Our products qualify for high LEED points and CO2 credits.

### CONVEYOR SYSTEMS & PARTS

**Richwood**
PO Box 1298
Huntington, WV 25714
Phone: (304) 525-5436
Fax: (304) 525-8018
E-mail: lspence@richwood.com
Web: www.richwood.com
Richwood designs and manufactures conveyor belt accessories for the material handling industry. Our goal is to provide solutions to our customers’ toughest problems - from conveyor belt cleaning, protection, sealing and pulley lagging. Richwood saves customers time and money by providing reliable products backed by exceptional service. Richwood is committed to delighting customers with unparalleled service.

### CRANES & ACCESSORIES

**QMC Hydraulic Cranes**
18071 Mt. Washington Street
Fountain Valley, CA 92708-6118
Phone: (714) 754-0337
Fax: (714) 966-1829
E-mail: rex@qmc-crane.com
Web: www.qmc-crane.com
Since 1977, QMC continues to provide the precast industry with custom cranes that offer the best combination of payload and lifting capacity. Let us custom build your next crane today!

### EQUIPMENT SALES, SERVICE & PARTS

**Waukesha-Pearce Industries Inc.**
P.O. Box 35068 12320 South Main
Houston, TX 77235-5068
Phone: (713) 723-1050
Fax: (713) 551-0798
Web: www.wpi.com
Waukesha-Pearce Industries, Inc. has served the construction, mining, oil and gas industries in Texas, Louisiana, Arkansas and Oklahoma for over 85 years. Waukesha-Pearce Industries, Inc. represents Komatsu, Gradall, Bomag, Sennebogen, Allied, LaBounty, Esco and others throughout Texas.

### MINING CONSULTANTS

**McCalip & Company, Inc.**
3010 LBJ Freeway, Suite 1212
Dallas, TX 75234
Phone: (972) 919-6186
Fax: (972) 919-6173
E-mail: jmccalip@mcchalipandcompany.com
Web: www.mccalipandcompany.com
McCalip & Company, Inc. represents Komatsu, Gradall, Bomag, Sennebogen, Allied, LaBounty, Esco and others throughout Texas. 36 years of experience in the aggregates business. Our goal is your success.
Cummins Southern Plains, LLC is one of the largest authorized distributors of engines and power generation equipment, manufactured by Cummins Inc. We offer customers superior products, backed by reliable and trusted support.

We have built the largest support network in the industry. With ten distributor locations and a vast network of certified dealer outlets representing every major OEM, you can have peace of mind knowing that if you need us, we’re never far away.

Contact one of our representatives today, and let us put the power of Cummins to work for you.

For a location near you, call 800.306.6801 or visit us on the web at www.cummins-sp.com

---

McCOURT & SONS EQUIPMENT, INC.
5141 HWY 71 W, LAGRANGE, TX 78945
888-838-9252  sales@portablescreen.com
www.portablescreen.com

Supplying the best and servicing the rest!
Screening, Crushing, Washing, Conveying, Recycling & Grinding Equipment

---

View past issues of the TACA Conveyor online at www.tx-taca.org
SALES
RENTAL
PARTS
Grand Prairie
972.263.4356
New Braunfels
830.625.8053

The Perot Museum of Nature & Science—Dallas, Texas opening early 2013

We make your brilliant ideas concrete.
888.646.5246 www.holcim.us

Perfecting Progress®
Hallett Materials
Texas Division
Producers of Quality Products:
• Sand
• Gravel
• Cement Stabilized Sand

At Hallett Materials we strive to provide our customers with the highest quality products in the safest, most efficient manner possible. Since 1981, Hallett Materials has proudly provided Houston and the surrounding areas with sand, gravel and cement stabilized sand.

#1 Hallett Dr.
P.O. Box 329
Porter, TX 77365
Phone (281) 354-2215 • Fax (281) 354-1906
HOW TO combat global warming, reduce the production of greenhouse gases, and build a stronger infrastructure.

SPECIFY FLY ASH (a recovered resource) as a replacement for cement in concrete.

When you specify fly ash as replacement for cement in concrete, you help reduce CO₂ emissions from cement production, conserve landfill space, and decrease water usage. You also enhance workability and chemical attack resistance, increase strength and produce more durable concrete.

Contact Headwaters Resources for free technical literature and information on how fly ash use benefits the environment and produces better concrete.

www.flyash.com | 1-888-236-6236
Here at Bibby, Brilling & Associates LLP, we want to work with you to find the right policy that works for your specified needs. We also are Cost Conscious and will work to get you the best coverage, at a competitive price, with a strong, qualified insurance company.

Call us today!

5031 McKinney Ave., Dallas, TX 75205
PH: 214-521-8030

207 North McKinney St
Ennis, TX 75119
PH: 972-875-7261

or visit our website www.bibbybrilling.com

ConServ is your dealer for CON-E-CO concrete batch plants and Sysdyne Controls.

CONSERV provides new concrete batch plants, plant parts and controls, as well as used concrete batch plants and equipment. We’re the Texas dealer for CON-E-CO concrete batch plants and Sysdyne Controls.

CON-E-CO, an Oshkosh Corporation company, builds the finest and most innovative concrete batch plants in the United States. More people buy CON-E-CO batch plants than any other brand in North America.

SYSDYNE provides affordable, easy to use, flexible and efficient “Windows® based” computers for batch plants. They also provide material handling systems and ConcreteGo.com, the first web-based central dispatch system.

We’re here to help and ready to answer your questions at the number below.

ConServ Equipment Corporation
PO Box 6196
Katy, TX 77491
Office: (281) 394-2690
Parts: (800) 466-6469
tmccann@conservequipment.com
www.conservequipment.com
WITH UP TO **SEVEN PTO LOCATIONS**, INCLUDING A REAR POWER TAKEOFF (REPTO), THE MACK® GRANITE® DELIVERS CONSISTENT, RELIABLE POWER AND TORQUE.

TO LEARN MORE VISIT MACKGRANITE.COM
OR SEE ALL THE ADVANTAGES AT MACKADVANTAGES.COM

©2012 Mack Trucks, Inc. All rights reserved.
ONLINE EXCLUSIVES

The following pages are provided as an extra value for the online readers of this publication
ONLINE EXCLUSIVES

The following pages are provided as an extra value for the online readers of this publication.
We’ve got you covered!

The best choice for the coverage needed
We do the shopping for you
50+ companies to choose from
Your single source for insurance

24/7 Customer Service

Phone (281) 398-1010
Toll Free (877) 952-1010
www.insuranceagencytexas.com

- Houston • Katy • Brookshire
- Richmond • Rosenberg • Sugar
- Land • Missouri City • Clear Lake
- Tomball • Humble • Spring
- Cypress • Kingwood
- The Woodlands • Conroe
- Pearland • Fulshear

Proudly Serving Texas
Concrete is the building product of choice in construction, and proper application requires lots of planning and execution. The last thing concrete contractors need to worry about is how to manage their insurance risks. To help mitigate those risks, Texas Insurance Agency has made available one stop shopping for Concrete Contractors.

Texas Insurance Agency serves both multi-state and local concrete contractors. We provide various programs and coverage for a variety of concrete contractors including: pour-in-place concrete work, curb construction, concrete repair, sidewalk and driveway contractors, parking lot construction, and foundation and footing contractors.

In addition, we can build a program to insure your fleet, mixers, pumpers, facility, plant, general liability, excess liability and workers compensation.

Call Texas Insurance Agency today and let us build you a cost effective program that provides exceptional protection.