

The LICA News

Volume 23, No. 5

The Land Improvement Contractors of America

Sept./Oct. 2010



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Check out the back page for a discount to the WHEN Expo!



WHEN Recycling Expo East



LICA is heading to the east coast for the Waste Recycling Expo (WRE), sponsored by Waste Handling Equipment News (WHEN) this fall. The show takes place Friday, October 15, and Saturday, October 16, open from 9am to 5pm both days at the Augusta Expo in Fishersville, Virginia.

WRE concentrates on recycling machinery for construction demolition, wood waste, composting, scrap and aggregate recycling. There will be many live demonstrations of crushing, screening, grinding and shredding. Experience all the machinery in one place from many different manufacturers. For more information go to: www.whenrecyclingexpo.com or call 800-218-5586.



**The Land Improvement
Contractors of America**



THE LICA NEWS is the official publication of the Land Improvement Contractors Association, dedicated to the professional conservation of soil and water. LICA was founded in 1951 and is today comprised of twenty-four chapters across the continental United States

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THE LICA NEWS welcomes letters, subject to editing for accuracy and brevity. THE LICA NEWS also welcomes articles relevant to the land improvement industry. Include your name and daytime phone number for verification purposes.

Deadlines are the twenty-first of the month preceding issue date. All unsolicited material must be accompanied by a self-addressed, stamped envelope.

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President's Message

As the summer is coming to a close I am preparing for the Executive Committee meeting October 9th in Kansas City. There are a variety of important topics we will be discussing. One of which is CONEXPO in Las Vegas, March 18-22, 2011 and the LICA volunteers needed to work the LICA booth. We are actively seeking volunteers who will work a two-hour shift one or more days of the show. They will get a green LICA shirt to wear while manning the booth.

The national staff is hard at work preparing to launch "The LICA Store". Please feel free to email the national office with any ideas or suggestions for products we should stock. The LICA Safety Manual is going to be updated and then reprinted. Both the Safety Committee and the Education Committee have submitted recommendations for additions to the manual. I strongly urge all our members to use this valuable free benefit. Work safe and I hope you have a successful fall.

Dirk Riniker
Dirk Riniker
LICA National President

LICA to Discontinue Term Life Insurance

At the July National Board meeting in Peoria, the Board unanimously voted to discontinue the term life insurance program effective January 1, 2011. The cost of the term insurance has continued to increase and thankfully few use this benefit.

We are always seeking additional LICA benefits that can immediately impact our members businesses. Recently we announced an introductory offer of a 30% discount to become a member of National Equipment Registry if you register by November 30th, 2010. If you register after that date it will be a 20% discount.

Please take advantage of the many LICA benefits. A benefit is only a benefit if you exercise your right to use it!!!

LICA Position Paper on Proposed Amendments to the Clean Water Act

By John W. Peterson, Approved by the LICA Board February 26, 2010

The US House and Senate are both proposing amendments to the Federal Water Pollution Control Act of 1972 (PL 92-500). The House Bill introduced on May 21, 2007, is H.R. 2421 championed by Rep. James Oberstar (D-MN). The Senate Bill introduced on April 2, 2009 is S. 787 championed by Sen. Russ Feingold (D-WI) and others. One of the concerns about these proposed amendments is that they would replace the term “navigable waters” with the term “waters of the United States.” This change alone would vastly expand federal control over all the waters of the United States including potholes, playas and irrigation return flows on private property. These proposals:

- Grant EPA and the USACE unlimited regulatory control over all “intrastate” waters.
- Grant EPA and the USACE unrestricted authority to regulate all activities (private or public) that may affect intrastate waters.
- Nullify existing agency regulations without maintaining long-standing and important regulatory exemptions allowing historically commonsense uses.
- Include a citizen lawsuit provision that allows anyone to sue you if they “think” your activity “might” affect water.

Two Supreme Court Decisions have provided some regulatory relief for landowners and local governments, and have had a profound effect on the ever-expanding jurisdictional reach of EPA and the USACE. They are the Solid Waste Agency of Northern Cook County (SWANCC) decision in 2001 that said the CWA does not have jurisdiction over isolated wetlands. The Rapanos decision in 2006 said that the jurisdiction under the CWA must show a clear connection to a navigable water, the term used in the Act. Some have not liked the reigning in of EPA and the USACE, and want to get back to a point prior to these Supreme Court decisions and in fact expand federal authority and jurisdiction even more. The EPA administrator admits these amendments will expand enforcement.

While the original CWA was very broad and extensive, it was never intended to be unlimited, and that is what these amendments would make it. At some point, federal jurisdiction must end, and for now that end point by definition is “navigable waters,” as imprecise as that may be. And since these amendments would claim federal jurisdiction over all waters of the U.S., it follows that all land management activities that might impact those waters in any way would also be regulated. So, this is not just a water grab, but a land grab as well. The real issue is NOT one of clean water; it is one of jurisdiction and federal control. And federal jurisdiction does not equal protection, just look at the plight of our National Parks and Monuments that have to seek maintenance funds from commercial companies.

Many groups supporting these amendments are the anti’s; anti-private property, anti-free market, anti-use, organizations such as Earth Justice, Greenpeace, etc. Those that oppose these amendments tend to be the actual producers in society, the National Cattlemen’s Beef Association, Wheat & Corn Growers, National Mining Association and even the National Association of Counties. These amendments would have an adverse impact on LICA construction activities.

These amendments go far beyond the interpretations of jurisdiction advanced by the agencies in the 30 years preceding the SWANCC and Rapanos decisions. The National Center for Public Policy Research says they would do more to threaten the cherished pastimes of outdoor enthusiasts than they would do to ensure the cleanliness of the nation’s water. These bills push the limits of federal authority not matched by any other law, with the possible exception of the cap & trade & national health care legislation also being proposed. For these reasons, LICA opposes H.R. 2421 and S. 787.

Land Improvement Contractors of America

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- 1 Asphalt Paving _____
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 - 4 Bridge Construction _____
 - 5 Excavating _____
 - 6 Utility / Underground _____
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 - 9 Land Clearing _____
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- HOW MANY OF THE FOLLOWING TYPE EQUIPMENT DO YOU OWN OR LEASE**
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 - 2 Dozers _____
 - 3 Track / Wheel Loaders _____
 - 4 Trucks _____
 - 5 Backhoes, TLB's _____
 - 6 Other Heavy Equipment _____