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# NEBRASKA CONCRETE AND AGGREGATES ASSOCIATION

## Newsletter

DECEMBER 2010

### NC&AA's Board President Reflects on Successful Year

It doesn't seem like another year has gone by, but "time flies when you are having fun." Jereme and Rochelle always seem to epitomize that statement. I would like to thank them for their drive and enthusiasm that has made this year go so smoothly. The commitment our committee chairs and volunteers make is also greatly appreciated. In December the Long Range Planning Committee discussed ways to build on the success of the past. To do this we may need to explore some new avenues to increase the number of people involved in our organization. As we move forward I urge everyone keep an open mind as we continue find ways to grow in the years to come.



**Paul Kostal**  
Beatrice Concrete  
2010 NC&AA President

I hope everyone had a great holiday season as we prepare for "convention season." The 52<sup>nd</sup> annual Quality Concrete Conference is just around the corner. It would be a good time to get your tickets handed out. We don't want anyone to miss out on such a convenient educational experience. There are a tremendous variety of topics being presented. It would be useful to anyone out in the field or in your own organization. The more knowledge we have or can relay the better the product is as a result.

Don't forget our annual convention is in Lincoln on February 24<sup>th</sup> & 25<sup>th</sup>. I look forward to seeing everyone there!

### Nominate a Candidate for a NC&AA Board Position

Over the past couple of years as a past president I have been involved in selecting potential candidates to be considered for new board member positions. The current criteria, the candidates are required to have served as committee chair or co-chair.

I have found that to be quite challenging in that many of the same people continue to be active in the association but not as many new faces are being introduced into those positions. This makes the pool of candidates smaller than it should be.

I encourage any producer members of the association to nominate people from their organizations to serve. The committee chair or co-chair positions do not usually require tremendous amounts of time and will qualify the person(s) to be promoted in the Nebraska Concrete & Aggregates Association Board of Directors and Executive Board.

*NOMINATE . . . continued on next page*

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## News From NC&AA's Executive Director

Since our last newsletter, the Nebraska Department of Environmental Quality has posted a draft of the new Industrial Stormwater General Permit. Informal comments by industry stakeholders were due in November and formal comments were due December 17<sup>th</sup>, 2010. This permit is the replacement for an existing general permit for Storm Water Discharges Associated with Industrial Activity which was issued on September 18<sup>th</sup>, 1997.

Here are some changes between the draft and the existing permit:

- 180 day period for existing permit holders to submit a Notice of Intent (NOI). Under the current "draft", this will be July 1<sup>st</sup>, 2011.
- Requirements were added to the Storm Water Pollution Prevention Plan (SWPPP) which are specific to groups of industry. SWPPP's must also be signed and certified before submitting the Notice of Intent.
- Requirements for evaluating and documenting potential impacts on endangered or threatened species and their critical habitats are further clarified.
- Benchmark monitoring for specific pollutants for certain categories of industry have been incorporated. For Sector E Glass, Clay, Cement, Concrete, and Gypsum Products these benchmarks are Total Suspended Solids (TSS) of 100 mg/L and Total Iron of 1 mg/L. For Sector J Non-metallic Mineral Mining and Dressing, TSS of 100 mg/L.
- Quarterly Visual Assessments that will be required for the full permit term.

A more detailed description of major changes can be found in NDEQ's Fact Sheet on NDEQ's website ([www.deq.state.ne.us](http://www.deq.state.ne.us)).

**NOMINATE** . . . continued from previous page

By encouraging more members to be involved it gives everyone an equal opportunity to voice opinion about the workings of NC&AA. Please contact the incoming president as of February 2011, **Kirk Havranek**, to nominate a candidate.



**Jereme Montgomery**  
NC&AA Executive Director

The NC&AA and its members have some concerns with this proposed draft. If your facility does discharge, operators must sample quarterly. If you exceed the above mentioned benchmarks it will not constitute a violation but you will be required to address these levels to proactively reduce those levels.

The NC&AA feels that although exceeding these benchmarks will not constitute a violation it will create expenses to reduce these specific pollutants. And whose to say that future permits do not require these benchmark limits to become effluent limits...which are violations.

The NC&AA commented informally in November and formally in December. The NC&AA commented on Sand & Gravel producers that do not discharge, does not dewater, and is not required to file a 404 permit, then these operators should be excluded from this permit or at least categorized as "NO EXPOSURE". We feel that this "draft" has more economic impact than environmental impact.

The NC&AA has also requested a public hearing to discuss the challenges our industry faces regarding this draft. We will keep you informed and up to date with the final permit ruling. If you have any questions, feel free to contact the NC&AA office.



*Submitted by:*  
**Wes Cunningham**  
2010 Long Range Planning Chair

## South Dakota Men Agree to Civil Settlement for Unpermitted Excavation, Dredging Near Missouri River in Dixon County, Neb.

(Kansas City, Kan., Dec. 20, 2010) - Two South Dakota men have agreed to a civil settlement with EPA Region 7 in which one of the men will pay \$65,000 for using earth moving equipment to perform unauthorized excavation and dredging work that impacted nearly 22 acres of wetlands near the Missouri River in Dixon County, Neb.

Kevin Vaughan of Dakota Dunes, S.D., conducted the digging and earth moving on land owned by Bryce Andersen, also of Dakota Dunes, without obtaining necessary permits from the U.S. Army Corps of Engineers, in violation of the federal Clean Water Act, according to an EPA civil complaint filed June 25, 2010.

In addition to paying the \$65,000 civil penalty, Vaughan has submitted to EPA a draft work plan for restoring the site. Vaughan is working with the Agency to develop an approved plan for restoration of the affected area.

Vaughan's excavation and relocation of fill material into Turkey Creek and wetlands adjacent to the Missouri River, which occurred in the fall of 2005, also impacted approximately 1,250 linear feet of the creek, according to the June complaint.

A Corps of Engineers representative inspected the property on May 31, 2006, and documented that the discharge of dredged material into the river had altered its natural flow by disconnecting its backwaters and tributaries, including Turkey Creek. During a 2006 visit to the site, Vaughan told EPA personnel that he had performed the dredge and fill work in order to create a hunting habitat for himself and his associates.

***“Landowners must consult with the U.S. Army Corps of Engineers before doing any work that may impact water bodies,” EPA Regional Administrator Karl Brooks said.***

“This type of unpermitted activity degrades watershed health, results in habitat loss, impacts stream channel configuration, decreases biological diversity, and limits the movements of fish, other aquatic organisms, and organic material. Wildlife diversity is impacted, and the ability of the wetlands to absorb floodwaters, and to filter pollutants, is harmed.”

## EPA Issues Next Step for State Greenhouse Gas Permitting Programs

*State/EPA efforts will ensure a smooth transition*

WASHINGTON – Working with the states, the U.S. Environmental Protection Agency (EPA) is moving forward with its plan to call on certain states to update their Clean Air Act implementation plans to cover greenhouse gas (GHG) emissions. These changes will ensure that beginning in January 2011 the largest industrial GHG emissions sources can receive permits. This action is part of EPA's common sense approach to GHG permitting outlined in the spring 2010 tailoring rule.

EPA has identified 13 states that need to make changes to their plans, allowing them to issue permits that include GHG emissions. These states include: Ariz., Ark., Calif., Conn., Fla., Idaho, Kan., Ky., Neb., Nev., Ore., Texas, and Wyo.

States are best-suited to issue permits to sources of GHG emissions and have long-standing experience working together with industrial facilities. The Clean Air Act requires states to develop EPA approved implementation plans that include requirements for issuing air permits. When federal permitting requirements change, as they did after EPA finalized the GHG tailoring rule, states may need to modify these plans.

EPA and the states have worked closely to ensure a smooth transition to GHG permitting. The agency will continue to work with the affected states to help them develop, submit, and obtain approval of the necessary revisions that will enable all states to issue air permits to GHG emission sources.

In January 2011, industries that are large emitters of GHGs, and are planning to build new facilities or make major modifications to existing ones, will work with permitting authorities to identify and implement the most efficient control technologies to minimize their GHGs. This includes the nation's largest GHG emitters, such as power plants, refineries and cement production facilities. Emissions from small sources, such as farms and restaurants are not covered by these GHG permitting requirements.

More information: <http://www.epa.gov/nsr>

## MIT Reveals the Eco-Costs of Concrete

New research out of the Massachusetts Institute of Technology provides proof that concrete is a green building material. MIT, via its Concrete Sustainability Hub, released preliminary findings this week in conjunction with new standards for life-cycle assessment (LCA) modeling. The study quantifies the eco-costs of paving and building materials.

According to research, there is the potential savings associated with fuel efficiency of vehicles driving on concrete roads over asphalt. As a result, these savings could equate to lower life-cycle carbon emissions. Additionally, Insulated Concrete Form (ICF) homes have been shown to provide 20 percent energy savings in the form of heating, cooling and ventilation as compared to conventional wood-framed construction. The findings also note, "there are measurable differences between alternative construction systems, and that the thermal mass of concrete can provide energy savings over a life cycle of 75 years. Life cycle assessment provides a rigorous means of testing and demonstrates that concrete buildings can offer reductions in carbon emissions compared to alternative construction materials."



"This groundbreaking research highlights the dramatic cost savings for builders, homeowners, municipal governments and taxpayers. The preliminary research shows that not only do concrete homes, buildings and roads last longer, but using these materials provides energy savings and a reduction of carbon emissions," said Gilberto Perez, President of CEMEX USA, in a statement.

MIT will release a follow up study next year to provide further analysis of the costs of building and paving materials. Its Concrete Sustainability Hub is a collaboration of MIT's School of Engineering, MIT's School of Architecture and Planning and MIT's Sloan School of Management.

Read more: <http://www.articlesbase.com/environment-articles/mit->

## EPA Region 7 Compliance and Enforcement Actions in 2010 Result in Record \$3 Billion in Pollution Control and Cleanup

KANSAS CITY, KS (Dec. 6, 2010) - Environmental compliance and enforcement activities concluded by EPA Region 7 during fiscal year 2010 set a new record, securing more than \$3 billion in investments in pollution control and cleanup as a result of legal actions taken against polluters.

Region 7's total of more than \$3 billion in secured injunctive relief accounted for fully 31 percent of EPA's national total for the fiscal year, which ended September 30.

Region 7's actions will result in respondents in Iowa, Kansas, Missouri, Nebraska and on tribal lands eliminating more than 470 million pounds of pollutants, and implementing more than \$3 million in Supplemental Environmental Projects.

Region 7's targeted actions to achieve EPA's National Priorities – including reducing harmful discharges of

pollutants into rivers and streams, and reducing air pollution from major industrial sources – will further result in the reduction, treatment, minimization or disposal of more than 227 million pounds of pollutants.

"Region 7's 15 million people benefited from a remarkable year of progress toward a cleaner and safer environment," Regional Administrator Karl Brooks said. "Our EPA team that links environmental professionals in program staff with skilled attorneys in our Office of Regional Counsel worked effectively with state and federal partners to gain these important results."

A report of Region 7's Fiscal Year 2010 Compliance and Enforcement Annual Results, including statistical summaries and state-by-state highlights, along with links to information about EPA's national environmental enforcement and compliance activity, is available online at: [http://www.epa.gov/region07/enforcement\\_compliance/end\\_of\\_year\\_10\\_results.htm](http://www.epa.gov/region07/enforcement_compliance/end_of_year_10_results.htm)

*EPA REGION 7 . . . continued on page 11*

## Statement by Labor Secretary Hilda L. Solis on Robert C. Byrd Mine Safety Protection Act of 2010

**WASHINGTON** - Secretary of Labor Hilda L. Solis today issued the following statement on the U.S. House of Representatives' vote of 214-193 on the Robert C. Byrd Mine Safety Protection Act of 2010. The measure was taken up by the House as a "suspension" - a legislative mechanism requiring a two-thirds majority of House members agreeing to the motion to allow its passage.

"I am deeply disappointed that the House of Representatives today failed to pass the Robert C. Byrd Mine Safety Protection Act of 2010 under suspension of the rules. This commonsense legislation, championed by Chairman George Miller of the Education and Labor Committee, would be an important step forward in strengthening safety laws for our nation's miners.

"The measure would compel the worst of the worst in the mining industry to change how they treat their miners.

"Despite the outcome of today's vote in the House, it is important to note that a majority of the members showed they have run out of patience with those mine operators who refuse to take the safety and health of miners seriously.

"As this Congress winds down, the tremendous need for this legislation continues. Every day the lives of miners are needlessly being put at risk. That should be unacceptable to every single member of Congress.



Hilda L. Solis, Secretary of Labor

*"All workers deserve to come home safe at the end of a shift. I urge every legislator to join the president and me in committing to bringing miners the safety reforms they deserve."*

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## MSHA increases focus on implementation of exposure monitoring at metal and nonmetal mines

*Operators play important role to ensure miners not overexposed to harmful contaminants*

**ARLINGTON, Va.** -The U.S. Department of Labor's Mine Safety and Health Administration today announced an increased focus on exposure monitoring at metal and nonmetal mines throughout the country to ensure better worker protection from overexposure to harmful airborne contaminants.

Agency efforts will include stakeholder outreach, education and training, and enhanced implementation of existing standards. In particular, MSHA will focus on 30 Code of Federal Regulations 56.5002 and 57.5002, which require mine operators to conduct dust, gas, mist and fume surveys

for harmful airborne contaminants' fumes to determine the adequacy of control measures.

A stakeholder briefing was held at MSHA headquarters in Arlington, Va., to outline the initiative aimed at reducing illnesses and diseases due to such overexposures, and explain MSHA's enforcement approach on complying with the standards.





## **ATTENTION CONTRACTORS, SUPPLIERS & MANUFACTURERS!**

*OSHA is currently soliciting comments in response to a proposed language interpretation in both 29 CFR Parts 1910 and 1926 pertaining to OSHA's Provision for Feasible Administrative or Engineering Controls of Occupational Noise. This change is likely to significantly affect all contractors, suppliers and manufacturers. (Comments must be filed on or before December 20, 2010.)*

The change involves OSHA's General Industry and Construction Occupational Noise Exposure standards. Under the standard, employers must use administrative or engineering controls rather than personal protective equipment (PPE) to reduce noise exposures that are above acceptable levels when such controls are feasible.

***OSHA proposes to clarify that feasible as used in the standard has the meaning of "capable of being done or achievable."***

OSHA also proposes to consider administrative or engineering controls economically feasible if they will not threaten the employer's ability to remain in business or if the threat to viability results from the employer's having failed to keep up with industry safety and health standards.

OSHA further intends to change its enforcement policy to authorize the issuance of citations based on this new interpretation.

The above statement is directly from the Federal Register signed at Washington, DC, October 12, 2010. In summary, personal protective equipment will not be acceptable if the results can be attained by engineered controls or administrative measures, e.g., shift changes or similar measures unless the company will go out of business as a result of the cost of those measures being implemented.

**Please contact the AGC office at (402) 435-4355 with any questions or you need information regarding the submission of comments.**

# Industry News

## **NRMCA Staff Report on Recent ASTM Meeting in New Orleans**

*NRMCA engineers attended the ASTM C09 Concrete Committee meeting held earlier this month in New Orleans. The following is an update:*

**C09.20 Concrete Aggregates** – The subcommittee balloted a revision to permit an increase in fines passing the No. 200 sieve for manufactured fine aggregate. Comments from negative voters will be considered and the item will be reballoted. No progress has been made on consideration of a specification for aggregate fines for use as mineral fillers in concrete.

**C09.24 SCMs** – A new specification that covers blended supplementary cementitious materials has been finalized and published as ASTM C1697. The subcommittee will propose referencing this standard in the Building Code ACI 318 and Specification for Structural Concrete ACI 301. ASTM C1240 Silica Fume Specification will have a new technique of measuring density. A new draft specification for highly reactive pozzolans was circulated. Tom Adams, with the American Coal Ash Association, updated the committee on the EPA fly ash rule. He mentioned that more than 250,000 comments have been received by the EPA. He felt that a final rule was at least one year away. If any one came across projects in which fly ash use has been disallowed owing to the EPA rule he or she should provide that information to NRMCA staff.

**C09.26 Chemical Reactions** – Subcommittee's ballot to confirm that ASR tests such as ASTM C1260 and C1293 are designed to evaluate only one aggregate at a time and not combinations of aggregates as used in concrete for projects drew a large number of negatives at the main committee ballot stage. Most of the negative voters support using these tests on aggregate combinations. All experience with these tests thus far has been to evaluate single aggregates. When these tests are used with aggregate combinations currently used expansion criteria may categorize known reactive aggregates in the field as innocuous since they are used in a smaller amount when used in a combination of aggregates. This item will be reballoted with a stronger rationale.

A new ballot developed to clarify interpretation of the ASTM C1567 expansion criterion also failed at the subcommittee level and will be reballoted. Under new business it was mentioned that unlike ASTM C1260, ASTM C1567 expansion levels may be affected by cement alkali

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**ASTM MEETING** . . . continued from previous page

content. The test currently states it does not, so changes may be expected in future versions of ASTM C1567.

**C09.40 Ready Mixed Concrete** – A revision to C94 was approved to eliminate the use of default Type I or Type II cement if a cement type is not indicated by the purchaser. A minor revision to ASTM C1602 to permit the measurement of density of solids from wash water was approved. Several revisions are being worked on by the subcommittee in various stages of the process. These include revising the ordering options to prescription and performance, automated water addition to mixers, delivery ticket reporting requirements, requirements for scale calibration, reuse of returned concrete (top-loading), eliminating the recommendation of arbitration to resolve disputes. A revision will permit qualification of non-potable water for strength and setting time using mortar tests, instead of concrete.

**C09.48 Performance of Cementitious Materials and Admixture Combinations** – This subcommittee is coming close to finalizing a recommended practice for the evaluation of combinations of cementitious materials and admixtures by thermal measurements. The practice recommends evaluation strategies for a variety of conditions that can cause compatibility problems in concrete. Similar thermal measurement procedures are developed to measure the setting time of concrete. The subcommittee was also requested to develop practices to evaluate factors that impact initial slump and slump retention of concrete over time.

**C09.49 Pervious Concrete** – Two new ASTM methods on pervious concrete have been standardized thus far – ASTM C1688 on Fresh Density and C1701 on Field Infiltration Rate. Two new subcommittee ballots were held in the last three months. The ballots are: 1. Test method for density and void content of hardened pervious concrete, and 2: Test method for potential surface durability of pervious concrete. Both ballots were withdrawn due to persuasive negatives and will be reissued with changes made to the standards.

After three sets of round robin testing of the compressive strength test method, a final round robin conducted in November showed encouraging results. The variability of strength tests for pervious concrete is still higher than conventional concrete. This is reflective of the material variability and not that of the test method. A subcommittee ballot on a test method for compressive strength of pervious concrete is planned for February. The task group on developing a standard for flexural strength measurement will move forward under the leadership of Bruce Glaspey. ACI 522.1 pervious concrete specification has incorporated the ASTM C1688 test method.

**C09.50 Risk Management for Alkali Aggregate Reactions (AAR)** – The scope of this subcommittee is to develop and maintain standards (excluding test methods) to minimize or prevent deleterious expansion of hydraulic cement concrete and mortar caused by AAR. This subcommittee had its second meeting in New Orleans. Two tasks had been created: The first task group presented on the similarities and differences between the PCA/CSA/FHWA/AASHTO PP65-10 guides on ASR and the second task group was looking at a different approach to the ASR. It is also believed that this subcommittee will recommend similar specification requirements for ASR in the material specifications for cements and supplementary cementitious materials. ASR requirements currently differ considerably among these standards.

**C09.60 Fresh Concrete Tests** – Minor revisions were approved to ASTM C138, C143, C173 and C231 to standardize wording on the tamping rod. A standard on measuring the water content of fresh concrete using a microwave oven was balloted and negatives need resolution. Precision data developed indicate that method is more variable than indicated in the precision information of the equivalent AASHTO T318 method. A proposal and draft standard was proposed to the committee on determining the air void distribution in fresh concrete using the air void analyzer. A precision statement has been developed for measurement of air content using the pressure method, ASTM C231. Data have been developed to propose obtaining samples in one portion, rather than two or more, in ASTM C172 along with a proposal to revise the sampling procedure from truck mixers.

**C09.61 Strength** – Minor revisions were approved to ASTM C31 and C39 for cylinder strength. A comprehensive revision is in the works for C42 on core strength. However most of the proposed revisions were withdrawn based on negative votes. Proposed revisions include permitting testing cores with rebar pieces, permitting the use of neoprene pad caps, requirement to record and report density of cores and to remove wording that indicates a relationship between the strength of cores and standard-cured cylinders.

**C09.66 Fluid Penetration** – New ballot items that will revise ASTM C1202, the rapid chloride permeability test, will address the use of tape or the use of a Plexiglass sleeve instead of epoxy coating. The subcommittee spent a significant amount of time trying to resolve negatives receive on a new test on absorption of concrete as a measure of its potential permeability. In other ASTM C09 news, NRMCA Vice President Karthik Obla has been appointed as the chair of the Nominating Committee that will provide nominations for the ASTM C09 Executive Committee and the board.

*For more information, contact Colin Lobo or Karthik Obla at [cloblo@nrmca.org](mailto:cloblo@nrmca.org) or [kobla@nrmca.org](mailto:kobla@nrmca.org).*

# brace for impact

## *NSSGA Addresses Current Events and Ongoing Concerns*

*With 2010 winding to a close in a hurry and a full slate of issues on the horizon in 2011, NSSGA took some time recently to address current events and ongoing concerns affecting the aggregates industry.*

John Hayden, vice president of environment, safety and health; Pam Whitted, vice president of government affairs; and Joe Casper, vice president of safety services, tackled three hot topics during a 50-minute webinar: EPA actions, election results and MSHA activities.

Hayden focused on EPA actions and current activities, including one that troubles him the most: EPA's recommendation to change particulate matter/national ambient air quality standards (PM NAAQS) from 150 micrograms per cubic meter of air (ug/m<sup>3</sup>) to 65-75. Hayden called this "the most significant impact to our industry in the last 10 years," because it would force aggregate operations to back off production or limit sales to comply with the lower standards. "The economic impact to producers is going to be great," Hayden added.

As an example, Hayden detailed how the proposed rule would affect a Georgia aggregates operation producing 1,200 tph at current air quality standards. With EPA's rule in effect, the same operation could only produce 362 tph. EPA's proposed rule is scheduled for February 2011, with a final rule set for October 2011. NSSGA doesn't believe that EPA has enough air quality data to justify lowering the standard, and it will continue to fight this proposal.

The nation waged a political fight on Nov. 2, when a dramatic change occurred in Washington, D.C. Republicans gained control of the House of Representatives in a significant shift of power not seen since the 1938 midterms, while Republicans also gained impressive control at the state level, NSSGA's Whitted said. In her presentation, Whitted noted that bipartisanship is necessary and a reality with a Democratic president and Senate and a Republican House.

There are also new chairmen of House committees with jurisdiction on aggregates industry priority issues as well as a loss of congressional transportation champions. "Any

### NATIONAL STONE, SAND & GRAVEL ASSOCIATION



*Natural building blocks for quality of life*

[surface transportation] reauthorization bill we will see is probably going to be a slimmer version of what we have gotten familiar with," said Whitted, urging the aggregates industry to get involved in key issues. "It may be a shorter bill, and we still have to find some additional funding."

Other legislative topics NSSGA continues to follow are mine safety, accurate definition of minerals, wetlands expansion, card check and climate change. NSSGA's Casper concluded the webinar with a look at challenging provisions in mine safety legislation.

– Brian Richesson

## Report projects continued growth for green building

***Sustainable construction could reach \$135 billion by 2015, study says***

Green building remains red hot despite a sluggish economy that has curtailed new development, New York-based McGraw-Hill Construction reported.

Green construction grew 50 percent during the last two years from \$42 billion up to \$71 billion, the report said. It will account for about 25 percent of all new building activity in 2010, the report added.

McGraw-Hill Construction projected market spending for green building will reach \$135 billion by 2015.

JMA President Thomas Schoeman says sustainable building has become a common practice in Las Vegas.

**GREEN BUILDING** . . . continued on next page

# Industry News

## **GREEN BUILDING** . . . continued from previous page

A third of all new nonresidential construction is green -- a \$54 billion market. In five years, McGraw-Hill Construction projects, nonresidential green building activity will triple, reaching up to \$145 billion in new construction for a 48 percent market share.

Health care construction is expected to grow its green share up to 40 percent in 2010, representing up to \$9 billion in spending, the company said. Education, meanwhile, is valued at between \$13 billion to \$16 billion, while green office construction is represents a \$7 billion to \$8 billion market.

Bigger projects are increasingly going green, with the U.S. Green Building Council's Leadership in Energy and Environment Design specification being mentioned in 71 percent of all developments valued at more than \$50 million.

*"It's an amazing area of opportunity at time when the construction market is extremely challenged," McGraw-Hill Vice President Harvey Bernstein said. "In today's economy, firms that specialize in green or serve this market are seeing a tremendous advantage -- and they're doing well at the same time. Green building leads to healthier places for us to live and work in, lower energy and water use, and better profitability."*

McGraw-Hill Construction attributes green building's rapid expansion to owners' desire for market differentiation, growing public awareness and an increase in ecoconscious local and federal government regulations. Green building also reduces operating costs 13.6 percent on average in new buildings, while boosting building values 10.9 percent, the company said.

Going green can also boost return on investments by 9.9 percent for new buildings and 19.2 percent for retrofits, the company said. These pluses are attracting acolytes, including the city of Las Vegas, to green building.

The new eight-story, 308,990-square-foot City Hall is being built green, for example. The still-under-construction project has solar panels on its roof and an outdoor plaza with freestanding photovoltaic trees that double as shade awnings. The new building, designed by JMA, is projected to reduce the city's energy costs by more than \$500,000 annually.

Twelve federal agencies and 33 states had a green building mandate as of September, McGraw-Hill Construction reported. Local government green initiatives have gone from 156 localities

in 2008 to 384 localities in 2010, the company added. The cities of Las Vegas and Henderson have sustainable building policies, as do the state of Nevada and Clark County.

"We don't have any clients that don't want a sustainable building. It has now become a common practice," JMA President Thomas Schoeman said. "The city wants to be a sustainable-oriented public agency. I think it's important to them because public buildings make a statement about where you live."

## Projects

Core Construction recently completed \$1.3 million of solar-panel installations at three city of Las Vegas parking lots. The photovoltaic project, designed by Carpenter Sellers Del Gatto Architects, covers 123 parking stalls at the Natural History Museum, 900 Las Vegas Blvd. North; Stupak Community Center, 251 W. Boston Ave. and Las Vegas Fire Station 10, 1501 S. Martin Luther King Blvd.

## Million-Dollar Deals

Adesa Nevada LLC signed a 10-year, \$14,459,160 lease for 45.5 acres of industrial land at 1000 E. Gowan Road in North Las Vegas. Colliers International's Spencer Pinter represented the lessor, Meldrum Family Trust; Commerce Real Estate Solutions' Jennifer Levine represented the tenant. The reported average lease rate equals 6 cents per square foot.

Partell Specialty Pharmacy signed a 10.5-year, \$1,883,736 lease for 8,550 square feet of retail space inside Barcelone Center at 8751 W. Charleston Blvd., Suite 1120, in Las Vegas. Commerce Real Estate Solutions Dan Hubbard represented both the tenant and lessor, GSIP Barcelone LLC. The reported average rent equals \$1.75 per square foot.

A. Mashayekan Trust bought a 7-year-old, 2,857-square-foot Jack in the Box restaurant, on 0.81 acres, at 9360 W. Tropicana Ave. in Las Vegas for \$1.83 million, or \$641 per square foot, from Pacific West Land. Faris Lee Investments' Jeff Conover represented the seller.

Planet Fitness signed 10-year, \$1,578,461 lease for 14,669 square feet of retail space inside Renaissance III Shopping Center at 3300 E. Flamingo Road, Suite 26, in Las Vegas. Commerce Real Estate's Robin Civish represented the lessor, Allisam Ren II LLC; CB Richard Ellis' Penny Mendlovic represented the seller. The reported average rent equals 90 cents per square foot.

Contact reporter Tony Illia at 702-303-5699 or [tonyillia@aol.com](mailto:tonyillia@aol.com).

# Industry News

## Business Owners Face New Challenge: Certificates of Insurance

Submitted by Clyde Wilberger, CLCS

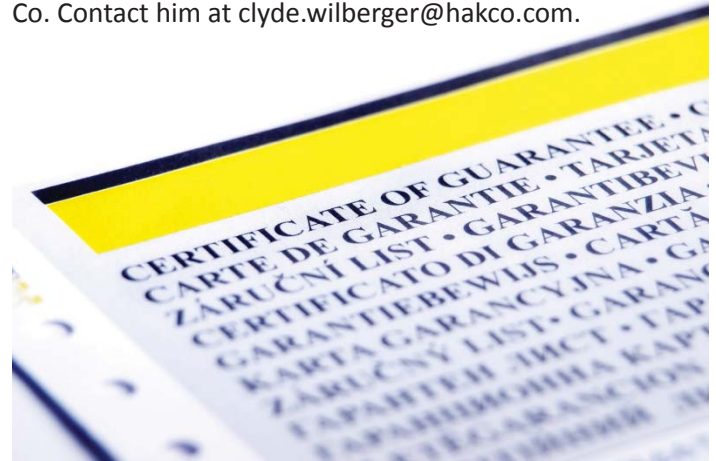
On December 7, 2010 the State of Nebraska Department of Insurance sent a bulletin to insurance carriers entitled Issuance of Certificates of Insurance. The purpose of this bulletin was "to advise insurers and insurance producers that certificates are not the proper method by which to amend a policy". Nebraska law, specifically Neb.Rev. Stat. 44-4059(1)(e), prohibits an insurance producer from "intentionally misrepresenting the terms of an actual or proposed insurance contract." Thus an "insurance producer may not execute a certificate of insurance that includes any statements that purport to amend, extend, or alter coverage or indicate that a certificate holder has a right to notice of cancellation, nonrenewal, or any similar notice not contained in the underlying policy." A certificate is not an insurance policy, nor does it endorse, extend, amend, or alter any of the terms of the policies shown on the certificate. The ACORD 25 Certificate is only a snapshot of the coverage the insured has on the day the certificate was issued.

Here's the significant change for businesses relying on certificates of insurance...the previous ACORD 25 edition certificate indicated in the lower right side of the form that the insurance company would "endeavor" to send the certificate holder a notice in case of cancellation. The insurance underwriters, however, have only followed the minimum specific state cancellation and nonrenewal laws, as stated in the policy. Because insurance law only requires the insurer to provide notice to the first named insured, insurance companies have never had a duty to provide notice of cancellation to certificate holders. The new ACORD 24 & 25 certificates have adopted the position that no notice will be provided to any certificate holder.

This change may not be accepted well by some attorneys and risk managers who write standard contracts with insurance specifications that include cancellation notice provisions. Many such contracts may require 30 days or more written notice in case of cancellation, nonrenewal, material change, or reduction in the insured's coverages. However, use of the new certificate forms are required by state laws governing insurance, and insurance agencies must comply by using the form. Producers who violate the law are subject to suspension or revocation of their license, as well as administrative penalties and fines.

We recommend that business owners revisit their strategy regarding certificates of insurance. Those who currently rely on certificates of insurance from their subcontractors, vendors, suppliers, or lease holders should place a stronger emphasis on making certain proper contractual protection is in place. Please visit with your legal counsel and insurance professional, who can assist you with your total risk management plan.

Clyde Wilberger is a Sales Executive at The Harry A. Koch Co. Contact him at [clyde.wilberger@hakco.com](mailto:clyde.wilberger@hakco.com).



## MIT Concrete Sustainability Hub Research Sets New Life-Cycle

Assessment Model Standard; Concrete Industry Reaction  
Silver Spring, MD – December 13, 2010: The Massachusetts Institute of Technology (MIT) released on December 9, 2010 preliminary research findings that will help set a new standard in life-cycle assessment (LCA) modeling. The studies, which are part of an ongoing research initiative at the MIT Concrete Sustainability Hub (CSH), will quantify the cradle-to-grave environmental costs of paving and building materials, and will ultimately result in the most comprehensive LCA model produced to-date.

James Repman, 2010 Chairman of the RMC Research & Education Foundation, reacted to the release of the MIT reports. "As Chairman of one of the two co-founding organizations of the MIT CSH, I am excited about the impact these research findings will have on our industry and nation. MIT CSH's work clearly demonstrates that the use phase is an essential part of the life-cycle, and in fact is the most critical component of any LCA. We are pleased to be supporting this ground-breaking research and look forward to applying findings from both the life-cycle and concrete

*SUSTAINABILITY HUB . . . continued on next page*

## Training and Certification

**Register Now - Classes are Filling Quickly!**

The Nebraska Concrete and Aggregates Association (NC&AA) is once again administering training and certification programs for concrete technicians and field inspectors in Nebraska. This training is offered in partnership with the Nebraska Chapter of the American Concrete Institute and the Nebraska Department of Roads. Visit [www.nebrconcagg.com](http://www.nebrconcagg.com) for more information.

2010 – 2011 Training Calendar		
NDOR Concrete Field Inspector, Level I	December 14, 2010	Norfolk
ACI Concrete Field Testing Technician, Grade I	December 15, 16, 2010	Norfolk
NDOR Concrete Field Inspector, Level I	January 4, 2011	Lincoln--Registration FULL
ACI Concrete Field Testing Technician, Grade I	January 5, 6, 2011	Lincoln-- Registration FULL
NDOR Concrete Field Inspector, Level I	January 18, 2011	Omaha
ACI Concrete Field Testing Technician, Grade I	January 19, 20, 2011	Omaha--Registration FULL
NDOR Concrete Field Inspector, Level I	February 1, 2011	North Platte
ACI Concrete Field Testing Technician, Grade I	February 2, 3, 2011	North Platte
NDOR Concrete Field Inspector, Level I	April 19, 2011	Kearney
ACI Concrete Field Testing Technician, Grade I	April 20, 21, 2011	Kearney
NDOR Concrete Plant Technician, Level II	March 15, 16, 17, 2011	Lincoln
NDOR Concrete Plant Technician, Level II	March 22, 23, 24, 2011	North Platte
NDOR Concrete Plant Technician, Level II	March 29, 30, 31, 2011	Norfolk
ACI Strength Testing Technician	February 18, 2011	Lincoln
ACI Strength Testing Technician	March 18, 2011	Lincoln
ACI Concrete Flatwork Finisher Technician	April 5-6, 2011	Lincoln

### **SUSTAINABILITY HUB** . . . continued from previous page

science research being done at the MIT CSH to further enhance the sustainable nature of concrete.” The MIT CSH was cofounded by the Portland Cement Association and RMC Research & Education Foundation.

MIT is set to release a follow-up study in 2011 that will examine the economic costs to provide the most comprehensive analysis of the total costs of building and paving materials.

The interim reports, one on the LCA of pavements and the other on the LCA of buildings, are available from the Foundation’s website at [www.rmc-foundation.org](http://www.rmc-foundation.org). Additional information about the work taking place at the MIT CSH may be found at <http://web.mit.edu/cshub>. The Vision of the RMC Research & Education Foundation is to support research and educational programs that will increase professionalism and quality in the concrete industry.

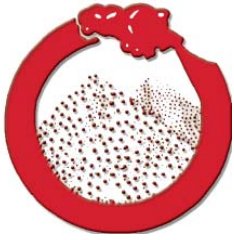
### **EPA REGION 7** . . . continued from page 4

This year’s national reporting of annual results includes an enhanced mapping tool that allows the public to view detailed information about enforcement actions taken at more than 4,500 facilities across the U.S. and its territories.

The mapping tool shows facilities and sites where civil and criminal enforcement actions were taken for alleged violations of U.S. environmental laws.

The tool also displays community-based activities, including locations of environmental justice grants awarded during FY 2010, and Environmental Justice Showcase Communities.

For a national summary of EPA’s compliance and enforcement results for fiscal year 2010, go to: <http://www.epa.gov/compliance/resources/reports/endofyear/eoy2010/index.html>



**NEBRASKA CONCRETE AND  
AGGREGATES ASSOCIATION**

6000 Cornhusker Highway  
Lincoln, NE 68507  
402-325-8414

**ADDRESS SERVICE REQUESTED**

# INDUSTRY CALENDAR

## NC&AA

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**January 12, 2011**  
**Kearney – Holiday Inn**  
Quality Concrete Conference “Concrete In Practice”

**January 13, 2011**  
**Omaha – CoCo Keys Resort  
and Convention Center**  
Quality Concrete Conference “Concrete In Practice”

**February 11<sup>th</sup>, 2011 Auburn, NE**  
Friday Afternoon Concrete  
“Freeze/Thaw Durable Concrete”

**February 23, 2011**  
**Lincoln – Holiday Inn**  
Past Presidents’ Dinner Reception

**February 24– 25, 2011**  
**Lincoln – Holiday Inn**  
NC&AA Annual Convention

## ACI

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**February 12<sup>th</sup>, 2011**  
**Omaha – Thompson Alumni Center**  
ACI Nebraska Chapter Annual Meeting  
and Awards Banquet

## NATIONAL

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**January 17<sup>th</sup> – 21<sup>st</sup>, 2011**  
**Las Vegas, NV**  
World of Concrete

**March 22nd-26th, 2011**  
**Las Vegas, NV**  
CONEXPO-CON/AGG

**April 3-7, 2011**  
**Tampa, Florida**  
ACI Spring 2011 Convention