

The

# READY-MIXER



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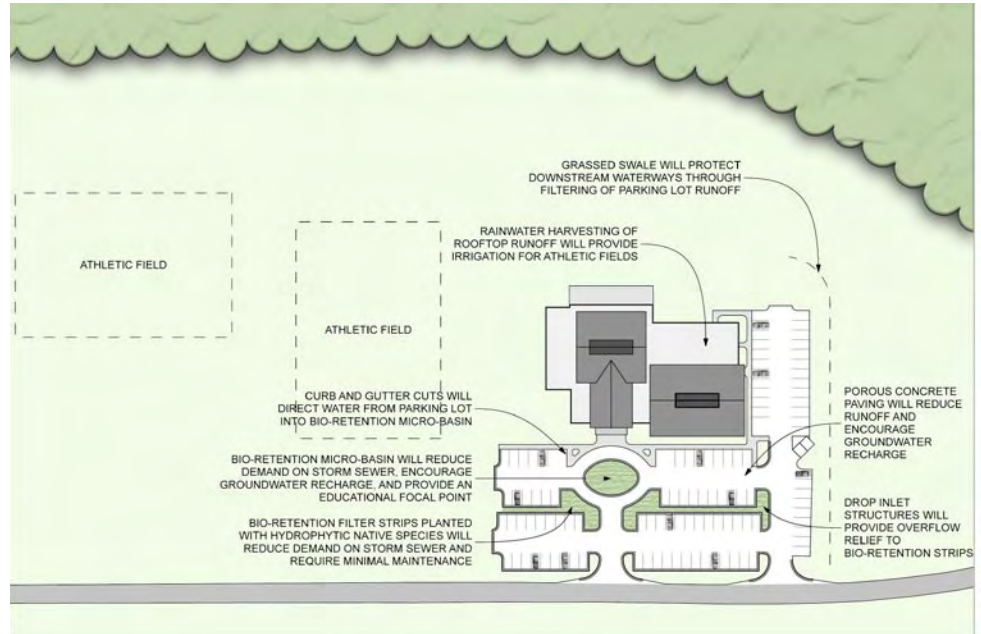
## newsletter

August/September 2007

### The Southside Virginia Family YMCA First in Virginia to Utilize New Design Service For Pervious Pavements

By J. Keith Beazley  
Director of Industry Services

The Southside Virginia Family YMCA was the first project submitted in Virginia to use the newly established NRMCA Parking Lot Design-Assistance program and was one of the first projects utilizing the service in the nation. The service provides an experienced professional parking lot designer and engineer who reviews existing parking lot plans and makes design recommendations. The NRMCA design assistance provides suggestions for sub-base, thickness, design details, jointing, specifications, and maintenance. This design service provides guidance to the project designer, contractor, and owner to allow them to design, specify, and build an economical and well designed project using the best practices of concrete pavements. The project must be submitted by a NRMCA State Affiliate and



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SOUTHSIDE VIRGINIA FAMILY YMCA

### Virginia Chapter of ACI and Southwest Virginia Advisory Council sponsor Pervious Concrete Seminar

By Bob Nablo  
Director of Industry Services

An enthusiastic audience of more than 90 architects, engineers, general contractors and VRMCA members gathered to enjoy a fine dinner and listen to a presentation on pervious concrete by NRMCA's National Resource Director Phil Kresge on July 24. The event was held in the ballroom of the Holiday Inn – Valley View in Roanoke, and attendees included representatives from three of the area's largest construction companies and officials from several local municipalities.

This event was advertised as an opportunity for area designers and builders to get together to listen to the latest information about pervious concrete, and also to discuss the various aspects of design and placement with each other. Kresge gave an excel-

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Robert Mareck and Jay Thomas enjoying the reception.



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## Pervious Seminar

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lent presentation on the background of pervious concrete, and then led the conversations into current uses of the pavement in stormwater management design and water conservation. There were many questions from the audience and it appears that several localities are trying to incorporate pervious concrete into their development programs. It was especially gratifying for local VRMCA members to see the leading design firms and construction companies represented at the seminar.

Thanks to Phil Kresge for finding the time to spend three consecutive days in Virginia giving presentations for the Northern Virginia, Southwest Virginia and Blue Ridge Councils, and to Virginia ACI and Southwest Council members for supporting this very successful event.

**Clockwise from Top:** Guests enjoying dinner at the reception; Kresge introduces pervious concrete; Kresge and Chuck Starnes prior to the presentation.



## YMCA

*Continued from page 1*

staff member. The project was submitted to the support service by Keith Beazley, VRMCA, in May 2007 on behalf of the YMCA.

Initially, a site design containing only conventional design standards was produced, and County of Prince Edward Planner Alecia Daves-Johnson sought to redesign aspects of the site to include Better Site Design practices. The YMCA and County wanted to use environmentally building practices commonly known as "Green Building" to re-design the site using bioretention practices, grassed water quality swales, pervious concrete paving and rooftop runoff collection systems. Waste water will be stored and used to irrigate the athletic fields surrounding the building. Each of the practices exceeds the existing stormwater management requirement in Prince Edward County and is highly innovative.

The new YMCA is going to be a focal point for the community and has been designed to provide services to 28,000 residents of Southside Virginia. On part of its acreage, a public park is being dedicated and will inter-connect to a system of trails and greenways currently under development in the County. The YMCA will be poised to provide a strong message about the benefits of Better Site Design to all of its members and the community at large.

The nature of the project is to better manage stormwater runoff. Prince Edward County desires commercial development sites to use Better Site Design principles and has selected the YMCA partnership project to develop as a model and example for future development patterns. Alecia Daves-Johnson stated, "This will be the example for developers,

*Continued on next page*

# Extraordinary Workshop at WSSI

## *Targeting Only the Decision Makers*

By Hessam Nabavi  
Director of Industry Services

Since last October, NVCAC has been involved with several educational/promotional activities for pervious concrete. These include an introductory pervious concrete seminar and demonstration in October, 2006, a pervious concrete contractor certification course in March, 2007, and a pervious concrete placement in May, 2007. All of these events have been extremely successful and have drawn a large number of people to learn about pervious concrete. The events have been focused on educating and developing quality pervious concrete contractors. But as VRMCA/NVCAC and Wetland Studies and Solutions, Inc. were planning the pervious concrete placement at WSSI's office for last May, we also recognized a need for educating the decision makers such as county and city officials, civil and environmental engineers, and

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Attendees experiment with the pervious concrete.

## YMCA

*Continued from page 1*

general contractors, and the public to come and view as an example of model site development for Better Site Design practices. The planning staff will be able to show practical examples of Stormwater Management to clients who have filed applications for development." Alecia anticipates that this project will "pave" the way to move accepted use of alternative stormwater management practices. The VRMCA is a partner in the project with the re-design of the parking areas with engineering expertise from the newly formed NRMCA Design Service. Also, the VRMCA is providing information of pervious pavement construction and pervious concrete production.

Prince Edward County and the YMCA are willing to provide a model of stormwater management as a public facility being constructed in an Industrial Park, with confidence that it will lead to increased demand for these practices. Daves-Johnson has calculated that the proposed practices will provide a 1.83 pound reduction in Phosphorus from the site. The overall calculated Phosphorus load for the site is 3.36 pounds per year. Therefore, the proposed conversion of this site will account for a 54% reduction of Phosphorus. This reduction will greatly improve the quality of the surface water with the reduction of pollinates. The site is adjacent to Little Buffalo Creek which drains into Buffalo Creek and the Appomattox River.

The use of pervious concrete pavement instead of asphalt will also greatly reduce stormwater runoff volumes. A minimum of 56% of the site's parking lots will be paved with porous concrete pavement and the remainder with conventional concrete paving. The project will also reduce the need for conventional storm sewer and curb inlets through the use

of pervious pavements and bioretention filter strips.

The YMCA has applied for a grant from the Commonwealth of Virginia Department of Conservation and Recreation for funding of the pervious paving project. The Department of Conservation and Recreation works to conserve, protect, and enhance the quality of the Chesapeake Bay and our rivers and streams and to provide lasting improvements to the quality of Virginia's waterways. The NRMCA and the VRMCA are very interested in this grant process and the opportunity to provide a product which will protect Virginia's natural resources.

The project is moving a very fast pace with Daves-Johnson contacting Ken Justice, Northeast Cement Shippers and VRMCA's Beazley on May 11th for information on pervious and the opportunity to use the product. Beazley was part of a conference call with the County Planning staff, YMCA executive members, and the General Contractor the following day, and the grant application was filed the same week. The VRMCA has provided information and guidance to the County Planning Staff and has helped with the design service plans and submittals for the project.

The key to this very successful venture is the vision of Daves Johnson and the desire to build new construction projects that are environmentally friendly and to protect our natural resource of land and waters. This project will have a very positive force on our efforts to promote and market the pervious pavement system and its advantages in improving the quality of the Chesapeake Bay and Virginia's rivers and streams. The YMCA project is a project that the County of Prince Edward, the NRMCA and the VRMCA, can be very proud of and it is an example of others to follow.

**WSSI***Continued from page 4*

finally builders, developers and owners. To reach this goal, we decided to schedule a very specific and targeted workshop which would cover the following three main areas: Technical Process, Construction Method and Regulatory. This workshop also would provide an opportunity for people to participate in a demonstration section (3,342 SF) of pervious concrete placed at WSSI's office in the previous month.

We felt so strongly about the benefits of this one-of-a-kind workshop that we also opened it up to all of Virginia and the surrounding states. We scheduled the workshop for July 12th and set a goal for the maximum room capacity of 125 people to attend the workshop.

With a few phone calls and some luck, we were able to find three experts who could cover the three topics. For a speaker with technical background, we wanted to invite a teacher who has been involved with methodology, calculation, design and approval process of pervious concrete projects at the county level. We invited Martin B. Covington III, P.E. Covington is the Program Engineer for Carroll County, Maryland's Stormwater Management Program and principal author of the Carroll County Stormwater and Floodplain Management Ordinances, Manuals, and Checklists adopted in April, 2004. Covington is a professional engineer in Maryland, Pennsylvania, Virginia, West Virginia and Delaware.

Covington has been directly involved with the design and approval process of several pervious concrete projects -- among those the eight-acre pervious concrete paving project for Shelter Systems Inc. in Westminster, Maryland which has been one of the largest pervious concrete projects in the country.

For a speaker with construction background, we wanted to invite a teacher who could bring years of field experience with great understanding of causes and effects, dos and don'ts. We invited Bob Banka, Senior Consultant for BASF Admixtures, Inc. (Master Builders) who has been involved with the ready mixed industry for 26 years, as well as with the development and promotion of pervious concrete for the past 17 years. Banka is a founding member of ACI Committee 522 and has done pervious projects in many parts of the country.

For a speaker with regulatory knowledge, we wanted to invite a teacher with a great understanding of US EPA- Clean Water Act, LEED, ACI 522 (Pervious Concrete Guide to Specification), environmental effects of pervious concrete as stormwater management systems and also someone with the ability to review the Hydrological Analyses for pervious concrete. We invited Phil Kresge, National Resource Director



About 125 attendees packed the room for the workshop.



Martin Covington  
of Carroll County, Maryland.



Michael Rolband, President of WSSI. .



Attendees experiment with the pervious concrete.

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**WSSI**

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for the National Ready Mixed Concrete Association (NRMCA). Kresge has been involved with the ready mixed industry for the past 24 years, and acts as NRMCA's executive for promotion and development of concrete markets in Mid-Atlantic Region.

I mentioned earlier that we set the goal for 125 decision makers attending the workshop. On June 12th, there were 136 people in attendance for the workshop. The room was packed with executives from Fairfax County, Prince Williams County, City of Falls Church, City of Rockville, City of Charlottesville, Stafford County, Virginia Department of Conservation, EPA Stormwater Program, City of Leesburg, Chesapeake Public Schools, Virginia Waters & Wetlands, NOVA Community College, and the US EPA to name a few.

There was also a large representation from many engineering firms, owners and developers. The program started with a brief introduction and presentation by the president of Wetland Studies and Solutions, Michael Rolband. Rolband welcomed everyone and talked about Low Impact Development at WSSI and how LID Practices such as Green Roof, Pervious Parking, etc. had been implemented at the WSSI building. Next, Hessam Nabavi with VRMCA welcomed everyone and gave a brief talk about VRMCA/NV-CAC's mission and their partnership with WSSI in the pervious concrete project and workshop. He invited the audience to take advantage of the experience of the speakers and the level of expertise that they were bringing to

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**Bob Banka of BASF Admixtures, Inc.**



**Phil Kresge of NRMCA.**

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## WSSI

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this workshop.

Covington, Banka and Kresge were tremendous. They offered a great deal of knowledge and expertise in their presentations to this enthused audience. The interest level in this system was extremely high. Throughout the workshop, many questions were answered by the speakers. To learn more about the contents of all the presentations and the teaching at this workshop, please visit [www.vrmca.com](http://www.vrmca.com) and click on Downloads and then click on Seminars and Special Events.

After the seminar, we invited everyone to take a short walk to the parking area behind the WSSI office for the demonstration. Portable sprinklers were placed on the pervious concrete pavement and sprayed water all around on the pervious concrete pavement. Several buckets were filled with water, ready for the audience's experiment. During the next few minutes these buckets were repeatedly being filled with water and poured over the pervious concrete by the participants. This exercise offered the audience a first-hand experience with this phenomenon of pervious concrete.

This workshop has effectively accomplished its intent to stir up interest. It has answered some questions and has overcome some skepticism. We believe the long-term effects of the above activities are yet to be realized. Needless to say, we are already witnessing a great amount of activity involving pervious concrete projects in NOVA. Pervious concrete is already included as a practice in the draft Northern Virginia Regional Commission/Engineers & Surveyors Institute LID manual and is soon expected to be allowed in Fairfax County in a Letter to Industry (as it was not included in the recent PFM changes for LID practices).

In conclusion, we would like to extend our appreciation to the following people for their assistance in the success of this event: Michael Rolband, Wetland Studies and Solutions, Inc.; Carol Novak, Wetland Studies and Solutions, Inc.; Martin Covington III, P.E., Carroll County, Maryland's Stormwater Management; Bob Banka, Senior Consultant for BASF Admixtures, Inc. Phil Kresge, National Resource Director for the NRMCA; Wes Morrison, BASF Admixtures, Inc. and NVCAC Commercial Chairman; Dave Snider, Cardinal Virginia Concrete and NVCAC Residential Chairman; Don Cooper, Aggregate Industries and 2007 NVCAC Council Chairman; and the NVCAC Members.

## VRMCA Holds ACI Performance Examination In Hampton

By Keith Beazley,  
Director of Industry Services

The ACI Field Testing Performance Examination was held on July 27th in Hampton at the Titan America facilities. The students were required to successfully perform each of the seven ASTM Standard Methods using proper testing procedures for each type of testing equipment for concrete. This practical follows the written examination in which each student must successfully answer questions on each of the seven methods.

This examination was completed in a very timely manner with very good participation from the Hampton Roads membership. Steve Kerr, Solite, was the Engineer in charge of this testing session. Members participating were: Frank Bartol, Titan America; Shelley Sheetz, TCS; Timothy Bonds, Capital Concrete; Lee Flemming, LaFarge Cement; Steve Pinner, Titan America; Blake King, Titan America; Bill Denison, Titan America; Laura Layne, VDOT; Gary Schepker, VDOT; Larry Johnson, VDOT; Robert Nablo, VRMCA, George Boykin, VRMCA, and Keith Beazley, VRMCA.

The VRMCA wishes to thank the individuals and the companies for this service to our industry. Also, we would like to thank Titan America for their facilities and concrete for the testing.

# EMPLOYEE RIGHTS ARE ON THE RISE: Don't Get Caught with Your Legal Pants Down

By: John G. Kruchko, Esq. and Kevin B. McCoy, Esq

The Senate recently defeated (for now) a bill (the Employee Free Choice Act) that would have given employees the right to elect a union as their bargaining representative without a secret ballot election. Pundits disagree about whether the proposal is dead or only temporarily shelved, pending a more employee-friendly political environment in Congress. What nobody can dispute, however, is that employees have secured some significant victories this year from both legislatures and courts – and the year is only half over. Employers should take heed. Navigating the legal minefield that has become employee relations is all the more difficult if you don't keep abreast of what you are facing.

## A. The President Approves the Federal Minimum Wage Hike

At the end of May, President Bush signed into law the "Fair Minimum Wage and Tax Relief" measure as part of a larger spending bill authorizing funds for the war in Iraq. In addition to raising the minimum wage, the new law provides some tax relief to small businesses, designed to help offset the impact of the wage increase and also extends the minimum wage to employees in American Samoa and the Commonwealth of the Northern Mariana Islands.

Under the new law, the federal minimum wage will increase incrementally from \$5.15 to \$7.25 by 2009. On July 24, 2007, the first increase went into effect, raising the minimum wage to its current \$5.85. A year from now, on July 24, 2008, the minimum wage will increase again to \$6.55 per hour. Then on July 24, 2009, the last increase will go into effect, taking the minimum wage to \$7.25 per hour. Employers should note the effective date of the changes and plan to change their employee's wage rate accordingly.

Of course, some companies will not be affected as their wage rates are tied to a particular state wage law that is set higher than the federal minimum (D.C. and Maryland, for example), even with the federal rate increase. Nonetheless, companies with employees in states that have a minimum wage set by state law should find out whether their state law is "tied to" increases in the federal minimum wage. Some state wage statutes authorize automatic wage increases if the federal minimum wage is increased.

If you have not done so recently, now would be a good time to evaluate your wage payment obligations and procedures. Ensuring that your company is in compliance with the applicable state and federal wage laws will be a topic of renewed importance over the course of the next two years as the federal minimum wage climbs higher.

## B. Virginia Employers Now Have to Provide Leave for Crime Victims

Under Virginia law, employers may not terminate or take an adverse action against an employee that is summoned for jury duty or called to testify in court (unless the employee is a criminal defendant). On March 15, 2007, Virginia passed a law that extends this protection to any employee

who is the victim of a crime. Under the new provision, which went into effect on July 1, 2007, an employee is allowed to leave work to be present at criminal proceedings related to the crime. This employment-related provision was part of a larger legislative program designed to protect crime victims' rights, generally.

Prior to attending any proceeding, the employee must give his employer a copy of the form provided by the investigating agency (likely the local or state police or the FBI) that lists the victims various rights and must also provide a copy of the hearing notice regarding each criminal proceeding the employee seeks or is required to attend.

However, employers are not required to compensate employees for the time they are absent from work to attend criminal proceedings. If the employee's absence would create an "undue hardship" on business operations, an employer may deny the employee's request to leave work.

## C. FMLA Waivers Now Must be Approved by a Court or the DOL

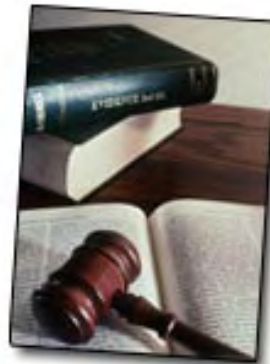
In July 2007, the Fourth Circuit U.S. Court of Appeals (of which Virginia and Maryland are a part) decided that a Department of Labor Regulation ("DOL") interpreting the Family and Medical Leave Act ("FMLA") prohibited employers from inducing employees to waive their FMLA rights both prospectively as well as retrospectively. At issue in the case was whether an employer and employee could enter into a post-dispute settlement agreement or even a severance or separation agreement that included a waiver of the employee's FMLA rights. The Court sided with

the employee, concluding that any waiver of FMLA rights ran counter to the DOL's regulations and had to first be approved by the DOL or a court.

The immediate implications for this decision are clear: an employer cannot include an FMLA waiver in any settlement, severance, or separation agreements unless it is prepared to have the DOL or a Court sign off on the provision. The long term implications are less clear. The DOL argued against the Court's decision and the employer in the case has hinted it may request rehearing by the full Fourth Circuit panel of judges. Of course, the DOL could also amend its regulations to overrule the Court's decision. Employers can expect this subject to remain murky for the foreseeable future and should seek advice of their employment counsel before including FMLA waivers in any agreements with employees.

## D. Another Whistleblower Law: the IRS joins the Fray

With the emergence of Sarbanes Oxley a few years back, whistleblower laws (both state and federal) have become all the rage. Apparently feeling left out, the Internal Revenue Service ("IRS") created the Tax Relief and Health Care Act of 2006, which was signed into law in December 2006. Under this new law, employees who blow the whistle on tax fraud perpetrated by their employer are entitled to





# “Green Concrete” Seminar Hosted in Staunton

By Bob Nablo  
Director of Industry Services

At the request of the Blue Ridge Advisory Council, NRMCA's Phil Kresge completed his whirlwind trip through Virginia by giving a presentation on environmentally friendly concrete products to an audience of engineers and ready-mixed members at the Holiday Inn Golf and Conference Center in Staunton on July 25th.

Topics included the uses and benefits of Insulating Concrete Forms, the design and placement of pervious concrete and the application of LEED credits toward the many uses of ready-mixed concrete. Kresge discussed the energy-saving aspects of ICFs and the stormwater retention capabilities of pervious concrete, and then tied all of the ready-mixed concrete LEED credits into a discussion of environmentally friendly concrete.

Thanks once again to Phil Kresge for his time and expertise in helping us spread the word about the benefits of concrete construction, and to Council member Ren Angle for scheduling and arranging this seminar.



Blue Ridge Council members enjoy the reception.  
Below: Phil Kresge gives his presentation.



## Legal Pants

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receive a large fee if the IRS collects money as a result of the report.

The program works this way: If the IRS, based on a report from an employee, prosecutes and prevails in subsequent legal action against the employer, the IRS is obligated to pay the “whistleblower” a fee of 15% to 30% of the money recovered. The percentage paid the employee is determined by the extent to which the employee’s report contributed to the collection of the money. However, small tax debts will not trigger the reward fee. The IRS will only pay out the fee if the amount to be collected from the tax debtor is in excess of \$2 million.

The new law prevents employers from retaliating against employees who make reports to the IRS. Even if the employee’s report turns out to be mistaken, an employer cannot be demoted, terminated, disciplined, or mistreated otherwise at work because of making the report. Retaliation claims have been on the rise in recent years. With this new law, employers can expect that trend to continue.

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# Oysters Get New Concrete Homes

## Concrete Helping the Environment in a Novel Way

We all know that concrete is a premiere material for environmentally friendly building - but now concrete can add "underwater homebuilding" to its resume of green achievements.

More than 200 concrete balls were placed in the Chesapeake Bay to help provide habitat for the bay's oysters, The Associated Press reported June 30. A group including representatives from The Nature Conservancy, the Virginia Marine Resources Commission, the National Oceanic and Atmospheric Administration, Allied Concrete Co. and the Tandem Friends School travelled to the village of Oyster, Va., in June to help place the balls.

The balls were set in Magothy Bay near Skidmore Island, and in shallows next to a lighthouse on Smith Island. The Nature Conservancy owns Smith Island and 13 other barrier islands on the Atlantic Ocean that collectively form the Virginia Coast Reserve.

Native oyster populations have nearly disappeared from the Chesapeake Bay and other coastal waters due to disease, lost habitat and overfishing. Each ball weighs about 40 pounds, is 18 inches wide and provides a nursery for baby oysters - called "spat" - where they can hide and feed. The balls are off limits to commercial harvesters.

The project was the culmination of a year-long effort that began when Gus Lorber of Allied Concrete Co. in Charlottesville approached the conservancy after reading that concrete might be a suitable habitat for struggling oysters. Allied donated about \$50,000 worth of materials, and students at the Tandem Friends School spent months making and shaping the reef balls.

"Having grown up in southern Louisiana and having spent so much of my time in the salt marsh, both at work and play, habitat restoration has always been a concern of mine," Lorber told the Associated Press.

The Virginia Marine Resources



Assistants take oyster shells out to the new reef.



A group including representatives from The Nature Conservancy, the Virginia Marine Resources Commission, the National Oceanic and Atmospheric Administration, Allied Concrete Co. and the Tandem Friends School travelled to the village of Oyster, Va., in June to help place the reef balls.

Commission, a state agency that regulates seafood, approved the experiment unanimously in May. The Army Corps of Engineers also approved a permit.

The concrete experiment cost about \$214,000, with the state, the federal government, Allied Concrete and The Nature Conservancy chipping in, the AP reported.

If the concrete orbs are successful, Allied wants to expand the experiment next year, including projects elsewhere in Virginia. Another 90 orbs were set to be deployed in July at a third site, also off Smith Island.



Each 18-inch orb weighs 40 pounds.





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