



## Why Clean Water? Why Use of Pervious Concrete is Even More Relevant Today than Ever?

By Hessam Nabavi,  
Director of Industry Services

Fresh water is one of our most vital resources, and when our water is polluted it is not only devastating to the environment, but also to human health. The US relies on public water systems to treat and deliver just over 44 billion gallons of clean water each day to our homes, schools and businesses. Much of our water comes from rivers, lakes and other surface water sources. Before it is delivered to us, it is treated to remove chemicals, particulates (soot & silt) and bacteria. This clean potable water is then used for cooking, cleaning, bathing, watering our lawns and so forth.

According to the EPA, 40 percent of all waterways in the US do not meet national water quality standards, due

*continued on page 3*



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**May 17-19, 2015**

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## Why Clean Water? *continued from page 1*

in large part to leaking sewer systems, runoff, etc. A national survey also found that over half of US rivers and streams are in a state of poor biological condition which harms the viability of those waterways to sustain healthy populations of aquatic insects and aquatic life.

Since the late 40s, several important laws have been implemented to protect the waterways:

The Federal Water Pollution Control Act of 1948 was one of the first major U.S. laws to address water pollution. It sets an overarching environmental goal that all waters of the United States be “fishable” and “swimmable”. Growing public awareness and concern for controlling water pollution led to a series of amendments in 1972, and the law became commonly known as The Clean Water Act (CWA).

Amendments have gone through various revisions and modifications throughout the years. Changes in 1987 phased out one of the amendments (the construction grants program) and replaced it with the State Water Pollution Control Revolving Fund, more commonly known as the Clean Water State Revolving Fund. This new funding strategy addressed water quality needs by building on EPA-state partnerships.

The Chesapeake Bay Preservation Act (The Bay Act) was enacted by the Virginia General Assembly in 1988 in an effort to promote the general welfare of the people of Virginia by protecting the Chesapeake Bay. This is for all bodies of water that ultimately flow to the Bay which creates the Bay’s watershed. The Bay Act was designed based on the principle that certain resources are preserved for public use, and that the government has a responsibility to maintain these resources. The Bay Act recognizes that the way land is used and developed necessarily impacts water quality, and thus focuses on reducing and preventing nonpoint source pollution. The aspirations of the Bay Act are summed up in its opening sentence:

*“Healthy state and local economies and*

*continued on page 4*



**Why Clean Water?** *continued from page 3*

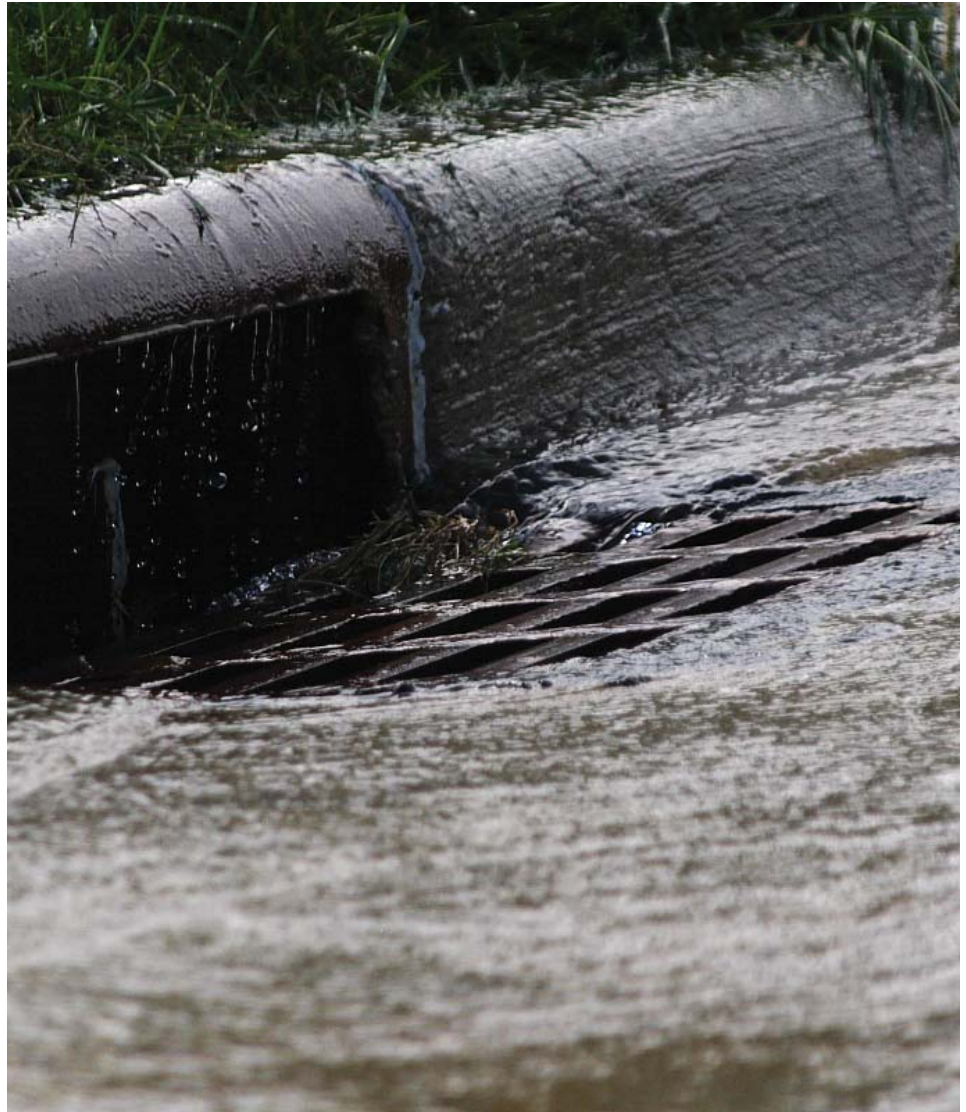
*a healthy Chesapeake Bay are integrally related; balanced economic development and water quality protection are not mutually exclusive"*

By December 2003 the Bay Act enabled each locality to establish protective measures and land use guidelines specific to their region. State efforts are guided through the Chesapeake Bay Program and the Chesapeake Bay Total Maximum Daily Load (TMDL).

**The Chesapeake Bay Program** is a multi-governmental cooperative partnership between all the Bay states, the Chesapeake Bay Commission, a tri-state legislative body and the EPA.

**The Chesapeake Bay Total Maximum Daily Loads (TMDL)** addresses all segments of the Bay and its tidal tributaries that are on the impaired waters list for nitrogen, phosphorus and sediment. In another words, the Bay and its tidal tributaries are overweight with nutrients. The excess nutrients fuel harmful algal blooms that rob the water of oxygen and create "dead zones" where fish cannot survive, while sediment blocks sunlight from reaching underwater bay grasses. The "loadings" are allocated to sources contributing to the problem.

A TMDL is comprised of waste load allocations for "point sources" like



*continued on page 6*

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# VRMCA 2015

## Newsletter Insertion Order



The VRMCA Ready-Mixer newsletter is distributed monthly to the entire membership and other industry individuals. **Total circulation is approximately 350.**

<u>Ad size</u>	<u>Dimensions</u>	<u>One Issue</u>	<u>Four Issues</u>	<u>Six Issues</u>	<u>Twelve Issues</u>
Full page	7.5" x 10"	\$276	\$992	\$1,406	\$2,646
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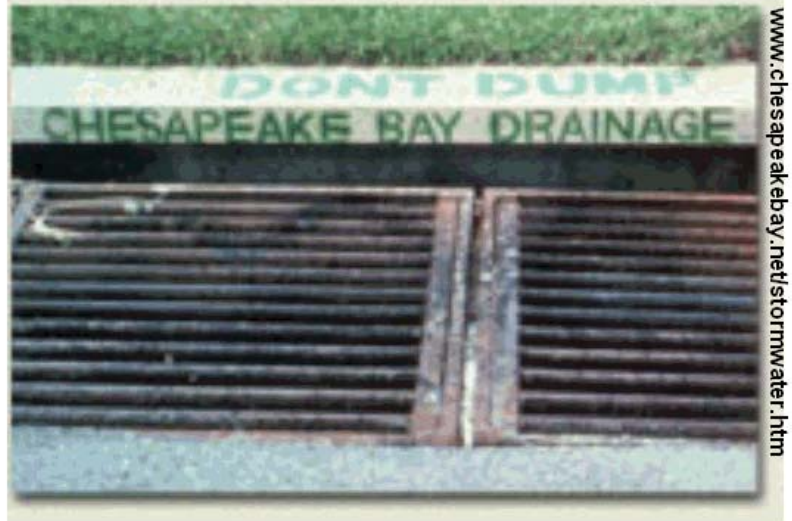
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Please make checks payable to "VRMCA" and send complete form with payment to VRMCA, 250 West Main Street, Suite 100, Charlottesville, VA 22902, Attn: Christina Sandridge.

## Why Clean Water? *continued from page 4*



www.chesapeakebay.net/stormwater.htm



www.chesapeakebay.net/stormwater.htm

sewage treatment plants, urban storm water systems and large animal feeding operations, as well as load allocations for “non-point sources” such as polluted rainfall runoff from agricultural lands and impervious surfaces. The main sources of nitrogen, phosphorus and sediment are agriculture, urban and suburban runoff, wastewater and airborne contaminants. Agriculture is the largest source of nutrient and sediment pollution in the water.

A TMDL is a “pollution diet” that identifies the maximum amount of a pollutant the waterway can receive and still meet water quality standards. Unmanaged stormwater can cause erosion and flooding. It also can carry excess nutrients, sediment and other contaminants into rivers and streams. Properly managed stormwater can recharge groundwater and protect land and streams from erosion, flooding and pollutants.

**Virginia Department of Environmental Quality (DEQ)** is the lead agency for developing and implementing statewide stormwater management and nonpoint source pollution control program to protect the Commonwealth’s water quality and quantity. DEQ works in the following areas: nutrient

point source reduction, toxic substance reduction, a monitoring program and other goals set out in the Chesapeake Bay Watershed Agreement.

DEQ has developed the Virginia Pollutant Discharge Elimination System (VPDES) permitting program which regulates point source pollution. “Point source” is defined by the EPA as “a source of pollution that can be attributed to a specific physical location, usually an identifiable, “end-of-pipe ‘point.’” This includes stormwater discharges from MS4s, Construction activities and Industrial discharges (“MS4” is *Municipal Separate Storm Sewer System; Publicly owned systems such as storm drains, pipes, ditches or swales that collect or move water to surface waters.*)

DEQ has also developed an updated set of non-proprietary BMP standards and specifications for use in complying with Virginia Stormwater Management laws and regulations. These standards are based on both traditional BMPs, Low Impact Development (LID practices) and environmental site design (ESD) practices. Virginia DEQ Stormwater Design Specification strongly suggests the use of permeable pavement.

Pervious concrete pavement is recognized as a Best Management Practice

by the U.S. Environmental Protection Agency (EPA) for providing pollution control, storm water management and sustainable development.

Pervious concrete is used in conjunction with other BMP’s to address the challenges with the Chesapeake Bay caused by years of unregulated agricultural runoff, the growing amount of impervious surface from suburban sprawl, and the bureaucracy.

### Here are the benefits of pervious concrete pavement:

- To Minimize excessive pooling in low lying areas due to runoff.
- To prevent/remedy erosion on the development.
- To retain water on property, which will benefit plants on the premises, return water to water table of the property and contribute to the improvement of the environment by:
  - Diminishing Stormwater contaminants in streams, rivers and the Chesapeake Bay.
  - Providing “groundwater recharge and reducing stormwater runoff volume.
  - Preserving and preventing erosions of stream beds and river banks if property drains directly into a stream. 🚧

## DOJ Memorandum Expands Title VII Sex Discrimination Prohibition

By John G. Kruchko and  
B. Patrice Clair

Over the past year, employers have seen a growing trend in plaintiff's asserting claims of gender discrimination based on gender identity. While such claims were often successfully dismissed under the theory that gender identity was not protected under Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended, recent developments suggest such arguments will no longer be as effective.

In December 2014, U.S. Attorney General Eric Holder announced that the Department of Justice (DOJ) will now take the position that Title VII's prohibition against sex discrimination includes discrimination based on gender identity, including transgender status. In a press release issued December 18, 2014, the Attorney General stated that he informed all DOJ component heads and U.S. attorneys via an office memorandum that the department will no longer assert that Title VII's prohibition against discrimination based on sex excludes discrimination based on gender identity per se, including transgender discrimination. This announcement represents a

stark reversal of the DOJ's 2006 view that Title VII does not protect transgendered individuals from discrimination.

The Attorney General's December 15 memorandum specifically notes that several courts have interpreted Title VII's prohibition of discrimination because of "sex" as barring discrimination based on a perceived failure to conform to socially constructed characteristics of males and females. However, courts have reached varying conclusions regarding whether discrimination based on gender identity in and of itself constitutes discrimination because of sex. The memorandum also notes that the federal government's approach to this issue has evolved since the DOJ took the position in 2006 that Title VII's prohibition on sex discrimination does not include discrimination based on gender identity or transgender status. Since that time, the Office of Personnel Management (OPM) has stated that the federal government's policy against sex

discrimination includes discrimination based on gender identity, and the EEOC has ruled that discrimination on the basis of gender identity violates Title VII. Additionally, earlier this year, the President signed an Executive Order prohibiting federal contractors from discriminating against employees based on gender identity and sexual orientation, which was followed by a Final Rule from the OFCCP implementing the Executive Order.

The Attorney General's memorandum states that "the straightforward reading of Title VII is that discrimination 'because of ... sex' includes discrimination because an employee's gender identification is as a member of a particular sex, or because the employee is transitioning, or has transitioned, to another sex." Accordingly, the DOJ will no longer assert that Title VII's prohibition on sex discrimination does not encompass gender identity per se (including transgender status). 🚚

John G. Kruchko is a Partner with the Labor & Employment Law Firm of FordHarrison, LLP in Tysons Corner, Virginia; Jacquelyn L. Thompson is also an associate in the firm's Washington, D.C. office. Frederick Warren, a partner in the firm's Atlanta office, prepared an original version of this article. For more information, please contact Mr. Kruchko or Ms. Thompson at (703) 734-0554 or by e-mail at [jkruchko@fordharrison.com](mailto:jkruchko@fordharrison.com) or [jthompson@fordharrison.com](mailto:jthompson@fordharrison.com). This article is published for general information purposes, and does not constitute legal advice.

### VRMCA Visits with Legislators

Ann-Germaine Danz,  
VRMCA, Senator Miller  
and John Lockett with Roa-  
noke Cement. 🚚



## Pervious Concrete for Public Works Hampton

By Ann-Germaine Danz,  
Director of Industry Services

Stormwater management and local nuisance flooding have been a high-level concern for localities across Virginia. After the July 1, 2014 effective date, cities were charged with enforcement of stormwater permitting fees imposed on construction sites. In the waterfront communities throughout Hampton Roads, stormwater issues are not limited to precipitation that falls in the form of rain, sleet, and snow. Rising levels in the bodies of water that define Coastal Virginia effects revenue streams and the ability of the region's residents to report to work. Sea level rise is to blame for a full closure at the Port of Virginia's Norfolk International Terminal on a day when

*continued on page 9*



## Local Builder's Association Talks With Blue Ridge Council

By Bob Nablo, Director of Industry Services

The Blue Ridge Concrete Promotion Council hosted Aaron Yoder, President of Yoder Home Builders and the Past President of the Shenandoah Valley Builders Association at the regular business luncheon recently. Yoder spoke about 2011 – 2014 residential construction results, current trends and 2015 projections for the Shenandoah Valley. He quoted several reputable sources, including the National Association of Home Builders, in his presentation and also offered many personal experiences and expectations. Yoder's presentation dovetailed fairly well with the residential construction results VRMCA members have seen over recent years, and while 2015 construction numbers are limited to January, the overall predictions appear favorable.



Council member Eddie Gupton, current President of the Piedmont Chapter of AGC, supplied two Associated General Contractors documents – one, the 2015 AGC Construction Hiring and Business Outlook, asking for their projections for the immediate future, and a second report, the 2015 Virginia Construction Survey, which detailed General Contractor's results for 2014 and 2015 expectations for construction in various industries. The report suggests that GC's anticipate slower construction in the marine, federal construction, and highway sectors, but better results in the retail, manufacturing and private office complex areas. This same report says that GC's expect to have a harder time finding experienced, qualified employees in the professional construction and craft construction fields. 🚧



## Pervious Concrete for Public Works Hampton *continued from page 8*

the inbound traffic lane was full of semi-trucks ready to pick up cargo. Anyone with experience in trucking can imagine the costs associated with a lost day of operations when customers are waiting on a product, cargo is being stored on valuable real estate, and a ship is sitting in port. The Hampton Roads Advisory Council hosted a lunch seminar in late January to educate the City of Hampton on the many benefits of pervious concrete for stormwater management.

Bill Denison of Titan America presented material covering the design, specification, placement of pervious concrete pavement. Mr. Denison kindly

subbed in on short notice for Phil Kresge who was ill. Bill discussed the importance of NRMCA training and certification for contractors handling this product for the best looking and most durable result. We shared a record of local certified pervious concrete contractors from the NRMCA database. The group was interested in exploring the possibility of designing pervious concrete for streets and local roads due to the local flooding occurring in many of Hampton's neighborhoods. Depending on subgrade soil conditions and anticipated traffic levels, pervious concrete may be used for local streets with a thicker section and deeper

aggregate base layer. Hampton's engineers were also interested in pervious concrete for erosion control on sloping road sides. Slope protection maintains the integrity of the designed road profile and keeps water on-site to recharge aquifers.

In attendance at the luncheon were representatives from the City of Hampton public works divisions of engineering, maintenance, and stormwater management. It is important to note that Hampton thought to include maintenance employees in the conversation

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### VRMCA Visits with Legislators

Jim Murray & Stephen Render with Vulcan Materials met with Senator Stuart. 🚚

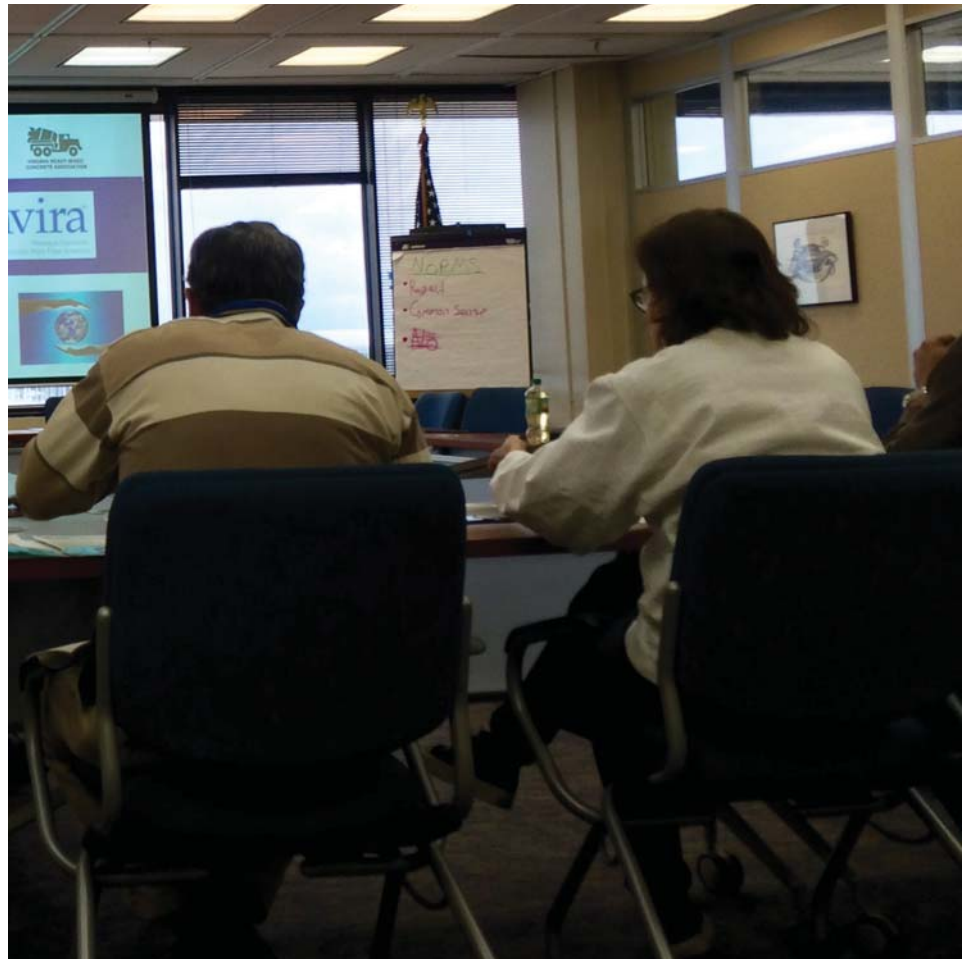




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## Pervious Concrete for Public Works Hampton *continued from page 9*

since they will be key to keeping surfaces clean and free of debris. In follow up conversations, HRCAC also shared the recently published NRMCA Pervious Concrete Maintenance and Operations Guide to further elaborate on the best machinery and methods to vacuum clogged surfaces or remove snow during the winter. Freeze and thaw durability is a question that often comes up when discussing concrete pavement. One of the great benefits of pervious concrete is the ability to drain away snow melt from piles that have been plowed across a parking lot or road shoulder. This limits the ever-present winter hazard of black ice that forms when sun melts snow during the day then plummeting temperatures cause refreeze at night. In northern climates that experience frequent snow fall at significant depths, the industry recommends increasing the aggregate base to 12 to 18 inches to avoid drainage layer saturation. Once the snow has melted for the season, the engineers have requested an additional presentation on ACI 330 specification review and conventional concrete parking lot design. 🚚



# VMI Cadet Training Facility Under Construction

By Bob Nablo,  
Director of Industry Services

Recent weather has slowed progress, but the new Physical Training Facility phase of VMI's \$122 million construction upgrade continues. The project, expected to take 25 months to complete, will include the construction of this new building housing cadet training facilities and an indoor track for NCAA competition, and also the renovation of two older buildings on the VMI post.

The Corps Physical Training Facility, which had been in the conceptual and planning phases for over five years, was approved for funding by the Virginia General Assembly in 2013. It is a major part of the vision for VMI's future headed by the VMI Superintendent, General J.H. Binford Peay. Phase 1, the training building, will include a 205,000

sq. ft. space housing a 126-space underground parking deck, a state-of-the-art hydraulic track, obstacle and high-rope courses, a 34-foot climbing wall, locker rooms and restrooms. It will be used for cadet and ROTC training and will also be home to VMI's NCAA Track Team. The building will also be available to the Lexington community. It is expected to be an attractive venue for high school and college track meets, and Peay says "This facility will be one of the best Olympic tracks on the east coast."

Much has been done to minimize the environmental impact. The building will be supported by massive concrete piers straddling an existing stream and the nearby hillside will be confined by a very large concrete retaining wall, most of which is already constructed. The main building is expected to be completed in 2016. 🚧



## On the Horizon Calendar of Upcoming Events

**MARCH 5, 2015**

**VA Concrete Conference**

8:30 AM - 6:00 PM

Westin Hotel,  
Richmond, VA

**MARCH 10, 2015**

**Hampton Roads Council Meeting**

11:30 AM - 1:00 PM

Crazy Buffet and Grill,  
Chesapeake, VA

**MARCH 12, 2015**

**NVCAC Quarterly Business Meeting**

11:00 AM - 2:00 PM

Bull Run Country Club,  
Haymarket, VA

**MARCH 17, 2015**

**Central VA Council Lunch Meeting**

11:30 AM - 1:00 PM

American Tap Room

**MARCH 18, 2015**

**Southwest Pervious Breakfast Seminar**

8:00 AM - 10:00 AM

The Roanoker Restaurant,  
Roanoke, VA

**MARCH 30, 2015**

**2015 Northern VA Pervious Concrete Pavement Lunch Presentation**

11:00 AM - 2:00 PM

Bowman Consultants

**MAY 4, 2015**

**VRMCA Mixer Truck Rodeo**

9:30 AM - 5:00 PM

The Meadow Event Park  
Doswell, VA

**MAY 17-19, 2015**

**VRMCA Spring Convention**

The Greenbrier

White Sulphur Springs, WV

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