

A Well Needed Training: Pervious Concrete Maintenance and Cleaning Training II

Due to popular demand, we just finished the second Pervious Concrete Maintenance & Cleaning (Presentation & Demonstration) event at the Office of Wetland Studies and Solutions, Inc. (WSSI). The event was a tremendous success. Nearly 70 county engineers, civil engineers, geo technical engineers, testing lab personnel, DEQ representatives, inspectors, public works personnel, county stormwater management officials, DC Water & Sewer staff, VDOT officials and contractors were in attendance. To ensure the success of the event we assembled a team consisting of Alan Sparkman, CAE, CCPf, LEED AP, Executive Director, Tennessee Concrete Association, Pervious Concrete Craftsman, Matt Cockerham with North Star Foundations, Pervious Concrete Craftsman, Zeke Zinchiak with Z Con Inc., Ryan Winnan & Tony Miller with Specialized Engineering.

The team gathered at the site on the morning of October 27th to run several infiltration tests before and after the cleaning of a section of the pervious concrete parking lot. The data gathered at this session was put in the spreadsheet by the Specialized Engineering's technicians and was provided to the attendees on the day of the event. This information clearly showed the value of the routine maintenance.

On the morning of October 28th, the event was kicked off by Alan Sparkman.

"Alan has served as the Executive Director of the Tennessee Concrete Association since 1998. He regularly teaches concrete industry professional courses across the US and served as an Assistant Professor at Middle Tennessee State University for the Concrete Industry Management program for the 2010-2011 academic year. He developed and teaches a class on Concrete Construction Sustainability for the "Concrete" MBA program at MTSU. He has been deeply involved with pervious concrete for over a decade and regularly places pervious concrete both for TCA demonstration projects and commercial projects where he is asked to assist and train contractors learning about the correct placement of pervious concrete. Alan holds the NRMCA Pervious Concrete Craftsman certification and is a co-author on several research publications relating to pervious concrete, as well as other concrete topics.



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He works closely with universities in Tennessee to design and direct research relating directly to current concrete issues, and TCA publishes this research in Tennessee Concrete magazine on an ongoing basis. As a firm believer in lifelong learning, he completed his Masters of Business Administration degree in May of 2004 from Jones International University. In November of 2006, Alan became a LEED Accredited Professional through the U.S Green Building Council and in January of 2007 Alan earned his Certified Association Executive (CAE) designation, a certification earned by less than 5% of all association professionals. He currently holds 15 technical and professional certifications related to concrete, construction and association management. Alan was honored to receive one of the prestigious Kodak American Greenways Awards in 2004 for his efforts in making the Count on Concrete bike ride across America a success. He was honored with the 2010 Tennessee Sustainability Award by the Tennessee Environmental Council, and has twice been honored with the TCA President's Award (2008 & 2013). In April of 2016, Alan received the Concrete Sustainability Award from the American Concrete Institute "for significant mentorship of the concrete community in the field of sustainability and exemplary outreach to those in the public, private and social sectors improving recognition, understanding and appreciation for the sustainable benefits of concrete as a building material." TCA has been named by the National Ready Mixed Concrete Association as the State Association of the Year three times under Alan's leadership, with the most recent award coming for 2015".

Alan's presentation was on "Principals of Pervious Concrete Maintenance & Cleaning". To view Alan's presentation, click on the following link: <http://bit.ly/2fvnWLB>

Following Alan's presentation, guests were invited to watch the demonstration on how to perform the Infiltration Test and the use of various cleaning equipment.

Demo was followed by a very informative panel discussion with Alan Sparkman, Zeke Zinchiak and Matt Cockerham on the following topics:

- What is the difference between maintenance of pervious concrete pavements and cleaning?
- Pre Pour meeting discussion, should include all testing and maintenance info that is required. This should tie into Wills questions.



- How often should infiltration testing be performed, who should run the test, who would evaluate the results and make recommendations?
- Who is responsible for creating, implementing and enforcing a maintenance plan?

Audience interest was impressive based on their participation in a lengthy Q & A session.

Will Rafferty with Swope and Associates moderated this session.

The event highlighted the proper implementation of ASTM C1701 Standard Test Method for Infiltration Rate of In-Place Pervious Concrete and NRMCA's Pervious Concrete Pavement Maintenance and Operations Guide.

We are very thankful to Alan Sparkman, Zeke Zinchiak and Matt Cockerham, Ryan Winnan, Tony Miller and Will Rafferty for this training.

In addition, the success of the event would not have been possible without the support of the following individuals. Susanna Headly with WSSI, Tim Zinchiak with Z Con Inc., Duane Laughlin with Essroc Ready Mix, Dave Snider with Vulcan Materials, Marc Granahan with Lehigh Cement, Lewis Lee with Luck Stone, Scott Malpasuto with Titan Virginia and Jose Herman Maldonado with Vulcan Materials.

Hessam Nabavi, Director of Industry Services

LEGAL REVIEW

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*John G. Kruchko

Texas Federal Courts Halt December 1 Implementation of New Overtime Rule and Permanently Block Implementation of Persuader Rule Nationwide

*By John G. Kruchko and Nancy V. Holt**

Executive Summary: Pursuant to two Texas federal court decisions this month, employers do not have to make changes to comply with the Department of Labor's (DOL's) new overtime regulations by the December 1, 2016 deadline and will not have to comply with the final version of the DOL's "persuader rule." In the surprising overtime rule decision, a federal District Court in Texas issued an injunction halting the implementation of the new overtime rules nationwide. If the injunction remains intact when President-elect Trump takes office, it may allow the new administration additional venues in which to seek to modify, amend or repeal the DOL's overtime rule, even if further judicial action is not taken to ultimately overturn the regulations.

The Overtime Rule

Decision: Back in September 2016, two separate lawsuits were filed in the U.S. District Court for the Eastern District of Texas: one on behalf of 21 states, led by Nevada and Texas, and other by the U.S. Chamber of Commerce and over 50 other business organizations. The lawsuits asserted the DOL exceeded its delegated authority in establishing the new overtime regulations and sought emergency preliminary injunctive relief to delay the December 1, 2016 effective date. The DOL's new regulations, published in May 2016, doubled the minimum salary level needed

to qualify under the white collar exemptions to \$913 per week, and sought automatic updating of this minimum salary level every three years.

In mid-October, the lawsuits were consolidated into a single action. Several motions are presently pending before the Court. Nevertheless, oral argument was heard on the States' motion

In its decision, the Court held that the States demonstrated a likelihood of success on the merits, noting that "Congress did not intend salary to categorically exclude an employee with [white collar] duties from the exemption." The Court further held that the "significant increase to the salary level creates essentially a de facto salary-only test." For these reasons, and because the States demonstrated irreparable harm if the rule went into effect on December 1st, the Court granted the injunction.

Impact of the Overtime Rule Decision on

Employers: The immediate impact of the overtime rule decision is that employers do not have to comply with the new overtime regulations on December 1, 2016. If the final rule had been implemented, then President-elect Trump would have needed to issue a new rule to modify or overturn the regulation, which could take years. The Court's injunction may allow the Trump administration to

modify or repeal the rule without going through formal rule-making. Employers should be aware that this is only a preliminary injunction, not a permanent injunction. Thus, the effective date of the new regulations is merely delayed until the Court makes a final determination on the merits.

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for an emergency preliminary injunction in mid-November, and the judge indicated from the bench that he would issue a decision by November 22, 2016. While there was some optimism that the automatic updating portion of the new regulations would be enjoined, there was little hope that the judge would enjoin the rule entirely. However, that is exactly what the decision did.

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The Persuader Rule Decision:

As mentioned in a previous article, on June 27, 2016, a Texas federal court issued a temporary injunction prohibiting the DOL from implementing the “persuader rule.” In a decision earlier this month, the Court found the rule unlawful consistent with the reasoning set out in the June 27 decision and converted its earlier temporary injunction into a permanent injunction with nationwide effect.

Impact of the Persuader Rule Decision on Employers: By permanently enjoining the DOL from implementing the “persuader rule,” the Court has kept in place the interpretation of the persuader rule that has been in force for well over 50 years. As a result, employers can continue to obtain a full range of advice from their attorneys and other consultants on responding to union organizing and other union activities without having to file intrusive reports with the DOL.

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John G. Kruchko is a partner with the Labor & Employment Law Firm of FordHarrison LLP in Tysons Corner, Virginia; Nancy V. Holt is counsel in the firm’s Tysons Corner, Virginia office. For more information, please contact Mr. Kruchko or Ms. Holt at (703) 734-0554 or by email at jkruchko@fordharrison.com or nholt@fordharrison.com. This article is published for general information purposes and does not constitute legal advice.

Shenandoah National Park’s newest sidewalk is a hit!

In July we featured pictures of the amazing stamped concrete sidewalk at Shenandoah National Park’s Skyland Resort. The work, done by Design Concrete builders, is an amazing example of how concrete can engage people and create a visually attractive solution that other options just can not provide.

Eugene Friesen, of Design Concrete builders out of Harrisonburg, brought 40 years of expertise to the project and finished just as strongly as they started. The original work order was for them to just do one small section of sidewalk, replacing the asphalt that was there, with stamped concrete. For this project Eugene used a Belgian slate stamp and then specially ordered animal and leaf stamps to really give the sidewalk character. Once the National Park Service and Delaware North Company, the company that runs Skyland Resort, saw what a beautiful job they were doing, the scope changed and more concrete was added. The additional areas included more sidewalk, as well as a circular area in the center with a beautiful compass.



Now as the tree leaves fall to the ground and the resort is getting ready to shut down for the winter the work is complete. Even when the temperature falls to the low 30’s and the wind blasts the mountain top bringing the wind chill adjusted temperature down to the mid 20’s, people can’t help but stop and marvel at the beautiful sidewalk. The day that I returned to take pictures and see the final product was a day just like that; but I was not alone admiring the concrete. I heard two

different groups of people comment on it and even saw one other person, a teenager, taking pictures of it on his phone.

While the actual amount of concrete used on this project was not that large, the overall impact is very huge. Any time we can get people to look at concrete in a new and different, way we have achieved

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a small victory! This project does that multiple times a day. If you are ever driving on Skyline Drive, or visiting near by Luray Caverns, I implore you to make a quick side trip up to Skyland Resort and check out this amazing piece of advertising for the concrete industry.

Jason Connor, Director of Industry Services



ON THE HORIZON *Calendar of Upcoming Events*

December 8, 2016

Northern VA Council Holiday Gathering
10 AM – 12 Noon
Topgolf
Ashburn, VA

December 13, 2016

Hampton Roads Council Business Meeting
11:30 AM – 1 PM
Chesapeake, VA

December 15, 2016

Central VA Council Holiday Party
3 PM - 6:30 PM
Country Club of Virginia
Richmond, VA

February 15-16, 2017

VRMCA Winter Board Meeting & Legislative Visits
Omni Hotel
Richmond, VA

May 7-9, 2017

VRMCA Spring Convention
The Greenbrier
White Sulphur Springs, VA

October 1-3, 2017

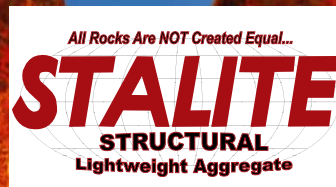
VRMCA Fall Convention
Hilton Oceanfront
Virginia Beach, VA

Thank You

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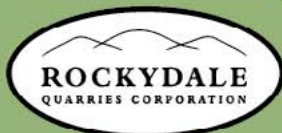
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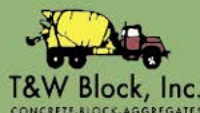


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