

Edgar J. T. Perrow, Jr., P.E. (Turner)



Lynchburg City Council

Lynchburg, Virginia

Ward IV Representative

Edgar James Turner Perrow, Jr., P.E., grew up in the Lynchburg area and is a 1992 graduate of E.C. Glass High School. He graduated from the Virginia Military Institute earning a Bachelor of Science in Civil Engineering in 1996. Upon returning to Lynchburg, he worked as a consultant engineer designing Combined Sewer Overflow and other infrastructure projects while working closely with the City of Lynchburg. He received his Professional Engineering designation in 2002 and started his own company, Perrow Consulting Services, specializing in capital project management. In 2011 he merged Perrow Consulting Services into WW Associates, a civil engineering firm specializing in the design of stormwater management facilities, water treatment plants, wastewater treatment plants, site planning, and utility infrastructure. As a principal and Vice President at WW Associates, Turner continues to serve clients throughout Virginia.

Turner serves as President of the Board of Directors of the Virginia School of the Arts and Second Vice President of the Virginia Military Institute Alumni Association. He is a graduate of the Sorenson Institute's Political Leaders Program and is active in representing our City's interests to our elected officials at both the state and federal levels.

Elected to represent the City's fourth ward in 2008, Turner believes in fiscal responsibility, smart growth, supporting our public schools system, and is committed to public safety. Additionally, Turner enjoys fly fishing, skiing, shooting, SCUBA, golf, and watching the Hillcats play. He and his wife, Holly, love to travel with their daughters Ella Epps and Caroline, especially trips to beach. They are members of historic St. Paul's Episcopal Church.

November 3, 2011

U.S. House of Representatives
Committee on Agriculture
Subcommittee on Conservation, Energy, and Forestry

Edgar J. T. Perrow, Jr., P.E. (Turner)

Good morning Mr. Chairman and members of the committee,

My name is Turner Perrow, and I am a member of Lynchburg City Council. In addition to being on council, I am a licensed professional engineer in the Commonwealth of Virginia. Therefore, I understand both the engineering and the fiscal impacts of the Chesapeake Bay Total Maximum Daily Load (TMDL) Final Report developed by the EPA.

I am very concerned about what our locality, and others, are being compelled to do. It is estimated that the cost to Virginia communities alone is over \$10 billion. The schedule for the implementation of these new TMDL regulations is arbitrary; no other TMDLs that we are aware of have a fixed schedule, or are required to have a fixed schedule by the Clean Water Act. Instead of establishing a realistic schedule based on the ability to implement, the schedule is being driven purely by the EPA's voluntary settlement of a lawsuit with the Chesapeake Bay Foundation and others.

As a member of Virginia's Phase 2 Watershed Implementation Plan Stakeholder's Advisory Group, we were told that the model, the theoretical mathematical program used to predict pollutant loading, is seriously flawed. On a macro scale, it is thought to be fairly accurate in its ability to establish the overall loading reductions needed for the Bay to meet Water Quality Standards. However, on a smaller scale there are significant and validated concerns. In the recent 5.3.2 model release, Lynchburg's load reduction goals have significantly increased compared to the prior model version, while another community downstream in the same river basin is shown to be able to increase its sediment loadings by 350%. This obviously does not make sense, which calls into question the overall validity of the model and creates significant challenges for local governments to be able to plan and defend investments needed to clean up the Bay. In October, the EPA basically acknowledged in correspondence with the Bay states that the model does not work at local scale. We are also pleased that EPA has recently issued a memorandum offering flexibility for localities nationwide to prioritize various Clean Water Act actions, although it is difficult to see how this flexibility would apply in the Chesapeake Bay watershed states given the magnitude and schedule of EPA's Chesapeake Bay TMDL requirements.

The additional cost to be incurred due to the Bay TMDL Report potentially includes a \$70M wastewater treatment plant upgrade and an estimated \$110M capital investment in stormwater infrastructure. Annually reoccurring costs of \$12M are to be expected – a 4% increase of our City's expenses, approximately \$140 annually per household. Since FY 2010, we

have cut our budget by 11% and expect another 2% cut this year. Our revenues have held steady, but our mandated fixed cost continue to rise. As a result of this great recession our local government has trimmed all the fat we can find in our budget, but this year, we'll cut deeper. The added cost of the Bay TMDL Program cannot be sustained in our budget.

The end result is that Lynchburg and other localities are being forced to impose upon our citizens and our businesses a stormwater fee to meet these demands. Should the \$70M WWTP upgrade be necessary we will have to increase our sewer rates which are already among the highest in the State. This will hit our water dependent manufacturers hard, as will the proposed storm water fees which correlate to manufacturer's significant impervious area. This will encourage sprawl to areas where a fee has not been imposed and where sewer rates are lower. Business will be incented to move farther into counties, and tax basis will be lost in population centers. This will have an overall negative impact to water quality.

If this program is the model for the EPA's future regulations of TMDLs across the county, we will witness the hardships I described spread to the entire country. What happens when the Mississippi River or the San Francisco Bay are subjected to these standards? In effect, the settlement between the Chesapeake Bay Foundation and EPA is dictating the future TMDL regulations across our country. Regulatory agencies need to consider the funding implications of their regulations on municipalities and not just assume that the cities or states can get the funds for whatever they deem to regulate. A citizen of Lynchburg recently sent me an email that said, "I didn't ask for the changes nor did I get to vote on acceptance of the storm water changes placed on the City of Lynchburg. I understand that there could be penalties for non-compliance with the new storm water regulations; nonetheless, I don't want to increase my payments from my fixed income to the City to comply with regulations that I didn't have the opportunity to vote on." As our elected representatives, I respectfully urge you to consider the imposed hardships that these regulations place on our constituents and debate the policy based on its costs and benefits.

In summary, I am a strong supporter of a healthy bay. The Chesapeake Bay and the James River, on which I grew up, are part my heritage as a Virginian. The bay is both a natural and strategic asset of our country. Cleaning up the bay is the correct action to take, however, the science must be proven, the timeframe realistic, and it cannot be such a sudden financial impact to our citizens and our businesses.

Thank you.