

Congressional Testimony

House Water, Power and Oceans Subcommittee

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Town of Louisa, Virginia

-Good morning my name is Thomas L. Filer and thank you for the opportunity to speak. Louisa, Virginia is a small rural community in Central Virginia with 1660 total citizens and 1.8 square miles. The majority of our citizens are retired or on financial assistance. Due to our rural nature much of the population that does work commutes out to larger metropolitan areas, and thus industry is sparse. 2/3 of our town residents live in rental facilities.

-The Town of Louisa has been dealing with aging water and disinfection byproduct quality issues for 9+ years. Since 2014 the EPA standards were increased and placed the Town in a position of being a serious violator of disinfection byproduct standard guidelines. In 2015 the Virginia Dept. of Health, based on EPA guidelines and pressure, placed the Town of Louisa under a consent order to fix the disinfection byproduct issue by February of 2017 or face possible penalties. At the same time the VDH placed the LCWA under a consent order for the same reason. LCWA is the water source for the Town of Louisa utility system. The Town of Louisa citizens are now paying County taxes to fix the LCWA issue and Town water rates to fix the Town system, which may in fact be fixed by the LCWA improvements. The VDH has felt pressure from EPA to improve all systems even when they are continuous water utilities. The Town has met all requirements, is working diligently to meet deadlines, spent \$1,000,000+ and unfortunately run into numerous undue hurdles that have taken time and money away from installing systems to deal with the water quality issue.

-One of those such hurdles is the NPS Conservation Recreation Easement. The delay of 1 year+ caused by the approval process, request for exception, and research of the replacement land, have caused undue delays and could take money from water quality improvement projects.

-The Town staff, engineers, and local well drillers reviewed numerous Town sites for a well to dilute water quality and help fix the disinfection byproduct issue. The well water is injected into the system to improve aging issues and dilute chlorine. The Town Park well site was determined to have the best water flow and GPM to meet the utility needs. This site sits within a Conservation Recreation easement created by a \$75,000 matching grant for a playground and pavilion.

-The Town of Louisa feels that NPS should have the ability to grant an exception to easement for public health and water quality. Particularly when the total impact to the easement land is minor in an amount of 2% of the entire easement. The well site will be 100'x100'. If the same building were constructed on the site for a bathroom it would be acceptable but because it houses a well it is not. We asked if we could build a bathroom on the side. However, it was still verbally denied because inside would be a well.

-The Town of Louisa performed an environmental impact study as part of the loan/grant funding package, as well as part of the VDH requirement for well permit. The environmental impact showed the

easement. The Town was required to go through proper channels of Va. DCR first and then NPS. The Town applied to Va. DCR which delayed response for 4 months. DCR then reviewed, approved and agreed to send the application to NPS. This was done with a recommendation from State of VA. DCR to approve the easement exception.

-The reason for the exception was based on cost to a small town which was already facing high expenses for improvements, and caused time delays for a project under VDH consent order. The thought was that further delays in the water projects meant continued non-compliance with water quality while awaiting an ok to grant an exception for the well on the site.

-NPS agreed to review the request in December 2015. In February 2016 they denied the exception, stated they do not have legal authority to grant an exception, and explained the replacement property process. The NPS did allow the Town of Louisa to proceed with the project of a well on the site and agreed that they would work with the Town on replacement property.

-The Town of Louisa has since bid the well construction package twice. The first round of bids received zero contractor response. When contractors were contacted to determine why they did not bid they responded that they have heavy current workloads, the Davis Bacon Wage rates, American Iron and Steel requirements were creating a work situation that would be difficult to bid. These standards are spelled out in the EPA and VDH grant loan package requirements. The project was then rebid and 1 contractor submitted a cost of \$1,300,000 which is \$820,000 above State VDH and Town engineer estimates. Not to mention, much higher than a Town with a total General Fund budget of \$1,644,000 could afford without more assistance.

-The issues with the replacement property process are additional expenses and time of:

- 1) Land Acquisition;
- 2) Survey;
- 3) Appraisal;
- 4) Recordation of replacement;
- 5) Legal work associated with replacement;
- 6) Improvements to the new site;
- 7) Additional time delays and possibility that the proposed site could be denied;

-The following items are a question to the Town of Louisa:

- 1) If in fact NPS did not have legal authority to grant an exception why even consider it for 2 ½ months and create further delays.
- 2) Va. DCR approved, lobbied for the exception, and requested it.
- 3) When does the heavy expense of complying with increased EPA standards to local citizens of a small rural community stop.
- 4) The same building could be built for a bathroom but not for a well to improve quality which is being required EPA standards.

Thank you for your time and the opportunity to speak.

