

Potomac Highlands Testimony re: 10-Year Water and Sewer Plan

As a Board Member of Potomac Highlands Citizens Association and President of the Overlea Sewer Consortium, I am writing to support requests of homeowners in Glen Hills and my neighborhood of Potomac Highlands for three changes in the revision of the Water and Sewer Plan. They are:

1. Remove the requirement for a failed septic system before a neighborhood group can request a sanitary sewer to identify specific needs of their area for sewer service.
2. Resume the North Overlea Sanitary Sewer study and take appropriate action.
3. Implement the County-mandated requirement for a limited master plan amendment as required in Resolution 18-423.

Here is the rationale for our community's requests.

1. In 2018, the Montgomery County Council made a change to a provision of resolution 18-423 that imposed a requirement for a DEP-verified septic failure in order to request a septic survey. This change, sponsored by then Council Member, Mark Elrich, narrowly passed by one vote without serious discussion of issues. It effectively gutted the Resolution's intended support for property owners in Glen Hills neighbors such as mine. This amendment was used as a pretext for DEP to stop the North Potomac Highlands Septic Survey, that was begun in October of 2017 with results presented in a public hearing. The need for these studies was clearly demonstrated by another study completed before the requirement changed. This survey of the south Overlea drive portion of our neighborhood showed that 82% of the 16 studied properties would not be able to replace septic systems. The Council approved sewer service categories to S3, allowing the owners to begin planning for sewer. This complicated process managed entirely by the homeowners is still ongoing five years later. This experience demonstrates why homeowners in this area need access to studies long before their systems actually fail.

Results of the North Overlea study showed that virtually all of those 28 property owners would not be able to replace failed or failing septic systems. No further action has been taken by the Council. These property owners deserve your support to allow service where necessary. Today, we ask for a revision of the draft Water and Sewer Plan include a requirement for completion of the North Study Report and follow-up recommendations for consideration by the Council.

2. We also ask that the Council remove the requirement for a DEP finding of a failed septic system before a septic survey can be initiated. Planning and executing a sewer project to replace aging septic systems that are close to failure and are a public health hazard takes lots of years and lots of money that the homeowners must provide. Waiting for a demonstrated failure before studying the problem is ridiculous. Most of the homes in our Potomac Highlands neighborhood were built between 1955 and 1967 and have pre-1975 septic systems using seepage pits. We need options for replacement.
3. Finally, the Council must support the 18-423-mandated requirement for a limited master plan that addresses the needs identified in the 2013 Glen Hills Study. According to the Resolution, "The limited master plan amendment will amend the Glen Hills section of the plan based on the 2015 Sanitary Study performed by DEP. It also states: "The Limited Master Plan Amendment should consider planning approaches and tools that are designed to address the impact of development on the watershed **while reconciling the septic and sewer issues in the area**. The directive in this Resolution is clear, yet County Council members continue to obstruct measures that will meet clearly identified needs of our community.

Attached are page shows suggested text changes in the Water and Sewer Plan are attached. Our request for action on the Resolution 18-423 are already required and could be implemented without additional changes.

Requested Changes to 2002 Revision of the Comprehensive Water Supply and Sewerage Systems Plan Executive Draft

Revision to Page 1-35, Section II.G.2.c: Establishing Onsite Systems Survey Areas Paragraph 2

Outside planned community service envelopes, onsite systems surveys are typically initiated by an individual property owner, or a group of owners, who identify an area of concern for DEP to investigate. **Properties within Glen Hills qualify for on-site systems surveys without a requirement for one failed septic system. In other areas**, at least one property owner requesting a survey must demonstrate that the existing onsite system has failed as verified by DPS. DPS must also find that the onsite system failure cannot reasonably be resolved by an onsite repair or permitted replacement of that system. This determination may require an onsite system inspection by DPS and a qualified contractor. A previous inspection may also satisfy this requirement, if acceptable to DPS. Areas highlighted in completed County studies as likely unsuitable for septic system replacement will be exempted from this requirement for a demonstrating a verified septic system failure that cannot be addressed reasonably by using a conventional replacement system (deep trench, shallow trench, or sand mound), by innovative and alternative onsite replacement systems, or by new technologies as they are approved for use by the State and County (e.g., graywater systems and waterless toilets).

Revision to Appendix C, Page C-5 paragraph 1

Community sewer service can be considered only under the following conditions for:

Properties in need of relief from public health problems resulting from documented septic system failures (Sections ILG.2.a.).

- Properties included within a specifically designated special sewer service area {Section ILG.2.b.). The septic system survey process used to establish these areas is outlined in the Council's resolution and in Chapter 1, Section ILG.2.b: Area-Wide Onsite Systems Concerns, et seq. The research conducted for the Glen Hills Area Sanitary Study will allow DEP to streamline the survey process for properties in these neighborhoods. Once DEP has established a survey area, an Executive recommendation for the Council concerning that area is expected within approximately three (3) months. A decision by the Council is generally expected within three months after that.

DEP will give a higher priority for surveys that include properties located within Review Areas (RAs) established in the Glen Hills Study and those with documented septic system problems. DEP will give a lower priority to survey areas outside of RAs or where DPS has not identified existing septic problems. **Properties within Glen Hills areas qualify for area-studies without the necessity for at least one documented failure. An almost completed study of North Overlea area will resumed and recommendations will be made to the Council based study results.**

Revision to page C-6 (top of page)

The-County Counsel's 2018 action to approve this Plan update changed the County's approach to the consideration of area-wide health problems where located outside the planned community service envelope. Establishing a septic system survey required the inclusion of at least one property that has a DPS documented septic system failure (see Chapter 1, Sections II.G.2.b.d.). **This eligibility criteria does not apply to Glen Hills properties.**