

**Testimony of Mary Yakaitis**  
**For Council Meeting on February 28, 2023**

I am Mary Yakaitis, President of the Overlea Sewer Consortium, and I'm here asking you to reject recommended deferral and denial of applications for Potomac Highlands' properties.

Today I want to tell you a bit about my personal experience to highlight the applicants' needs for support.

In 2006 the septic system on our property backed up into the house. We learned it could not be replaced and then were denied approval to hook up to an existing sewer line. John and I managed to make a temporary repair of our system. We have limped along for 17 years with our failing septic realizing that we are polluting Watts Branch Creek, which runs along the edge of our property. We live knowing our system could back up again at any time.

In 2013 we and our neighbors asked DEP to study conditions on lots along the south end of Overlea Drive. Results showed that 82% of these properties that used septic systems would not meet requirements for replacing them. Thirteen of us got the needed S3 sewer category changes.

Another study of northern areas in Potomac Highlands was stopped under political pressure after results were released showing that virtually all these properties are unsuitable for septic system use. Today's applicants are located in those identified problem areas.

New restrictions effectively eliminate the possibility that new studies such as ours will be undertaken. Yet, as shown in three existing DEP studies, there is an urgent and immediate need for sewer service. Meanwhile, County restrictions remain in force ,and eligibility requirements continue to emerge in wack-a-mole efforts to stop any new sewer connections.

Put yourself in our shoes. What would you do if the County said your property was hazardous for some reason but denied approvals needed to take care of the problem?

As my colleagues will explain in more detail, there are at least three or four compelling reasons that you should allow these applicants to obtain an S3 sewer category classification.

A vote for deferrals, if granted today, will actually mean denial because these applications for Council review as soon as a revised Water and Sewer Plan with new requirements can be approved.

These applicants qualify for and need relief now to prepare for future septic system failures.

The Council has freedom to use common sense in making decisions that help protect our health and the environment.

We actually need a limited Master Plan Amendment to address the looming disaster reflected in DEP study results.

But until an Amendment can be enacted, our troubled community looks to the Council to approve today's requests.

They are one small step towards needed solutions.

Thank you for this opportunity to present our request for your support.

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# OVERLEA SEWER CONSORTIUM TESTIMONY

## Written Testimony of Mary Yakaitis

### Submitted for Montgomery County Council Meeting of February 28, 2003

As President of the Overlea Sewer Consortium (OSC), I ask for Council Member support in approving the five pending sewer category changes that are in the Potomac Highlands community on Foxden Drive, Carriage Court, and Scott Drive. (The following WSCCR'22-TR's: 04, 13A, 05A, 06A, 09A, and 10A.)

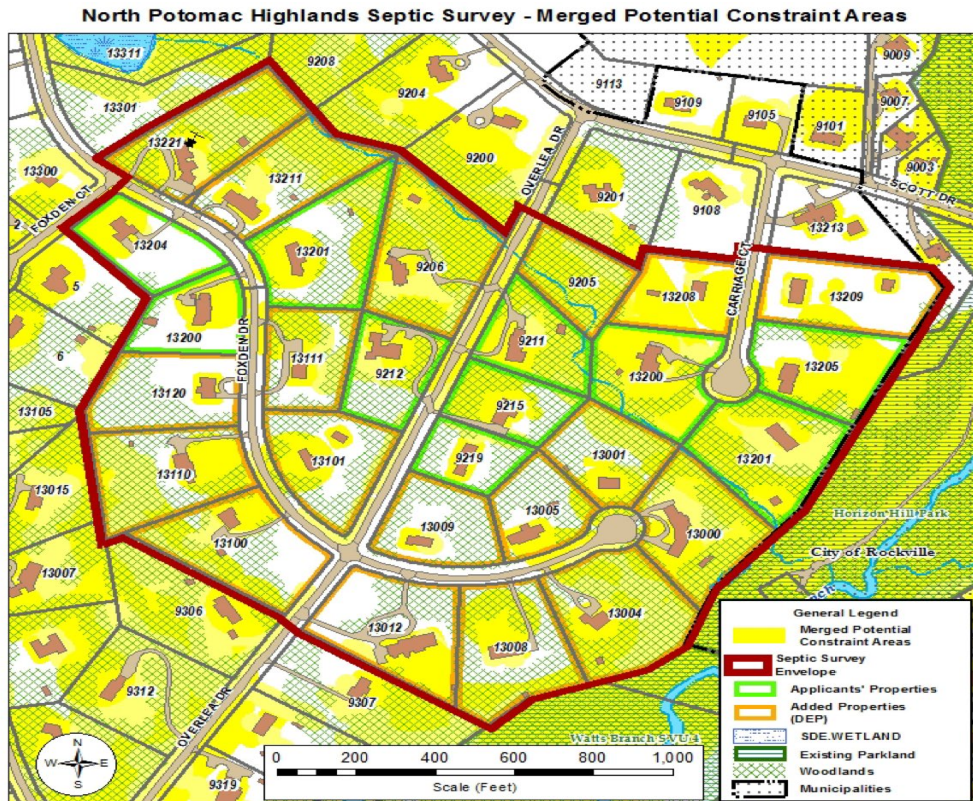
### DEP Recognizes Need for Sewer Service in Potomac Highlands

The group of homeowners who are members of my organization benefitted from the first DEP Septic Sewer Survey of a Potomac Highlands completed in 2017.

- It examined 19 properties using septic systems on the South end of Overlea Drive
- As a result, DEP approved S3 category changes for 13 lots meaning that over 81% of those studies that were found unlikely to qualify for replacement septic systems.

A second study of North Overlea and Foxden Drives found similar results as shown in the map below.

- In study findings, virtually all the studied properties shown as constrained,”(colored yellow in the map below). Constrained in everyday language means unlikely to qualify for septic system replacement.
- In a move dictated by politically motivated action by Council Member Elrich, the DEP could not recommend needed category changes. Because results were made public BEFORE this ill-advised policy change, redress is essential.



### **Category Changes: Necessary to Avert Health/Environmental Disasters**

The property owners on Foxden Drive and Carriage Court, whose application are being considered now by the Council were part of the 2017 North Overlea DEP stud and shown to be constrained. The property on Foxden Court immediately abuts the study area and shares the same constraints.

These taxpayers will be in an untenable position when failures of their septic systems occur now or in the coming years.

- They will most likely will have no alternative for waste disposal when their septic systems fail, as expected at any time.
- Most were installed 50 to 60 years ago on properties that do not meet current standards allowing for replacement.
- Everyone in our area lives in fear about what happens to us if failures occur before the County realizes that there are no practical remedies for us if we cannot connect to a sewer main.

Concerning the properties on Carriage Court, their lots also are constrained AND the DEP recommendations for deferral assumes there is an option of obtaining sewer service as part of the Rockville Expansion Zone.

- This assumption does not offer practical possibilities for the applications being reviewed today.
- The City will have to invest in major infrastructure projects such as sewer mains, sidewalks, and other improvements before hookups will be available. These improvements are not even in the planning stage and are inconsistent with the character of the neighborhood.
- There is a sewer main nearby they could hook up to, as described in the DEP packet prepared for Council by DEP.(See page 20 of the packet.)

### **Applications are Consistent with W/S Plan on Date of Application**

We believe that the Council **MUST** grant these requests as they were in conformity with the County's Water and Sewer Plan in force at the time of the submissions in January of 20022 and still in force.

- The revised W/S Plan--dated October 20022 has not yet been approved by the State of Maryland. It contains language not in the current plan. The added language specifically rules out the applicant properties because they are in the Rockville Expansion Zone. These changes do not apply to the applications being considered today.
- It appears that the change was made in the updated Plan specifically to justify denial of these requests. We urge your support to recognize that the applications should be grandfathered as the updated plan is not yet approved and thus, the new exclusions it contains should not be applicable in your decisions.

### **Restriction-Related Problems Occur throughout Glen Hills**

The denial of these requests follows politically motivated action by powerful no-growth groups that advocate for retaining sewer restrictions in the entire Glen Hills area.

They contend that sewers will bring development in a misguided philosophy that is leading to a potential environmental and public health disaster.

The restrictions mean that many Potomac Highlands Properties discharge septic system effluent directly into Watts Branch Creed. The policy also allows five open ponds in our area serve as seepage lagoons identified by the 2013 DEP study of this area.. They are open waste disposal sites with untreated raw sewerage pumped into them.

### **Rationale for Approval of Sewer Category Change Requests in Greater Glen Hills**

Table 1 on the next page presents a summary of the positions of both Potomac Highlands Citizens Association and my organization, (the Overlea Sewer Consortium) regarding restrictions on sewer expansion in our neighborhood and the larger Glen Hills area.

The continuing debate on this issue and the inability of the Council or DEP to find a solution highlight the need for a limited Master Plan Amendment. Sound scientific evidence MUST be applied to restrictions from a Master Plan that was formulated almost a quarter of a century ago.

The 21 year old provisions in the Master Plan no are no longer justifiable Now, our aging systems no don't meet current technical operating standards and are allowing waste to flow into Watts Branch Creed, a tributary of the Potomac River.

Furthermore, these restrictions conflict directly with State and National environmental regulations and the Maryland objectives of the Chesapeake Bay cleanup.

In view of these policies, the County cannot continue to put barriers in place that continue to foster an impending health and environmental disaster in Glen Hills communities. A limited Master Plan Amendment appears to be the only practical remedy.

We call for prompt Council consideration of this request.

**Table 1: Summary of Key Issues in the Glen Hills Sewer Restriction Debate**

<b>Potomac Highlands &amp; Glen Hills Position</b>	<b>Opposing Viewpoint</b>	<b>PH/GH Comment</b>
<p>Aging septic systems in our area pose a public health threat. They were installed in the 1950s and 1096's. They no longer function properly and are known to pollute the nearby streams.</p>	<p>Septic systems restrict growth in lower density areas</p>	<p>PH and GH has had sewer throughout the area for decades, with no resulting increase in density.</p> <p>More sewer service for remaining homes will not change the character of our neighborhood.</p>
<p>County studies show large areas of PH/GH are unsuitable for on-site waste disposal.</p> <p>Policies promoting continued use of septic systems in our area conflicts with these findings.</p>	<p>Septic systems protect our watersheds</p>	<p>Maryland State and national EPA environmental policies places high priority on elimination of septic system use near watersheds that feed the Potomac and the Chesapeake Bay.</p> <p>State planning data shows that Glen Hills septic systems contribute about 6,000 pounds of nitrogen into the Bay every year. Nitrogen removal is a primary MoCo environmental objective.</p> <p>One in-depth MoCo study of this area showed that 13 of 16 homes using septic systems would not be able to replace their septic systems when they fail completely.</p>
<p>The 2002 Master Plan restrictions on sewer service in Glen Hills and Potomac Highlands has placed a non-sustainable burden on residents.</p> <p>Older people and new families cannot renovate homes and must sell at prices adversely affected by findings publicly available in the County studies.</p> <p>Property owners are unable to report failures and problems as most have no options for replacement. Almost all properties that rely on these old systems have encountered problems.</p>	<p>Potomac Peripheral Sewer Service policy should be removed as an option for obtaining service in PH/GH</p>	<p>The County completed three studies clearly demonstrating that sewer service is essential to this community. (See reports of Glen Hills, South Overlea, and North Overlea studies.)</p> <p>Sewer exists throughout our community. No rationale exists for excluding some properties in PH and GH, where sewers have been available almost since the area was developed.</p> <p>Allowing people in the "Periphery" of the Planned Envelope permits a restricted but still important easing of non-sustainable restrictions.</p> <p>The policy has been part of the Potomac area for almost 20 years.</p>

## **ADDITION TO ORAL TESTIMONY OF MARY YAKAITIS**

The testimony presented by the West Montgomery County Citizens Association (WMCCA) representative in the February 28 public hearing on requests for approval of Potomac Highlands property owners' sewer category changes contained personal references to the status of my property that were incorrect, and clarification is necessary.

In addition, the testimony contained an allegation that there are NO septic system failures in Glen Hills, another statement that misrepresents the serious problems in our community, as detailed in three studies by the County DEP.

Brief explanations follow.

### **Yakaitis' Situation**

My husband and I as well as many others in Glen Hills bought properties when the current sewer service restrictions had not yet appeared in the 2002 area Master Plan. This also was prior to the 2013 DEP report that showed we live in an area not suitable for sewer service. That put us in an untenable position, with serious concerns about marketability of our property.

Five years ago, the County Council approved a sewer category change for my lot and those of 13 other property owners in response to a 2017 DEP study concluding that sewer service will be essential.

It has taken 5 years for us to begin actual planning for construction of the necessary sewer main. Now there are enough Overlea Sewer Consortium members sharing costs to put the per household price tag in the range of \$50,000. This amounts to a prohibitive expense for our retired participants and the families with children, but we have no alternative. We must protect our homes. If, as planned, we can proceed, construction of the sewer main will begin sometime next year, with individual hookups possible upon completion of the line.

Our experience suggests the urgency of giving the current applicants for sewer service relief now. They too face years of planning to make sewer service a reality. A failure can't be remedied overnight.

### **Number of Septic System Failures in Glen Hills**

The WMCCA spokesperson testified that there are no septic system failures. She should have stated that there are no DOCUMENTED failures in Glen Hills. The actual status of many properties is quite different. People in Glen Hills neighborhoods cannot report septic system problems because, as detailed in DEP studies, their lots are not likely to meet current technical standards for replacement. This means no one (including myself and other advocates for a change in policy) knows how many people are having trouble or have had system failures. We limp along with temporary solutions, divert wash water and other non-hazardous waste onto our lawns, reduce numbers of guests staying in our homes, and other ways to prevent a catastrophic failure that must be reported.

Please consider these misrepresentations when reviewing the WMCCA position.