## **Testimony of Michael Sinay**

## For Montgomery County Council Meeting, February 28, 2023

I am a member of the Potomac Highlands Community. My property abuts the Watts Branch Creek and is served by a septic system. Due to the lot's proximity to the creek, my system and those of my neighbors most certainly discharge nitrogen and other pollutants into the stream, the Potomac, and the Chesapeake Bay.

#### A Vote to Approve Today's Recommendations Equal a Vote to Deny Justice

The recommendations to defer requests my neighbors and I submitted amounts to an obvious denial. Your approval for **deferral** will mean these applications will be returned to you shortly with a recommendation for **denial** after the State of Maryland finally approves the latest revisions to the Water and Sewer Plan.

We hope you will put yourselves in our shoes and prevent the harm that would come from the recommendations to defer our requests. A vote to approve will signify your disregard of public health, economic welfare of County taxpayers, and the State of Maryland's commitments to clean up the Chesapeake Bay

#### **Rationales for My Request**

I strenuously object to the recommendations and request your support for immediate APPROVAL of my application and those of my neighbors of Carriage Court. In making this request, I ask what you would do if the County identified your property as a hazard to your health and a threat to value and use of the property itself, but then said you could not remedy the problem?

My request for support has three compelling rationales:

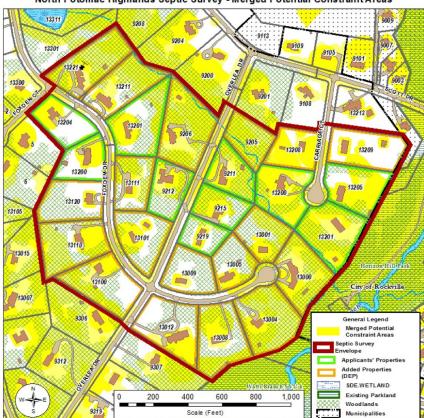
- 1. At the time we submitted applications, Carriage Court properties were eligible for a category change allowing sewer service under the Potomac Peripheral Policy (PPP) because we are on the border of existing sewer service and directly abut the main Watts Branch sewer line that runs behind our properties. At that time, PPP eligibility did not exclude Carriage Court because we are in the Rockville Expansion Zone. The exclusion apparently was inserted in the revised plan to deny us sewer service. Our applications were submitted in January of 2022. The exclusion being used to defer and deny our applications were included in the October 5, 2022 revision of the Plan. Our applications should be "grandfathered," and reviewed under the terms of the Plan as written when our applications were submitted.
- 2. Carriage Court properties are suitable for continued sue of septic systems, as shown on the map included as Figure 1. The yellow markings indicate areas shown to be "constrained," meaning, likely not to qualify for septic system replacement. This term is used in the 2017 North Overlea Septic Survey report released to property owners. Unfortunately, a measure sponsored by then Council Member Elrich prevented DEP from recommending the necessary

S3 category changes that would allow us to remediate the environmental and health threats from these constraints. Your vote for approval today would redress this ill-advised injustice.

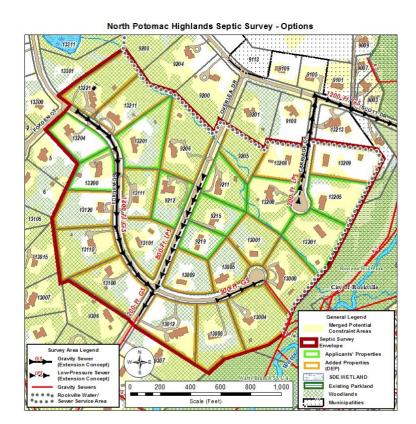
3. Availability of a Rockville sewer line for our neighborhood could be years or decades away. We need the security of a sewer category change NOW, because our septic systems could fail at any time. Furthermore, Rockville has not made plans or identified funds that we are able to identify for construction of a sewer main that we could hook up to. For it to be constructed, the City would have to construct a major sewer main and provide other infrastructure improvements such as sidewalks and curbs, which would be inconsistent with the rural character of our neighborhood. Also, there are barriers to connection for any such line. Hookups to our properties probably would need to cross Watts Branch Creek (not permissible under current County environmental policies). Another connectivity issue are related to nearby location of a major Washington Gas line installation in that area. Our septic systems are aging, have been identified as inappropriate, and could fail at any time. We cannot wait for the decades-long availability of Rockville sewer infrastructure. Meanwhile, a WSSC sewer that is in reach of our properties is already available nearby, as shown on the second map below taken from page 20 of your packet DEP prepared for this hearing.

Again, I ask, please vote to approve our application for category changes. We are Montgomery County voters and taxpayers who need your assistance. The DEP has no power to respond to political pressure from the County Executive, but the Council Members have freedom to use common sense in decision making by allowing us to obtain sewer service, which will be financed fully by property owners at no cost to the County.

Figure 1: Map of Constrained in North Overlea Sewer Findings Report



North Potomac Highlands Septic Survey - Merged Potential Constraint Areas



# Figure 2: Map of Possible WSSC Connection

Thank you for this opportunity to provide my testimony in support of the Carriage Court property needs for sewer category changes.