

**PHCA PETER DOHERTY ORAL TESTIMONY RE:  
WATER & SEWER PLAN SERVICE AREA CATEGORY AMENDMENTS**

**\*\*\*[Slide 1 Please]**

Thank you for the opportunity to testify.

I am here today urging you to **approve** sewer category changes for items 2, 3, 4, 5, and 6 in your Transmittal packets.

**\*\*\*[Next Slide (#2) Please]**

I and my neighbors requested a septic survey in 2017 that covered most of these properties. Their existing septic systems were built in the 1950s, 60s and 70s before modern standards. DEP has told us they are likely to fail in the near future.

Because we are all concerned about the environmental and health dangers of failed septic, we encouraged our neighbors to submit the applications you are considering today. As shown on the survey map, the properties on Carriage Court and Foxden Drive are “constrained” for septic system use.

The DEP term constrained means that the land is not suitable for replacement septic systems, and the existing systems are more likely to fail. They need a solution and we ask your support to make that happen.

**\*\*\*[Next Slide (#3) Please]**

Beyond the DEP’s determination that septic is not feasible on these properties going forward, there are several other considerations.

When the three applications involving the Rockville Expansion Zone were submitted in late 2021, they conformed with the Potomac Peripheral Policy in the Water Sewer Plan then in effect.

A Revised October 2022 Plan changed the text specifically to target these properties in the Rockville Zone, even though a WSSC-designed concept on page 20 of your review packets shows a connection directly to WSSC’s system. The applications should be grandfathered.

This is the second time we have faced retroactive changes in policies. We requested that septic survey in 2017. In your packets on page 11 the DEP states that the Council passed a revised policy in 2018, and that the Council directed that our survey “had to conform with the requirements of the revised policy even though DEP and DPS had initiated the survey prior to the Council’s approval of the 2018 update“. HOW are we, and for that matter the DEP, supposed to play by the rules when the rules keep changing???

**\*\*\*[Next Slide (#4) Please]**

In the case of the Maizel and Eisenhower properties, the distance from an existing sewer main is not a factor for property owners facing inevitable septic failures. They must have a remedy.

The fact is that sewer is available on Overlea Drive, and a Foxden property on the corner of Overlea was approved for a sewer category change. These property owners could collaborate with that owner in order to reach the existing sewer main. The halted 2017 survey shows just such a solution.

There is no justification for denial when septic system use is “constrained”. A denial is NOT a solution.

**\*\*\*[Next Slide (#5-last) Please]**

**Need for Environmental Science as Guide for Policy**

The Executive branch must stop their “whack-a-mole” approach of changing language and policy AFTER applications and study requests are filed.

No scientific findings support sewer service restrictions in these old established neighborhoods.

No growth advocates supported by the County Executive have blocked DEP’s ability to address these impending health and environmental disasters. We don’t want growth. Our covenants prohibit sub-division. In fact, the sewer line I just mentioned is right in the middle of our neighborhood. We have a very serious problem that must be addressed.

It is time for science and engineering, NOT POLITICS to be applied in sewer service decisions.

The Council’s support for the Potomac Highlands sewer category change requests will be an important first step and an important community service.



# Potomac Highlands Citizens Association

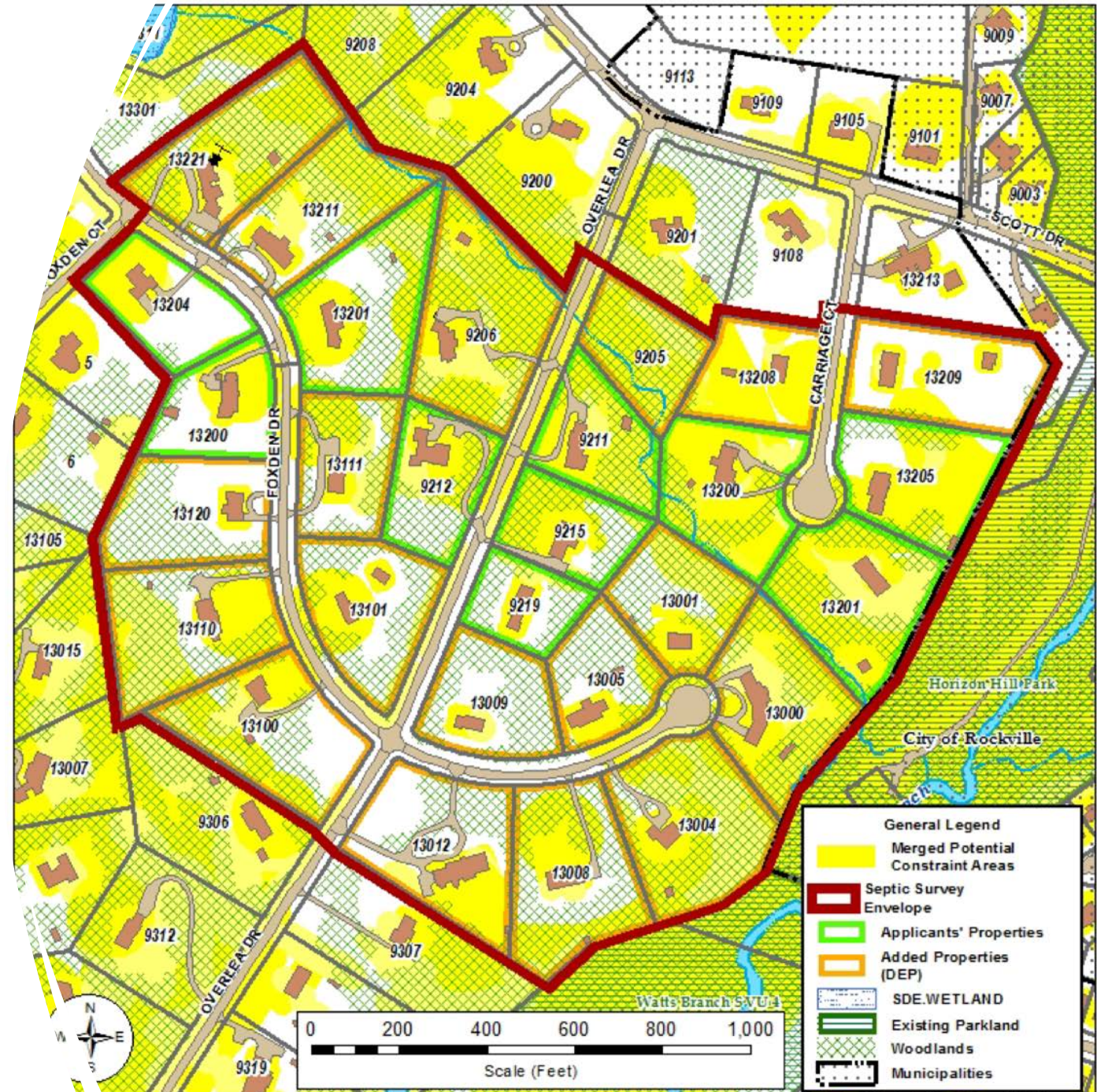
Testimony by Peter Doherty,  
President

Serious Health, Environmental Issues  
Must be Addressed.

DEP 2017 study results map shows yellow color that means “constraints” to septic system replacement.

“Constraints” means: Septic system replacement unlikely.

Solutions are essential.



# Approve Requests from Properties in Rockville Exclusion Zone

- Requests conformed with the Potomac Peripheral Policy as described in the current Water and Sewer Plan. Revised W/S Plan is dated October 2002 and still not approved by the State of Maryland. T
- Applications should be grandfathered.
- Properties are “constrained.”
- WSSC sewer main is nearby.



# Need for Environmental Science as Guide for Policy

- No scientific findings support sewer service restrictions in these neighborhoods.
- No growth advocates, with support by the County Executive, have blocked DEP's ability to address impending health/environmental disaster.
- Time for science, NOT POLITICS to be applied in sewer service