

February 28, 2023

Ted N. Smart, Greater Glen Hills Coalition
Montgomery County Council Testimony
Agenda Item #6
Water & Sewer Category Change Requests

In Support of (6) WSSCRs in the Glen Hills Area:

22-TRV-04A: Maizel; 22-TRV-05A: Sinay; 22-TRV-06A: Rao; 22-TRV-09A: Reinhold; 22-TRV-10A: Shevitz; 22-TRV-13A: Eisenhour;

And in Support of a Limited Master Plan Amendment to resolve the ongoing sanitary sewer issues in the Glen Hills Area.

Hi, I'm Ted Smart. I live at 13200 Cleveland Drive, Rockville. I represent the Greater Glen Hills Coalition, a group of hundreds of property owners in the Glen Hills Area who continue to request reasonable sanitary sewer policy.

Our Coalition supports approval of all 6 Category Change requests in the Glen Hills Area.

4 of the 6, Carriage Court & Scott Drive are all being deferred pending State approval of the 2022 Water & Sewer Plan update. But if you had to take action on them today, they would be approved. The Glen Hills Study took 7 years to make it into the 2018 Plan and then when these people take the time, money and effort to apply under the rules, the County again pulls the rug out and makes MORE CHANGES 4 years later in the 2022 Plan. It's a running theme in Glen Hills!

In your Council packet on page 11, note the way when a "Sanitary Survey", as defined in the 2018 Plan, was nearly complete, the County just changed the rules to force stopping survey, saying that someone had to stand up and say their septic had failed before conducting any more or even finishing an ongoing Survey. That's crazy! I wouldn't announce my septic a failure and I don't think you would either.

So with these latest rule changes in the 2022 Plan to exclude Rockville from the Peripheral Policy, how much sense does it make to restrict sewer closer to the City of Rockville than it is to obtain further away? These 4 applicants, particularly on Carriage Court have neighbors a few lots further out that just got approved for sewer. Why does the Executive, and why would this Council, want to restrict people from improving their homes and their biggest investment or just vest their rights to do so?

As for the other 2 Category Changes in Glen Hills, Foxden Drive and Foxden Court, they should CLEARLY be approved under the Peripheral Sewer policy! What the Executive recommendation's do here is bend the clear definition of the 2018 Policy in favor of denial. They somehow say the periphery can't "be within a different subdivision or on another street" is simply wrong. The policy does not say that, and it doesn't say that its "intended to provide service to properties that are part of a contiguous area". I challenge each of you to find this wording in the existing Plan policy.

And there IS precedent for these two applications under the Peripheral Policy. For both applications its a logical future extension of gravity sewer within Foxden Drive. What difference does it make what it could cost the applicants to extend? It doesn't cost the County a dime, only increases our tax revenue. And these applicants may only be trying to vest their rights under the existing approved policy because Lord knows the policy in Glen Hills is forever changing. As for the additional abutting properties "outside the sewer envelope" along the route, if you'll remember Chairman Glass, the Council just approved an application further out in Potomac creating a policy to extend sewer just a little further to connect someone outside the sewer envelope by an abutting main so the peripheral policy applicant could have a logical connection.

None of the Executive's reasons to deny these applications makes any sense or good public policy. Please diligently review and approve these 6 applications, which by the current rules should be approved.

I also request that this Council support a Limited Master Plan Amendment in this year's budget and on Park and Planning's work plan pursuant to Council resolution 18-423 from 2016. The T&E committee 4 months ago seemed to signify their support for this.

Thank you.

A handwritten signature in black ink, appearing to be 'T. G. S.', written in a cursive style.

Resolution No.: 18-423
Introduced: July 21, 2015
Adopted: March 8, 2016

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Comprehensive Water Supply and Sewerage Systems Plan: Glen Hills Area Text Amendment

Background

1. Section 9-501 et seq. of the Environmental Article of the Maryland Code requires the governing body of each county to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the county.
2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 90 days to review a county governing body's action to amend the county's Water and Sewer Plan. Upon notice to the county, MDE may extend that review period for another 90 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by the MDE or the period for final MDE action has expired.
3. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which was approved by the State Department of the Environment.
4. The County Council has from time to time amended the Plan.
5. On June 5, 2015, the County Council received a text amendment from the County Executive regarding the Glen Hills area. This text amendment resulted from the completion of a sanitary study of the Glen Hills Area which had been recommended in the 2002 Potomac Subregion Master Plan.

6. Recommendations regarding this text amendment were solicited from the Maryland-National Capital Park and Planning Commission and Washington Suburban Sanitary Commission Staff.
7. A public hearing was held on September 17, 2015.
8. The Transportation, Infrastructure, Energy & Environment Committee discussed these amendments on October 26, 2015, November 16, 2015, and January 21, 2016 and made recommendations to the Council.
9. The Council held worksessions on March 1, 2016 and March 8, 2016.

Action

The County Council for Montgomery County, Maryland approves a text amendment to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan for the Glen Hills Area as shown in the attachment to this resolution.

The County Council directs the Planning Board to produce a limited master plan amendment to the Potomac Subregion Master Plan of 2002. The area to be covered is limited to the Glen Hills Sanitary Study Area. The limited master plan amendment will amend the Glen Hills section of the plan based on the 2015 Sanitary Study performed by DEP.

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 Limited Master Plan Amendment should not revisit the existing zoning in the Glen Hills area.

Any language changes adopted as a result of this limited master plan amendment will be incorporated in the Comprehensive Water Supply and Sewerage Plan solely with respect to the Glen Hills area.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
Executive’s June 2015 Amendment Transmittal: 2003 Water and Sewer Plan Text Amendment**

Introduction

On March 30, 2015, the County Executive transmitted recommendations to the County Council for sewer service policies for the Glen Hills Study Area. The service recommendations were based on the results of the Glen Hills Area Sanitary Study, which was undertaken by the Department of Environmental Protection as recommended in the 2002 Potomac Subregion Master Plan.

The Executive subsequently transmitted a Water and Sewer Plan text amendment to the Council on June 2, 2015. The proposed text amendment converted the March 2015 sewer service policy recommendations into the format of policy language for the Water and Sewer Plan text. It revises existing language addressing the Glen Hills Neighborhoods found in Chapter 1, Section II.E.1., Table 1-T3: Special Master Plan Water and Sewer Service Recommendations.

Introductory language for the text amendment begins below. Table 1-T3 is shown starting at the bottom of page 1/3 through page 3/3; only that part of the table addressing the Glen Hills area is included in the amendment. A reference map of the study area is provided on Attachment B.

CPTA 15-CH1-01T

CHAPTER 1: Objective and Policies

II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

E. Special Policies for Water and Sewer Service - In addition to the preceding general service policies, the County Council has adopted specific policies for the provision of community water and/or sewer service which create exceptions to the general service policies. The Council has also adopted service recommendations in local area master plans which create exceptions to the general service policies.

1. Master Plan Recommended Exceptions – The preceding sections discussing general water and sewer service policies noted that local area master plans may recommend exceptions to those general service policies. In order to implement specific development and land use strategies, a master plan may recommend policies for community water and/or sewer service which can be either less restrictive or more restrictive than this Plan’s general service policies. When a master plan makes such a recommendation, it must also include an appropriate justification for the recommended departure from the general policies. DEP staff coordinate closely with M-NCPPC staff with regard to the water and sewer service recommendations developed in local area master plans.

These exceptional recommendations are, of necessity, scattered throughout the County’s various local area master plans. The following table is intended to consolidate and summarize these recommendations into convenient format and to make them part of this Plan. For additional information concerning these issues, please refer to the master plans cited below.

Table 1-T3: Special Master Plan Water and Sewer Service Recommendations	
General Area Affected	Master Plan Service Recommendation & Comments
Potomac Subregion Master Plan (2002)	
Glen Hills <u>Study Area</u> [Neighborhoods (as defined in the 2002 master plan.)]	[The master plan recommends that only documented public health problems shall be justification for the approval of sewer service area category changes within this area, pending the completion of an area-wide sanitary survey by DPS and DEP.] <u>The 2002 Potomac Subregion Master Plan recommended new community sewer service be limited only to documented public health problems pending the completion of an area-wide sanitary survey by DPS and DEP.</u> <u>With the master plan-requested study completed in 2014, the following service policies apply to the Glen Hills Study Area:</u>

Amendment Mark Up Legend: [Bracketed Text]: Deletions from existing plan text
Underscored Text: Additions to existing plan text
Double Underscored Text: Additions to recommended amendment

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
 Executive's June 2015 Amendment Transmittal: 2003 Water and Sewer Plan Text Amendment

Table 1-T3: Special Master Plan Water and Sewer Service Recommendations

General Area Affected	Master Plan Service Recommendation & Comments
	<ul style="list-style-type: none"> • <u>Individual, on-site septic systems are the primary wastewater disposal method consistent with the area's standard-type development under the RE-1 Zone.</u> • <u>Community sewer service can be considered only under the following conditions for:</u> <ul style="list-style-type: none"> ○ <u>Properties in need of relief from public health problems resulting from documented septic system failures (Sections II.B.5.b. and II.E.2.).</u> ○ <u>Properties included within a specifically designated public health problem area (Sections II.B.5.a. and II.E.2.). The sanitary survey process used to establish these areas is outlined below.</u> ○ <u>Properties that abut existing or planned sewer mains and that satisfy the requirements of the "abutting mains" policy (Section II.E.3.a.)</u> ○ <u>Properties within the study area and within the Piney Branch subwatershed that satisfy the requirements for community sewer service under the Piney Branch restricted sewer service policy (Section II.E.12.b.).</u> <p><u>Applicants shall not use the provision for a single sewer hook-up to support subdivision or resubdivision of these properties into more than one lot.</u></p> <p><u>Glen Hills Sanitary Surveys Overview</u></p> <p><u>A property owner or a group of owners that have septic system concerns notifies DEP of their interest in having a sanitary survey conducted. Valid concerns for studying a potential health problem area include, but are not limited to¹:</u></p> <ul style="list-style-type: none"> • <u>A failed septic system that cannot be addressed by DPS using a conventional replacement system (deep trench, shallow trench, or sand mound).</u> • <u>An existing septic system permitted before 1975 and/or installed using septic technology no longer allowed under State and County regulations (seepage pit, dry well, etc.).</u> • <u>A known limitation affecting future septic system use, as verified by DPS. For example, properties where DPS has acknowledged that either only one or no future replacement systems are feasible.</u> <p>¹ <u>Unimproved properties, individually, having no septic system suitability do not have sufficient justification to initiate a sanitary survey. However, septic suitability conditions affecting unimproved properties may be considered if they are included in a survey area.</u></p> <p><u>The following criteria apply to the prioritization of Glen Hills area sanitary surveys by DEP:</u></p> <ul style="list-style-type: none"> • <u>Higher priority: Properties within or adjacent to</u>

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General Area Affected	Master Plan Service Recommendation & Comments
	<p><u>established Review Areas (RA) from the Glen Hills Study reports, and other properties with documented septic problems.</u></p> <ul style="list-style-type: none"> • <u>Lower priority: Properties outside the RAs, except as noted above.</u> <p><u>Because the 2014 Glen Hills Area Sanitary Study has already generated substantial background information on existing conditions in these neighborhoods, only a brief review of DPS permit records, soil conditions, and regulatory constraints will be needed. This will help to put Glen Hills area sanitary surveys on a faster track than could be accomplished in other areas of the county that lack this existing background information. DEP estimates that sanitary surveys for "higher priority" areas of Glen Hills will take approximately 90 days.</u></p> <p><u>DEP, working with DPS and study applicants, will establish the extent of the sanitary survey area.</u></p> <p><u>With an established survey area, DPS will conduct property surveys and WSSC will consider main extension needs. DEP will consider the survey results and prepare a recommendation for the County Executive's consideration. A review by the Executive is typically accomplished within two (2) weeks, once he receives DEP's recommendations. The Executive's recommendations will then be transmitted to the County Council. The goal for "higher priority" areas is to complete this process, from an established study area to the CE's transmittal, within three (3) months. (Lower priority area surveys may take longer to complete.)</u></p> <p><u>An action to designate a health problem area and approve sewer category S-3 is an amendment to the County's CWSP. Council consideration and action on a Plan amendment typically takes between 2-1/2 and 3 months. Accordingly, this process is expected to take six (6) months from establishing a study area to a final action by the County Council.</u></p> <p><u>Owners of properties approved for public sewer service (sewer category S-3) under this process can then apply to WSSC to start the sewer design and construction process. Any owner whose property is included in the Council's designated health problem area may apply to WSSC for public sewer service.</u></p>

End of CPTA 15-CH1-01T-revised

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RE-1 Sewer/Septic Policy Framework Evaluation

Department of Environmental Protection
Water and Wastewater Policy Group



Framework Concept

- DEP evaluated W&S Plan policies that in special cases are not required to be in strict conformance with the applicable master plans
- DEP focused on the Special Service policies that are exceptions to the W&S Plan General Service policies (in support of master plans). Examples of Special Service policies existing in the W&S Plan are: abutting mains, private institutional facilities (PIFs), public facilities, public health problem areas, etc.
- DEP developed a “framework” for an RE-1 zoned properties with septic systems older than 1975 (prior to modern septic designs and lot testing) that are near (within 500 or 1000 feet of existing sewer lines) as a possible Special Policy
- Framework was proposed on the premise that the pre-1975 septic systems are likely contributing to groundwater and surface water pollution (bacteria, nutrients and organic matter) and that sewer service would be environmentally beneficial

Concept Policy for T & E Committee/Council

- **DEP concept proposal: Water Resource Protection Areas**
- The Council proposed that the Water and Sewer Plan should have a policy that promotes sewer service in areas presently outside of the adopted sewer envelope to protect both groundwater and surface water from failing and/or outdated septic systems when sewer service exists near such an area.
- DEP has determined that modern septic system designs and regulations were adopted by the State and the County in 1975. Many septic systems are still in use in the County that were designed and installed prior to 1975 and accordingly, do not have the water resource protections for groundwater or surface waters that were adopted in 1975 and implemented since that date.
- DEP has found that RE-1 zoned areas in the County are often adjacent to areas with housing in the existing sewer envelope and the RE-1 zoned areas are therefore near existing sewer service. The existing RE-1 zoned areas commonly have pre-1975 septic systems that may be impacting local water resources.

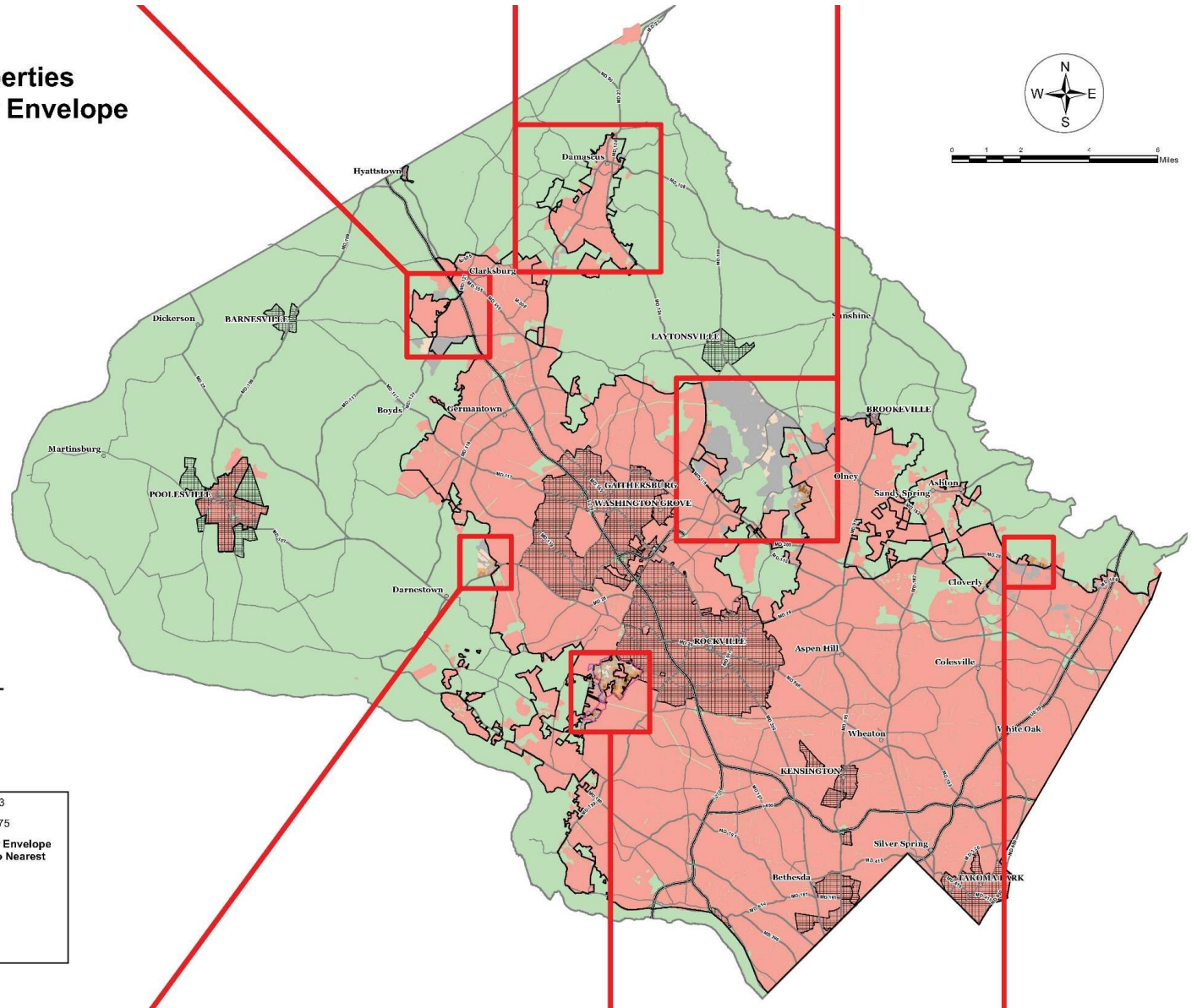
Concept Policy for T & E Committee/Council (continued)

- DEP proposed a policy for Council consideration, an amendment to the Water and Sewer Plan that would create a new special service policy in Chapter 1, Section II.G. *Special Policies for Water and Sewer Service*. This policy proposal would be fully developed as an amendment to the Plan, submitted to the Council as a County Executive recommended policy and subject to the standard public hearing process for community input and Council consideration.
- Such a new policy could be designed so that it had limited application to only those RE-1 zoned properties that are in close proximity to sewers, and allow sewer extensions only when logical, economical and environmentally acceptable. This would be consistent with other special service area policies that are in the plan that do not depend on consistency with the local master plans since they do not change the approved land-use. The public purpose would be water resource (groundwater and surface water) protection.

Potential Areas/Properties Impacted

- DEP reviewed areas throughout the County that were zoned RE-1 outside of the existing adopted sewer envelop (1,911), of these it was found that 1705 were improved and 206 were unimproved
- It was determined that of the improved properties, 671 were built before 1975 and of these properties 396 were within 1000 feet of existing sewer lines
- These properties were found to be in the following areas of the County: Clarksburg, Damascus, Gaithersburg, Darnestown, Cloverly and Glen Hills; Glen Hills area was shown to have the highest proportion of properties addressed by the Framework policy (RE-1, houses built prior to 1975 and within 1000' of existing sewer – with approximately 60% of eligible properties in the County)

Pre-1975 RE-1 Properties Outside Planned Sewer Envelope

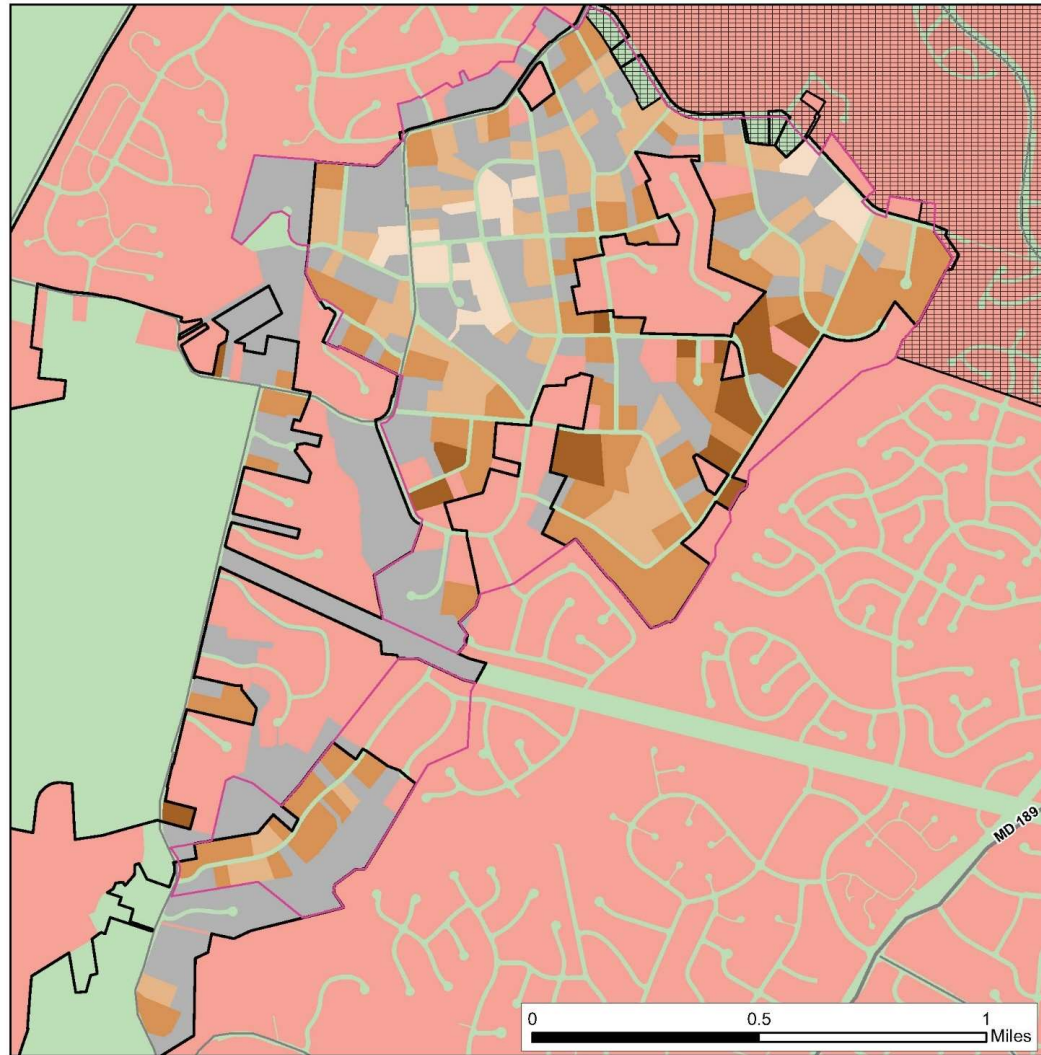
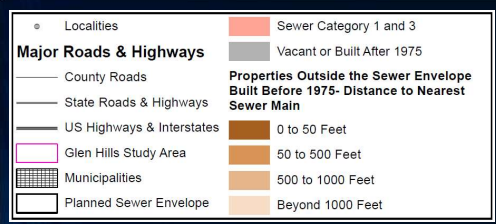


DEPARTMENT OF
**ENVIRONMENTAL
PROTECTION**

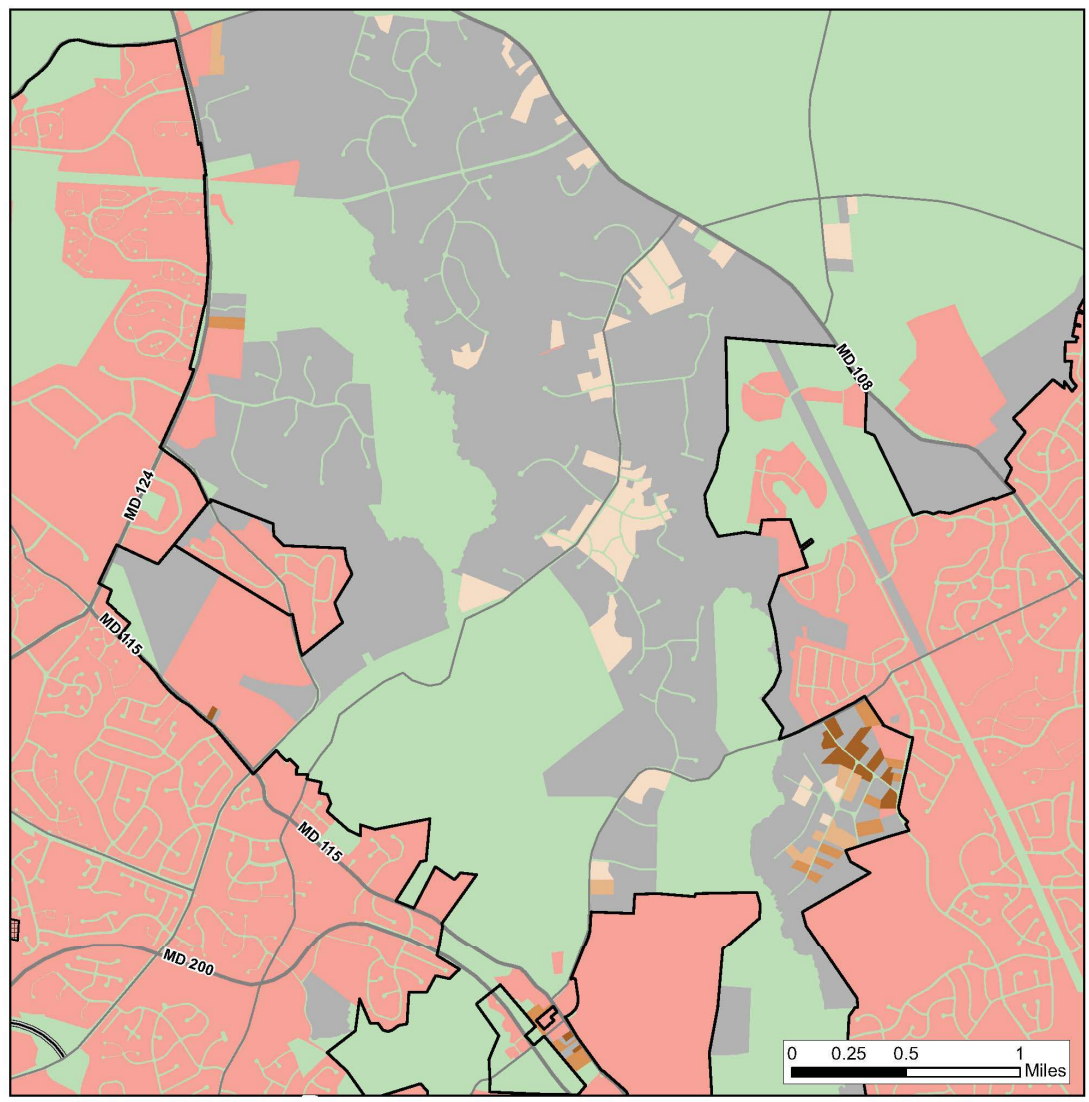
Water and Wastewater Policy Group

● Localities	■ Sewer Category 1 and 3
Major Roads & Highways	■ Vacant or Built After 1975
— County Roads	■ Properties Outside the Sewer Envelope
— State Roads & Highways	■ Built Before 1975- Distance to Nearest Sewer Main
— US Highways & Interstates	■ 0 to 50 Feet
□ Glen Hills Study Area	■ 50 to 500 Feet
▨ Municipalities	■ 500 to 1000 Feet
□ Planned Sewer Envelope	■ Beyond 1000 Feet

GLEN HILLS



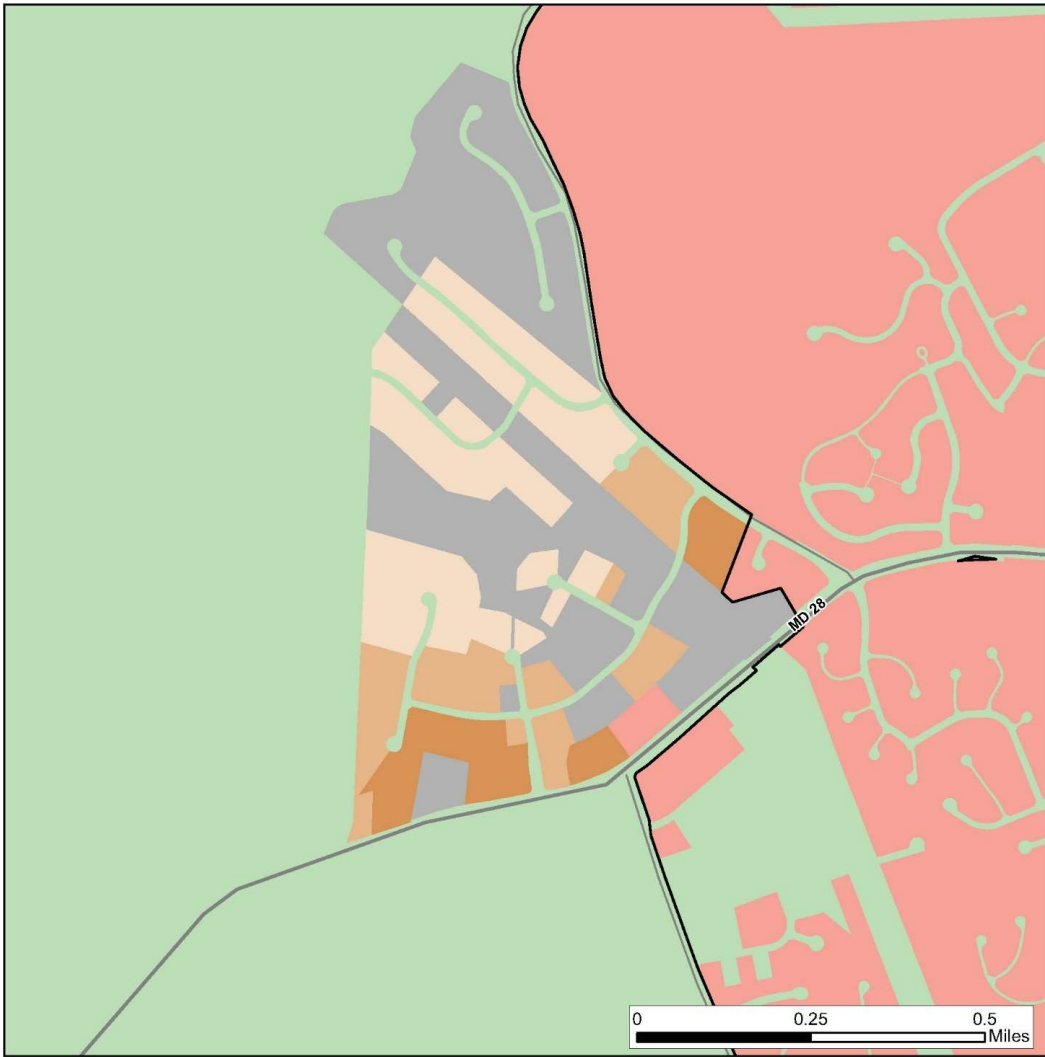
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GAITHERSBURG

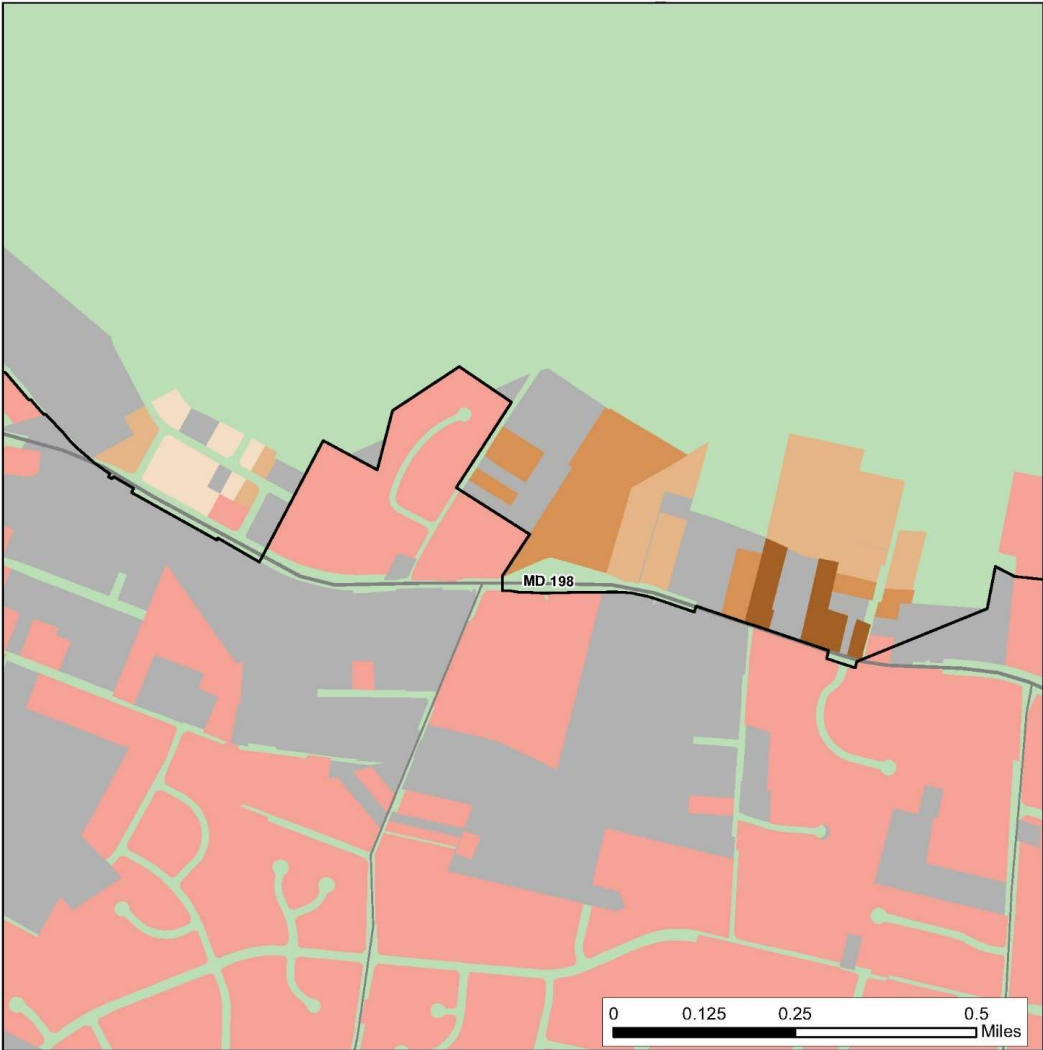
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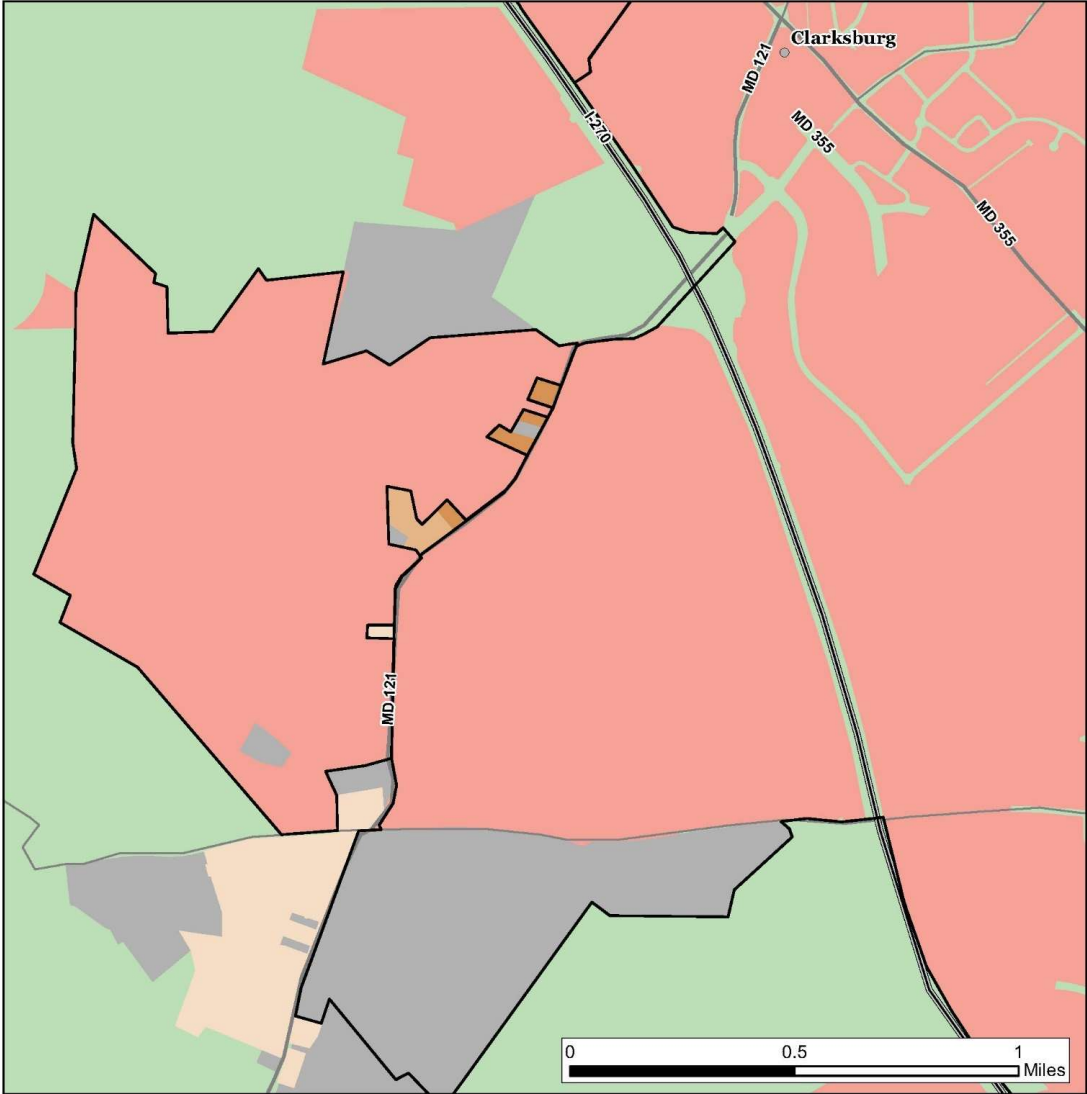
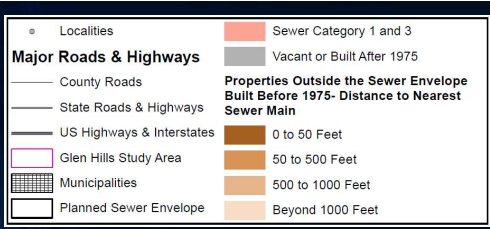
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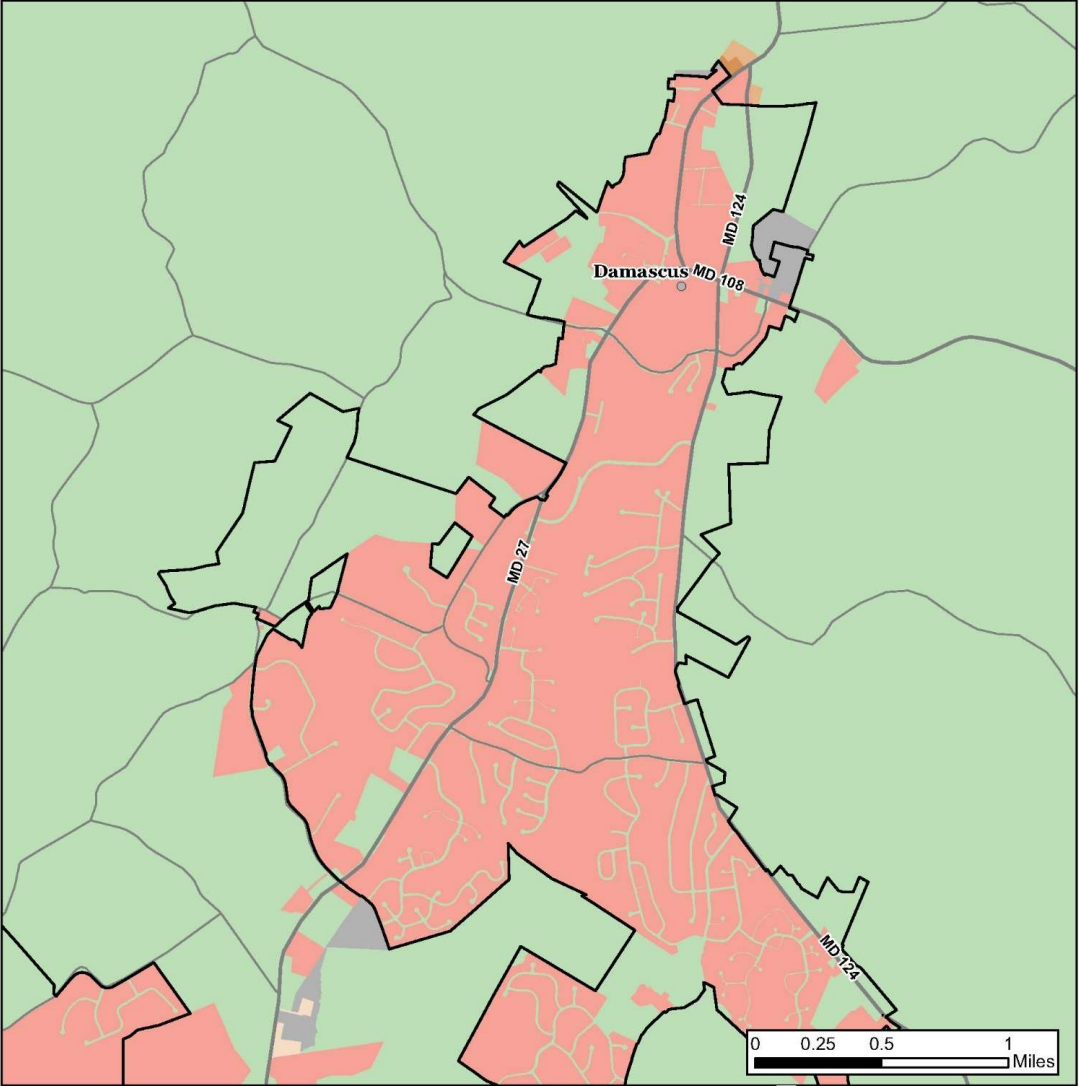
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CLARKSBURG

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— County Roads	Properties Outside the Sewer Envelope
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DAMASCUS

Policy Framework Property Summary

RE-1 Sewer/Septic Policy Evaluation	
Types of Properties	No. of Properties
Total RE-1 Properties Outside Sewer Envelope	1,911
Properties with Septic Systems Older Than 1975	671
Properties within 1000' of Existing Sewer	396
Glen Hills	240(60%)
Gaithersburg	51(13%)
Darnestown	57(14%)
Cloverly	32(8%)
Clarksburg	10(3%)
Damascus	6(2%)

Community Outreach and Input

- DEP reached out to seven different civic (community and environmental groups), providing them with the Framework and requesting their input
- The representatives contacted coordinated this DEP request with their organizations (and others) and provided written positions/comments to DEP
- See attachment (*) that summarizes the comments received from these groups
- DEP received input from seven organizations, all except the Bowie Mill Association that were originally contacted, plus one organization (FTMC) that received the request from one of DEP's contacts (MCA)

Community Input on Septic Conversion Framework

- Caroline Taylor – Montgomery Countryside Alliance
- Susanne Lee- West Montgomery County Citizens Association
- Dennis and Doris Eisen - Glen Hills Coalition
- Knowles Little – Potomac Highlands Civic Association
- Espy Driscoll Bowie Mill Civic Association
- Lisa Patterson – Darnestown Civic Association
- Lisa Alexander & Eliza Cava – Audubon Naturalist Society (ANS)

Table Of Comments Received

Source	Position	Comments	Additional Comments
Potomac Highlands Citizens Association (Knowles Little, Pres.)	For	<ul style="list-style-type: none"> • Endorse framework • Addresses most serious problems • Strong community (Glen Hills) support 	<ul style="list-style-type: none"> • Eliminate proximity • No delay in existing applications
Greater Glen Hills Coalition (Dennis Eisen, Pres.)	For	Joint letter with Potomac Highlands – Same comments as above	Joint letter with PHCA: same comments as above
Friends of Ten Mile Creek (Anne James, Pres.)	Against	<ul style="list-style-type: none"> • No need for the policy • No evidence of septic pollution • Contrary to master plans • Substantial costs • Potential basis for zoning change 	
West Montgomery County Citizens Assoc. (Ken Bawer & Susanne Lee, Bd. Members)	Against	<ul style="list-style-type: none"> • Sewage spills cause pollution not septic systems • Development encouraged due to sewers • Replacement septics are possible • Water pollution from old septics is pure speculation • Sewer service creep; contrary to Smart Growth policy 	<ul style="list-style-type: none"> • Does not support special service area policies • Glen Hills text amendment is less than 1 year old

Table of Comments Received (continued)

Source	Position	Comments	Additional Comments
Montgomery Countryside Alliance (Caroline Taylor, Pres.)	Against	<ul style="list-style-type: none"> • Should not be done outside of master plan process • No demonstrated need for change • Rural zones will be impacted if challenged legally • The stated purpose is not served by this targeted approach 	<ul style="list-style-type: none"> • Detrimental effect on pre-1975 homes not covered by the policy • Public education for care and monitoring of septic systems needed
Audubon Naturalist Society (Eliza Cava, Dir. Of Conservation)	Against	<ul style="list-style-type: none"> • WQ benefits are unknown and unqualified • Sewer extension will lead development pressure and greater density • Septic upgrades (BAT) available 	<ul style="list-style-type: none"> • Existing land use plans need to be supported
Darnestown Civic Association (Lisa Patterson, President)	Against	<ul style="list-style-type: none"> • Contradicts the master plan • No evidence pre-1975 septic systems are failing • Negative financial effect on properties with pre-1975 systems 	<ul style="list-style-type: none"> • Agree with comments sent by: MCA, FTMC, & WMCCA

Review of Framework Based on Input

- Two of the seven organizations responding supported the framework with a comment to not restrict sewer extension lengths (they signed a joint letter) – Potomac Highlands Civic Association and the Greater Glen Hills Coalition (Knowles Little and Denis Eisen)
- Five of the seven organizations opposed the framework with comments such as: 1) No evidence of septic system pollution has been developed; 2) This effort should not be done outside of the master plan process; 3) Sewer extensions will lead to greater development pressure and greater density 4) Septic system upgrades are available; and 5) Detrimental economic impact on houses with septic systems older than 1975 not connected to sewers, etc.

DEP Analysis

- DEP's "framework" policy for a special sewer service policy in the Water and Sewer Plan that potentially impacts hundreds of properties in several communities has no precedent...no existing policy has this potential broad impact
- DEP does not have the data to support the underlying principal claimed to be the basis for this policy (evidence of groundwater and surface water pollution due to septic systems older than 1975)
- DEP has consistently stated that a broad policy change for sewer service needs to be supported by the area master plan; this framework is not supported by the General Plan, area master plans, or the General policies of the Water and Sewer Plan

DEP Recommendation

- DEP modified the draft 2017 Comprehensive Water Supply and Sewerage Systems Plan text to reflect the Special Sewer Service policy adopted by the County Council in Resolution 18-423 on March 8, 2017. This text was added in Appendix C, Section II.E (Glen Hills). Additionally, DEP added the specific conditions in this Council resolution to existing text in Chapter 1, Section 2.G.2.b (Area Wide Public Health Problems) to modify the existing Plan text that applied County-wide to be consistent with this Glen Hills resolution (excluding the schedule specifically adopted for the Glen Hills Area).

DEP Recommendation (continued)

- DEP believes that the changes proposed in the draft Comprehensive Water Supply and Sewerage System Plan Update meets the substantive intent of what was being proposed in the framework. DEP recently submitted and Council adopted a category change text amendment for the Glen Hills/South Overlea Drive implementing the Special Sewer Policy. Having the ability to utilize that approach more broadly versus a framework that is not supported by area master plans or the general policies of the Water and Sewer Plan is the better approach.

Sanitary Survey Advantages Over Policy Change for RE-1 Zoned Properties

- A survey will allow DEP and DPS to evaluate each property requesting service to determine if significant limitations restrict the continued use of the existing septic system
- DPS can evaluate the feasibility for a replacement septic system for a property
- DEP and WSSC can evaluate optional sewer alignments to meet identified needs
- The County would not be adopting a policy that sets a precedent that would encompass many properties based solely on septic system age

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Background on Glen Hills Septic System & Sewer Service Policy Issues

- 1980 Prior to 2002, the 1980 Potomac Subregion Master Plan's intent was, in part, "to use community sewer service to take maximum density advantage of the allowed density in lower-density zones such as RE-1 & RE-2 where it was appropriate" (2002 Master Plan page 22). Sewer extensions were considered on a case by case basis and approved if installed in an environmentally sensitive manner avoiding stream valleys.
- 2002 2002 Potomac Subregion Master Plan limited sewer connections and any sewer extensions in Glen Hills to failed septic systems until completion of a Sanitary Study to determine sustainability of septic systems in the area and need for sewer service.
- Study was recommended because DPS "raised concerns about periodic septic failures" and "subsurface conditions often do not allow for replacement systems", page 23.
- Glen Hills Area was included in the "Council Approved Envelope on Map D of the Master Plan.
- 2011 Planning level Sanitary Study called for in the Master Plan was finally funded and begun in 2011 by the County consultant.
- 2012 Phase I report found; 370, or 68%, of 542 properties, use septic systems, including 126 seepage pits and 5 seepage lagoons—open ponds that serve as waste disposal sites for a home on the property – as well as evidence of failed, failing and ill performing onsite systems.
- 2013 Phase II report concluded that problems identified in 36% of the area would make continued septic system use inappropriate (most systems are pre-1975; poor soils, slopes, wetlands, streams, and heavily forested areas).
- The County Executive and Council review report, ignore problems in large areas, and conclude that restrictions should remain in place except for the few properties abutting existing sewer mains.
- 2016 Council members reviewed study results and passed Resolution 18-423, which:
- Provided some relief by allowing individuals or groups of residents with septic "concerns" to request a Sanitary Survey study to evaluate conditions of onsite systems and the need for sewer service;
 - Restored the "abutting mains policy" to the area;
 - Required a limited Master Plan amendment to reconcile "the septic and sewer issues" in the area (3 County budgets since have neglected funding and putting the issue on MNCPPC work plan).
- 2017 First Sanitary Survey conducted based on Resolution 18-423 examined conditions on 23 occupied properties on south end of Overlea Drive;
- 24 properties surveyed identified 9 seepage pits but also 2 completely unknown type of septic systems, 2 previous documented septic failures, an unbuildable vacant lot & 2 homes thought to be on septic already connected to sewer.

- Excluding the 6 already failed, connected to sewer or unbuildable lots, 82% of the lots (14 of 17) were recommended for sewer service.

2017 County DEP Develops Pre-1975 RE-1 Septic Policy for evaluation that outlines many of the environmental issues with septic and in part states, the “Glen Hills area was shown to have the highest proportion of RE-1, houses [in the entire County] built prior to 1975 and within 1000’ of existing sewer – 60%”

Late in the year, public hearings start on update to the 2003 10-year Comprehensive Water and Sewerage Plan (CWSP), over 10 years beyond MDE’s requirement for update every 3 years

- 1st Draft included Sanitary Survey option for Glen Hills per Resolution 18-423
- PHCA and GGHC representing nearly 300 owners in the area advocate for changes:
 - Glen Hills Area already inside the “Council Approved Sewer Envelope” should be part of the Proposed Sewer Envelope since Study is done.
 - Retain the Sanitary Survey process called for in Resolution 18-423 with additional language to clarify the process and timeline for each Surveys completion.

2018 County Council ignores PHCA/GGHC requested changes to the CWSP and through Councilmember Elrich amendments and contrary to County Executive Leggett’s wishes in a 4/15/18 letter, Council approves changes to the CWSP on October 30, 2018 which:

- Invalidates many of the provisions made for Glen Hills and ignores Council direction to pursue a Limited Master Plan Amendment for Glen Hills as contained in Resolution 18-423 of 2016 and;
- Countywide, requires before any property owners request an Onsite System Survey at least one owner must have an Onsite System Failure as confirmed by DPS and;
- That owner must pay for and show, to DPS satisfaction, that no reasonable onsite replacement system is feasible to mitigate the failure, even when public sewer is “within reach” of the property.

Council transmits the County’s 2018-2027 CWSP to at MDE on November 15 for approval.

PHCA and GGHC groups representing nearly 300 owners in the Glen Hills Area request meeting with MDE on December 22 to question how allowing septic to fail before expensive, and only possible, onsite remedies can be investigated when sewer paid for by the owner is within reach serves the existing environmental policy of the State of Maryland.

2019 DPS sends January 30 notice to 10 Glen Hills Area Onsite System Survey applicants who applied to DPS for the 2nd Survey 2.5 years earlier under Council Resolution 18-423 advising they must comply under the new CWSP Criteria yet to approved by MDE, effectively halting a Sanitary Study that is all but complete.

A conference call is held with representatives of MDE, PHCA and GGHC groups on 3/1/19. The call results in no changes to the CWSP, but a better understanding of the septic and political matters is gained by all. MDE to follow up with DPS on suspended north Overlea Drive Onsite System Survey and reply in writing to PHCA and GGHC group’s 12/22/18 letter.

- 2019 MDE approves the CWSP by 3/11/19 letter to Council President, Nancy Navarro, stating, in part, **“The Department acknowledges that the County Council held five work sessions during 2018 to address the concerns of citizens. The Department encourages the County to Continue working with citizens to resolve water and sewer issues.”**
- 2022 Montgomery County Executive, through DEP, proposes revisions to the 2022/2031 CWSP that restricts Glen Hills Area properties adjoining the City of Rockville from obtaining sewer service through the current Peripheral Sewer Policy that was reinstated to the Glen Hills Area only 4 year earlier. Strangely, the Peripheral Sewer Policy may be used to obtain sewer service further away from the City in the more rural area.
- 2023 County Executive recommendations for denial of four Glen Hills Area Category Change requests, WSSCR 22-TRV-04A, 13A, 5A, 6A & 10A, tries to redefine the Potomac Area Peripheral Sewer Policy in the current 2018 W&S Plan, with the 2022 Plan pending State approval.

- Undeveloped Lot - Test failed

5.9. Summary of Potential Limitations for Deep Stone Trench Septic Systems

Septic systems fail for a wide variety of reasons with the most common reasons being system age, site conditions and maintenance. All systems will eventually fail. This study investigated:

- Past history of system types and failures as an indicator of future constraints
- What areas have soil conditions which have potential to support long term septic use
- How do existing regulations affect future septic system use
- The potential for replacement of septic systems

The eight parameters above were investigated, each of which has the potential to limit-permitting and long-term use of a deep stone trench septic system according to current regulations. By combining the areas potentially affected by each parameter; a map was compiled to consider parts of the study area that may eventually need options other than the use of deep stone trench septic systems (see Figure 5.1, page 50). The map displayed several areas, predominantly located along stream valleys, where soil conditions and regulatory requirements may constrain deep stone trench septic system use. These parts of the study area are identified on Figure 5.1 as "Review Areas" (RAs).

Overall, approximately 36 percent of the study area (by acreage) was included in a Review Area; determined to have at least one characteristic that could make the long-term use of traditional, deep stone trench septic systems questionable. Portions of the study area located outside of those described above, or approximately 64 percent, lack any of these unfavorable characteristics, which could then generally favor the long-term use of deep trench systems.

The generalized nature of some of the data used to compile the review areas (RAs) shown in Figure 5.1 means that not every area within the RAs included is completely incapable of supporting a septic system. Conversely, not every area shown outside the RAs shown is guaranteed to be capable of long-term service using deep trench septic systems.

The results of this phase of the study indicate a need to proceed with Phase 2 of this study, which is intended to evaluate options for addressing relief measures for parts of the study area that may be unsuited for the long-term use of traditional deep trench septic systems. These areas need to be investigated further to determine the feasibility of other on-site system alternatives and the feasibility of extending public sewer service. Evaluating the technical feasibility of these alternatives will need to be coordinated with the MCDPS and the Washington Suburban Sanitary Commission.

Ultimately, this study is intended to provide the County Council with information on which to formulate sewer and septic service policies in the Glen Hills area. Narrowing the focus of the study to areas needing further study for potential wastewater disposal service alternatives is an important step in that process. Review Areas for further Phase 2 investigations include (see Figure 5.1):

- Areas along Glen Mill Drive Road from Pheasant Drive to Bailey Drive
- Areas along Valley Drive, Cleveland Drive and, Watts Branch Drive associated with an unnamed stream

HIGHLIGHTS – DEP PRE-1975 RE-1 SEPTIC POLICY EVALUATION

- County DEP develops Pre-1975 Septic Draft Policy to Consider Separately County wide
 - o As a result of Glen Hills Area Sanitary Study DEP and Council consider new policy.
 - o “pre-1975 septic systems are likely contributing to groundwater & surface water pollution”
 - “bacteria”
 - “nutrients”
 - “organic matter”
 - o “Sewer service would be environmentally beneficial”
 - o Sewer would “protect both groundwater and surface water from failing and/or outdated septic systems when sewer service exists near such an area.”
 - o Septic “installed prior to 1975 and accordingly, do not have the water resource protections for groundwater or surface waters”
 - o “The existing RE1 zoned areas commonly have pre-1975 septic systems that may be impacting local water resources.”
 - o Sewer policy would “not depend on consistency with the local master plans since they do not change the approved land use.”
 - o Of all the RE-1 property in the entire County outside the sewer envelope (including Glen Hills which is NOT outside it) only “206 lots are unimproved”.
 - o For the entire County “Glen Hills area was shown to have the highest proportion of RE1, houses built prior to 1975 and within 1000’ of existing sewer – 60%” !!!!
 - o Of the 7 groups contacted for community input
 - 2 representing Glen Hills Area residents DID support the sewer access policy
 - 3 NOT representing residents and claiming to be environmentalist groups, DID NOT support the sewer access policy anywhere.
 - 2 others represented other communities, NOT Glen Hills.
 - o QUOTE - “DEP does not have the data to support the underlying principal claimed to be the basis for this policy (evidence of groundwater and surface water pollution due to septic systems older than 1975)” REALLY????
 - Is our own DEP CLIMATE CHANGE DENIERS TOO?
 - Are they not educated on the performance of septics?
 - Do they not know about ENR technology?
 - Have they not been following the Federal & State legislature agendas?
 - Do they understand the Clean Water Act, MS4 permit requirements & TMDLs?
 - o T&E Committee, on Staff and DEP recommendations, voted 2 to 1 NOT to pursue this Policy.