

# Montgomery Coalition to Stop Sewer Sprawl

County Council President Hans Riemer and Councilmembers  
100 Maryland Avenue  
Rockville, MD 20850

September 10, 2018

Dear President Riemer and Councilmembers:

The Montgomery Coalition to Stop Sewer Sprawl (MCSSS) acknowledges some positive changes in the September 7, 2018 Analyst Packet, related to the Area-wide septic surveys, including the “opt-out” provision being clarified, and the prohibition on subdivision of properties approved for a sewer category change.

**However, a straw vote on September 11 would be premature, since there is a lack of clarity on what exactly is being voted on, since the latest draft plan policy language (based on T&E Direction to Staff on July 16, 2018) on pages Circle 36-39 has no change indicators (i.e., no yellow change highlights, deletion brackets or underline addition indicators).**

Our packet sent to the Council on September 4, 2018 contains our specific comments and requested changes.

We highlight here our top three remaining problems with the proposed Water and Sewer Plan text – (1) continued use of vague factors unrelated to public health as impetus for surveys and category changes; (2) use of the term “major problems,” and (3) continued open-ended inclusion of sites with functioning septic systems in the surveys. Below we list these problems and our proposed solution to each one:

**(1) Problem: The current draft continues to support sewer category changes based on vague and open-ended factors unrelated to public health in the near term. The directive in the July 16 T&E Committee meeting was to move away from the previously proposed policy focus on so-called “anticipated public health problems” since there is no reliable way to predict long-term functioning of septic systems.** As we have said, if the South Overlea Drive Septic Survey were to be redone using the latest draft language, the outcome would be exactly the same. That is, a survey of the same properties would still be allowed to be initiated, and all of the exact same lots (none of which had failed septic systems) would again be recommended for sewer category changes.

**Solution: Sewer category change recommendations should be based on actual failures and systems with near-term likely/potential problems.** For sewer category change recommendations, DPS must determine that an onsite system failure or likely/potential failure cannot be addressed by using conventional replacement systems (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).

**(2) Problem: Initiation of a septic survey is still based on open-ended, subjective factors – in addition to “failed” systems, also allowed are properties with vague, undefined “major problems.”**

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**Solution:** Remove the term “major problems” from the proposed text on page circle 38 in the September 7, 2018 Analyst Packet.<sup>1</sup> As we have previously proposed, the phrase “potential problem” with its detailed definition should be used in place of this term.

**(3) Problem:** Properties not presenting an existing or potential health problem are allowed to be added to the survey area once the initial property is identified. The inclusion of additional properties in an onsite systems survey is key, since surveys lead to category change recommendations.

**Solution:** Limit inclusion of properties within an Area-wide Survey, only to those with failed or potentially-failing septic systems, for which all onsite remedies have been exhausted.

We again ask for a postponement of the straw vote from September 11, 2018 to a future date allowing time to fix the current draft. We are characterizing the current draft Plan to our members and interested parties as a “Dirty Water Plan” and hope that it can be fixed before a vote.

Sincerely yours,

Diane Cameron, Conservation Montgomery

Ken Bawer, Watts Branch Watershed Alliance

Caroline Taylor, Montgomery Countryside Alliance

Ginny Barnes and Susanne Lee, West Montgomery County Citizens Association

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<sup>1</sup> “Outside planned public water or sewer service envelopes, individual, 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. At least one property owner requesting a survey must demonstrate that the existing onsite system has either failed or suffers from major problems, as verified by DPS. DPS must also find that the onsite system problem cannot reasonably be resolved by an onsite repair or replacement of that system.”

Excerpt of proposed text from page circle-38 of the 9.7.2018 Analyst Packet. MCSSS requests to remove the phrase “major problems.”