



Conservation Montgomery

The Honorable Roger Berliner
President, Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

November 3, 2017

Dear Council President Berliner,

The leaders of Montgomery County are charged with stewardship of our natural resources. These include the Potomac and Patuxent drinking water supplies, the Agricultural Reserve, and Anacostia and Rock Creek headwaters. Conservation Montgomery along with other civic, environmental and watershed groups is writing to highlight our shared commitment to watershed stewardship and rural land preservation, and to express our concern over a proposal now before you that would erode that commitment.

Amendments proposed for the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan (the “Water and Sewer Plan”) would weaken support for low-density neighborhoods that are crucial buffer areas for the Agricultural Reserve and other rural headwaters. They evidence clear bias in favor of expensive sewer conversions, contrary to sound conservation policies and in the absence of actual documented public health hazards. The amendments in question, which the Council’s Transportation, Infrastructure, Energy and Environment Committee is expected to revisit on November 9th, would change the process by which the County reviews areas now served by septic systems, including changing the basis for recommending a category change from septic to public sewer.

The proposed changes are threefold:

- (1) Replacing the concept of a “public health problem area” with the new concept of “special sewer service area;”
- (2) Within the “special sewer service area” survey approach, the application of criteria for recommending conversion from septic to sewer is changed: the documentation of an actual public health hazard is ignored; while other factors are elevated, in particular the age of the septic system (whether it was installed before 1975). The new protocol elevates criteria not directly related to the documented functioning of a given septic system. Equally of concern, the new protocol downplays the option of septic system repair and replacement, and is biased in favor of sewer conversion.
- (3) Through the combined force of these changes, the proposed amendments to the Water and Sewer Plan would establish a new pro-sewer policy for low-density areas – encouraging expedited replacement of septic systems with public sewer lines countywide.

This change, which has already been implemented in the Glen Hills area, has been cast as more limited than the one proposed earlier by the County Executive, but if it is enshrined in the updated Water and Sewer Plan, its consequences would still be widespread. While not based solely on septic system age, nor categorically attached to the RE-1 zone, the proposed approach is still a sweeping change with grave consequences.

We note that we have written to DEP staff to ask for further information (beyond that available on county websites) on these proposed changes. One of our requests is for information on the scope of the new “special sewer service area” policy, seeking analyses that provide the total number and age of septic systems in zones other than RE-1, (the latter for which staff have provided statistics). Until the full scope, clearly-delineated text changes, and associated policy and protocol changes are made public and citizens are given a reasonable chance to review and comment on them, Council decisionmaking on the Ten-Year Water and Sewer Plan Update would be premature. Attached is the 11/2/2017 email to Alan Soukup listing our information requests.

While not the sole criterion, the new policy elevates septic system age, rather than documented indicators of system failure such as raw sewage seeps, as the prime criterion for targeting systems for conversion. Other factors used in the new policy, including presence of trees in the yard (that would have to be removed in order to install a replacement septic system), are like system age in that they do not indicate actual public health hazards. In Glen Hills, seven of the properties recommended by the Executive and approved by the Council for sewer conversion, were listed as able to repair or replace their septic systems.

By detaching the new special sewer service area policy from a particular zoning category, the ultimate effect of this policy change could be even broader, slating for sewer conversion potentially any property in any zoning category now served by a septic system. DEP documented a total of 671 properties in the RE-1 zone, outside the sewer envelope, with septic systems built before 1975. We don’t know how many such properties are in similar zones (such as RE-2) that this proposed policy would affect.

Well-maintained septic systems are the basis for sanitation in our rural and low-density neighborhoods. In contrast to low-density areas served by septic systems, public sewer lines go hand-in-hand with higher-density suburbs and cities. New sewer systems along with new roads are physical enablers of sprawl. That’s why Maryland planning law, including the Priority Funding Areas Act of 1997 (the Smart Growth Act) aims to keep development within areas already served with expensive urban infrastructure. Equally crucial, these laws aim to keep such infrastructure out of low-density areas.

Master plans with significant low-density areas served with septic systems are crucial to the protection of headwater streams and drinking water supplies; these include the master plans for the Agricultural Reserve, the Potomac Subregion, Olney, and Ten Mile Creek in Clarksburg. These master plans' goals center upon protecting and maintaining drinking water supplies; rural open space; working farms; and low-density residential neighborhoods. On a practical level, fulfilling these master plans requires active maintenance of rural and low-density infrastructure -- including septic systems.

The State of Maryland’s Bay Restoration Fund (BRF) exemplifies public support for septic system upgrades, rather than septic-to-sewer conversions. The BRF provides grants of up to \$15,000 per site; to date, it has funded 6,550 Best Available Technology septic upgrades throughout Maryland. In a similar vein, the New York City Watershed in the Catskills is part of a drinking water utility that provides septic system maintenance assistance to rural landowners in order to avoid laying sewer pipes everywhere.

New sewer construction, and existing sewer line maintenance and repair, is damaging to streams and forests. Over time, sewer pipes and pumps leak and overflow due to a range of stressors. The Washington

Suburban Sanitary Commission (WSSC), in implementing the \$1.5 billion Sanitary Sewer Overflow Consent Decree, documented over 200 individual Sanitary Sewer Overflows, where raw sewage spewed into parks and streams. To stem the flow of raw sewage, WSSC repaired or replaced 127 miles of sewer pipe as of 2014. The million-gallon raw sewage spill at Lake Hallowell in Olney in 2015 is another example of the public health hazards caused by sewers.

Residents in rural and low-density areas now served with septic systems may not be aware of this proposed change. They may believe that the County or WSSC will foot the bill for their conversion to public sewer, but in fact, the homeowner pays for such a conversion. We call on the Council to reject this pro-sewer policy for low-density areas. And, we ask you to adopt a Water and Sewer Plan update with clear language that affirmatively supports the maintenance and upgrade of septic systems in all low-density areas, in support of our Master Plans that define and codify our County's commitment to natural resource stewardship. Such affirmative language must also include a return to a public health hazard-based area septic survey, with criteria for action based on actual documented public health hazards, and a protocol that gives clear priority to septic system repair and replacement, over sewer conversion.

Thank you for considering our views on this matter.

Yours for clean water,



Caren Madsen, Chair
Conservation Montgomery

cc: County Executive Isiah Leggett
Diane Schwartz Jones, Director, Department of Permitting Services
Lisa Feldt, Director, Department of Environmental Protection
Casey Anderson, Chairman, Montgomery County Planning Commission

Co-Signatories: Page 4.

Co-signatories:

Neighbors of Northwest Branch

James Graham, President

Audubon Naturalist Society

Eliza Cava, Director of Conservation

Potomac Conservancy

Caitlin Wall, Policy Director

Clean Water Action

Brent Bolin
Chesapeake Regional Director

Rock Creek Conservancy

Matthew Fleischer
Executive Director

Friends of Ten Mile Creek

Sylvia Tognetti, President
Anne James, Secretary

Sierra Club

Montgomery County MD Group

David W. Sears, Ph.D.
Chair

Maryland Native Plant Society

Ken Bawer, Board of Directors

Sugarloaf Citizens Association

Lauren Greenberger, President

Montgomery Countryside Alliance

Caroline Taylor, Executive Director

Watts Branch Watershed Alliance

Annita Seckinger, President

Individuals:

West Montgomery County

Citizens Association

Ginny Barnes, President

Peggy Dennis

Michael Gravitz

Meredith Wellington