



March 28, 2017

David W. Lake  
Special Assistant/Office of the Director  
Water and Wastewater Policy  
Department of Environmental Protection  
Montgomery County, MD

**Comments Re: Proposed Concept Policy to Allow Sewer to RE-1 Zoned Areas with Septic Systems older than 1975**

Dear Mr. Lake,

Thank you for extending the offer to Audubon Naturalist Society (ANS) to comment on the County's proposed new Concept Policy to Allow Sewer to RE-1 Zoned Areas with Septic Systems older than 1975. We do not support extending the sewer envelope to RE-1 zoned areas as shown on the map entitled "Pre-1975 RE-1 Properties Outside Planned Sewer Envelope." While we appreciate that your Concept Policy does attempt to address limiting future development, we do not support extending sewer to RE-1 properties because:

- the water quality benefits from such a decision are currently unknown and unquantified,
- extending sewer will inevitably lead to greater development pressure for increased density in these still-rural areas, and
- proven alternatives exist in the form of Best Available Technology septic upgrades that will solve the stated public purpose of the proposed concept policy, "water resource (groundwater and surface water) protection."

Montgomery County is blessed with a history of wise land-use decisions, particularly the 1964 General Plan that created wedges of rural area surrounding the higher-growth corridors. The 1980 Agricultural Reserve that protected our agricultural heritage and wildlife habitat, while still allowing for growth and economic development, is one of the most forward-thinking land-use decisions in the nation. Our comments, and the Council's current charge as it considers revising water and sewer policy in low-density areas, stem from the need to protect and steward those past decisions that today make Montgomery County one of the most desirable places in the nation to live, work, and play.

Woodend Sanctuary | 8940 Jones Mill Road, Chevy Chase, Maryland 20815 | 301-652-9188

Rust Sanctuary | 802 Childrens Center Road, Leesburg, Virginia 20175 | 703-669-0000

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### **Water quality benefits from extending sewers are currently unquantified**

The stated public purpose of the proposed concept policy is “water resource (groundwater and surface water) protection.” Hence, all decisions under the policy must credibly support this goal. The concept policy states that “the existing RE-1 zoned areas commonly have pre-1975 septic systems that may be impacting local water resources,” but does not support this claim. Certainly we agree that failing septic systems may have water quality harms, particularly the release of nitrogen or additional pollutants following system failure, but they also have benefits in the form of recharging the local water table while sewers instead export the excess water straight back to the Potomac. Furthermore, sewer lines can and do leak. The County has not provided information that these particular properties are more likely to contribute to water quality harms than any other properties in the RE-1 zoned areas.

### **Extending sewer any further into RE-1 areas risks the low-density character of these areas**

Sewers lead to subdivisions, even when that was not the original intent. While today’s RE-1 zoned areas are limited by the minimum lot size requirements, these requirements are vulnerable to pressure from developers for increased building density, or for rezoning during future Master Plan amendments or in requests for waivers and variances. Indeed, time and again we have seen that extending sewer service creates development pressure, most recently in an example from Kent Island.<sup>1</sup> Most of the areas proposed for new sewer connections are adjacent to high-quality undeveloped lands, and so represent places where increased growth pressure will put more strain on Montgomery County’s agricultural and forest reserves. These areas are meant to be served by septic, not sewer, for a reason: to preserve “a land pattern of generous open space between homes.”<sup>2</sup> In addition to representing the character of these neighborhoods, this open space also supports trees, meadows, stream buffers, and wildlife habitat and helps protect our streams from polluted runoff coming off of paved surfaces.

### **Proven alternatives exist that will still preserve the low-density character of RE-1 areas**

Homeowners with failing septic systems may wish to be able to connect to sewer rather than replace their septic tank and field. However, with subsidies available from the Bay Restoration Fund, the additional cost of installing Best Available Technology (BAT) should be covered for the majority of homeowners whose systems do truly present a water quality threat. RE-1 zoned areas have a minimum lot size of 40,000 square feet, which is sufficient to replace even a fully failed septic field in a different location.<sup>3</sup> BAT protects the Chesapeake Bay and local streams as effectively as wastewater treatment plants do, while providing the additional benefit of aquifer recharge.

Many of the proposed sewer extension areas abut currently forested or agricultural areas where development pressure is a near-constant. For example and in particular, the Clarksburg proposed

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<sup>1</sup> “Some fear a fix for Kent Island sewage will trigger more development.” Scott Dance, Baltimore Sun. Available at <http://www.baltimoresun.com/features/green/blog/bs-md-kent-island-sewer-20160903-story.html>.

<sup>2</sup> Montgomery County Planning Department, RE-1 Zone Summary, available at [http://montgomeryplanning.org/info/documents/RE1\\_001.pdf](http://montgomeryplanning.org/info/documents/RE1_001.pdf).

<sup>3</sup> Glen Hills Phase I Final Report p30, available at [https://www.montgomerycountymd.gov/DEP/Resources/Files/downloads/ws/Phase\\_1\\_Glen-Hills-Final-Report.pdf](https://www.montgomerycountymd.gov/DEP/Resources/Files/downloads/ws/Phase_1_Glen-Hills-Final-Report.pdf).

connection area at the southwest corner of Old Baltimore Road and Clarksburg Road would extend sewer into an area adjacent to Ten Mile Creek, the “last, best creek” in Montgomery County that ANS is committed to protecting. Another example is the Glen Hills Study Area, which is an aquifer recharge zone for Watts Branch and Piney Branch. The danger of additional development and impervious surface in these still-intact watersheds overshadows the limited and uncertain problem of septic leakage from low-density development, especially given that existing BAT upgrades are a tried-and-true alternative with subsidy funding available from the state.

Thank you for your consideration of our comments. If you have any questions about these comments or would like to share more information, please do not hesitate to contact me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eliza Cava', with a long horizontal flourish extending to the right.

Eliza Cava

Director of Conservation

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