

October 13, 2015  
**Buffington RE/MAX Olney Community Room**  
3300 Olney-Sandy Spring Road

- 7:30 CALL TO ORDER
1. Introductions (Name, Association, Representative/Alternate/Guest)
  2. Approval of September Minutes
  3. Approval of October Agenda

7:35 PUBLIC COMMENTS & ANNOUNCEMENTS

- 7:40 UPDATE ON WSSC SEWAGE SPILL
- Lisa Feldt, Director, Dept. of Environmental Protection  
David Lake, Dept. of Environmental Protection

- 8:15 TRANSPORTATION UPDATE
- Barbara Falcigno, Transportation Committee Chair

- 9:00 OFFICERS/COMMITTEE/LIAISON REPORTS
- |   |                |
|---|----------------|
| Mid-County Citizens Advisory Board (see page 2)                                     | Greg Intoccia  |
| Public Policy & Community Affairs Committee   | Matt Quinn     |
| Olney Town Center Advisory Committee  | Kathy Curtis   |
| Correspondence Report   | Jackie Benn    |
| Chamber of Commerce Report ( <a href="http://www.olneymd.org">www.olneymd.org</a> ) | Joe Buffington |

- 9:15 NEW BUSINESS
- Lake Hallowell Resolution on WSSC Sewage Spill (see page 2)

9:30 ADJOURNMENT

Next Meeting: **November 10, 2015**

**Mid-County Citizens Advisory Board**

Greg Intoccia has been a volunteer Mid-County Citizens Advisory Board (MCCAB) member since 2010. This summer at its annual election, he was selected by the 15-member Board to be its Chair. The purpose of the Board is to provide advice and recommendations to the County Executive and County Council on policy issues and to facilitate solutions to community issues.

**Lake Hallowell HOA Resolution on WSSC Sewage Spill**

**Recitals**

WHEREAS, on or about July 28 and 29<sup>th</sup> there were two separate breaks in a 20-inch pressurized sewer pipeline in the Lake Hallowell residential section of Olney, Maryland.

WHEREAS, on or about August 12<sup>th</sup> a third break occurred in the 20-inch pressurized sewer pipeline in the Lake Hallowell residential section of Olney, Maryland (collectively, the “Breaks”).

WHEREAS, as a result of the Breaks, Washington Suburban Sanitary Commission (“WSSC”) reported that about 1,250,000 gallons of raw sewage escaped onto adjoining property, into a nearby creek, and from there, into the Lake Hallowell (a storm water management body of water and owned by the Montgomery County; the “Lake”), as well as including but not limited to James Creek, Havilland Mill/Browns Bridge, and Hawlings River/New Hampshire.

WHEREAS, in the days following the Breaks, breached sections of pipe were excavated and replaced. In the process, a material amount of landscaping damage occurred along the path of the pipeline, some of which was subsequently repaired, and some of which still requires further remediation.

WHEREAS, in the process of analyzing the root cause of these failures, WSSC, conducted a video inspection of the pipeline and has reported there are additional weaknesses. As a result, WSSC reports (1) they are planning to replace approximately 2,000 feet of the pressurized sewer main, and (2) they have taken certain steps to reduce the risk of another break in the short-term.

WHEREAS, as a result of the Breaks and related raw sewage flow, residents living/utilizing the areas adjacent to the Lake Hallowell neighborhood creek and the Lake areas reported a stench that persisted through the summer; exacerbated by the persistent drought experienced until recently. Also, many residents reported an uptick (vs. prior years) of mosquitoes, especially concentrated in the slower flowing sections of the Lake. These residents reported these conditions made the path along the creek, Lake and hundreds of homes backing to these bodies of water unusable for walking recreation. Some reported they were unable to utilize their respective backyards and decks due to the stench and fear of contracting illness if bitten by mosquitos from the Lake. After the Breaks, the Lake was fouled by raw sewage, and related stench, mosquitos and a much higher than normal incidence of algae and duckweed. To this day, WSSC signs remain along the creek and Lake warning people to stay away.

WHEREAS, after complaints from area residents, Montgomery County’s Department of Environmental Protection (the “MCDEP”) became involved in monitoring the situation. Representatives of MCDEP, have observed and sampled many of the impacted water areas, and periodically reported back findings.

WHEREAS, prior to the Breaks, the Lake suffered from a deteriorating overall condition, and earlier this year, Montgomery County's Field Supervisor Storm Water Facility Maintenance told representatives of the Lake Hallowell Homeowners Association the Lake needed to be dredged. He was unable to commit to timing due to his budget/operational constraints. Conditions worsened after the Breaks, when due to the pre-existing impaired flow, combined with over 1,250,000 gallons of raw sewage, and no rain for months to help clear the situation.

### Relief Requested

NOW, THEREFORE, the Lake Hallowell Homeowners Association seeks relief as follows:

1. **Fix the Sewer Pipeline.** Notwithstanding the efforts undertaken by WSSC to reduce the risk of another break in the short-term, residents remain highly concerned about further breaks and associated impacts. While WSSC has committed to replace approximately 2,000 feet of the pressurized sewer main, they have declined to be commit of be specific regarding when the project will start/finish. Lake Hallowell Homeowners Association has been patient and willing to work with WSSC, however, Lake Hallowell Homeowners Association is requesting timely resolution and definition around when/how the current situation will be ultimately resolved.
2. **Fix the Landscaping.** Similarly, for the Landscaping; WSSC needs to complete their clean-up and restoration of areas currently adversely impacted during the repair of the Breaks. A recent attempt to obtain help along these lines was declined by WSSC in favor of first replacing the approximately 2,000 feet of the pressurized sewer main. The disturbed conditions associated with the Breaks cannot persist and need to be timely addressed. The Lake Hallowell Homeowners Association plans to submit a reimbursement request to replace damaged trees not heretofore replaced, and expects timely reimbursement. If additional damage occurs, then it, too, should be addressed at that time. Lake Hallowell HOA is requesting timely resolution and definition around when/how the current situation will be ultimately resolved.
3. **Continue Montgomery County Department of Environmental Protection Monitoring.** Due to the Breaks and series of related adverse events and conditions that haven't cleared; the Lake Hallowell Homeowners Association believes continued testing is warranted. Additionally, on information and belief, soil around the Breaks, where raw sewage emanated and flowed, was treated with lime but not tested and reported by MCDEP, and thus needs to be accordingly expanded. Lake Hallowell HOA is requesting that MCDEP continue and expand periodic monitoring and reporting for the foreseeable future. Further, in the event of a subsequent Break, Lake Hallowell HOA is requesting MCDEP become contemporaneously involved.
4. **Dredge the Lake Hallowell in 2016.** Prior to the Breaks, the Lake's condition had materially deteriorated to the point where Montgomery County's Field Supervisor Storm Water Facility Maintenance told representatives of the Lake Hallowell Homeowners Association it needed to be dredged. The impact of the Breaks materially further degraded the situation. Lake Hallowell Homeowners Association is requesting that this dredging be made the very highest priority and occur in 2016.
5. **Restore the flow of water in James Creek.** Prior to the breaks James Creek was fully functional and was a source of water flowing into Lake Hallowell. Lake Hallowell Homeowners Association is requesting that James Creek be restored to its prior state thereby allowing the flow of water into Lake Hallowell and as a natural resource for the wildlife in the surrounding area.

### Basis of Relief

WSSC has an obligation to provide a safe raw sewage pipeline, without repeated incidence of raw sewage escaping into the surrounding environment.

WSSC has an obligation to timely restore property along their easement when they find the necessity to dig and perform maintenance and repairs.

WSSC has the obligation to timely clean-up all adversely impacted creeks, streams and lakes areas when an event such as the Breaks occurs.

Montgomery County has the obligation to maintain Lake Hallowell as an effective storm water management system. By their own prior admission, it requires remediation. The situation has become even more desperate with the event of the Breaks.