

March 31, 2023

To: Jean Kapusnick, Montgomery County Department of Permitting Services
Cc: Mark Etheridge, Montgomery County Department of Permitting Services

Subject: Friends of Sligo Creek (FOSC) Comments on Royal Farms' SWM Concept Plan 289330 for 9475 Georgia Ave Silver Spring

Dear Jean:

On behalf of the Friends of Sligo Creek, thank you for the opportunity to submit comments on the Royal Farms Stormwater Management Concept Plan 289330 for 9475 Georgia Avenue.

Friends of Sligo Creek (FOSC) is a nonprofit community organization dedicated to protecting, improving, and appreciating the ecological health of Sligo Creek Park and its surrounding watershed. We are actively engaged in improving Sligo Creek's water quality on a daily and long-term basis.

We are submitting comments on Royal Farms' Plan to protect Sligo Creek and its watershed. Because this particular project features a fueling station (and perhaps maintenance and repair services), it poses special environmental challenges for the creek and its watershed. As the site drains fairly quickly into the creek, what happens on this property affects our Creek and its environs. Moreover, there are considerable risks that nearby groundwater may also be affected if management of on-site pollutants are not appropriately addressed by the County and State.

Our Comments

As Mark has noted in a previous email exchange, it appears that Royal Farms' plan would make several improvements over the current Sunoco Station and property:

- The Royal Farms property would have stormwater management.
- There may be a slight decrease in imperviousness.

While both of these changes would certainly be positive, we think that additional measures are needed – and perhaps even required - to protect Sligo Creek:

1. Most importantly, because gas station operations generate a particular type of "stormwater" runoff, additional measures should be adopted to prevent stormwater pollution.

As far as we understand from the drawings submitted to DPS, the Royal Farms Concept Plan treats the property essentially as a sizeable impervious surface property with a few structures. Measures to mitigate and manage the special kind of runoff that comes from a gas station with multiple pumps (and service, if that will continue) do not appear to be proposed. It is also not clear to us whether Royal Farms' stormwater management requirements would have to change if they added more fuel pumps or changed their pump location at any point following the Concept Plan review.

As you probably know, the Maryland Department of the Environment (MDE) has recognized that gas station operations generate a particular type of "stormwater" runoff. As a result, MDE has

developed in conjunction with its *General Permit for Discharge from Stormwater Associated with Industrial Activities*, various Stormwater Pollution Prevention Guidance documents, including BMPs for “Hotspots” related to Vehicular Fueling. In the overview of its Vehicular Fueling section, MDE describes the well-recognized scientific reasons for treating vehicle fueling stations specially and for its specific BMP guidance:

“Spills at vehicle fueling operations have the potential to directly contribute oil, grease, and gasoline to stormwater, and can be a significant source of lead, copper and zinc, and petroleum hydrocarbons. Delivery of pollutants to the storm drain can be sharply reduced by well-designed fueling areas and improved operational procedures.”

<https://mde.maryland.gov/programs/permits/WaterManagementPermits/Documents/GDP%20Stormwater/MD%20Stormwater%20Hotspots.pdf> [p. 6 in text, p.7 via hyperlink]

In the Vehicular Fueling section, MDE also lists numerous measures that should be implemented to prevent stormwater pollution at a fueling station. ***Royal Farms should be required to adopt these measures in order to minimize pollutants entering Sligo Creek and nearby groundwater.***

The BMP measures recommended by MDE include the following [drawn from the MDE document, p. 7 in text, p. 8 in hyperlink]:

- Cover the fuel area and provide secondary containment to limit the risk of spills.
- Make sure that the type, condition, and exposure of the fueling surface is appropriate. Pave fueling stations with concrete rather than asphalt.
- Design fueling pads for large mobile equipment to prevent the run-on of stormwater and collect any runoff in a dead-end sump.
- Retrofit underground storage tanks with spill containment and overfill prevention systems.
- Install slotted inlets along the perimeter of the “downhill” side of fueling stations to collect fluids and connect the drain to a waste tank or stormwater treatment practice. The collection system should have a shutoff valve to contain a large fuel spill event.
- Locate storm drain inlets away from the immediate vicinity of the fueling area.
- Insure that wash water is collected and disposed of in the sanitary sewer system or in an approved stormwater treatment practice.
- Protect above ground fuel tanks using a containment berm with an impervious floor of concrete. The containment berm should have enough capacity to contain 110 percent of the total tank volume.
- Consider installing a perimeter sand filter to capture and treat any runoff produced by the station

MDE elaborates on some of its BMP recommendations, which may provide useful information for your review. For example:

“Fueling Area Covers - Fueling areas can be covered by installing an overhanging roof or canopy. Covers prevent exposure to rainfall and are a desirable amenity for retail fueling station customers. The area of the fueling cover should exceed the area where fuel is dispensed. All downspouts draining the cover or roof should be routed to prevent discharge across the fueling area. If large equipment makes it difficult to install covers or roofs, fueling islands should be designed to prevent stormwater run-on through grading, and any runoff from the fueling area should be directed to a dead-end sump. Surfaces - Fuel dispensing areas should be paved with

concrete; the use of asphalt should be avoided, unless the surface is sealed with an impervious sealant. Concrete pads used in fuel dispensing areas should extend to the full length that the hose and nozzle assembly can be pulled, plus an additional foot. Grading - Fuel dispensing areas should be graded with a slope that prevents ponding, and separated from the rest of the site by berms, dikes or other grade breaks that prevent run-on of urban runoff. The recommended grade for fuel dispensing areas is 2–4 percent (CSWQTF, 1997). [p.7 in text, p.8 in hyperlink]

We strongly encourage you to require that these specific BMPs be part of the Concept Plan.

2. Require Royal Farms to tighten up pollutant discharge management and mitigation if they will be continuing Sunoco's operations of a vehicle maintenance and repair shop

Will Royal Farms continue the Sunoco station's business to maintain and repair vehicles ? If so, there are very specific discharge requirements they must adopt, including stormwater-related provisions.

MDE provides guidance in the same document referenced above on the particular challenges and additional measures that should be adopted to protect stormwater and groundwater quality that come with a maintenance and repair operation:

"Vehicle maintenance and repair operations can impact water quality by exposing toxins in solvents, waste oil, antifreeze, and other fluids to stormwater. Often, vehicles that are wrecked or awaiting repair can be a stormwater hotspot if leaking fluids are exposed. The resulting oil and grease, trace metals, hydrocarbons, and other toxic organic compound pollution potential must be addressed through prevention." [See previous source cited, p.3 in text, p.4 in hyperlink]

MDE states that "the discharge to surface water and stormwater management systems of wastewater from vehicle maintenance and service operations is prohibited without a discharge permit. Wastewater from these operations is also prohibited from being discharged onto the ground or into subsurface disposal systems such as septic systems, dry wells, seepage pits and drainage holes. Options for managing vehicle maintenance and service related wastewater include discharging to a sanitary sewer (if available and in compliance with the requirements of the sewer authority) and collection and storage in a holding tank for later offsite transport to a permitted facility." [p.3 in text, p.4 via hyperlink]

We recognize that these issues may not fall under your reviewing authority. In that case, we would appreciate it if you would direct us to the correct authorities at the County and State levels.

3. Check that Royal Farms' underground fuel storage tanks are not leaking and that they are properly vented, including in a way that will not negatively affect the households that are nearby (in some cases, only 20 feet away).

It is critical that the groundwater and nearby residents be protected.

4. Limit the impact on nearby residences based on Chapter 59 of the Montgomery County Code and conditional land use requirements.

MCC Chapter 59. At the end of 2015, the Montgomery County Council approved a zoning ordinance amendment to Chapter 59 of the Montgomery County code, which now requires fueling stations dispensing above a designated threshold be at least 500 feet from residences and other structures where adults and children would likely have considerable and concentrated exposure to fumes and other toxins produced by gas stations.

The gas station purchased by Royal Farms is 20 feet away from the property line of a series of homes on the other side of an alley. There is no vapor barrier, no stormwater barrier, no practical storage barrier and no realistic trash barrier between the station and the alley. In fact, I saw gas station-related materials and equipment that are not well-protected but which are currently stored outside immediately adjacent to the alley – to the potential health detriment of nearby residents and a threat to the quality of stormwater runoff.

We have also heard that the Calvary Lutheran Church (9545 Georgia Avenue) may have a school which is within the 500 foot legal limit from the gas station, but cannot confirm this. If there is a proximity problem, however, it is made even worse by the second gas station across the street from the Sunoco station, which is even closer to the Church.

Regardless of what is required (or not) by a legacy situation involving these gas stations, the relevant County and State permitting authorities should make sure that pollution requirements are adequate to protect nearby residents. More precisely, we must do everything we can to limit toxins from leaving the property – whether by water, in the ground, or in the air.

Conditional Use Zoning Status. Also, in this regard, do you know if there will be a Conditional Use application for the zoning status of the purchased gas station ? On the Royal Farms' Concept Plan submission, the zoning is cited as CRT, but it is my understanding that a gas station would still require a Conditional Use application. Would this be an issue that DPS has review authority over? ***The requirement that applicants also seek Conditional Use approval illustrates the importance that a very strong set of BMPs be required for Royal Farms' operation of the gas station.***

5. Trash management at the site should be improved.

The trash issue also affects Sligo Creek through drainage and should be the subject of the permitting process. Trash from the gas station poses health risks to nearby residents, as well. There have been a lot of problems in the alley reported to us by nearby residents.

6. Eliminate strong gas vapors currently detectable by a casual property walk through

During my recent site visit, I smelled strong gas odors around various pumps. Perhaps the pumps are not properly sealed, so they emitted vapors. Or perhaps leaks or drops from fuel dispensing have accumulated in the area around the pumps. Royal Farms must correct the situation.

Conclusion

Thank you very much for considering our comments about the importance of rigorous stormwater management and other BMP requirements to prevent harmful impacts from the new Royal Farms gas station on the water quality of Sligo Creek, the environs of the Sligo Creek Watershed, and

the people living nearby. The Royal Farms application offers an opportunity not only to improve legacy stormwater and other environmental problems but also to improve conditions in fundamental ways for the benefit of Sligo Creek's water quality and the health of nearby residents and those living elsewhere in the watershed.

If you are interested, we have also collected expert research published in peer-reviewed journals on the negative impacts of gas stations on stormwater and groundwater challenges. I will send references and the abstracts to you, if you would find them useful.

If the points we raise fall under the reviewing authority of another part of the County government or State government, please let us know who to contact.

Sincerely,

Anne Vorce
Advocacy Committee
Friends of Sligo Creek