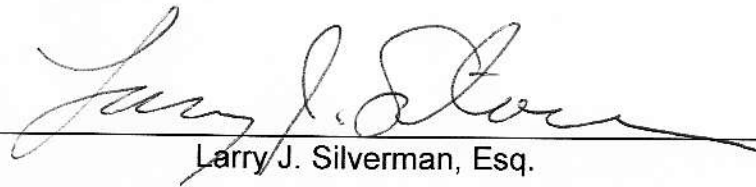


Attachment P: Water Resources

A handwritten signature in cursive script, appearing to read "Larry J. Silverman", is written over a horizontal line. The signature is fluid and extends slightly beyond the line on both sides.

Larry J. Silverman, Esq.

Water Resource Objections to the Costco Gas Proposal at the Wheaton Mall

The Costco plan involves placing massive gasoline filled tanks next to massive water storage tanks, uphill and upstream of residents and in the midst of a poorly understood ground water system. Placement of these structures could exacerbate flood and water pollution risks in the event of mishaps; and preclude future efforts to enhance flood mitigation measures.

The land now occupied by Wheaton Mall forms headwaters for both Sligo Creek and Rock Creek. Pre urbanization, the area was characterized by springs and seeps which fed into the two streams, one a tributary of the Anacostia River, and the other, known popularly as Silver Creek, a tributary of Rock Creek, which in turn flows into the Potomac River. Examples of the types of seeps that used to be present at the Mall area can still be found in the wooded areas near Arcola Avenue and University Boulevard. The current condition of the ground water resources at the mall area is unknown.¹

The mystery surrounding the underground water situation at the site has created uncertainty when it comes to locating underground leak detection wells. Costco and other large gas retailers normally place oil leak detectors in small wells near petroleum product storage tanks. In this case the applicant has vacillated on whether to follow this procedure. And with good reason. Drill holes could in the event of spills and leaks become conduits of pollution. Should the applicant install this added safety measure or are the risks of cross contamination too great? The best answer when questions of this sort arise may be to find another site for the facility.

Flood potential in this general neighborhood is not well understood. There are no FEMA flood maps here. Silver Creek, the stream that drains the part of the Mall in the Rock Creek watershed, is inches away from the homes of Kensington Heights. The installation of stormwater tanks in connection with the store may help alleviate future flooding and future water pollution. This represents an improvement over current conditions. But will this be enough to alleviate future floods and future pollution as more extreme weather events become more commonplace? As the answer is unknown it is prudent to develop the site in such a way today as not to preclude additional flood control measures in the future. There are any number of structures and non structural uses of the site that can be maintained without compromising the ability of future County and state governments to step in through eminent domain or otherwise with additional water management techniques that may become necessary. Buildings can be put up today and taken down in the future to accommodate future water management needs. I fear that massive gasoline tanks may preclude or greatly increase the cost of using the site to deal with future water resources challenges.

Is it really a good idea to place giant oil tanks uphill and just yards away from houses, groundwater formations and streams? This juxtaposition carries the risk of maximizing rather than mitigating the

¹ See PAUL M. JOHNSTON, "Geology and Ground –Water Resources of Washington, B.C., and Vicinity", 1964 USGS, esp. p 42 et seq., <http://pubs.usgs.gov/wsp/1776/report.pdf>

consequences of leaks, explosions and other mishaps. Here as with the air pollution issue, Costco has left no safety buffers, no margins for human error. Everything depends on perfect technology.

It will be objected that Costco has received all requisite storm water permits and the issue of flood control and water pollution is settled. Unhappily the history of this project raises doubts as to the adequacy of the process. The engineers who designed the stormwater system for the store and the County officials who approved it neglected to examine the other end of the system, the discharge pipe where the collected water would be directed to Silver Creek. After permits had been issued, members of KHCA pointed out with photographs and site visits that the discharge pipe had been totally blown out, a fact which effectively would have negated the positive impacts of the storage and discharge system. Costco and the County scrambled to install a new discharge pipe. Though the new pipe required disturbance of the tree buffer, Costco sought and the County granted a waiver of the forest protection rules. Whether the new discharge pipe will hold up is an open question. Neighbors report the beginnings of erosion and fear further impacts on the forest buffer. See comments on the forestry issue. You don't have to be a water expert to question the judgment of applicants and permitting agencies that never even stop to examine where the water they are redirecting ends up. Just as you don't have to be a medical expert to feel that a surgeon who leaves the sponge in the patient may not be the best of surgeons.

Common sense suggests that it is a good idea whenever possible to avoid situations such as this one that may result in mixing oil and water.

Respectfully submitted,

Larry J. Silverman

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