

**DATE:** August 04, 2022

**LOCATION:** conference call/ Teams

**SUBJECT:** Lakeforest Mall - Existing 84" storm drain pipe relocation

**ATTENDEES:** Beth Forbes, Tony Berger, Bill Seiger, Erica Schmidt, Gary Unterberg, Randall Rentfro, Kelly Donovan, Steve Allison

**Discussion:**

1. Purpose/Overview

- a. Confirmation that an existing storm drain pipe can be relocated. The stream contained within the pipe is identified as Walker's Run that bisects the site through the existing storm pipe, and in line through Pond #1. The relocation of the pipe is necessary to accommodate the redevelopment of Lakeforest Mall.

Pond number 1 and 2 are to remain as flood control with the intent to not change Pond 1's riser or outfall. All pipes going to the pond will be removed and then replaced as part of the redevelopment, with updated SWM.

The City of Gaithersburg has requested confirmation that MDE and ACOE will allow the pipe to be relocated. Communication has been requested to discuss feasibility.

2. Discussion items/resolutions

- a. ACOE
  - i. No ACOE permit necessary for storm pipe adjustment.
  - ii. Will take jurisdiction of Pond #1, with in line stream.
- b. MDE
  - i. The stream (WUS) within the pipe is a regulated feature. This impact is already considered a loss, no need for mitigation for adjustment. Joint permit application (JPA) will still be necessary, Category A. The relocation of the storm pipe is not considered a feasibility issue.
  - ii. Requested to consider how to process the piped stream permit/plans with the pond #3 removal
  - iii. MDE would not assess any type of mitigation penalty to moving a piped stream to another pipe/location

3. Action items

- a. For review simplicity, the JPA for the storm pipe relocation will be separated from the JPA for the removal of Pond #3.
- b. These meeting minutes will suffice for the City as documentation that the storm drain pipe is able to be relocated/permitted through the MDE JPA permitting process, Category A.

APPENDIX E: PRELIMINARY MEMO ON SOILS AND INFILTRATION FEASIBILITY  
BY GTA, INC.

**From:** [William Seiger -MDE-](#)  
**To:** [Steve Allison](#)  
**Cc:** [Schmidt, Erica W CIV USARMY CENAB \(USA\)](#); [Gary Unterberg](#); [Randall Rentfro](#); [Matthew Wessel](#); [Beth Forbes](#); [Anthony Berger](#); [Kelly Donovan](#)  
**Subject:** Re: Lakeforest Mall - 84" Storm drain pipe relocation confirmation -MEETING MINUTES  
**Date:** Thursday, August 18, 2022 8:43:27 PM

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Hi Steve

The only comment I have from an MDE perspective is on 2 B (i):  
Please change "(WUS)" to "(waters of the State)"  
thanks  
Bill

On Thu, Aug 18, 2022 at 2:27 PM Steve Allison <[SAllison@rodgers.com](mailto:SAllison@rodgers.com)<<mailto:SAllison@rodgers.com>>> wrote:

All,

See the attached meeting minutes from our discussion regarding the relocation of the existing 84" storm drain pipe.

If you have any questions, please let us know.

Thanks,

Steve

Steven Allison, PLA

Team Leader

Senior Associate

1101 Mercantile Ln, Ste. 280, Largo, MD 20774

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Bill Seiger, Chief

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**MEETING MINUTES**  
**07/29/22**

**DATE:** July 22, 2022

**LOCATION:** conference call/ Teams

**SUBJECT:** Removal of Pond #3 – MDE Dam Safety coordination

**ATTENDEES:** John Roche, Gary Unterberg, Randall Rentfro, Kelly Donovan, Steve Allison

**Discussion:**

1. Purpose/Overview

- a. Purpose of the meeting was to discuss the feasibility and process of removing pond #3 at our project, Lake Forest Mall, City of Gaithersburg.
- b. Seeking confirmation that the Pond #3 can be removed.
- c. The City of Gaithersburg is asking for verification that this concept is viable (subject to permit). Please confirm via email. And/or add comments regarding the process.

2. Meeting Notes

- a. John Roche: Generally, the concept is ok to fill in the pond or excavate it. The dam, Russel Ave, which is a City road will remain.
- b. A JPA is valid for 2 years, so matching this to the construction permit makes sense vs applying now at the zoning/concept stage.
- c. Temporary SWM will be required during construction. This may be as simple to divert water to the other existing ponds (Pond 1 or Pond 2)

3. Discussion items/resolutions

- a. Is Pond #3 regulated, will we need to submit a Joint Permit Application?
  - i. John Roche: *All ponds are regulated by the state, an JPA will need to be processed and approved through MDE Dam Safety. This will be considered a Category A Permit.*
- b. Permit authorization timing
  - i. John Roche: *Once applied, the review and authorization should take between 4-6 weeks.*
- c. To include with the application
  - i. John Roche: *RCI is to include existing and proposed conditions, SWM plan, erosion, and sediment control, and identify where stormwater will be diverted to during construction and which pond will permanently accept the water.*
  - ii. RCI: *The MDE JPA sign off will be part of, or in tandem with the City review and approval of the SWM permit plans. The City SWM/Sediment control plans will need to show how the SWM for the pond is replaced or compensated for with the new SWM concept for the redevelopment.*

4. Action Items

- a. RCI to John Roche: Provide email confirmation to verify this concept is viable for RCI to submit to City of Gaithersburg.

**From:** [John Roche -MDE-](#)  
**To:** [Steve Allison](#)  
**Cc:** [Charles.Wallis@maryland.gov](mailto:Charles.Wallis@maryland.gov); [Gary Unterberg](#); [Randall Rentfro](#)  
**Subject:** Re: Lakeforest Mall - MDE Dam Safety Confirmation, Removal of Pond 3  
**Date:** Tuesday, August 16, 2022 4:27:56 PM  
**Attachments:** image001.png

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Steve,

Removal of Pond 3 is feasible so long as any stormwater management benefits the pond provides are replaced elsewhere within the drainage area.

John

On Fri, Jul 29, 2022 at 4:33 PM Steve Allison <[SAllison@rodgers.com](mailto:SAllison@rodgers.com)<<mailto:SAllison@rodgers.com>>> wrote:

Hi John,

Thanks for the call last Friday.

Please see the attached meeting minutes.

As discussed in the call, the City of Gaithersburg is requesting verification from MDE Dam Safety that the removal of Pond#3 is possible (subject to permit). This can be via email and I can help with the draft, if necessary.

Thanks,

Steve

Steven Allison, PLA

Team Leader

Senior Associate

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From: John Roche -MDE- <john.roche@maryland.gov<<mailto:john.roche@maryland.gov>>>  
Sent: Thursday, July 21, 2022 2:00 PM  
To: Steve Allison <SAllison@RODGERS.com>  
Cc: Charles.Wallis@maryland.gov<<mailto:Charles.Wallis@maryland.gov>>; Gary Unterberg <GUnterberg@RODGERS.com>; Randall Rentfro <RRentfro@RODGERS.com>  
Subject: Re: Lakeforest Mall - MDE Dam Safety Confirmation, Removal of Pond 3

Steve,

Thanks for reaching out. I think sometimes the Waterway Construction folks get a little broad in their comments (i.e., they speak only for their division, not MDE as a whole). Ultimately we do regulate all dams and ponds in the State, and a permit or approval for removing the pond in question would be necessary. At this time, Montgomery SCD/DPS are not performing small pond reviews, so it will fall to us.

One critical question that must be addressed is what stormwater management was that pond designed to achieve, and how will a proposed project ensure no loss of management.

I'd be happy to set up a phone call to discuss further - tomorrow is relatively open for me, especially in the ~130-330 time frame.

John

On Thu, Jul 21, 2022 at 1:50 PM Steve Allison <SAllison@rodgers.com<<mailto:SAllison@rodgers.com>>> wrote:

Hi John and Charlie,

We are currently working on our project, Lakeforest Mall, that contains three stormwater ponds, one including a dam created by Montgomery Village Avenue.

Through the design process, we are proposing the removal of the smallest of the three ponds, off-line Pond #3.

The project and the proposed removal of Pond #3 has history with MDE stemming back to 2019, which included a site visit and coordination with Bill Seiger and Paula Stonesifer(MDE) and ACOE. (See attached meeting minutes/relevant emails).

We are looking for confirmation from Dam Safety that we can remove Pond #3. As shown below and attached.

During our site visit in 2019, which is outlined in our meeting minutes, MDE agreed that Pond # 3 is not regulated by the state, but requested Dam Safety confirmation prior to further progress.

It was noted during the walk that only pond 1 would be regulated by MDE waterways.

After reviewing, feel free to reach out and we can discuss any questions or comments you may have.

If needed, we can set up a Teams meeting to walk through the project based on your availability.

Thanks,

Steve

Steven Allison, PLA

Team Leader

Senior Associate

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