



MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Comprehensive Water Supply and Sewerage Systems Plan Amendments
Administrative Delegation Action 2015-2
Water/Sewer Service Area Category Change Requests

CHRONOLOGY

Table with 2 columns: Event and Date. Includes Interagency Notice of Public Hearing (Feb 4, 2016), Published Notice of Public Hearing (Feb 25, 2016), Public Hearing (March 7, 2016), Public Hearing Record Closed (March 14, 2016), DEP Advance Approval Action (WSCCR 15-DAM-01A) (March 9, 2016), DEP Administrative Approval Action (March 30, 2016), and MDE Review Completed.

BACKGROUND

Authority: Under the Annotated Code of Maryland, Section 9-501, et seq., the Maryland Department of the Environment (MDE) has charged the Montgomery County Council, as the governing body for Montgomery County, with adopting and amending a comprehensive plan for the provision of adequate water supply and sewerage systems within the county.

In the adopted CWSP, the County Council has delegated to the Director of the Department of Environmental Protection (DEP), through an administrative process, the authority to approve certain amendments to the Plan, including water and sewer category changes.

Proposed Plan Amendments: DEP staff considered eight proposed amendments for approval or restricted approval by the administrative delegation process. The proposed amendments were reviewed by the following agencies, as appropriate: the Washington Suburban Sanitary Commission (WSSC), the Maryland - National Park and Planning Commission (M-NCPPC), and the Montgomery County Department of Permitting Services - Well and Septic Section (DPS).

PUBLIC HEARING PROCESS

Public Hearing Notification: In accordance with State regulations, on February 4, 2016, DEP notified the appropriate County and State agencies of an administrative public hearing, scheduled for March 7, 2016, and provided the staff recommendations for each proposed amendment.

Public Hearing Testimony and Interagency Recommendations: On behalf of DEP Director Lisa Feldt, DEP senior planner Alan Soukup presided over the public hearing held on March 7, 2016, on the eight amendments proposed for administrative approval.

WSCCR 15-DAM-01A (Armstrong Tires & Accessories):

The applicant, represented by Bruce McNaughton, had previously requested an advance action for this request in order to maintain an established schedule for the Planning Board's consideration of the related preliminary plan no. 120160070 "Armstrong Property".

WSSCR 15-TRV-03 (Clancy):

David Leibowitz, a nearby owner of a property located on Jasmine Hill Terr., raised concerns that the offsite water and sewer hookups for service to the Clancy's property would cross his lot through an established "water easement." Mr. Soukup explained that the Clancy's service connections and hookups were already installed, resulting from DEP's health problem authorization to WSSC in June 2015. Subsequent discussion with another neighbor, David Palmer (Foxden Dr.), addressed this misunderstanding and Mr. Leibowitz withdrew his comments.

On January 21, 2016, the Planning Board met to consider M-NCPPC staff recommendations for the eight requests included in the AD 2015-2 administrative delegation packet. The Board concurred with the M-NCPPC staff recommendations for all the included requests, which were in agreement with DEP's staff recommendations. DEP received formal notification of the Board's action in a letter dated January 29, 2016.

On January 22, 2016, the Council's senior legislative analyst, Keith Levchenko, reported to DEP that, following the circulation among the Council members of the administrative packet and the notes on public testimony, no Council members had questions on or objections to the proposed administrative approval of all fifteen requests.

DEP had originally scheduled a public hearing for this administrative group for January 25, 2016, and provided a notice of the hearing to the appropriate agencies on December 22, 2015. However, on January 25th, County offices closed due to a snow emergency. DEP restarted the public hearing process with the schedule shown above. This accounts for the Planning Board's consideration and recommendations of the requests on January 21, 2016, and the Council's concurrence on January 22, 2016, occurring before the hearing notice date of February 4, 2016.

DEP closed the public hearing record on March 14, 2016, WSSCR 15-DAM-01A excepted (see above). Summary information, which includes all interagency recommendations and all testimony for the proposed amendments, is on file with DEP.

DEP ADMINISTRATIVE ACTION

The 2003 water/sewer category map update of the *Montgomery County Comprehensive Water Supply and Sewerage Systems Plan* is hereby amended as follows:

Damascus Planning Area

WSSCR 15-DAM-01A: Armstrong Tires & Accessories

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> • 10110 Lewis Dr., Damascus • Parcel P545, Res on Delay Etc (acct. no. 00922861) • Map tile: WSSC – 237NW10; MD – FX43 • South side of Lewis Dr., west of High Corner St. • CRT-1.0 Zone; 7.25 ac. • Damascus Planning Area Damascus Master Plan (2006) • Bennett Creek Watershed (MDE Use I) • <u>Existing use</u>: vacant, partially wooded <u>Proposed use</u>: 55-lot mixed residential single-family & townhouse subdivision; preliminary plan no. 120160070 "Armstrong Property" 	Service Area Categories: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-bottom: 1px solid black; width: 50%;"><u>Existing</u></td> <td style="border-bottom: 1px solid black; width: 50%;">Requested</td> </tr> <tr> <td>W-1</td> <td>W-1 (no change)</td> </tr> <tr> <td>S-6</td> <td>S-3</td> </tr> </table> Administrative Action Approve S-3. Administrative policy V.F.1.a.: Consistent with Existing Plans. (Mapping on pg. 10.) <i>Note: DEP granted an advance approval for this request on March 9, 2016, at the request of the applicant.</i>	<u>Existing</u>	Requested	W-1	W-1 (no change)	S-6	S-3
<u>Existing</u>	Requested						
W-1	W-1 (no change)						
S-6	S-3						

Darnestown Planning Area

WSSCR 15-DNT-01A: Kaitlin Tillan and Randall Stark

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> • 15509 Norman Dr., North Potomac • Lot 3, Block D, Mountain View Estates (acct. no. 00411766) • Map tile: WSSC – 221NW13; MD – ES42 • South side of Norman Dr. between Jones La. And Blue Mountain Ct. • R-200 Zone; 25,557 sq. ft. (0.59 ac.) • Darnestown Planning Area Potomac Subregion Master Plan (2002) • Muddy Branch Watershed (MDE Use I) • <u>Existing use</u>: one single-family house (built 1970) • <u>Proposed use</u>: public sewer service for the existing house. Water service is already provided. 	Service Area Categories: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Existing</th> <th style="text-align: left; border-bottom: 1px solid black;">Requested</th> </tr> </thead> <tbody> <tr> <td>W-4</td> <td>W-1 (correction for existing service)</td> </tr> <tr> <td>S-6</td> <td>S-1</td> </tr> </tbody> </table> Administrative Action Approve W-1 and S-1. Administrative policy V.F.1.a.: Consistent with Existing Plans. (Mapping on pgs. 11 & 12.) <i>Note: In response to an April 9, 2015, notice from DPS, DEP issued a request to WSSC to expedite the provision of public sewer service to this property in advance of the approval of this request on April 10, 2015. The authority for DEP's action is the "public health problems" service policy in the Water and Sewer Plan. The policy allows such an action in cases where DPS has identified an on-site system failure.</i> <i>Note: Although sewer service was initially authorized under the "public health problems" policy, this administrative approval is granted under the "consistent with existing plans" policy.</i>	Existing	Requested	W-4	W-1 (correction for existing service)	S-6	S-1
Existing	Requested						
W-4	W-1 (correction for existing service)						
S-6	S-1						

WSSCR 15-DNT-02A: S&W Enterprises I LLC

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> • 15700 Quince Orchard Rd., North Potomac • Parcel P619, Quince Orchard (acct. no. 00396658) • Map tile: WSSC – 221NW12; MD – ES52 • Northwest corner, Quince Orchard Rd. and Fellowship La. • R-200 Zone; 34,412 sq. ft. (0.79 ac.) • Darnestown Planning Area Potomac Subregion Master Plan (2002) • Muddy Branch Watershed (MDE Use I) • <u>Existing use</u>: one single-family house (year built not known) • <u>Proposed use</u>: public water and sewer service for the existing house, addition, or replacement 	Service Area Categories: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Existing</th> <th style="text-align: left; border-bottom: 1px solid black;">Requested</th> </tr> </thead> <tbody> <tr> <td>W-4</td> <td>W-1</td> </tr> <tr> <td>S-6</td> <td>S-1</td> </tr> </tbody> </table> Administrative Action Approve W-1 and S-3. Administrative policy V.F.1.a.: Consistent with Existing Plans. (Mapping on pgs. 13 & 14) <i>Note: The applicant requested approval of sewer category S-1, as specified above. However, DEP has approved category S-3 instead because a sewer main extension is needed to provide service to this property.</i>	Existing	Requested	W-4	W-1	S-6	S-1
Existing	Requested						
W-4	W-1						
S-6	S-1						

Olney Planning Area

WSSCR 15-OLN-03A: Samuel Woltering

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> • 16800 Batchellors Forest Rd., Olney • Lot 5, Benson Estates (acct. no. 00721121) • Map tile: WSSC – 223NW02; MD – JT11 • Northwest side of Batchellors Forest Rd., opposite Norbeck Farm Dr. • RE-2 Zone; 2.0 ac. • Olney Planning Area Olney Master Plan (2005) • Northwest Branch Watershed (MDE Use IV) • <u>Existing use</u>: one single-family house (built 1964) <u>Proposed use</u>: public sewer service for a second story addition to the existing house 	Service Area Categories: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Existing</th> <th style="text-align: left;">Requested</th> </tr> </thead> <tbody> <tr> <td>W-6</td> <td>W-6 (no change)</td> </tr> <tr> <td>S-6</td> <td>S-1</td> </tr> </tbody> </table> Administrative Action Approve S-1, restricted to a single sewer service hookup only. Administrative policy V.F.1.b.: Properties Abutting Existing Mains. (Mapping on pg. 15.) <i>Note: On Sept. 28, 2015, DEP issued a request to WSSC to provide public sewer service to this property in advance of the approval of this request. The authority for DEP's action is the "abutting mains" service policy in the Water and Sewer Plan. The policy allows an action in advance of a category change approval in cases where a property clearly satisfies the policy's requirements.</i>	Existing	Requested	W-6	W-6 (no change)	S-6	S-1
Existing	Requested						
W-6	W-6 (no change)						
S-6	S-1						

Patuxent Watershed Conservation Planning Area

WSSCR 15-PAX-03A: Luisa and Ivan Maldonado

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> • 16629 Brogden Rd., Spencerville • Parcel P145, Snowdens Manor Enl (acct. no. 00265045) • Map tile: WSSC – 222NE03; MD – KS33 • East side of Brogden Rd. north of PEPCO transmission lines • RC Zone; 2.32 ac. • Patuxent River Conservation Planning Area Cloverly-Norwood Master Plan (1997) • Lower Patuxent River Watershed (MDE Use I) • <u>Existing use</u>: vacant <u>Proposed use</u>: public water service for a proposed single-family house 	Service Area Categories: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Existing</th> <th style="text-align: left;">Requested</th> </tr> </thead> <tbody> <tr> <td>W-6</td> <td>W-1</td> </tr> <tr> <td>S-6</td> <td>S-6 (No Change)</td> </tr> </tbody> </table> Administrative Action Approve W-1; restricted to a single water service hookup only. Administrative policy V.F.1.b.: Properties Abutting Existing Mains. (Mapping on pg. 16.) <i>Note On April 24, 2015, DEP issued a request to WSSC to provide public water service to this property in advance of the approval of this request. The authority for DEP's action is the "abutting mains" service policy in the Water and Sewer Plan. The policy allows an action in advance of a category change approval in cases where a property clearly satisfies the policy's requirements.</i>	Existing	Requested	W-6	W-1	S-6	S-6 (No Change)
Existing	Requested						
W-6	W-1						
S-6	S-6 (No Change)						

Potomac –Cabin John Planning Area

WSSCR 15-POT-06A: Windham Life Sciences Investors LLC

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> 9704 The Corral Dr., Potomac Lot 13, Block M, Great Falls Estates (acct. no. 00878693) Map tile: WSSC – 212NW11; MD – FP22 West side of The Corral Dr. at terminus north of Stanmore Dr. RE-2 Zone; 2.39 acres Potomac – Cabin John Planning Area Potomac Subregion Master Plan (2002) Rock Run Watershed (MDE Use I) <u>Existing use</u>: one single-family house (built 1967) <u>Proposed use</u>: sewer service for the existing single-family house 	Service Area Categories: <table border="1"> <thead> <tr> <th>Existing</th> <th>Requested</th> </tr> </thead> <tbody> <tr> <td>W-1</td> <td>W-1 (No Change)</td> </tr> <tr> <td>S-6</td> <td>S-1</td> </tr> </tbody> </table> Administrative Action Approve S-1, restricted to a single sewer service hookup only. Administrative policy V.F.1.b.: Properties Abutting Existing Mains. (Mapping on pg. 17.) <i>Note: On March 3, 2015, DEP issued a request to WSSC to provide sewer service to this property in advance of the approval of this request. The authority for DEP's action is the "abutting mains" service policy in the Water and Sewer Plan. The policy allows an action in advance of a category change approval in cases where a property clearly satisfies the policy's requirements.</i>	Existing	Requested	W-1	W-1 (No Change)	S-6	S-1
Existing	Requested						
W-1	W-1 (No Change)						
S-6	S-1						

Travilah Planning Area

WSSCR 15-TRV-02A: Sanjay Sharma

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> 13730 Travilah Rd. - Rockville Parcel P592, Harveys Lot Piney Grove (acct. no. 00396374) Map tile: WSSC – 218NW11; MD – FR12 North side of Travilah Rd., west of Natia Manor Dr. R-200 Zone; 23,900 sq.ft. (0.55 acres) Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) <u>Existing use</u>: one single-family house (built 1949) <u>Proposed use</u>: sewer service for a replacement single-family house 	Service Area Categories: <table border="1"> <thead> <tr> <th>Existing</th> <th>Requested</th> </tr> </thead> <tbody> <tr> <td>W-1</td> <td>W-1 (No Change)</td> </tr> <tr> <td>S-6</td> <td>S-1</td> </tr> </tbody> </table> Administrative Action Approve S-1. Administrative policy V.F.1.a.: Consistent with Existing Plans. (Mapping on pg. 18.) <i>Note: On March 11, 2015, DEP issued a request to WSSC to provide sewer service to this property in advance of the approval of this request. The authority for DEP's action is the "abutting mains" service policy in the Water and Sewer Plan. The policy allows an action in advance of a category change approval in cases where a property clearly satisfies the policy's requirements.</i> <i>Note: Although sewer service was initially authorized under the "abutting mains" policy, this administrative approval is granted under the "consistent with existing plans" policy.</i>	Existing	Requested	W-1	W-1 (No Change)	S-6	S-1
Existing	Requested						
W-1	W-1 (No Change)						
S-6	S-1						

WSSCR 15-TRV-03A: Thomas Clancy & Lauren Mahjoubi Clancy

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
<ul style="list-style-type: none"> • 13320 Foxden Dr. - Rockville • Pt. Lot 1, Block D, Potomac Highlands (acct. no. 00088597) • Map tile: WSSC – 217NW09; MD – FR51 • West side of Foxden Dr., south of Veirs Dr. • RE-1 Zone; 64,033 sq. ft. (1.47 acres) • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • Existing use: one single-family house (built 1954) <u>Proposed use:</u> sewer service for the existing house 	Service Area Categories: Existing – Requested – Service Area Categories <hr/> W-1 W-3 (No Change) S-6 S-1 <hr/> Administrative Action Approve S-1, restricted to a single sewer hookup only. Administrative policy V.F.2.a.: Public Health Problems. (Mapping on pg. 19.) <i>Note: In response to June 15 and 18, 2015, notices from DPS, DEP issued a request to WSSC on June 19, 2015, to expedite the provision of public sewer service to this property in advance of the approval of this request. The authority for DEP's action is the "public health problems" service policy in the Water and Sewer Plan. The policy allows such an action in cases where DPS has identified an on-site system failure.</i>

Now therefore be it resolved by the Director of the Montgomery County Department of Environmental Protection that the amendments described above for inclusion in the County's *Comprehensive Water Supply and Sewerage Systems Plan* are approved. DEP will revise the water and sewer category maps in the County's geographic information system (GIS) database to include these amendments, and they will be shown as part of the next interim or triennial service area map update.

Approved

Lisa Feldt

3/29/2016

Lisa Feldt, Director
 Montgomery County Department of Environmental Protection

Date

M-NCPPC DEVELOPMENT REVIEW COMMITTEE UPDATE

Plan no. 120160070 "Armstrong Property": The proposed use of public water and sewer service for this project is consistent with the existing W-1 water category and the S-3 sewer category granted by this action.

NOTIFICATION OF DEP ACTION

DEP will submit notification of the Director's action to MDE for that agency's review. MDE has 90 days to comment on the administrative approvals granted. DEP will also notify each applicant, appropriate county government agencies, and other interested parties of the Director's action. A list of agencies that will receive a copy of this summary of action follows:

Distribution: Interagency

Virginia Kearney, Director, Water Mgt. Admin., MDE
 Nancy Floreen, Montgomery County Council
 Keith Levchenko, Montgomery County Council
 Diane Schwartz-Jones, Director, DPS
 Gene von Gunten, Well & Septic Section, DPS
 Casey Anderson, Planning Board
 Rebecca Boone & Katherine Nelson, Area 3 Planning Team, M-NCPPC
 Pam Dunn, Functional Planning Team, M-NCPPC

Mark Pfefferle Cathy Conlon, Development Applications and Regulatory Coordination Team, M-NCPPC
 Geoffrey Mason, Parks Planning Div., M-NCPPC
 Carla Reid, General Manager, WSSC
 Ray Chicca, Beth Kilbourne, & Rufus Leeth, Development Services Group, WSSC
 Luis Tapia, Service Applications Group, WSSC
 Eintou Karima, Assessments Group, WSSC

Distribution: Property Owners Listed Above/Other Interested Parties/Public Interest Groups

15-DAM-01A. Armstrong Tires & Accessories
..... Jeffery Lewis, Site Solutions, Inc.
15-DNT-01A . Randal Stark
15-DNT-02A . S&W Enterprise I, LLC
..... Dick Witmer, Witmer Associates, LLC
15-OLN-03A . Samuel Woltering
15-PAX-03A.. Ivan Maldonado
..... Michael Norton, Norton Land Design
15-POT-06A . Henry Stuart, Windham Life Sciences Investors LLC
15-TRV-02A.. Sanjay Sharma
..... Ed Snider, Snider & Associates
15-TRV-03A.. Thomas Clancy & Lauren Mahjoubi Clancy
..... David Leibowitz
..... Susanne Lee, West Montgomery County Citizens' Association
..... Marilyn Lehrer
..... Knowles Little, Potomac Highlands Citizens'. Association
..... David Palmer

Audubon Naturalist Society
The Glen Preservation Foundation
Patuxent Watershed Preservation Association
Greater Olney Civic Association
Southeast Olney Civic Association
Greater Darnestown Civic Association

Attachments – Service Area Category Designations (see page 9)
Amendment Service Area Category Mapping (see pages 10 - 19)

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WATER/SEWER SERVICE AREA CATEGORIES INFORMATION

The Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan designates water and sewer service area categories for each property within the county. These service area categories determine a property's eligibility to receive public water and/or sewer service and indicate when the County and the sanitary utility (usually the Washington Suburban Sanitary Commission (WSSC)) should program water and sewerage facilities to serve those properties. (Although the actual provision of public service is often dependent on an applicant's own development schedule.) The Water and Sewer Plan is adopted and amended by the County Council; it is administered by the County Executive through the Department of Environmental Protection (DEP).

Water and Sewer Service Area Categories Table

Service Area Categories	Category Definition and General Description	Service Comments
W-1 and S-1	Areas served by community (public) systems which are either existing or under construction. <ul style="list-style-type: none"> This may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service. 	Properties designated as categories 1 and 3 are eligible for to receive public water and/or sewer service.
W-2 and S-2	<p><i>Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan.</i> (State's definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.)</p>	New development and properties needing the replacement of existing wells or septic systems are generally required to use public service. Properties with wells or septic systems on interim permits are required to connect to public service within one year of its availability.
W-3 and S-3	Areas where improvements to or construction of new community systems will be given immediate priority and service will generally be provided within two years or as development and requests for community service are planned and scheduled.	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for mains abutting these properties unless the property has a functioning well and/or septic system. WSSC provides public water and sewer service throughout the county, except where service is provided by systems owned by the City of Rockville or the Town of Poolesville.
W-4 and S-4	Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. <ul style="list-style-type: none"> This includes areas generally requiring the approval of CIP projects before service can be provided. 	WSSC will not serve properties designated as categories 4 or 5, but will work to program water and/or sewer projects needed to serve these areas. Permits for new wells and/or septic systems for category 4 properties will be interim permits. (See above for further information.)
W-5 and S-5	Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period. <ul style="list-style-type: none"> This category is frequently used to identify areas where land use plans recommend future service staged beyond the scope of the six-year CIP planning period. 	MCDEP may require that development proceeding on interim wells and septic systems in category 4 areas also provide dry water and sewer mains and connections.
W-6 and S-6	Areas where there is no planned community service either within the ten-year scope of this plan or beyond that time period. This includes all areas not designated as categories 1 through 5. <ul style="list-style-type: none"> Category 6 includes areas that are planned or staged for community service beyond the scope of the plan's ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans. 	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for abutting properties designated as category 4 unless the property has a functioning well and/or septic system. WSSC will not assess front foot charges for properties designated as category 5.
W-6 and S-6		WSSC will neither provide service to nor assess front foot benefit charges for properties designated as category 6. Development in category 6 areas is expected to use private, on-site systems, such as wells and septic systems.

Please note that the County does not necessarily assign water and sewer categories in tandem (i.e. W-3 and S-3, or W-5 and S-5), due to differences in water and sewer service policies or to actual water or sewer service availability. Therefore, it is important to know *both* the water *and* sewer service area categories for a property.



















