

MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Comprehensive Water Supply and Sewerage Systems Plan Amendments
Administrative Delegation Action 2009-1
Water/Sewer Service Area Category Change Requests

I. CHRONOLOGY - Interagency Notices of Public Hearing: November 10, 2008
Published Notice of Public Hearing: January 16, 2009
Public Hearing: January 27, 2009
Public Hearing Record Closed: February 3, 2009
DEP Administrative Approval Action: February 6, 2009
MDE Review Completed:

ii. 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. As part of the staging element of *Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan* (CWSP), the Council has designated water and sewer service area categories for all properties within the county. Requests to change the water and/or sewer service area categories designated in the Plan constitute proposed amendments to that plan

In the adopted CWSP, the County Council has delegated the authority to approve certain amendments to the Plan, including water and sewer category changes, by an administrative process, to the Director of the Department of Environmental Protection (DEP). To qualify for administrative consideration, these amendments must satisfy the specific requirements of the policies established by the Council as established in the CWSP, Chapter 1, Section V.F. Administrative Delegation.

Proposed Plan Amendments: DEP staff considered proposed amendments for 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). The amendments were also referred to the County Council-members for their review and concurrence.

III. PUBLIC HEARING PROCESS - **Public Hearing Notification:** In accordance with State regulations, the County was to have provided a published notice of the administrative hearing at least 10 days prior in a newspaper of general, local circulation. This notice provided a link to the DEP website on which all pertinent documents were placed prior to that date. Also, in accordance with State regulations, DEP notified on January 9, 2009, the appropriate County and State agencies of the public hearing and the staff recommendations for each proposed amendment. DEP also provided a hearing notice to the following: each property owner/applicant, local civic association leaders, attorneys or engineers (as requested by the property owner), and abutting and confronting property owners, as identified by M-NCPPC.

Public Hearing Testimony and Interagency Recommendations: On January 27, 2009, on behalf of DEP Director Robert Hoyt, DEP planner Alicia Youmans and Alan Soukup presided over the public hearing on the amendments under consideration for administrative approval. Other than agency staff, no one attended the hearing nor submitted written statements as part of the hearing record.

The Planning Board considered M-NCPPC staff recommendations on the two category change requests and one proposed general amendment at its regular meeting on January 22, 2009. M-NCPPC staff and the Board concurred with the DEP staff recommendations for the two category change requests and the proposed general amendment. The Planning Board provided a written notice of its action to DEP on January 22, 2009.

County Council did not submit any objections to, or concerns with, the proposed requests prior to the closing of the public record on February 3, 2009.

DEP closed the public hearing record on February 3, 2009, upon receipt of the Council staff notice. Summary information, which includes all interagency recommendations and all testimony for the proposed amendments, is on file with DEP.

IV. DEP ADMINISTRATIVE ACTION - The August 2003 water/sewer category map update of the *Montgomery County Comprehensive Water Supply and Sewerage Systems Plan* is hereby amended as follows:

POTOMAC PLANNING AREA

WSSCR 09A-POT-02: Dr. Yameen & Sabiha Zubairi							
Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification						
<ul style="list-style-type: none"> ▪ 10911 Chandler Road, Potomac 20854 ▪ Lot 9, Block 1, Fawsett Farms – acct no: 10 00867030 ▪ Map tile: WSSC – 210NW11; MD – FN23 ▪ Located near Rock Run Drive and Chandler Rd ▪ Potomac MP (2002) ▪ Rock Run Watershed (MDE Use I) ▪ R200 Zone; 1.0 acres ▪ <u>Existing use:</u> Residential ▪ <u>Proposed use:</u> Residential 	<table border="1"> <thead> <tr> <th colspan="2"><u>Existing – Requested – Service Area Categories</u></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> <p><u>Action & Policy Justification</u></p> <p>Approve S-3. Policy V.F.1.a Consistent with Existing Plans.</p>	<u>Existing – Requested – Service Area Categories</u>		W-6	W-6(No change)	S-6	S-1
<u>Existing – Requested – Service Area Categories</u>							
W-6	W-6(No change)						
S-6	S-1						

WSSCR 09A-TRV-01: Robert Carter							
Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification						
<ul style="list-style-type: none"> ▪ 13120 Cleveland Dr, Rockville 20850 ▪ Lot 8, Bl 11, North Glen Hills – acct. no. 04-00076726 ▪ Map tile: WSSC – 217NW09; MD – FR51 ▪ Located on the corner of Cleveland Ct and Cleveland Dr ▪ Potomac MP (2002) ▪ Watts Branch Watershed (MDE Use I) ▪ RE-1 Zone; 0.92 acres ▪ <u>Existing use:</u> Residential ▪ <u>Proposed use:</u> Residential 	<table border="1"> <thead> <tr> <th colspan="2"><u>Existing – Requested – Service Area Categories</u></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> <p><u>Action & Policy Justification</u></p> <p>Approve S-1. Policy V.F.2 a Public Health Problems, restricted to single sewer hookup only.</p>	<u>Existing – Requested – Service Area Categories</u>		W-1	W-1(No change)	S-6	S-1
<u>Existing – Requested – Service Area Categories</u>							
W-1	W-1(No change)						
S-6	S-1						

General Water and Sewer Map Amendment: GWSMA 09G-DAM-01

Initiated by DEP-Water and Wastewater Policy Group (WWPG): November 6, 2008

Purpose: DEP-WWPG staff proposes this water/sewer category map amendment to address sewer service area categories in a portion of the Oak Drive & Kingstead Road neighborhood in Damascus, and the John Haines Park off of Damascus Rd. (A map showing the neighborhood study area and its existing water/sewer service area categories is attached.) DEP has previously addressed sewer category changes for several properties in this area. The residential lot sizes of these properties, with few exceptions, are less than one acre which may pose problems when it is time to replace existing septic systems with ones that meet current standards. This proposed general map amendment places the proposed properties in the correct sewer category to receive public service in preparation of future need, eliminating the need for up to 27 future individual category change requests

Background: According to the County Water and Sewer Plan as well as the 2006 Damascus Master Plan, page 105, this area is intended to receive public water and sewer service. The proposed properties listed in the table below already receive public water service or are in the correct category to do so

Proposal: This sewer category map amendment proposes to change the sewer category for twenty five properties on Oak Drive and Kingstead Road, along with the two others which comprise John Haines Park off of Damascus Rd. All of the subject properties have frontage directly along the street. Seven of the properties along Oak Drive about a sewer main already and are recommended to be changed to S-1. The remaining Oak Drive and Kingstead Rd properties are recommended to be changed to S-3 as sewer main extensions are needed to serve these properties. At this time there is no actual plan or time projection for the sewer main extension.

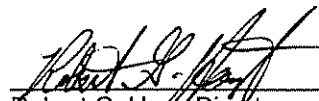
The properties listed in the following table are included in this proposed general water/sewer category map amendment. The table shows both the existing water and sewer service area categories and those proposed by DEP for the following 27 properties:

GWSMA 09G-DAM-01					
Action & Policy Justification: Approve S-1 and S-3 as appropriate. Policy V.F.1 a Consistent with Existing Plans.					
Address Legal Description (dist & tax acct. #)	Owner	Zoning Size	Categories Exist. Prop.		Notes/Comments
25314 Oak Drive 12 00925820	Elizabeth Cain	RC 1.06 acres	W-1 S-6	W-1 S-3	This property, though zoned RC, is in the master plan's recommended sewer envelope
Oak Drive 12 00939108	Potomac Edison Company	R-200 0.67 acres	W-1 S-6	W-1 S-3	
Oak Drive 12 00939110	Potomac Edison Company	R-200 0.67 acres	W-1 S-6	W-1 S-3	
25300 Oak Drive 12 00932632	Catherine Kate	R-200 0.62 acres	W-1 S-6	W-1 S-3	
25224 Oak Drive 12 00936446	James Mulvehill	R-200 0.69 acres	W-1 S-6	W-1 S-3	
25220 Oak Drive 12 00929350	Maria Schooley	R-200 0.66 acres	W-1 S-6	W-1 S-3	
25204 Oak Drive 12 00939985	Rhian Clode	R-200 0.472 acres	W-1 S-6	W-1 S-3	
25200 Oak Drive 12 00933636	Theresa Caherty	R-200 0.462 acres	W-1 S-6	W-1 S-3	
25124 Oak Drive 12 00939440	William Ray	R-200 0.459 acres	W-1 S-6	W-1 S-3	
25116 Oak Drive 12 00940107	Paul Rose	R-200 0.509 acres	W-1 S-6	W-1 S-3	
25120 Oak Drive 12 00924574	David Speck	R-200 0.459 acres	W-1 S-6	W-1 S-1	
25106 Oak Drive 12 00929805	Boriz Benitez	R-200 0.471 acres	W-1 S-6	W-1 S-1	
25104 Oak Drive 12 00939074	Lynn Williams	R-200 0.574 acres	W-1 S-6	W-1 S-3	
25020 Oak Drive 12 00939427	Paul Ray/ Trouble Enough Indeed	R-200 0.5 acres	W-1 S-6	W-1 S-1	
25016 Oak Drive 12 00939405	Manual Bonilla Henrriquez	R-200 0.537 acres	W-1 S-6	W-1 S-1	
25012 Oak Drive 12 00928457	John Dupont	R-200 0.491 acres	W-1 S-6	W-1 S-1	
Oak Drive 12 00939393	Charles T Jr & P A Linthicum	R-200 0.517 acres	W-1 S-6	W-1 S-1	
25006 Oak Drive	Samual Brake	R-200	W-1	W-1	

GWSMA 09G-DAM-01					
Action & Policy Justification: Approve S-1 and S-3 as appropriate. Policy V F.1.a Consistent with Existing Plans.					
Address Legal Description (dist & tax acct. #)	Owner	Zoning Size	Categories Exist. Prop.		Notes/Comments
12 01780648		0.73 acres	S-6	S-1	
Damascus Road 12 00939850	MNCCPC – John Haines Park	R-200 10.46 acres	W-1 S-6	W-1 S-1	Although the park may have no facilities needing sewer service, we typically assign category S-1 to park properties within the sewer envelope where existing service predominates.
Damascus Road 12 00939883	MNCCPC – John Haines Park	R-200 3.14 acres	W-1 S-6	W-1 S-1	
10831 Kingstead Rd 12 00938285	Glen and Brenda Chapman	R-200 1.04 acres	W-1 S-6	W-1 S-3	
10825 Kingstead Rd 12 00926458	Norbet Butler	R-200 1.14 acres	W-1 S-6	W-1 S-3	
10815 Kingstead Rd 12 00925545	Mark England	R-200 0.459 acres	W-1 S-6	W-1 S-3	
0000 Kingstead Rd 12 00925556	Nathan and BL Bickford	R-200 0.459 acres	W-1 S-6	W-1 S-3	
10809 Kingstead Rd 12 00931843	Mary Raguso	R-200 0.918 acres	W-1 S-6	W-1 S-3	
10807 Kingstead Rd 12 00937598	Gregory Smith	R-200 0.467 acres	W-1 S-6	W-1 S-3	
10801 Kingstead Rd 12 00926378	Neil Greenberger	R-200 0.997 acres	W-1 S-6	W-1 S-3	
Master Plan: Damascus (2006) Watershed: Little Bennett Creek (MDE Use III) DEP will address category changes from S-3 to S-1 for the properties at 25000 and 25002 through the upcoming general update of the service area maps.					

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



Robert G. Hoyt, Director
Montgomery County Department of Environmental Protection

V. M-NCPPC DEVELOPMENT REVIEW COMMITTEE UPDATE:

DEP has not identified any current subdivision plans affected by the approvals granted under this administrative delegation action.

VI. 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 and individuals that will receive a copy of this summary of action follows:

Distribution: Interagency

Jay G. Sakai, Director, Water Mgt. Admin., MDE
Michael J. Knapp, Montgomery County Council
Nancy M. Floreen, Montgomery County Council
Royce Hanson, M-NCPPC/Planning Board
Keith Levchenko, Montgomery County Council
Gene von Gunten, Department of Permitting Services
Gwen Wright, M-NCPPC, County-Wide Planning
Division

Cathy Conlon/Richard Weaver, M-NCPPC,
Development Review Division
Katherine Nelson, M-NCPPC, County-Wide Planning
Division/Environmental Unit
Peg Robinson/Dave Shen, WSSC, Development
Services Group
Luis Tapia, WSSC, Service Applications Group
Pearl Walker, WSSC, Assessments Group

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










Attachments – Amendment Service Area Category Mapping

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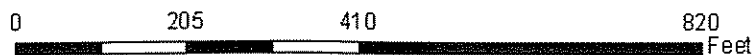
Sewer Services Area Category Map 09A-POT-02 (Zubairi)



Legend Sewer Categories

- | | | | |
|---|-------------|---|---|
|  | Sewer Lines |  | 1 |
|  | Zubairi |  | 3 |
|  | Properties |  | 4 |
|  | Buildings |  | 5 |
| | |  | 6 |

Montgomery County, Maryland
2003 Comprehensive Water Supply
and Sewerage Systems Plan



DEP
Water and Wastewater
Policy Group

MEMORANDUM

September 26, 2008

TO: Luis Tapia, Acting Manager, Permit Services Unit
Washington Suburban Sanitary Commission

FROM: Alicia Youmans, Environmental Planner, Water and Wastewater Policy Group
Department of Environmental Protection

SUBJECT: Request to Provide a Single Sewer Service Connection



This is to request that WSSC accept and act on an application to provide public water/sewer service for the following property:

Property Address & Identification	Owner – Est. Date	Abutting Main - 200' Tile	WSSCR No.
10911 Chandler Rd. Potomac, 20854	Yameen & SQ Zubairi	210NW11	09A-POT-02

Our records show that the home on the subject property was built in 1964, when it appeared on the State tax map. The abutting sewer main to the above property is or will soon be under construction. Given this, the property is eligible for a single sewer service connection under the abutting mains service policy in the County's Water and Sewer Plan.

DEP will address the service area category change amendment cited above, which seeks to change the existing category S-6 to S-1, allowing the provision of public sewer service. However, it will take our office a couple months to process and approve this request, and the owner has indicated a need to expedite the service to this site.

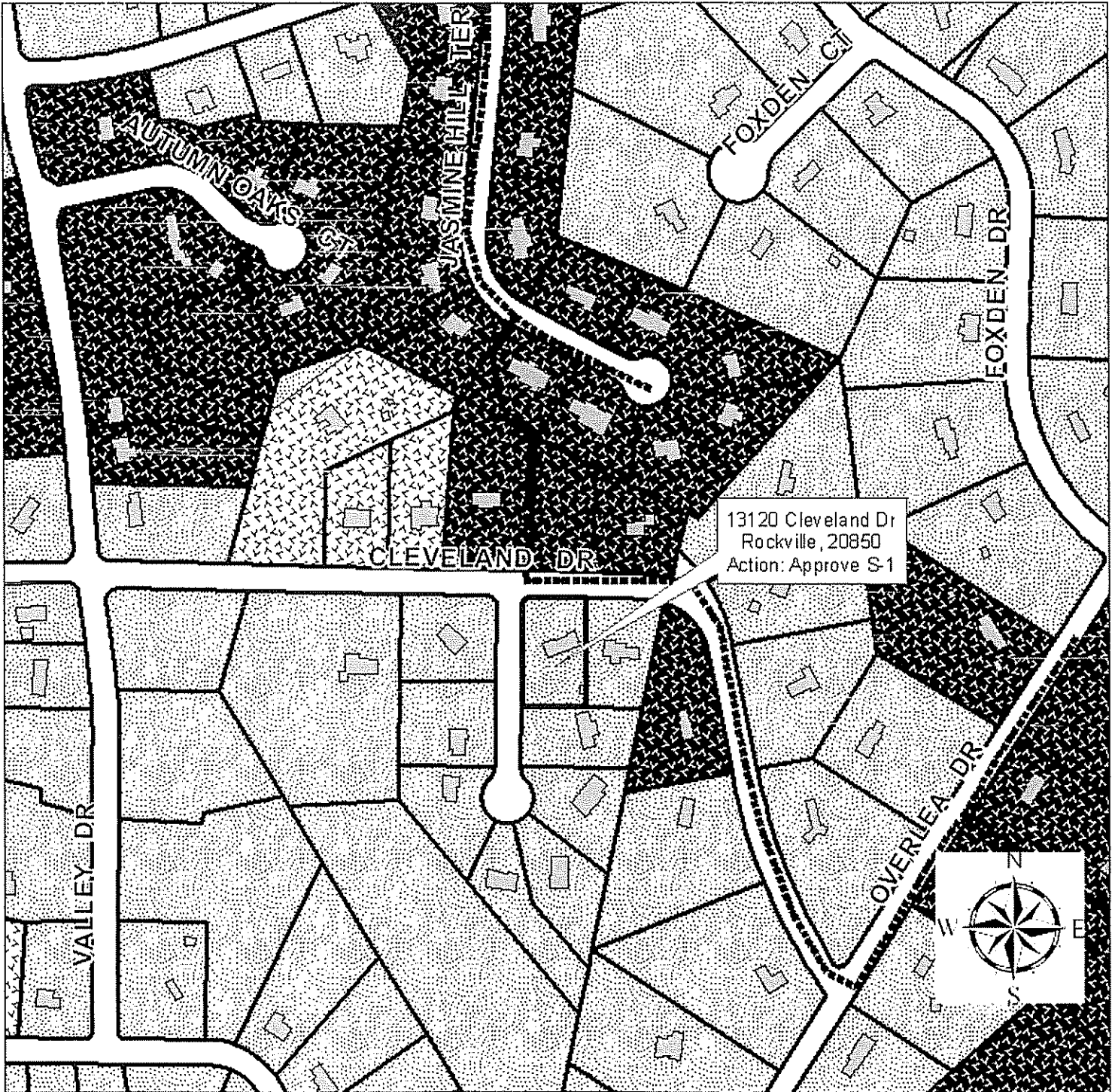
WSSC may approve and install the requested sewer service connection/hookup in advance of DEP's approval of the associated service area change. The County's approved Water and Sewer Plan allows DEP to direct WSSC to provide public service for cases which clearly satisfy the abutting mains policy.

If you have any questions concerning this request, please contact either me at 240-777-7738 or Alan Soukup at 240-777-7716.

AMY:amy/Rc/Programs/Water_and_Sewer/Projects/WSSC/connections/connectdocs/alpha/C/10911_Chandler_Rd_Zubairi.doc



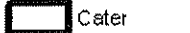






cc: Lisa Sine, Development Services Group/Permit Services, WSSC
Kathy Maholtz, Development Services Group, WSSC
Katherine Nelson, County-Wide Planning/Environmental, M-NCPPC
Amy Hart, Well and Septic Section, DPS
Keith Levchenko, County Council
Dr. Zubairi

Sewer Services Area Category Map 09A-TRV-01 (Carter)



13120 Cleveland Dr
Rockville, 20850
Action: Approve S-1

Legend Sewer Categories

- | | |
|---|---|
|  Sewer Lines |  1 |
|  Lot |  3 |
|  Properties |  4 |
|  Buildings |  5 |
| |  6 |

Montgomery County, Maryland
2003 Comprehensive Water Supply
and Sewerage Systems Plan



0 320 640



DEP
1,280 Water and Wastewater
Policy Group



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid Joyner
Director

MEMORANDUM

September 30, 2008

TO: Alicia Youmans
Water and Waste Management
Montgomery County Environmental Protection

FROM: John Hancock
Well and Septic Section
Montgomery County Permitting Services

SUBJECT: Request for Sewer Connection
13120 Cleveland Drive
Tax Map Grid FR 51
WSSC Grid 217 NW 09

Mary Jean Carter and Robert E. Carter, the owners of the structure at the location noted above, have requested our assistance in obtaining an expedited sewer connection due to a failing system. A septic failure has been confirmed and a conventional on-site correction is not possible. A non conventional repair may not be possible. A sewer mainline abuts the property. The sewer category is S-6 and a category change is needed. If I can be of further assistance please call me at 240-777-6318.

Cc: Alan Soukup, Montgomery County D.E.P., Luis Tapia WSSC, Mary & Robert Carter

MEMORANDUM

September 2, 2008

TO: Peg Robinson, Acting Group Leader, Development Services Group
Washington Suburban Sanitary Commission

FROM: Alicia Youmans, Environmental Planner, Water and Wastewater Policy Group
Department of Environmental Protection

SUBJECT: Public Health Problems



We request WSSC's assistance in expediting the provision of public [water/sewer] service to the following property:

Sewer Service: 13120 Cleveland Rd, Rockville 20850

Property I.D.: North Glen Hills	SDAT tax map: FR51
Owner: Robert Carter	Service Areas: S-6
WSSC grid: 217NW09	Zoning/Size: RE1/ 0.92 Acres
Planning Area: Travilah	Watershed: Watts Branch

The Department of Permitting Services (DPS), Well and Septic Section, has advised this office of a public health problem, a septic system failure, at the subject property (see the attached memorandum). DPS recommended relief of this problem by connecting the site to public sewer service, due to a sewer main abutting the property.

Although this property is designated as category S-6 in the County's Water and Sewer Plan, DPS acknowledgment of a public health problem is sufficient justification to warrant the expedited provision of public sewer service, regardless of the existing service area category. DEP will initiate the process to have the property owner file a request for a service area change from S-6 to S-1.

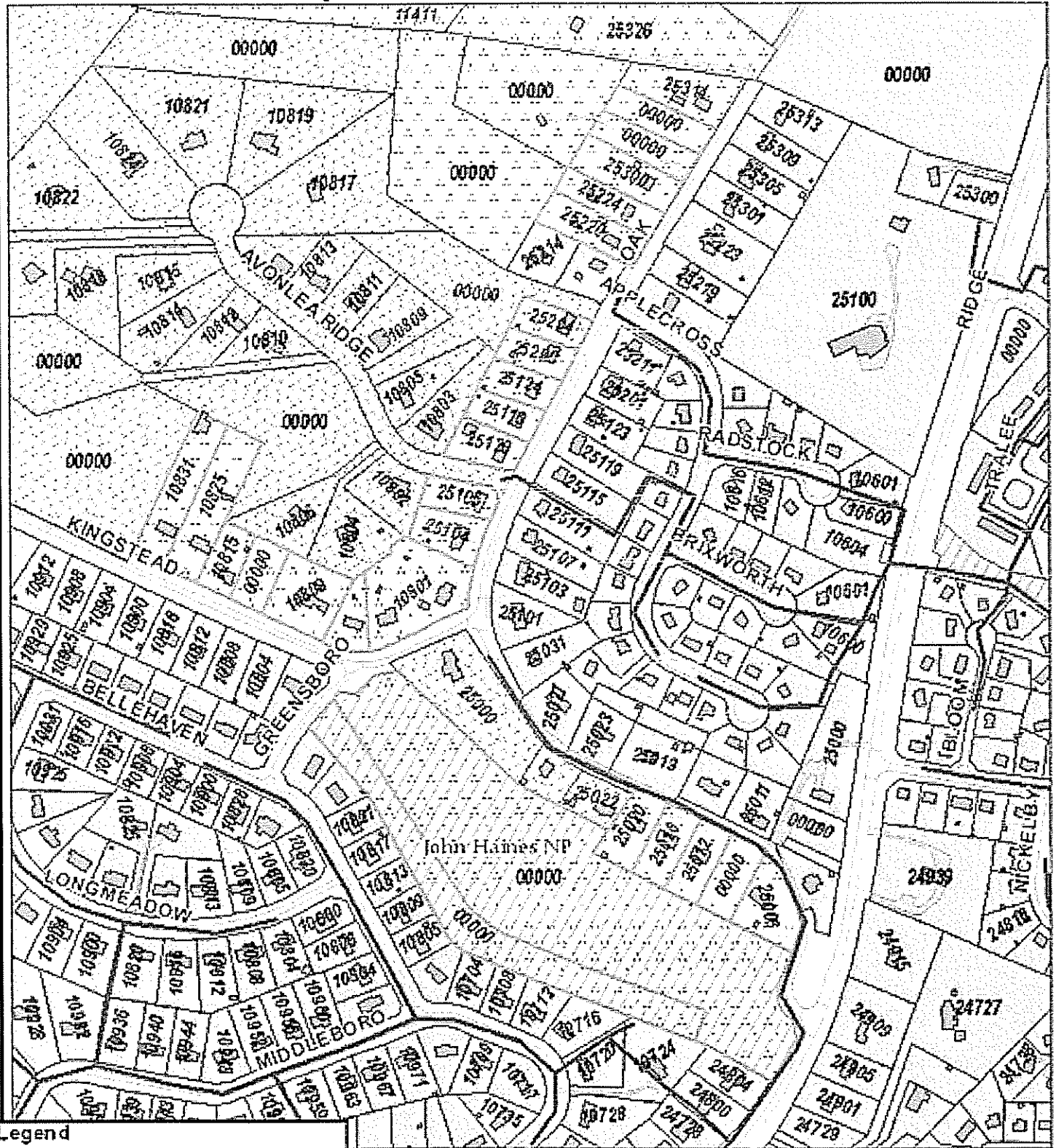
Given these conditions, it is reasonable to relieve this public health hazard by expediting the provision of public sewer service. **WSSC should not wait for the approval of a Water and Sewer Plan amendment to provide public service; public sewer service via the WSSC's system should be provided as soon as possible.** We would appreciate your assistance in this matter.

If you have any questions, or if there are significant problems related to provision of sewer service, please contact me at alicia.youmans@montgomerycountymd.gov or 240-777-7738.

Attachments

cc: Luis Tapia, Acting Unit Leader, Permit Services Unit, WSSC
Kathy Maholtz, Development Services Group, WSSC
David Lake, Manager, Water and Wastewater Policy Group, DEP
Alan Soukup, Water and Wastewater Policy Group, DEP
Amy Hart and John Hancock, Well and Septic Section, DPS
Katherine Nelson, Community-Based Planning/Environmental Unit, M-NCPPC
Mary & Robert Carter

Sewer Service Area Categories Map: Proposed GWSMA Kingstead Rd. & Oak Dr. - Damascus (DAM)



Legend

Property Lines		S-1
Property Lines		S-3
WSSC Sewer Mains		S-4
Buildings		S-5
Parks		S-6
Roads		S-6 Multi-Use
Potential S-GMA Sites		

0 100 200 400 600 800 1,000 1,200



Scale (Feet)

Montgomery County, Maryland
2003 Comprehensive Water Supply
and Sewerage Systems Plan



DEP-WWPG (11/3/03)