



September 22, 2022

The Honorable Gabe Albornoz  
County Council President  
Montgomery County Council  
Stella Werner Council Office Building  
100 Maryland Avenue  
Rockville, MD 20850

Dear Council President Albornoz:

The Maryland Department of the Environment (MDE) has completed its review of the **Montgomery County AD- 2022-3 Cycle of Water and Sewerage Plan Amendment** to the 2018 - 2027 Montgomery County Comprehensive Water and Sewerage Plan. The Amendment request involves 5 water and sewer category changes to the 2018-2027 Montgomery County Comprehensive Water Supply and Sewerage Systems Plan. The Amendment was administratively approved on July 28, 2022 by the Director of the Montgomery County Department of Environmental Protection (DEP), under authority granted by the Montgomery County Council. The Amendment includes five (5) service category change requests. Please see the attached summary table below.

### **Maryland Department of Planning Findings**

Maryland Department of Planning (MDP) has reviewed the amendment and had submitted the following comments to MDE (see also enclosed MDP comments):

- For WSCCR 22-CLO-05A: MDP finds the extension of public sewer service to the property to be consistent with the Cloverly Master Plan.
- For WSCCR 22-DAM-04A & WSCCR 22-DAM-05A: MDP finds that the change is consistent with the 2006 Damascus Master Plan because the property is within the proposed sewer envelope and the clear direction for both water and sewer services in the master plan.
- For WSCCR 22-OLN-01A: MDP finds that the change is consistent with the 2005 Olney Master Plan because it will "Provide community water service in the planning area in conformance with the Water and Sewer Plan policies."
- For WSCCR 22-TRV-16A: The property is located within the 2002 Potomac Subregion Master Plan (Master Plan). MDP finds the category changes to be consistent with the Master Plan (see enclosed comments).

### **MDE Action**

1. The Department notes that the properties WSCCR 22-CLO-05A located at 15801 Thompson Rd and WSSCR 22-DAM-04A located at 9700, 9701, 9702 and 9703 Highview Ave are located within the watershed of Patuxent River 1, both identified as Tier II streams pursuant to COMAR 26.08.02.04-1. Tier II streams are high-quality waters that require, under regulation, additional consideration to protect their water quality. Any new or expanded discharge to these Tier II watersheds would require an Tier II Anti-degradation Review. All possible considerations should be implemented to protect high-quality waters from water quality degradation. This primarily consists of rigorous watershed planning, with consideration of the extra provisions necessary to protect high-quality waters.

The Department recommends that the County consider the following measures in an effort to maintain these high-quality waters when approving new growth in the watersheds of these stream segments:

- a. Implement restrictive zoning or ordinances to protect environmental features.
- b. Re-direct planned growth out of the watersheds of these stream segments.
- c. Retrofit existing stormwater infrastructure.
- d. Incorporate environmental site design (ESD) and other low-impact development (LID) practices into new development.
- e. Maintain and expand existing forest cover.
- f. Provide riparian buffers of 100-230 feet (depending upon soil types and slopes).

The County is advised to contact Matthew Stover, Standards, Assessment and Antidegradation Section, Watershed Protection, Restoration, and Planning Program, WSA/MDE, at (410) 537-3611 for additional information regarding the regulatory requirements for Tier II waters.

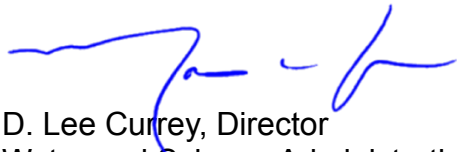
2. Wetlands and Waterways noted that both WSCCR 22-DAM-04A and WSCCR 22-DAM-05A have mapped/wetlands hydric soils or streams and 100-year floodplains in the vicinity of the property. The applicant is encouraged to consult with the Wetlands and Waterways Program to verify the presence of wetlands, their buffers, stream and its 100-year floodplain in relation to any activities which are planned for the property. Activities in these water resources may be subject to regulatory requirements from the MDE's Wetlands and Waterways Program. (See enclosed comments).

MDE has reviewed the proposed changes and in accordance with §9-507(a) of the Environmental Article, Annotated Code of Maryland, **MDE hereby approves AD- 2022-3 Cycle of Water and Sewerage Plan Amendment to the 2018-2027 Montgomery County Comprehensive Water and Sewerage Plan.**

The Honorable Gabe Albornoz  
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This action completes MDE's review, as required by §9-507 of the Environment Article, Annotated Code of Maryland. If you need further assistance, please contact Heather Barthel, Deputy Director, at (410) 537-3512, toll-free at (800) 633-6101, or by e-mail at [heather.barthel@maryland.gov](mailto:heather.barthel@maryland.gov).

Sincerely,



D. Lee Currey, Director  
Water and Science Administration

Enclosure

cc: Adriana Hochberg, Acting Director, Montgomery County DEP  
Vicky Wan, Acting Deputy Director, Montgomery County DEP  
Alan Soukup, Senior Planner, Montgomery County DEP  
George Dizelos, Environmental Planner, Montgomery County DEP  
Charles Boyd, Director, Planning Coordination, MDP  
Heather Barthel, Deputy Director, WSA, MDE

**Summary of Montgomery County AD 2022-4**

<b>Case No.</b>	<b>Applicant</b>	<b>Request</b>	<b>Administrative Action</b>	<b>MDE Action</b>
<b>WSSCR 22-CLO- 05A</b>	Joseph Merritt	Reclassify from S-5 to S-1	Approve S-1	<b>Approve S-1</b>
<b>WSSCR 22-DAM- 04A</b>	Mullinix, Arnett and Walker	Reclassify from W-6 to W-3/S-6 to S-3	Maintain W-6 /S-6	<b>Maintain W-6 /S-6</b>
<b>WSSCR 22-DAM- 05A</b>	Mary King	Reclassify from W-6 to W-3/S-6 to S-3	Maintain W-6 /S-6	<b>Maintain W-6 /S-6</b>
<b>WSSCR 22-OLN- 01A</b>	Avak and Elma Permian	Reclassify from W-6 to W-1	Approve W-1	<b>Approve W-1</b>
<b>WSSCR 22-TRV-1 6A</b>	Willow Springs MGS LLC	Reclassify from S-6 to S-3	Approve S-3	<b>Approve S-3</b>



MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Comprehensive Water Supply and Sewerage Systems Plan Amendments
Administrative Delegation [Action] (AD) 2022-3 – Statement of Action
Water/Sewer Service Area Category Change Requests

CHRONOLOGY

Interagency Notices of Public Hearing: June 14, 2022
Published Notice of Public Hearing: June 29, 2022
Public Hearing: July 13, 2022
Public Hearing Record Closed: July 20, 2022
DEP Administrative Approval Action: July 28, 2022

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 2018 update of the 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 five proposed amendments for approval by the administrative delegation process. All five amendments were for service area category changes.

PUBLIC HEARING PROCESS

Public Hearing Notification: In accordance with State regulations, on June 14, 2022, DEP notified the appropriate County and State agencies of an administrative public hearing, scheduled for July 13, 2022, and provided the staff recommendations for the proposed amendments.

Public Hearing Testimony and Interagency Recommendations: DEP staff scheduled a remote public hearing for the date and time included in the hearing notices. The hearing notices specified that anyone wanting to provide testimony needed to contact DEP staff to receive information on how to do so.

On July 11, 2022, Keith Levchenko, senior legislative analyst on the Council’s staff notified DEP that the Councilmembers concurred with the approval recommended for this administrative action.

On July 7, 2022, the Planning Board met to consider M-NCPPC staff recommendations for the amendment included in the AD 2022-3 administrative delegation packet. The Board concurred with the M-NCPPC staff recommendations for the included amendments, which generally agreed with DEP’s staff recommendations.

properties (WSSCR 22-DAM-04A). On July 20, 2022, DEP received formal notification of the Board's action in a letter dated July 11, 2022. DEP's recommendations for these two requests were adjusted accordingly. The Board also recommended that the development plans for these two projects follow master plan guidance. This is subject to the Board's judgment and does not need to be a category change issue.

**DEP ADMINISTRATIVE ACTION**

The 2018-2027 water/sewer category map update of the *Montgomery County Comprehensive Water Supply and Sewerage Systems Plan* is hereby amended as follows:

**Cloverly Planning Area**

**WSSCR 22-CLO-05A: Joseph Merritt**

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> <li>• 15801 Thompson Rd., Silver Spring</li> <li>• Lot 1, Block 1, Marlowes Add Spencerville Acres (acct. no. 00276048)</li> <li>• Map tile: WSSC – 221NE02; MD –KS22</li> <li>• East side of Thompson Rd., At the intersection with Romer St.</li> <li>• RE-1 Zone; 37,711 sq.ft.</li> <li>• Cloverly Planning Area Cloverly Master Plan (1997)</li> <li>• Paint Branch Watershed (MDE Use III)</li> <li>• <u>Existing use</u>: Unimproved</li> <li>• <u>Proposed use</u>: Single-Family Home</li> </ul>	Service Area Categories: <table border="0"> <tr> <td><u>Existing</u></td> <td><b>Requested</b></td> </tr> <tr> <td>W-1</td> <td>W-1 (no change)</td> </tr> <tr> <td>S-5</td> <td><b>S-1</b></td> </tr> </table> Administrative Action <b>Approve S-1</b> , Administrative policy V.D.2.a.: Consistent with Existing Plans. (Mapping on pgs.7)	<u>Existing</u>	<b>Requested</b>	W-1	W-1 (no change)	S-5	<b>S-1</b>
<u>Existing</u>	<b>Requested</b>						
W-1	W-1 (no change)						
S-5	<b>S-1</b>						

**Damascus Planning Area**

**WSSCR 22-DAM-04A: Mullinix, Arnett and Walker**

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> <li>• 9700, 9701, 9702 and 9703 Highview Ave., Damascus</li> <li>• Parcels P222, P060, P187 and P132, Owens Conclusion (acct. nos. 00925328, 00925408, 01804107 and 01701551)</li> <li>• Map tile: WSSC – 237NW09; MD –FX53</li> <li>• East and West side of Woodfield Rd., 480 feet South of Faith Ln.</li> <li>• RNC/TDR Zone; 81.66 total ac.</li> <li>• Damascus Planning Area Damascus Master Plan (2006)</li> <li>• Upper Patuxent River Watershed (MDE Use III)</li> <li>• <u>Existing use</u>: Residential and Agriculture</li> <li>• <u>Proposed use</u>: 40+ dwelling units</li> </ul>	Service Area Categories: <table border="0"> <tr> <td><u>Existing</u></td> <td><b>Requested</b></td> </tr> <tr> <td>W-6</td> <td><b>W-3</b></td> </tr> <tr> <td>S-6</td> <td><b>S-3</b></td> </tr> </table> Administrative Action <b>Maintain W-6 and S-6, with final approval for W-3 and S-3</b> requiring Planning Board approval of an RNC Optional Cluster Method Preliminary Plan. The master plan recommends that the developed area receiving public sewer service be served only by gravity and grinder pump sewerage systems. Administrative policy V.D.2.a.: Consistent with Existing Plans. (Mapping on pg.8-9)	<u>Existing</u>	<b>Requested</b>	W-6	<b>W-3</b>	S-6	<b>S-3</b>
<u>Existing</u>	<b>Requested</b>						
W-6	<b>W-3</b>						
S-6	<b>S-3</b>						

*DEP note: The standard practice for RNC-zoned projects is to apply categories W-3 and S-3 to the entire project site upon final approval of the request. Once the subdivision lots are platted and included in the County's property database, DEP will assign categories W-3 and S-3 to the approved building lots intended to use public water and sewer service. DEP will also assign categories W-6 and S-6 to areas planned for open space and those lots not intended for public service.*

**WSSCR 22-DAM-05A: Mary King**

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> <li>• 11415, 11411 and Parcel P974 Kingstead Rd., Damascus</li> <li>• Parcels P295, P909 and P974, Hope Improved (acct. nos. 00933410, 00933421 and 01629272)</li> <li>• Map tile: WSSC – 236NW11; MD –FX22</li> <li>• East side of Kings Valley Rd., Northeast corner of the intersection with Kingstead Rd.</li> <li>• RNC/TDR Zone; 120.52 total ac.</li> <li>• Damascus Planning Area                      Damascus Master Plan (2006)</li> <li>• Little Bennet Creek Watershed (MDE Use III)</li> <li>• <u>Existing use</u>: Agriculture</li> <li>• <u>Proposed use</u>: 40+ dwelling units</li> </ul>	Service Area Categories: <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><u>Existing</u></td> <td style="width: 50%;"><b><u>Requested</u></b></td> </tr> <tr> <td>W-6</td> <td><b>W-3</b></td> </tr> <tr> <td>S-6</td> <td><b>S-3</b></td> </tr> </table> Administrative Action <b>Maintain W-6 and S-6, with final approval for W-3 and S-3</b> requiring Planning Board approval of RNC Optional Cluster Method Subdivision. The master plan recommends that the developed area receiving public sewer service be served only by gravity sewerage systems. Administrative policy V.D.2.a.: Consistent with Existing Plans. (Mapping on pg.10-11)	<u>Existing</u>	<b><u>Requested</u></b>	W-6	<b>W-3</b>	S-6	<b>S-3</b>
<u>Existing</u>	<b><u>Requested</u></b>						
W-6	<b>W-3</b>						
S-6	<b>S-3</b>						
<p><i>DEP note: The standard practice for RNC-zoned projects is to apply categories W-3 and S-3 to the entire project site upon final approval of the request. Once the subdivision lots are platted and included in the County's property database, DEP will assign categories W-3 and S-3 to the approved building lots intended to use public water and sewer service. DEP will also assign categories W-6 and S-6 to areas planned for open space and those lots not intended for public service.</i></p>							

**Olney Planning Area**

**WSSCR 22-OLN-01A: Avak and Elma Permian**

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> <li>• 3301 Emory Church Rd., Olney</li> <li>• Parcel N178, PT Par 1 Batchlors Forest Powells Adds (acct. no. 00717232)</li> <li>• Map tile: WSSC – 222NW03; MD –HS53</li> <li>• South side of Emory Church Rd., 1,100 feet east of the intersection with Georgia Ave.</li> <li>• RE-2 Zone; 1.99 ac.</li> <li>• Olney Planning Area                      Olney Master Plan (2005)</li> <li>• Northwest Branch Watershed (MDE Use IV)</li> <li>• <u>Existing use</u>: Single-Family Home (built 1956)</li> <li>• <u>Proposed use</u>: Water service for the Existing Single-Family Home</li> </ul>	Service Area Categories: <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><u>Existing</u></td> <td style="width: 50%;"><b><u>Requested</u></b></td> </tr> <tr> <td>W-6</td> <td><b>W-1</b></td> </tr> <tr> <td>S-6</td> <td>S-6 (no change)</td> </tr> </table> Administrative Action <b>Approve W-1</b> , Administrative policy V.D.2.a.: Consistent with Existing Plans. (Mapping on pg.12)	<u>Existing</u>	<b><u>Requested</u></b>	W-6	<b>W-1</b>	S-6	S-6 (no change)
<u>Existing</u>	<b><u>Requested</u></b>						
W-6	<b>W-1</b>						
S-6	S-6 (no change)						



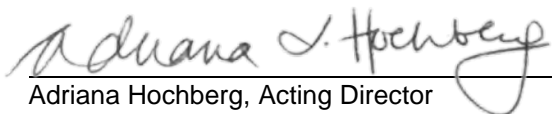
**Travilah Planning Area**

**WSSCR 22-TRV-16A: Willow Springs MGS LLC**

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> <li>• 12928 Valley Dr., Rockville</li> <li>• Lot 1, Block 1, Sec 1 North Glen Hills (acct. no. 00077220)</li> <li>• Map tile: WSSC – 218NW10; MD –FR42</li> <li>• East side of Valley Dr., At the intersection with Glen Mill Rd.</li> <li>• RE-1 Zone; 1 ac.</li> <li>• Travilah Planning Area Potomac Subregion Master Plan (2002)</li> <li>• Watts Branch Watershed (MDE Use I)</li> <li>• <u>Existing use</u>: Unimproved</li> <li>• <u>Proposed use</u>: Single-Family Home</li> </ul>	<p>Service Area Categories:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><u>Existing</u></td> <td style="width: 50%;"><b><u>Requested</u></b></td> </tr> <tr> <td>W-1</td> <td>W-1 (no change)</td> </tr> <tr> <td>S-6</td> <td><b>S-3</b></td> </tr> </table> <p>Administrative Action</p> <p><b>Approve S-3</b>, (Potomac peripheral sewer service policy), Administrative policy V.D.2.a.: Consistent with Existing Plans. (Mapping on pg.13)</p> <p><i>DEP note: This action does <u>not</u> extend the planned public sewer envelope to this property.</i></p>	<u>Existing</u>	<b><u>Requested</u></b>	W-1	W-1 (no change)	S-6	<b>S-3</b>
<u>Existing</u>	<b><u>Requested</u></b>						
W-1	W-1 (no change)						
S-6	<b>S-3</b>						

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

 7/28/2022  
 Adriana Hochberg, Acting Director Date  
 Montgomery County Department of Environmental Protection

**NOTIFICATION OF DEP ACTION**

DEP will submit notification of the Director's action to MDE for that agency's review. MDE has 60 days to either comment on the administrative approvals granted or invoke up to two 45-day review extensions. 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

D. Lee Currey, Director, Water and Science Admin., MDE  
 Gabe Albornoz, President, Montgomery County Council

Keith Levchenko, Montgomery County Council  
Mitra Pedoeem, Director, DPS  
Heidi Benham, Well & Septic Section, DPS  
Casey Anderson, Chairman, Planning Board  
Patrick Butler, Donnell Zeigler and Katherine Nelson, Upper County Planning Team, M-NCPPC  
Jason Satori, Functional Planning Division, M-NCPPC  
Christina Sorrento, Intake and Regulatory Coord. Division, M-NCPPC  
Geoffrey Mason, Parks Planning Division., M-NCPPC  
Carla Reid, General Manager, WSSC  
Ray Chicca, Tom Gingrich, & Fred Mejias, Development Services Division, WSSC  
Luis Tapia, Permit Services Section, WSSC  
Eintou Karima, Assessments Group, WSSC

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

22-CLO-05A... Joseph Merritt  
22-DAM-04A... Mullinix, Arnett and Walker  
... James Clifford, Clifford Debelius  
22-DAM-05A... Mary King  
... James Clifford, Clifford Debelius  
22-OLN-01A... Avak and Elma Permian  
22-TRV-16A... Willow Springs MGS LLC  
... Eric Tidd, CAS Engineering

Audubon Naturalist Society  
Cloverly Civic Assoc.  
Cloverly-Fairland-White Oak CAC  
East County Citizens Advisory Board  
Greater Glen Mill Community Association  
Greater Glen Hills Coalition LLC  
Greater Olney Civic Association  
Glen Hills Civic Association  
Glen Hills Community Coalition  
Glen Preservation Foundation  
Northern Montgomery County Alliance  
Montgomery County Civic Federation  
Montgomery Coalition to Stop Sewer Sprawl  
Patuxent Watershed Protective Association  
Potomac Highlands Citizens Association  
Spencerville Civic Association  
West Montgomery County Citizens Association

Attachments

Service Area Category Designations (see page 6)  
Amendment Service Area Category Mapping (see pages 7-13)

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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"> <li>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.</li> </ul>	Properties designated as categories 1 and 3 are eligible for to receive public water and/or sewer service. 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-2 and S-2	<p><b>Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan.</b>                      (State's definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.)</p>	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-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.	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.) 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-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"> <li>This includes areas generally requiring the approval of CIP projects before service can be provided.</li> </ul>	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-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"> <li>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.</li> </ul>	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.
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"> <li>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.</li> </ul>	

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.

CC

