



January 6, 2023

The Honorable Evan Glass
County Council President
Montgomery County Council
Stella Werner Council Office Building
100 Maryland Avenue

Dear Council President Glass:

The Maryland Department of the Environment (MDE) has completed its review of the **Montgomery County AD- 2022-4 Cycle of Water and Sewerage Plan Amendment** to the 2018 - 2027 Montgomery County Comprehensive Water and Sewerage Plan. The Amendment request involves four (4) water and sewer category changes to the 2018-2027 Montgomery County Comprehensive Water Supply and Sewerage Systems Plan. The Amendment was administratively approved on November 15, 2022 by the Director of the Montgomery County Department of Environmental Protection (DEP), under authority granted by the Montgomery County Council. The Amendment includes four (4) 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 has advised MDE:

- For WSCCR 19-CLO-02A: MDP finds the change to appear consistent with the Cloverly Master Plan for the extension of water service to the property.
- For WSCCR 22-DAM-06A: 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 to provide service for both water and sewer services in the master plan.
- For WSCCR 22-TRV-18A: MDP finds that the change appears to be consistent with the 2002 Potomac Master Plan because it will “Provide community water service in the Subregion in conformance with the Water and Sewer Plan service policies.”
- For WSCCR 22-TRV-19A: 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.

If there are comments or questions regarding MDP's review, MDE encourages the County to contact MDP. See enclosed MDP's comments and contact information.

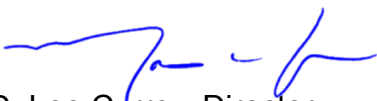
MDE Action

1. MDE noted the Wastewater Treatment Plant Capacity: The two (2) properties soon to be connected to public sewer will contribute 500 gallons per day (estimated at 250 gallons per equivalent dwelling unit) to the Blue Plains Wastewater Treatment Plant (WWTP). Blue Plains WWTP's current permitted design capacity is 370 million gallons per day (MGD) and the facility's calendar year 2021 average flow was 286.75 MGD, therefore there currently is adequate capacity at the WWTP.
2. Wetlands and Waterways noted that both WSCCR 22-TRV- 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 and contact information).

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- 2022-4 Cycle of Water and Sewerage Plan Amendment to the 2018-2027 Montgomery County Comprehensive Water and Sewerage Plan.**

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.

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 Administration Delegation Action AD 2022-4 to the 2018-2027
Montgomery County Water Supply and Sewerage Systems Plan Amendment**

Case No.	Applicant	Request	Administrative Action	MDE Action
19-CLO-02 A	Rubens Josefino 340 Ednor Rd., Silver Spring	Reclassify from S-6 to S-1	Approve S-1	Approve S-1
22-DAM-06 A	Janet Burdette 26124, 26120, 26136, 26134 and 26000 block Ridge Rd., Damascus	Reclassify from W-6 to W-1	Approve W-1	Approve W-1
22-TRV-18 A	William and Melissa Dunn 13101 Foxden Dr., Rockville	Reclassify from S-6 to S-3	Approve S-3	Approve S-3
22-TRV-19 A	Kathleen Cantilena 13601 Maidstone Lane., Potomac	Reclassify from W-6 to W-1	Approve W-1	Approve W-1



MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Comprehensive Water Supply and Sewerage Systems Plan Amendments
Administrative Delegation [Action] (AD) 2022-4 – Statement of Action
Water/Sewer Service Area Category Change Requests

CHRONOLOGY

Table with 2 columns: Event and Date. Rows include Interagency Notices of Public Hearing (August 31, 2022), Published Notice of Public Hearing (September 21, 2022), Public Hearing (October 5, 2022), Public Hearing Record Closed (October 12, 2022), and DEP Administrative Approval Action (November 15, 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 four proposed amendments for approval by the administrative delegation process. All four amendments were for service area category changes.

PUBLIC HEARING PROCESS

Public Hearing Notification: In accordance with State regulations, on August 31, 2022, DEP notified the appropriate County and State agencies of an administrative public hearing, scheduled for October 5, 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 October 13, 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 September 22, 2022, the Planning Board met to consider M-NCPPC staff recommendations for the amendment included in the AD 2022-4 administrative delegation packet. The Board concurred with the M-NCPPC staff recommendations for the included amendments, which generally agreed with DEP’s staff recommendations.

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 19-CLO-02A: Rubens Josefino (previously deferred request)

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification
<ul style="list-style-type: none"> • 340 Ednor Rd., Silver Spring • Parcel P900, Heart of MD ETC (acct. no. 01634484) • Map tile: WSSC – 223NW01; MD –JT41 • North side of Ednor Rd., 670 ft north of Ednor Rd, and 200 ft south of the intersection with Harbour Town Dr. • RE-2 Zone; 2 acres (87,120 Sq. Ft.) • Cloverly Planning Area Sandy Spring Ashton Master Plan (1998) • Northwest Branch Watershed (MDE Use IV) • <u>Existing use</u>: Single Family Home (built 1967) • <u>Proposed use</u>: Public Sewer Service for the Single Family Home 	<p>Service Area Categories: <u>Existing</u> <u>Requested</u></p> <p>W-6 W-6 (no change) S-6 S-1</p> <p>Administrative Action</p> <p>Approve S-1, for one sewer connection only. Administrative policy V.D.2.a: community service for properties abutting mains. (Mapping on pg.6)</p> <p><i>DEP note: This request was deferred under Council Resolution 19-521 (7/7/2020). DEP approved an Advanced Action on 5/20/2022, under the authority granted by Water and Sewer Plan's "abutting mains" policy.</i></p>

Damascus Planning Area

WSSCR 22-DAM-06A: Janet Burdette

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification
<ul style="list-style-type: none"> • 26124, 26120, 26136, 26134 and 26000 block Ridge Rd., Damascus • Parcels P753, P755, P808, P860 and P861, NR Damascus, Damascus, Add to Stony Grove, and Lot Near Damascus (acct. nos. 02156443, 00931615, 00931592, 00931604 and 00931650) • Map tile: WSSC – 237NW10; MD –FX43 • West side of Ridge Rd., 600 feet North of Bethesda Church Rd. • CRT 1.5/RE-2C Zone; 4.61 total ac. • Damascus Planning Area Damascus Master Plan (2006) • Bennett Creek Watershed (MDE Use I) • <u>Existing use</u>: Commercial/Undeveloped • <u>Proposed use</u>: Senior Living Facility 	<p>Service Area Categories: <u>Existing</u> <u>Requested</u></p> <p>W-6 W-1 S-1 S-1 (no change)</p> <p>Administrative Action</p> <p>Approve W-1, Administrative policy V.D.2.a.: Consistent with Existing Plans. (Mapping on pg.7)</p>

Travilah Planning Area

WSCCR 22-TRV-18A: William and Melissa Dunn

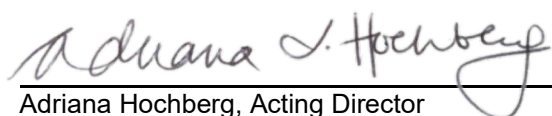
Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> • 13101 Foxden Dr., Rockville • Lot 6, Block B, Potomac Highlands (acct. no. 00088518) • Map tile: WSSC – 217NW09; MD –FR51 • East side of Foxden Dr., at the intersection with Overlea Dr. • RE-1 Zone; 2.11 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use</u>: Single-Family Home (built 1965) • <u>Proposed use</u>: Sewer service for the Existing Single-Family Home 	Service Area Categories: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><u>Existing</u></td> <td style="text-align: center;"><u>Requested</u></td> </tr> <tr> <td style="text-align: center;">W-3</td> <td style="text-align: center;">W-3 (no change)</td> </tr> <tr> <td style="text-align: center;">S-6</td> <td style="text-align: center;">S-3</td> </tr> </table> Administrative Action Approve S-3 , (Potomac peripheral sewer service policy), Administrative policy V.D.2.a.: Consistent with Existing Plans. (Mapping on pg.8) <i>DEP note: This action does <u>not</u> extend the planned public sewer envelope to this property.</i>	<u>Existing</u>	<u>Requested</u>	W-3	W-3 (no change)	S-6	S-3
<u>Existing</u>	<u>Requested</u>						
W-3	W-3 (no change)						
S-6	S-3						

WSCCR 22-TRV-19A: Kathleen Cantilena

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> • 13601 Maidstone Lane., Potomac • Lot 22, Block A, Rivers Edge (acct. no. 01826800) • Map tile: WSSC – 216NW13; MD –EQ33 • North side of Maidstone Ln., at the intersection with Canal Vista Court • RE-2 Zone; 2 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Muddy Branch Watershed (MDE Use I) • <u>Existing use</u>: Single-Family Home (built 1982) • <u>Proposed use</u>: Water service for the Existing Single-Family Home 	Service Area Categories: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><u>Existing</u></td> <td style="text-align: center;"><u>Requested</u></td> </tr> <tr> <td style="text-align: center;">W-6</td> <td style="text-align: center;">W-1</td> </tr> <tr> <td style="text-align: center;">S-6</td> <td style="text-align: center;">S-6 (no change)</td> </tr> </table> Administrative Action Approve W-1 , Administrative policy V.D.2.a.: Consistent with Existing Plans. (Mapping on pg.9) <i>DEP Note: DEP approved an Advanced Action on May 20, 2022, under the authority granted by Water and Sewer Plan's "abutting mains" policy.</i>	<u>Existing</u>	<u>Requested</u>	W-6	W-1	S-6	S-6 (no change)
<u>Existing</u>	<u>Requested</u>						
W-6	W-1						
S-6	S-6 (no change)						

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

 11/15/2022
 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
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

19-CLO-02A... Rubens Josefino
22-DAM-06A... Janet Burdette
... Brian Gallagher, Olympus Real Estate
22-TRV-18A... William and Melissa Dunn
22-TRV-19A... Kathleen Cantilena

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
Potomac Highlands Citizens Association
Spencerville Civic Association
West Montgomery County Citizens Association

Attachments

Service Area Category Designations (see page 5)
Amendment Service Area Category Mapping (see pages 6 - 9-)

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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. 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>Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan. (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"> This includes areas generally requiring the approval of CIP projects before service can be provided. 	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"> 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. 	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"> 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. 	

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.

