



Maryland

Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

November 21, 2024

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

Dear Council President Friedson:

The Maryland Department of the Environment (MDE) has completed its review of **Montgomery County's AD 2024-3 (Amendment) to the 2022-2031 Comprehensive Water Supply and Sewerage Systems Plan (Plan)**. The Montgomery County Department of Environmental Protection administratively approved the Amendment on September 30, 2024. The Amendment included two (2) category changes for several properties and two (2) multi-use system designations:

1. **WSCCR 24-BEN-01A:** Brinklow-Blocktown, LLC: 25201 Peach Tree Road, Clarksburg, MD 20871, Parcel P666, Res on Wildcat Adventure (tax acct. 03584436). Requesting a change from W-6 (No Planned Service) to W-6 (with approval for Multiuse system), and a sewer change from S-6 (No Planned Service) to S-6 (with approval for Multiuse system 4,999 gallons per day), for a new agricultural/winery and tasting room.
2. **WSCCR 24-OLN-01A:** Godwin Real Estate LLC: 5910 Sundown Road, Gaithersburg, MD 20882, Lot 33, Block A of Fairhill, (acct. no. 02949928). Requesting a change from W-6/S-6 (No Planned Service) to W-6 (Multiuse)/S-6 (Multiuse), for expansion of existing onsite multiuse well and septic systems. The proposed expansion necessitates an increase in the capacity of the on-site septic system from 1,500 gallons per day to 3,100 gallons per day as determined by the County's Well & Septic office of the Department of Permitting Services.
3. **WSCCR 24-GWC-01A:** Gregory and Cara Lynagh: 23700 Woodfield Road, Gaithersburg, MD 20882, Parcel P649, Woodfield (acct. no. 00931923). Requesting a water category change from W-6 (No Planned Service) to W-1 (Existing Service or Under Construction), to provide public water service for the existing single-family home.

4. **WSSCCR 24-GWC-02A:** Deeper Life Bible Church: 23841 Woodfield Road, Gaithersburg, MD 20882, Parcel P289, Woodfield (acct. no. 00942664). Requesting a water and sewer category change from W-6/S-6 (No Planned Service) to W-1/S-1 (Existing Service or Under Construction), to provide public water and sewer service for a place of worship.

Maryland Department of Planning (MDP) Findings

The Maryland Department of Planning (MDP) has reviewed this Amendment pursuant to its mandate to advise the Maryland Department of the Environment (MDE) on local comprehensive plan consistency and other appropriate matters as required by Environment Article Section 9-507 (b)(2).

The final approval action on the subject amendments includes four category changes (WSSCCR 24-BEN-01A, 24-OLN-01A, 24-GWC-01A, and 24-GWC-02A) to the 2018-2027 water/sewer category map update of the Water and Sewerage Systems Plan (WSP), all of which are **consistent** with the respective governing master plans. MDE should contact MDP if it needs additional comprehensive plan consistency analysis for any of the amendments.

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 Review and Action

1. Water and Wastewater Capacity

- a. WSSCCR 24-GWC-01A: Gregory and Cara Lynagh
The Potomac Water Filtration Plant (WFP) is currently at approximately 112 million gallons per day (MGD) of its 288 MGD capacity (39% capacity) and can accommodate the additional demand of 250 gallons per day (GPD) generated by the single-family home.
- b. WSSCCR 24-GWC-02A: Deeper Life Bible Church
The Potomac WFP is currently at approximately 112 million MGD of its 288 MGD capacity (39% capacity) and can accommodate the additional demand of 1,000 GPD generated by the place of worship.

The Damascus Wastewater Resource Recovery Facility with a design capacity of 1.5 MGD had an average flow (2020-2022) of 0.8 MGD (53% capacity) and can accommodate the additional demand generated by the place of worship of 1,000 GPD.

2. Wetlands and Waterways Protection Program (WWPP) Comments

- 24-BEN-01A: Brinklow-Blocktown, LLC

- There are mapped/wetlands hydric soils or streams and 100-year floodplains in the vicinity of the property. The applicant is encouraged to consult with WWPP 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 WWPP.
 - An evaluation of the site and its vicinity using the Watershed Resources Registry shows the presence of sensitive resources. These may include: sensitive species project review areas, Targeted Ecological Areas, Biodiversity Conservation Network, Nontidal Wetlands of Special State Concern, Tier II watershed, Stronghold Watershed, and/or Forest Interior Species. Contact MDE or the Maryland Department of Natural Resources for recommendations or requirements to avoid or minimize adverse impacts to these resources. While there may not be regulated activities under WWPP authorities, the protection of areas in this paragraph is encouraged.
- 24-OLN-01A: Godwin Real Estate, LLC

The plan/project includes activities in Tier II watershed(s). Please see the section on Tier II High Quality Waters below regarding activities and protection of these watersheds.

Please see enclosed WWPP comments and contact information.

3. Tier II High-Quality Waters

The Department notes that the property WSCCR 24-OLN-01A: Godwin Real Estate LLC: 5910 Sundown Road, Gaithersburg, MD 20882, is located within the watershed of Patuxent River 1, identified as a Tier II stream pursuant to COMAR 26.08.02.04-2. Tier II streams are high-quality waters that require, under regulation, "that the Department shall review proposed updates or amendments to County Plans for any new or major modifications to discharges to a Tier II watershed.". Any new or expanded discharge to these Tier II watersheds would require an 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. An interactive map can be found on MDE's website: <https://mdewin64.mde.state.md.us/WSA/TierIIWQ/index.html>

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:

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

The County should be aware that future plans or modifications may incur an additional Anti-degradation Review at later stages, on a project-by-project basis. The County is advised to contact Matthew Stover, Water Quality Standards, and Analysis Division, Watershed Protection, Restoration, and Planning Program (WPRPP), Water and Science Administration (WSA), MDE, at (410) 537-3611 for additional information regarding the regulatory requirements for Tier II waters.

4. Water Resources Element (WRE) Guidance Update

The WRE guidance update can be found at the following link:

<https://planning.maryland.gov/Pages/OurWork/envr-planning/water-resources-mg/2022/2022-guidance-update.aspx>

The guidance includes best practices for protecting receiving waters and for integrating climate change and equity considerations into local water resource planning. By updating the WRE, a required element of local comprehensive plans, jurisdictions will identify recommendations and strategies necessary for ensuring community resilience and sustainability, which can inform and be informed by, project and policy needs for county water and sewer plan updates.

In accordance with §9-507(a) of the Environment Article, Annotated Code of Maryland, the Department hereby **approves Montgomery County's AD 2024-3 (Amendment)** to the 2022-2023 Comprehensive Water Supply and Sewerage Systems Plan. See the enclosed table and maps below.

The Honorable Andrew Friedson
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This completes MDE's review, as required by §9-507 of the Environment Article, Annotated Code of Maryland. If you need further assistance on these matters, please contact Matthew Rowe, Deputy Director, at (410) 537-3578, toll-free at (800) 633-6101, or by e-mail at matthew.rowe@maryland.gov.

Sincerely,

Matthew C. Rowe

D. Lee Currey, Director
Water and Science Administration

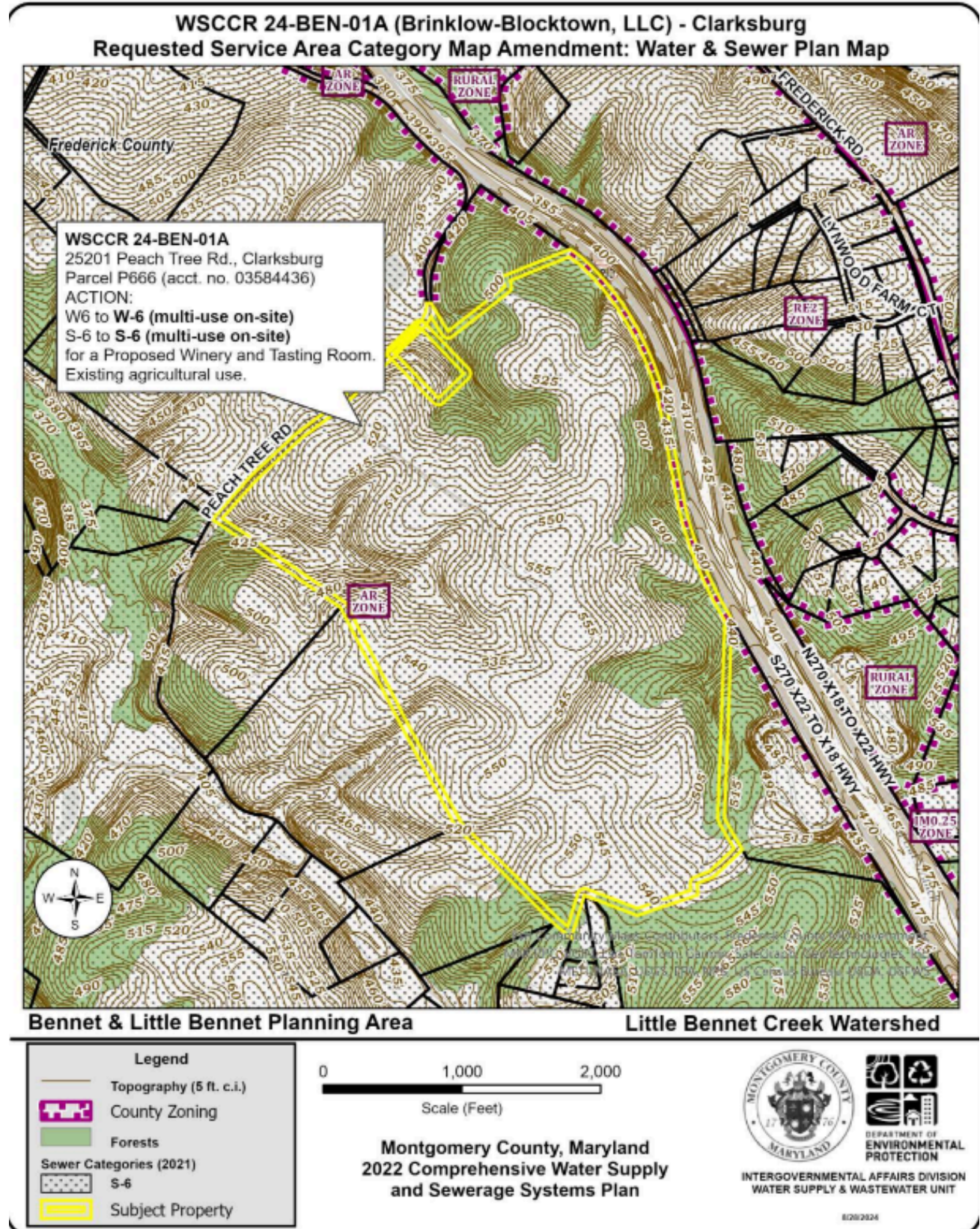
Enclosures

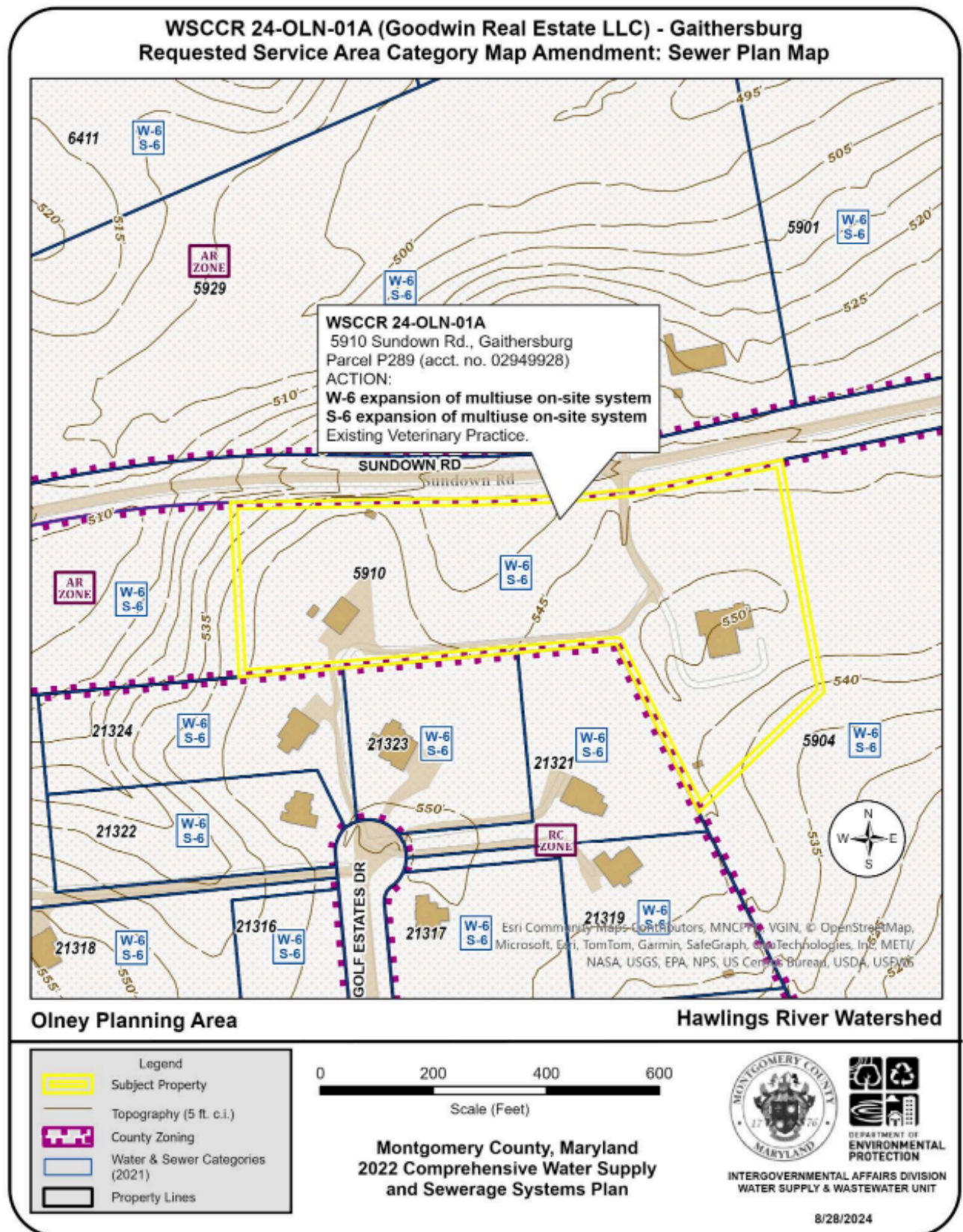
cc: Alan Soukup, Senior Planner, Montgomery County DEP
Timothy Williamson, Planning Specialist III, Montgomery County DEP
Jason Dubow, Director, Research, Review and Policy Division, MDP
Matthew C. Rowe, CC-P, Deputy Director, WSA, MDE
Matthew Stover, Water Quality Standards, and Analysis Division, WPRPP, WSA,
MDE

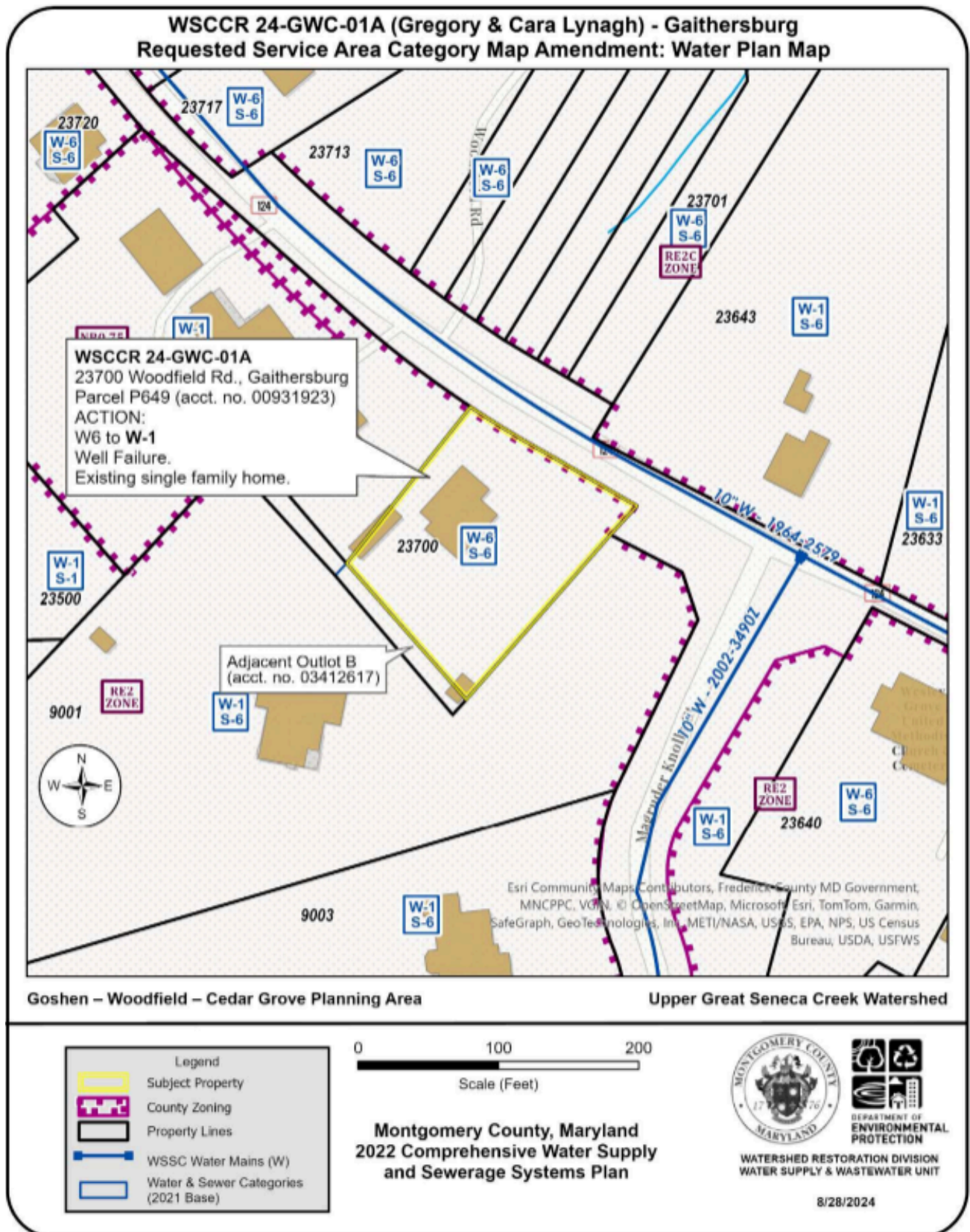
**Summary of Montgomery County AD 2024-3 Amendment to the 2022-2031
Montgomery County Water Supply and Sewerage Systems Plan**

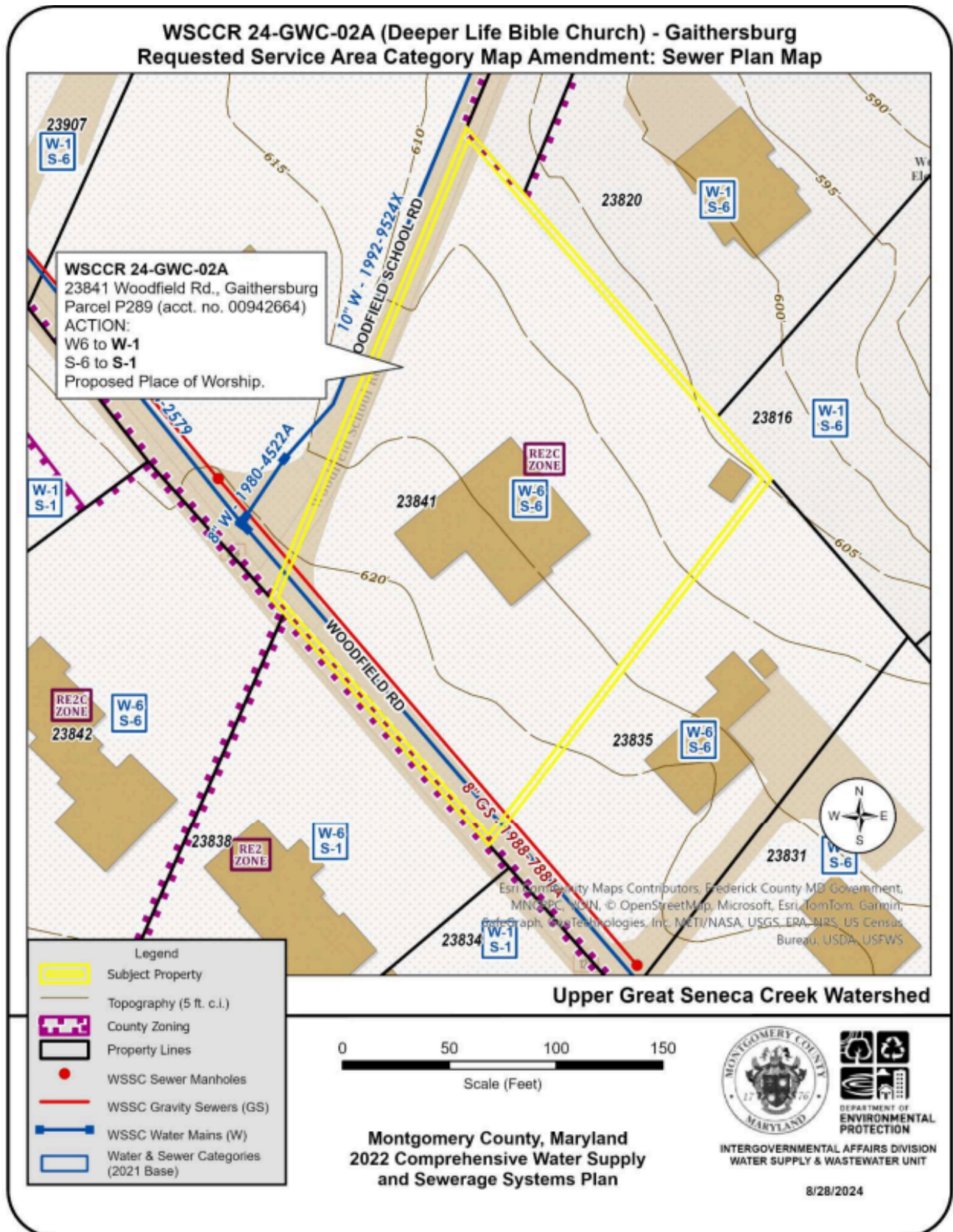
Amendment	Location	Request	Administrative Action	MDE Action
WSCCR 24-BEN-01A: Brinklow-Blocktown, LLC	25201 Peach Tree Road, Clarksburg, MD 20871, Parcel P666, Res on Wildcat Adventure (tax acct. 03584436)	W-6/S-6 to W-6 (Multiuse System) / S-6 (Multiuse System 4,999 GPD)	Maintain existing W-6 and S-6, with advancement for approval of Multiuse water supply and sewerage systems conditioned on DPS permitting of the proposed onsite systems	Maintain W-6/S-6 with advancement for approval of Multiuse water supply and sewerage systems conditioned on County DPS permitting of the proposed onsite systems
WSCCR 24-OLN-01A: Godwin Real Estate LLC	5910 Sundown Road, Gaithersburg, MD 20882, Lot 33, Block A of Fairhill, (acct. no. 02949928)	W-6/S-6 to W-6/S-6 (Multiuse System)	Maintain existing W-6 and S-6, with advancement for approval of multiuse water supply and sewerage systems proposed expansion conditioned on DPS permitting of the proposed onsite systems	Maintain existing W-6 and S-6, with advancement for approval of multiuse water supply and sewerage systems proposed expansion conditioned on County DPS permitting of the proposed onsite systems

WSCCR 24-GWC-01A: Gregory and Cara Lynagh	23700 Woodfield Road, Gaithersburg, MD 20882, Parcel P649, Woodfield (acct. no. 00931923)	W-6 to W-1	Approve W-1 for one single-family home	Approve W-1
WSCCR 24-GWC-02A: Deeper Life Bible Church	23841 Woodfield Road, Gaithersburg, MD 20882, Parcel P289, Woodfield (acct. no. 00942664)	W-6/S-6 to W-1/S-1	Approve W-1 and S-1	Approve W-1/S-1









DATE: October 30, 2024

TO: Steve Alfaro, Watershed Protection, Restoration, and Planning Program

FR: Denise Clearwater, Wetlands and Waterways Protection Program

RE: Water and Sewer Plan Amendment – Montgomery County Draft AD-2024-3: WSCCR 24-BEN-01A-.Brinklow-Blocktown, LLC; WSCCR 24-GWC-01A-Gregory & Cara Lynagh; WSCCR 24-GWC-02A-Deeper Life Bible Church; WSCCR 24-OLN-01A-Godwin Real Estate, LLC

Wetlands provide important socio-economic benefits and ecosystem services such as storing and conveying flood waters, recharging groundwater, improving water quality by filtering and storing nutrients, and providing shoreline protection and critical habitat for a multitude of plant and animal species. The Maryland Department of the Environment's Wetlands and Waterways Program protects Maryland wetlands and waterways from loss and degradation. This protection is achieved through the regulation of the draining, dredging and filling of tidal and nontidal wetlands, the nontidal wetland buffer and waterways, including the nontidal 100-year floodplain through a permitting or authorization process implemented in close coordination with the federal government (specifically, the Army Corps of Engineers).

Persons proposing activities in tidal wetlands, nontidal wetlands and their 25- or 100-foot buffers, or nontidal waterways and their 100-year floodplain must submit a Joint Permit Application and supporting information to the Wetlands and Waterways Program. Early coordination with the Program is encouraged to discuss regulatory requirements and minimization of adverse impacts to the regulated resources.

Contact: Wetlands and Waterways Protection Program Office (410) 537-3837
Regulatory Services Section / Application Processing (410) 537-3752

Tidal Wetlands. Activities in tidal wetlands to construct or reconstruct structures, or to dredge or fill a State or private tidal wetland, shall obtain a license from the Board of Public Works or a permit from Maryland Department of the Environment. The construction, reconstruction, alteration, or addition to any conduit, cable, pipeline, intake or discharge pipe, trestle, or other similar device, structure, or apparatus, over, on, in, or under tidal wetlands or waters of the State requires an applicant to submit a Joint Permit Application and supporting information to MDE's Wetlands and Waterways Program. The Program will review the application and supporting information to make a determination which will be provided in a Report and Recommendation to the Board for their use in making a decision to grant or deny a license for proposed work over, on, in, or under **State tidal wetlands**. The Program will review the application and supporting information to make a determination to issue or deny a permit for proposed work over, on, in, or under **private tidal wetlands**.

A person submitting a Joint Permit Application to obtain a license or permit shall be the riparian landowner of upland adjoining the affected area of State or private tidal wetlands, an agent of the riparian landowner, the State, any unit of the State, a public service company, a municipality, or a political subdivision.

Contact: Tidal Wetlands Division (410) 537-3571

Nontidal Wetlands. MDE regulates the following activities in nontidal wetlands and their 25-foot or expanded 100-foot buffers: (i) Removal, excavation, or dredging of soil, sand, gravel, minerals, organic matter, or materials of any kind; (ii) Changing existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics; (iii) Disturbance of the water level or water table by drainage, impoundment, or other means; (iv) Dumping, discharging of material, or filling with material, including the driving of piles, and placing of obstructions; (v) Grading or removal of material that would alter existing topography, and (vi) Destruction or removal of plant life that would alter the character of a nontidal wetland.

Contact: Nontidal Wetlands Division (410) 537-3837

Nontidal Waterways and 100-year Floodplain. MDE regulates construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction or any change of the course, current, or cross section of a stream or body of water within the State including any changes to the 100-year frequency floodplain of free-flowing waters.

Contact: Waterway Construction Division (410) 537-3837

Dam Safety Permits Division (410) 537-3552

Climate Change Resiliency and Flooding. In addition, consideration of measures to address climate change are highly encouraged. This may include designing stormwater management facilities to treat storm events beyond generating more than 1" of runoff in 24 hours, and instead treat more frequent, higher intensity, shorter duration events. Roads crossings over waters may need to be designed to different standards to pass storm flows without infrastructure damage or discharges to aquatic life. Retention or re-establishment of forests is also highly desirable.

The County or applicant is advised to contact Dave Guignet, State NFIP Coordinator, of MDE's Stormwater, Dam Safety, and Flood Management Program, at (410) 537-3775 for additional information regarding the regulatory requirements for Floodplains and Storm Surges.

The County or applicant is advised to contact Matthew C. Rowe, CC-P, Assistant Director of MDE's Water and Science Administration, at (410) 537-3578 for additional information regarding Climate Change and Resiliency

I have reviewed the proposed amendment for the Wetlands and Waterways Protection Program and have the following comments:

- ☒ 1) There are 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.

- ☐ 2) Early coordination with the Wetlands and Waterways Protection Program for new major or replacement lines is recommended in advance of submitting applications and to discuss any new requirements related to restoration of wetlands after temporary impacts.
- ☐ 3) Early coordination with the Program during planning stages for the project is strongly encouraged to avoid or minimize adverse impacts from regulated activities. If there are activities proposed for new sewer or water projects in regulated resources, the County is encouraged to contact the Wetlands and Waterways Program.
- ☐ 4) The plan mentions new extensions for water and sewer lines, storage facilities, and/or treatment plants. Where practicable, locations of the utility lines and facilities should support protection measures from future development in wetlands, waterways, or floodplains, as well as avoiding and minimizing impacts from the line, treatment facility, and supporting utility infrastructure. Suggested for consideration include:
 - a) a prohibition on new subdivision lots in wetlands;
 - b) avoidance and minimization requirements;
 - c) site plan considerations over multiple parcels that provide for contiguous wetland and stream corridors to be maintained, with minimum fragmentation from roads, buildings, or other structures; and
 - d) location of new or replacement lines in existing utility or road rights-of-way.
- ☐ 5) Compensatory mitigation may be required for permanent wetland losses, including conversion of forested wetlands to other wetland types and permanent access roads, and other structures.
- ☐ 6) Wetland estimates in the county should use estimates from the National Wetlands Inventory and DNR Wetlands layers. Sensitive resources may be preliminarily identified using the Watershed Resources Registry at:
<https://watershedresourcesregistry.org/states/maryland.html>.
- ☒ 7) An evaluation of the site and its vicinity using the Watershed Resources Registry shows the presence of sensitive resources. These may include: sensitive species project review areas, Targeted Ecological Areas, Biodiversity Conservation Network, Nontidal Wetlands of Special State Concern, Tier II watershed, Stronghold Watershed, and/or Forest Interior Species. Contact MDE or the Maryland Department of Natural Resources for recommendations or requirements to avoid or minimize adverse impacts to these resources.
- ☐ 8) There may be wetland or waterway impacts associated with the project. Impacts will be reviewed by MDE during application review. Pre-application meetings

are also available to discuss avoidance, minimization, and restoration after temporary impacts.

- ☐ 9) The Wetlands and Waterways Protection Program (Program) encourages a site design which avoids, or if avoidance is not practicable, minimization of impacts from activities in regulated stream or wetland resources.
- ☐ 10) The Program also supports a cluster design for this project to conserve remaining forest land on site and avoid and/or minimize activities in the stream or potential wetlands.
- ☒ 11) The plan/project includes activities in Tier II watershed(s). Tier II streams are high-quality waters that require, under regulation, additional consideration to protect their water quality. Water quality and their associated aquatic resources in Tier II streams require healthy contributing watersheds and riparian areas, including adjacent floodplains and wetlands. Tier II waters may also be associated with other sensitive species and nontidal wetlands of special State concern.

All possible considerations should be implemented to protect high-quality waters and their associated wetlands and floodplains from activities which may result in water quality degradation. This primarily consists of rigorous watershed planning, with consideration of the extra provisions necessary to protect high-quality waters; site design, and construction practices; and compensatory offsets for adverse impacts.

- ☒ 12) No comments

This applies to WSCCR 24-GWC-01A-Gregory & Cara Lynagh and WSCCR 24-GWC-02A-Deeper Life Bible Church.

- ☒ 13) Additional specific comments

Items #1 and #7 apply to WSCCR 24-BEN-01A-Brinklow-Blocktown, LLC (25201 Peach Tree Road). While there may not be regulated activities under Wetlands and Waterways Program authorities, protection of areas under Item #7 is encouraged.

Item #11 is checked to indicate WSCCR 24-OLN-01A-Godwin Real Estate, LLC at 5910 Sundown Road in Gaithersburg to indicate the property location in a Tier II watershed. However, the Program has no other specific recommendations.

The Program previously provided these comments on August 21, 2024.



Maryland DEPARTMENT OF PLANNING

November 12, 2024

Ms. Dinorah Dalmasy, Manager, Watershed Protection, Restoration and Planning Program
Maryland Department of the Environment
Water and Science Administration
1800 Washington Boulevard
Baltimore, Maryland 21230

RE: Revised - Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
Administrative Delegation Action AD 2024-3
Four Water and Sewer Service Area Category Amendments

Dear Ms. Dalmasy:

The Maryland Department of Planning (MDP) has reviewed the above-referenced water and sewerage amendment pursuant to our mandate to advise the Maryland Department of the Environment (MDE) on local comprehensive plan consistency and other appropriate matters as required by Environment Article Section 9-507 (b)(2) and the Land Use Article Section 1-303 and 1-304. Montgomery County's Department of Environmental Protection (DEP) Director Jon Monger administratively approved Administrative Delegation Action AD 2024-3 on October 4, 2024. MDP offers the following comments for your consideration.

Amendments and Comprehensive Plan Consistency

The final approval action on the subject amendments includes four category changes (WSCCR 24-BEN-01A, 24-OLN-01A, 24-GWC-01A, and 24-GWC-02A) to the 2018-2027 water/sewer category map update of the Water and Sewerage Systems Plan (WSP), all of which are **consistent** with the respective governing master plans. MDE should contact MDP if it needs additional comprehensive plan consistency analysis for any of the amendments.

If you have any questions regarding this review, please contact Susan Llareus at susan.llareus@maryland.gov.

Sincerely,

Jason Dubow, CC-P, Director
Research, Review and Policy Division

Ms. Dinorah Dalmasy
Montgomery Co. WSP Amendment
Administrative Delegation Action AD 2024-03

November 12, 2024
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cc: Robin Pellicano; Nicholai Francis-Lau; and Steve Alfaro, Maryland Department of the Environment
Tony Redman, Maryland Department of Natural Resources
Dwight Dotterer, Maryland Department of Agriculture
Jason Dubow; Susan Llareus; and Cassandra Malloy, Maryland Department of Planning