



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

July 27, 2015

Casey Anderson, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Jerry N. Johnson, General Manager/CEO
Washington Suburban Sanitary Commission
(WSSC) 14501 Sweitzer Lane
Laurel, MD 20707-5902

Dear Mr. Anderson and Mr. Johnson,

On June 2, 2015, the County Executive transmitted to the County Council a recommended text amendment to the Comprehensive Water Supply and Sewerage Systems Plan for the Glen Hills Area in Potomac, Maryland. The transmittal letter and Executive Staff Report are enclosed. This information is also available for download at:

<https://www.montgomerycountymd.gov/DEP/Resources/Files/downloads/ws/WS-text-amendment-June-2015.pdf>.

State law requires that the County Council formally notify both WSSC and the Maryland-National Capital Park and Planning Commission at least 30 days in advance of a public hearing regarding any revisions or amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan. **A public hearing has been scheduled for September 17, 2015 at 7:30 p.m.**

Any comments you may have should be forwarded to the County Council. The Council expects that the Planning Board will provide a formal recommendation to the Council on the amendment request.

If you have any questions, please contact Keith Levchenko of Council Staff by phone at (240) 777-7944 or by e-mail at keith.levchenko@montgomerycountymd.gov.

Sincerely,

George Leventhal
Council President

cc: David R. Craig, Secretary, Maryland Department of Planning
Virginia F. Kearney, Acting Director, Water Management Administration, Maryland
Department of the Environment

Enclosure
GL:kml

STELLA B. WERNER COUNCIL OFFICE BUILDING • 100 MARYLAND AVENUE • ROCKVILLE, MARYLAND 20850
240/777-7900 • TTY 240/777-7914 • FAX 240/777-7989
WWW.MONTGOMERYCOUNTYMD.GOV




OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

June 2, 2015

TO: George Leventhal, President
Montgomery County Council

FROM: Isiah Leggett, Montgomery County Executive 

SUBJECT: Transmittal of a Water and Sewer Plan Text Amendment for the Glen Hills Area Sanitary Study

This transmittal provides the County Council with a proposed Water and Sewer Plan amendment that converts my sewer service recommendations for the Glen Hills Study Area into a format for inclusion with other service policies in the Plan text.

On March 30, 2015, I provided the County Council with a memo summarizing the results of the Glen Hills Area Sanitary Study. That memo also provided my recommendations for sewer service policies for the Glen Hills Study Area. These recommendations were developed in order to begin the Council's consideration of sewer service policies for the study area, as called for in the 2002 Potomac Subregion Master Plan.

Keith Levchenko of the Council's staff subsequently advised my staff that the Council preferred to address the Glen Hills area sewer service policy issues in the context of a Water and Sewer Plan text amendment. Using the recommendations from my previous memo, the Department of Environmental Protection (DEP) prepared the attached text amendment package for the Council's consideration.

For convenience, a copy of my March 30, 2015, memo is included with this package. The Phase 1 and Phase 2 Glen Hills Area Sanitary Study reports are available for review and download at DEP's Glen Hills webpage: www.montgomerycountymd.gov/glenhills.

George Leventhal, President
June 2, 2015
Page 2

Staff from DEP will be available to discuss the Glen Hills Area Sanitary Study and the proposed text amendment at work sessions with the Transportation, Infrastructure, Energy, and Environment Committee and with the full Council.

IL:as

Attachment

c: Virginia Kearney, Acting Director, Water Management Administration,
Maryland Department of the Environment
David Craig, Secretary, Maryland Department of Planning
Casey Anderson, Chair, Montgomery County Planning Board
Jerry Johnson, General Manager, Washington Suburban Sanitary Commission
Lisa Feldt, Director, Department of Environmental Protection
Diane Schwartz Jones, Director, Department of Permitting Services

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's June 2015 Transmittal

Chapter 1 Text Amendment Related to the Glen Hills Area Sanitary Study

Page 1

PROPOSED TEXT AMENDMENT CPTA 15-CH1-01T

Chapter 1, Table 1-T3: Special Master Plan Water and Sewer Service Recommendations

Glen Hills Study Area Sewer Service Policies

County Executive's Recommendation: Approve the recommended text amendment to establish sewer service policies for the Glen Hills Study Area.

Executive Staff Report

On March 30, 2015, the County Executive transmitted recommendations to the County Council for sewer service policies for the Glen Hills Study Area. (See the transmittal memo at pgs. 7 - 14.) The service recommendations were based on the results of the Glen Hills Area Sanitary Study, which was undertaken by the Department of Environmental Protection as recommended in the 2002 Potomac Subregion Master Plan.

The following text amendment takes the Executive's sewer service policy recommendations from the March 30, 2015, memo and converts them into the format of policy language for the Water and Sewer Plan text. It amends existing language addressing the Glen Hills Neighborhoods found in Chapter 1, Section II.E.1., Table 1-T3: Special Master Plan Water and Sewer Service Recommendations.

Introductory language for the text amendment begins below. Table 1-T3 is shown on page 2; only that part of the table addressing the Glen Hills area is included in the amendment. Water and Sewer Plan Chapter 1 service policies referenced in the following amendment are found on pages 3 - 5. A reference map of the study area is provided on page 6.

CPTA 15-CH1-01T

Amendment Key: Underscored Text: Recommended Addition [Bracketed Text]: Recommended Deletion

CHAPTER 1: Objective and Policies

II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

E. Special Policies for Water and Sewer Service - In addition to the preceding general service policies, the County Council has adopted specific policies for the provision of community water and/or sewer service which create exceptions to the general service policies. The Council has also adopted service recommendations in local area master plans which create exceptions to the general service policies.

1. Master Plan Recommended Exceptions -- The preceding sections discussing general water and sewer service policies noted that local area master plans may recommend exceptions to those general service policies. In order to implement specific development and land use strategies, a master plan may recommend policies for community water and/or sewer service which can be either less restrictive or more restrictive than this Plan's general service policies. When a master plan makes such a recommendation, it must also include an appropriate justification for the recommended departure from the general policies. DEP staff coordinate closely with M-NCPPC staff with regard to the water and sewer service recommendations developed in local area master plans.

These exceptional recommendations are, of necessity, scattered throughout the County's various local area master plans. The following table is intended to consolidate and summarize these recommendations into convenient format and to make them part of this Plan. For additional information concerning these issues, please refer to the master plans cited below.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive’s June 2015 Transmittal

Chapter 1 Text Amendment Related to the Glen Hills Area Sanitary Study

Table 1-T3: Special Master Plan Water and Sewer Service Recommendations	
General Area Affected	Master Plan Service Recommendation & Comments
Potomac Subregion Master Plan (2002)	
Glen Hills Study Area [Neighborhoods (as defined in the 2002 master plan.)]	<p>The 2002 Potomac Subregion Master Plan recommended new <u>community sewer service be limited only to documented public health problems pending the completion of an area-wide sanitary survey by DPS and DEP.</u></p> <p>With the master plan-requested study completed in 2014, the following service policies apply to the Glen Hills Study Area:</p> <ul style="list-style-type: none"> • <u>Individual, on-site septic systems are the primary wastewater disposal method consistent with the area’s standard-type development under the RE-1 Zone.</u> • <u>Community sewer service can be considered only under the following conditions for:</u> <ul style="list-style-type: none"> ○ <u>Properties in need of relief from public health problems resulting from documented septic system failures (Sections II.B.5.b. and II.E.2.).</u> ○ <u>Properties included within a specifically designated public health problem area (Sections II.B.5.a. and II.E.2.).</u> ○ <u>Properties that abut existing or planned sewer mains and that satisfy the requirements of the “abutting mains” policy (Section II.E.3.a.)</u> ○ <u>Properties within the study area and within the Piney Branch subwatershed that satisfy the requirements for community sewer service under the Piney Branch restricted sewer service policy (Section II.E.12.b.).</u> <p>[The master plan recommends that only documented public health problems shall be justification for the approval of sewer service area category changes within this area, pending the completion of an area-wide sanitary survey by DPS and DEP.]</p>

End of CPTA 15-CH1-01T

Excerpts from Chapter 1 Referenced in the Preceding Text Amendment

II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

The water and sewer service policies addressed in this section of the Plan provide the basis for establishing what areas of the county will receive community versus individual systems service. The Plan uses water and sewer service area categories both to designate areas eligible for either community or private service and to provide a staging element for the provision of community service. These policies provide guidance not only in evaluating individual and general service area change amendments, but also in the preparation of development and water/sewer service recommendations in the County's land use master plans.

The County Council relies primarily on these service policies in evaluating and acting on Water and Sewer Plan amendments. However, the scope of the Council's responsibilities goes far beyond this Plan and includes issues such as the county-wide economic growth, public health and safety, transportation infrastructure, and public education. The Council has the authority and responsibility to consider such issues where they may affect its actions with respect to this Plan. Given this, the Council may reach conclusions regarding this Plan or its amendments which do not necessarily follow the policies provided in the following sections; in such cases, the Council will provide an explanation of the issues involved and rationale for actions that may vary from these standard policies.

B. Water and Sewer Service Development Policies by Service Area Designation -- The following policies govern the provision of water and sewer service under each of the County's service area categories:

5. Categories W-5 and W-6, and S-5 and S-6 -- Individual water supply or sewerage systems, not of an interim nature, shall be permitted to be installed in any portion of the County designated as categories W-5 or W-6 and S-5 or S-6, consistent with COMAR 26.03.01, 26.03.05, and 26.04.02 - .04, and County Executive Regulations 28-93AM, "On-Site Water Systems and On-Site Sewage Disposal Systems in Montgomery County". Individual systems may be installed within these areas on an indefinite basis without firm obligation to connect to a community system, when and if it becomes available.

Within areas designated as categories W-5 and S-5, the construction of dry community systems shall *not* be required for subdivisions or individual properties which develop using individual on-site systems. DEP may recommend water and/or sewer map amendments to designate subdivisions developing on individual systems as categories W-6 and/or S-6.

Section II.B.5.a.

a. Area-Wide Public Health Hazards -- Under conditions that a defined area of the county has an **existing or anticipated health hazard**, DPS, in coordination with DEP, may recommend the construction of a community system for water or sewerage service. Any such community system shall be operated by a public agency and be approved by the County Council as a formal amendment to the plan. The issues and alternatives relative to such a recommendation for properties in categories will be reviewed by DEP as a proposed category change request, initiated by the County.

Section II.B.5.b.

b. Individual Public Health Hazards -- Under conditions of an **existing or anticipated health hazard**, as certified in writing by DPS, DEP may require connections of individual structures to a community system if available, and may require service extensions when deemed desirable. DEP will coordinate a category change for the site, usually through the administrative delegation process, although WSSC need not await approval of such an amendment prior to providing community service.

E. Special Policies for Water and Sewer Service - In addition to the preceding general service policies, the County Council has adopted specific policies for the provision of community water and/or sewer

service which create exceptions to the general service policies. The Council has also adopted service recommendations in local area master plans which create exceptions to the general service policies.

Section II.E.2.

2. Community Service to Relieve Public Health Problems -- Community water and/or sewer service may be extended to existing structures to alleviate or eliminate existing or anticipated public health problems, upon certification of such by the Director of the Department of Permitting Services (DPS) or his or her designee. DEP, in coordination with WSSC, shall evaluate whether the provision of community service is reasonable. If appropriate, DEP will direct WSSC to expedite the provision of community water and/or sewer service either by a connection to existing mains or by the extension of new mains in order to relieve the public health problem. Under these circumstances, community service will be provided regardless of the existing service area category, and WSSC need not wait for a service area change approval in order to plan, design, or implement the service. DEP may act to approve related service area changes through the administrative delegation process, Section V.F.2.a.: Public Health Problems. In such cases, community service will generally be limited to a single water and/or sewer hookup for existing properties. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems. In addition, DEP will coordinate with DPS to identify, as necessary, larger-scale, chronic public health problem areas and to recommend solutions for those problems in this plan. A decision to extend community service will depend on the number of properties affected, the feasibility of service, and the viability of alternative relief methods.

3. Community Service for Properties Abutting Existing Mains -- Under specific and limited circumstances, community water and or sewer service may be provided to properties which abut an existing or approved water and/or sewer main. The provision of community service requires that the property, or a structure on the property must have been established prior to the extension of the abutting main. A residence, business, or institution (church, school, etc.) qualifies as an existing structure; a barn, garage, or other type of outbuilding does not qualify. The provisions of this policy do not include community service for private institutional facilities (PIFs), which must be addressed through the PIF policy (see Section II.E.4.).

Community service must be technically feasible from the abutting main. Major water and sewer transmission mains and sewer force mains cannot support individual service connections and hookups, and therefore do not qualify abutting properties for community service under this policy.

This policy may be used in cases where a property is not otherwise eligible for such service under the general policies of this Plan. Under this policy, the provision of community service is allowed under the following circumstances:

Section II.E.3.a.

a. Single Hookups Only -- A single water and/or sewer hookup only is allowed for an individual property or for a structure which abuts an existing or approved water and/or sewer main. The subject property or structure must predate the abutting main. A change in the property configuration due to the dedication of land for a public use such as a road right-of-way or park land shall not invalidate this allowed single hookup. Neither shall an exchange of land between adjacent, qualifying properties invalidate this allowed hookup, provided the overall number of qualifying lots and therefore allowed hookups remains the same. DEP may grant approval for this single hookup under the administrative delegation policies included in this chapter (Section V.F.2.b.: Properties Abutting Existing Mains).

DEP may direct WSSC to provide an allowed single, residential water and/or sewer hookup upon 1) staff confirmation that the property qualifies for service under this policy, and 2) DEP's receipt a category change request for the property. Only in such cases may DEP approve service from an abutting main in advance of granting the actual service area category approval. Commercial and institutional uses must first receive the required service area change.

12. Special and Restricted Community Service Areas -- In addition to the preceding policies, the County may also designate specific areas for or restrict specific areas from community water and/or sewer service in order to achieve specific development goals, to promote environmental protection, or to address other special concerns. These areas are shown in Figure 1-F3 and are listed below:

Section II.E.12.b.

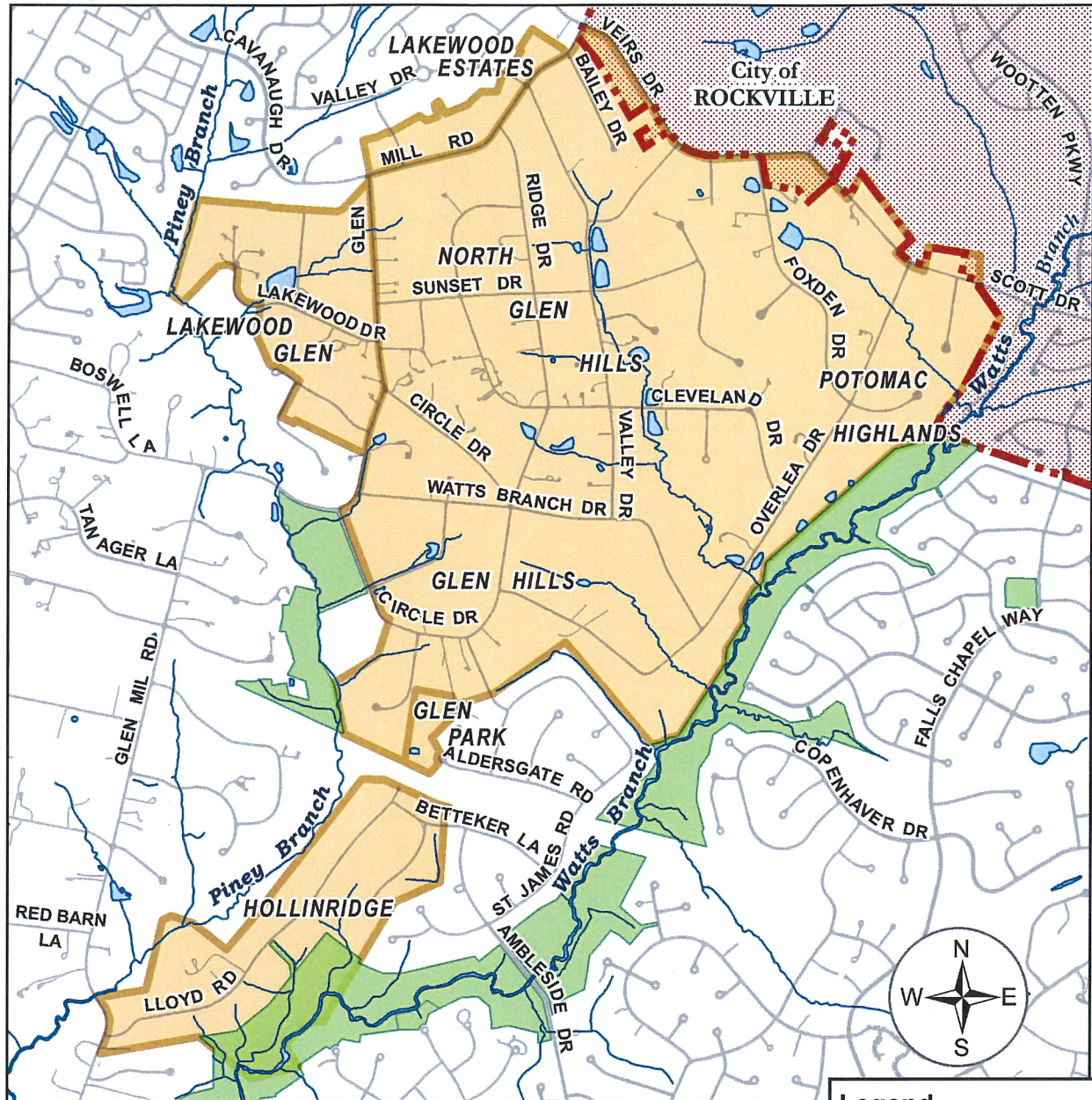
b. Piney Branch Restricted Sewer Service Area -- In 1991, the County Council established a policy to restrict the availability of community sewer service in the Piney Branch Watershed, which is designated as one of the county's Special Protection Area watersheds. Through the Piney Branch Sewer Restricted Access Policy, the Council sought to limit the growth of public sewer-dependent development within and near this environmentally-sensitive watershed, particularly within the areas of the watershed zoned for one- and two-acre development. The Council subsequently amended the policy in March 1997 under CR 13-830 and again in October 2002 under CR 14-1481. By these actions, the Council has specifically designated the Piney Branch Trunk Sewer and its tributary mains as **Limited Access** mains (see Section III.A.2.).

This restricted access policy was recently reexamined in the context of interrelated land use, zoning, and sewer service recommendations in the 2002 Potomac Subregion Master Plan; the following conditions reflect the policy changes recommended by the new master plan. In order to be eligible for community sewer service, properties within the Piney Branch watershed must satisfy at least one of the following conditions, i. through vi.:

- i. Properties designated as Sewer Stages I or II in the 1980 Potomac Subregion Master Plan;
- ii. Properties which the Piney Branch Trunk Sewer Right-of-Way either traverses or abuts, including properties adjacent to, and commonly owned with, these abutted or traversed properties as of December 3, 1991;
- iii. Properties with approval or conditional approval for sewer categories S-1 or S-3 as of December 3, 1991;
- iv. Properties with documented public health problems resulting from failed septic systems where the provision of public sewer service is logical, economical, and environmentally acceptable; or
- v. Properties which abut sewer mains and which satisfy the policy requirements for Section II.E.3.a.: Community Service for Properties Abutting Existing Mains -- Single Hookups Only. Applicants shall not use the provision of a single sewer hookup to support subdivision or resubdivision of these properties into more than one lot. (This condition does not restrict sewer service provided to properties satisfying condition ii., preceding.)
- vi. The properties zoned RE-2C located in the southeast corner of the intersection of Boswell Lane and Piney Meetinghouse Road which develop using the cluster method.

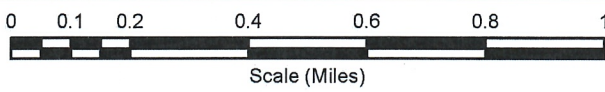
All other properties within the Piney Branch watershed are restricted from community sewer service, whether from the Piney Branch sewerage system or from other adjacent sewerage systems.

GLEN HILLS STUDY AREA MAP



Legend

- Streams
- Ponds/Lakes
- Parks
- Rockville
- Glen Hills Study Area



Montgomery County, Maryland
 2011 Draft Comprehensive Water Supply
 and Sewerage Systems Plan

DEP
 Water and Wastewater
 Policy Group




OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

March 30, 2015

TO: George Leventhal, President
Montgomery County Council

FROM: Isiah Leggett, Montgomery County Executive 

SUBJECT: Transmittal of Reports and Recommendations on the Glen Hills Area Sanitary Study

As directed by the County Council, the Department of Environmental Protection (DEP) has conducted a study of sanitary service in the Glen Hills Area southwest of Rockville based on recommendations provided in the 2002 Potomac Subregion Master Plan. The purpose of this transmittal is twofold:

- To provide the Phase 1 and Phase 2 reports that present the background, methodology, and findings of this study.
- To provide recommendations concerning appropriate sewer service policies for the study area.

DEP conducted this study with the assistance of a local engineering firm, A. Morton Thomas and Associates, following the Council's allocation of funding for the consultant's work starting in FY 2012. Public participation in the study process included three public meetings: one at the start of the study process and then one each at the conclusion of the two study phases. DEP also formed a citizens advisory committee (CAC) consisting of twelve study area residents and property owners. The CAC met seven times during the study process to discuss study issues in more detail than the public meeting forums allowed. DEP maintained a Glen Hills Study webpage on the County's website to post public and CAC meeting notices, provide study updates, and present draft and final versions of the study reports. DEP also used a property owner survey at the start of the study process to gain a general understanding of the public's awareness of septic system use and maintenance.

The Department of Permitting Services (DPS), Well and Septic Section, had previously identified the Glen Hills area as a neighborhood where the replacement of existing, failed septic systems can be problematic. The study area has many vacant lots that at present

George Leventhal, Council President
March 30, 2015
Page 2

cannot be developed due to soil and regulatory limitations for septic systems. These limitations may also restrict a homeowner's ability to improve or replace existing houses. In response to these concerns, the 2002 master plan recommended that the County:

“Conduct a study described above of the Glen Hills area. Based on the results of that study develop a policy outlining the measures needed to ensure the long-term sustainability of septic service for new home construction and existing home renovations, minimizing the need for future sewer extensions. Under this policy the sole basis for providing new sewer service would be well-documented septic failures where extension could be provided consistent with the results of the study and in a logical, economical, and environmentally acceptable manner. Until a policy is developed, restrict further sewer service extensions in Glen Hills to properties with documented public health problems resulting from septic system failures.”

Although not explicitly stated in the master plan, DEP also recognized at the start of this study the need to support the existing housing stock through the replacement of existing septic systems that have failed or will require replacement in the future.

Phase 1

The Phase 1 report presents information on the collection of data concerning existing conditions in the study area, including soil conditions, septic systems type and age, septic testing results, and distribution of existing public sewerage systems. The purpose of this phase was to determine, as best possible from existing information, whether parts of the study area could experience potential difficulties with long-term septic system use and, if needed, replacement of existing septic systems using standard deep stone-trench septic systems. Phase 1 revealed the following among its findings:

- Approximately one-third of the study area is subject to soil conditions and regulatory requirements that may result in difficulties with the long-term use of deep stone-trench septic systems. Those parts of the study area so affected are referred to as “review areas” (RAs). Given the planning-level nature of the study, the determination of a review area does not infer that all land within the RAs is not suited for deep trench septic systems. Conversely, not all land outside the RAs is guaranteed as suited for deep trench septic systems.
- Approximately one-half of the 370 existing, operating septic systems in the study area were permitted and constructed before the advent of modern testing standards, which includes establishing reserve septic field areas as a backup for the initial system. When one of these septic systems fails, there is no established septic drainfield area guaranteed as a viable replacement. A new drainfield area must be established by on-site testing.

George Leventhal, Council President
March 30, 2015
Page 3

Phase 2

Following completion of the Phase 1 work and development of the draft Phase 1 report, DEP developed a scope of work for the Phase 2 portion of the study. The Phase 2 report presents alternatives for providing and maintaining wastewater disposal service for the review areas (RAs) identified in the Phase 1 report.

The underlying assumption in the second phase of the study was that the use of deep stone trench systems within the RAs may not satisfy today's septic regulations. The permitting and construction of this type of septic system could be difficult predominantly due to poor soil conditions including slow percolation rates, shallow depth to ground water, and shallow depth to bedrock. The alternatives to the use of this type of septic system were as follows:

- **Use of other types of permitted septic systems: shallow stone-trench systems, sand mound systems, or drip-disposal systems.** Each of these on-site systems has applications for specific soil constraints, although even taken together they do not necessarily provide solutions for all situations. The use of a specific type of on-site septic system for the replacement or expansion of an existing septic system will require proper soil testing and evaluations to determine that system's suitability for a particular property. Given these testing requirements, the development of alternative solutions for specific sites was not attempted.
- **Provision of public sewer service.** The Phase 2 report showed that only a few of the identified review areas had access to existing sewer mains. For those review areas without available sewer mains, the study contractor designed 13 conceptual sewer extension alignments to show possibilities for providing public sewer service, if needed. Both gravity and low-pressure sewer mains were used in this design work. Low-pressure mains were primarily used where the study criteria from the 2002 master plan directed sewer extensions away from streams, stream buffers, and easements across private properties, and instead towards public road alignments. Note that of the 13 conceptual sewer extension alignments shown in the Phase 2 report none are proposed for approval or construction at this time.

Planning-level cost estimates developed for each of the preceding Phase 2 alternatives showed that, in most cases, the use of an on-site septic system for new or replacement wastewater service, where feasible, provided a less expensive service option than the extension of new mains for public sewer service for property owners. Costs for sewer service connections to an available, existing sewer main were much closer to the range of septic system costs, depending on the type of septic system required for service.

George Leventhal, Council President
March 30, 2015
Page 4

Policy Issues and Recommendations for Septic System Sustainability

The feasibility of permitting a new septic system for any particular piece of property is dependent on the characteristics of the soils and geology of that property. These characteristics (permeability, water table depth, depth to rock, etc.) do not change substantially over time. Soil testing standards for septic systems for the County have become both more encompassing and restrictive over time. This serves to improve the longevity of septic system use and to help mitigate environmental impacts resulting from septic system use in vulnerable areas. (See the Phase 1 report, Section 3.5 and Table 3.1.) Other regulatory standards (drainage and drinking water well setbacks, best available technology requirements, etc.), have also been strengthened to help protect human and environmental health. The DPS permitting process recognizes that a septic system approved and built for a new home—including the initial system and planned replacement fields—is intended to serve that property for an indefinite time. These standards exist to ensure that new development dependent on septic systems does not occur on properties that cannot support septic system use for the foreseeable future.

Recommendation:

- **Consistent with the policy focus of the 2002 master plan, where public sewer service is not currently available in the Glen Hills area, it is typically in the interest of a property owner to explore on-site septic system options, as needed, when needing to replace an existing system or install a system for new development.**

Policy Issues and Recommendations for the Extension of Public Sewer Service

Based on Water and Sewer Plan general service policies, and supported by the 2002 master plan's service recommendations, areas designated for standard-type development under the RE-1 Zone—such as this study area—are not intended for widespread public sewer service. However, the master plan also recognized that the relief of some septic problems within the study area could require the provision of public sewer service. The master plan advocated a sewer service policy that would allow new sewer service only for cases of documented septic system failures. This refers to cases where new sewer construction would be required, as the master plan goes on to specify that sewer extensions would need to be planned and provided in a logical, economical, and environmentally acceptable manner. Other than to relieve public health problems, there are few Water and Sewer Plan special sewer service policy justifications (public facilities, private institutional facilities, etc.) that would have an application for the extension of new sewer mains within the study area.

Typically, the County's designation of a public health problem results from an on-site system failure applying to a single property. However, Water and Sewer Plan policies also direct the County to identify public health problem areas, where appropriate; groupings of properties where existing and anticipated on-site systems problems apply to more than just one property, usually in a relatively small geographic area. The Council's designation of a public health problem area by an amendment to the Water and Sewer Plan usually applies to an area

George Leventhal, Council President
March 30, 2015
Page 5

where public service is not yet provided and often not approved, but needs to become a priority to support public and environmental health. Where the Plan establishes such an area, all properties within it are eligible to pursue the extension of public service, regardless of whether or not an existing failure has occurred. This allows for some public service extension within the health problem area in advance of an immediate failure. The study does not propose the designation of any part of the study area as a public health problem area at this time.

The cost of extending new water and sewer mains currently remains beyond the financial reach of most individual property owners, including those situations where new service is needed to relieve a public health problem resulting from a septic system failure. Under WSSC's current system expansion permit (SEP) process, virtually all new main construction is paid in total by the applicant seeking service, typically a developer constructing a new subdivision. This has drained funding resources away from the older front-foot benefit financed (or "WSSC-built") process, wherein WSSC finances and constructs new mains, to the point where the older process is no longer functional. Staff from Montgomery and Prince George's Counties and from WSSC are working to develop a modified financing system that would again make construction of new main extensions for individual property owners feasible. In cases where the County determines that new public service is needed to relieve health problems, manageable financing is of great importance.

Recommendations:

- **Adopt, but also expand on the policy recommendation from the 2002 master plan; that documented health problems resulting from septic system failures are the only justification for the construction of new sewer main extensions within the study area. Public sewer mains can also be constructed to serve public health problem areas--throughout the study area—that are explicitly designated by the County Council in the Water and Sewer Plan. Two Water and Sewer Plan policies address this situation: the “public health problems” and “properties affected by public improvements” policies (Chapter 1, Sect. II.E.2. & II.E.7., respectively.**
- **Pursue with WSSC and Prince George's County the development of a modified water and sewer main extension process that improves the affordability of main construction for individual property owners.**

One other special service policy that relates to the use of public sewer in place of on-site septic systems is the “on-site system regulation changes” policy (CWSP Chapter 1, Sect. II.E.10.). The policy provides for consideration of public sewer service where changes in testing regulations now render a property previously established and permitted for an on-site system unsuited for septic system use. The substantial majority of lots in the study area were not established on the basis of successful septic system testing. Before 1965, septic testing was not required in order to record a building lot. As a result, this requirement for the application of this

George Leventhal, Council President
March 30, 2015
Page 6

service policy cannot be satisfied. This policy is not proposed to justify sewer main construction to provide new sewer service for unimproved lots within the study area.

Policy Issues and Recommendations for the Abutting Mains Sewer Service Policy

The 2002 master plan specifically recommends that the Glen Hills study include, "An evaluation and recommendation of the abutting mains policy for this area." The "abutting mains" service policy (CWSP Chapter 1, Sect. II.E.3.) involves the provision of public service from existing or approved public mains. To qualify for consideration, a property or a building on the property had to exist at the time the abutting main was or will be installed. This policy typically limits public service to a single sewer hookup for each existing property abutted by a main. While the policy allows for limited public service from an abutting main, new main construction is not the policy's function.

Where public service mains are already provided, or where they are approved, Water and Sewer Plan service policies support limited use of those mains by abutting property owners. In the past, this policy helped to support new main construction, where front-foot benefit charges helped to finance that construction. As noted previously, escalating costs associated the "WSSC-built" process have made its use by individual property owners largely infeasible, including cases where needed a new main is needed to relieve a public health problem. The potential for the participation of abutting property owners in a modified WSSC extension financing system needs to be maintained through the use of the abutting mains policy. Owners of qualifying properties that abut or will abut sewer mains in the study area should have an option to use public sewer service if they choose. Although the cost for connecting to public sewer service can be greater than for replacing a septic system, public service provides a permanent means of wastewater disposal, as opposed to septic systems which will require periodic replacement.

Starting in 2002, County Council actions on sewer category change requests suspended use of the abutting mains policy (CWSP Chapter 1, Section II.E.2.) within the Glen Hills area, as recommended in the 2002 master plan. Currently, 21 properties designated as sewer category S-6, and as such ineligible for public sewer service, abut existing sewer mains within the study area; all are improved with existing single-family homes. Of these, one category change request case filed since 2002 would have benefitted from the ability to use the abutting mains policy.

Recommendation:

- **Restore the use of the abutting mains policy for public sewer service within the Glen Hills study area. Note that no property owner is compelled to connect to public sewer service as long as their property remains in category S-6 and their existing septic system continues to function.**

George Leventhal, Council President
March 30, 2015
Page 7

Information included in the Phase 2 report (Table 5.1, pg. 24) provides details about the number of properties that could be served by each of the 13 sewer main extensions conceptually designed for the purposes of this study to serve the Review Areas. In the unlikely event that all 13 sewer extensions were to be built in their entirety, they could abut and serve as many as 223 properties: 197 already improved with single-family homes using septic systems and 26 unimproved. (The total study area currently includes 370 improved properties using septic systems and 69 unimproved properties.)

Policy Issues and Recommendations for the Piney Branch Subwatershed

The western and northwestern parts of the study area fall within the Piney Branch subwatershed of Watts Branch. (See the Phase 1 report, Figure 2.1, pg. 7.) Starting in late 1991, during planning for the Piney Branch Trunk Sewer, the County decided to implement a restricted sewer service access policy for the subwatershed that sought to limit environmental impacts from sewer-dependent development in the lower, less-densely zoned parts of the subwatershed. This includes some of the properties within this study area. The 2002 master plan does not recommend any changes to the application of the restricted sewer service access policy within the study area. This restricted sewer access policy remains in effect for those parts of the study area included in the subwatershed.

Recommendation:

- **Maintain the Piney Branch restricted sewer service access policy for those parts of the Glen Hills study area that fall within the limits of the Piney Branch subwatershed.**

Additional Master Plan Study Recommendations

The 2002 master plan also recommended that the study include elements such as the delineation and causes of known septic system failures, and the identification and exclusion of environmentally sensitive properties with no development potential. Each of these recommendations and brief discussions about how they were addressed as part of the Glen Hills study are included in the Phase 2 report; see Sect. 6, pg. 31.

Copies of the Executive Summaries from the Phase 1 and Phase 2 reports are attached with this transmittal. The full reports are available for review and download at DEP's Glen Hills webpage: www.montgomerycountymd.gov/glenhills.

Staff from DEP will be available to discuss the Glen Hills Area Sanitary Study at work sessions with the Transportation, Infrastructure, Energy, and Environment Committee and with the full Council.

IL:as

Attachments

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's June 2015 Transmittal

Chapter 1 Text Amendment Related to the Glen Hills Area Sanitary Study

Page 14

George Leventhal, Council President
March 30, 2015
Page 8

cc: Jay Sakai, Director, Water Management Administration, Maryland Department of the Environment
David Craig, Secretary, Maryland Department of Planning
Casey Anderson, Chair, Montgomery County Planning Board
Jerry Johnson, General Manager, Washington Suburban Sanitary Commission
Lisa Feldt, Director, Department of Environmental Protection
Diane Schwartz Jones, Director, Department of Permitting Services