DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Lisa Feldt
Director

June 13, 2016

NOTICE OF AD 2016-1 ADMINISTRATIVE PUBLIC HEARING

TO: Keith Levchenko, Senior Legislative Analyst
County Council

Pamela Dunn, Manager, Functional Planning and Policy Division
Maryland - National Capital Park and Planning Commission

Tom Gingrich, Acting Manager, Development Services Group
Washington Suburban Sanitary Commission

Gene Von Gunten, Manager, Well and Septic Section
Department of Permitting Services

Category Change Request Property Owners and Applicants

FROM: Alan Soukup, Sr. Planner, Water and Wastewater Policy Group
Department of Environmental Protection

SUBJECT: **Public Hearing for Water and Sewer Plan Amendments: AD 2016-1**

DATE & TIME: **Friday, July 15, 2016, at 11:00 a.m.**

LOCATION: **DEP Lobby Conference Room**, 255 Rockville Pike, Suite 120, Rockville

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Please be advised that the Montgomery County Department of Environmental Protection (DEP) will hold an administrative public hearing as specified above on the following six requested map and text amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan:

16-APH-01A Mahabare
16-DNT-01A Darnestown Presbyterian Church w/ related text amendment CPTA 16-APB-01T
16-FAL-01A Redeemed Christian Church of God
16-TRV-03A Glenstone Foundation w/ related text amendment CPTA 16-APB-02T

To assist with your review, DEP has created and posted a PDF to the "Service Area Category Changes" webpage at www.montgomerycountymd.gov/waterworks. Select the green **Application Review Process** tab on the right, then scroll down to the "Current Administrative Review Packet" heading. In addition to this memorandum, that PDF includes the following information for each proposed amendment:

- Information summaries
- Staff reports and recommendations
- Mapping
- Supporting documents, as appropriate

We ask that Council staff provide the posted materials to the Councilmembers for their review. If Council staff members would like to meet with DEP regarding any of the proposed amendments, we can work together to schedule a meeting to review these cases before the public hearing. We request that the Council submit

comments no later than the hearing record closing date (see below); otherwise, we will assume that the Councilmembers agree with administrative approval as recommended for all seven requests.

We understand that the Montgomery County Planning Board will include this administrative packet for consideration on its agenda for Thursday, July 14 (time to be announced). We appreciate that staff were able to promptly schedule this packet before the Board's August break.

Your attendance at this hearing is optional; all requests will be considered at that time. If you wish to comment on the referenced amendment or on the staff recommendations, you may testify at the public hearing, or you may submit written testimony to: Lisa Feldt, Director, DEP; 255 Rockville Pike, Suite 120; Rockville, MD 20850-4166; or to waterworks@montgomerycountymd.gov.

Note that the hearing record for this action will close at 5:00 p.m. on Friday, July 22, 2016; all written testimony must be *received in this office* by that date and time. The Director will then act on the amendments, and DEP will notify you of that action by e-mail.

Please do not hesitate to contact me at alan.soukup@montgomerycountymd.gov or at 240-777-7716 if you have any questions concerning the following category change requests or the review schedules.

ADS: ads/

Attachments

R:\Programs\Water_and_Sewer\actions-AD\2016\AD2016-1\packet\ad-hearing-notice--2016-1--draft.docx

cc: Isiah Leggett, County Executive
Nancy Floreen, President, County Council
Roger Berliner, Chair, Council Transportation, Infrastructure, Energy, & Environment Committee
Casey Anderson, Chairperson, Montgomery County Planning Board
Kipling Reynolds & Katherine Nelson, Area 3 Planning Team, M-NCPPC
Geoffrey Mason, Parks Planning and Stewardship Division, M-NCPPC
Ray Chicca, Beth Kilbourne & Rufus Leeth, Development Services Group, WSSC
Luis Tapia, Permit Services Section, WSSC
Lynn Buhl, Director, Water Management Admin., Maryland Dept. of the Environment
David Craig, Secretary, Maryland Department of Planning

Category Change Applicants & Interested Parties

16-APH-01A .....Monika Mahabare
.....Wilfredo De La Cruz
16-DNT-01A .....Darnestown Presbyterian Church
.....Pritam Arora, Design Engineering, Inc.
16-FAL-01A .....Redeemed Christian Church of God, Word of Life Center
16-TRV-03A .....Anthony Cerveny, Glenstone Foundation
.....Barbara Sears & Scott Wallace, Linowes and Blocher

Request #1

WSCCR 16-APH-01A: Monica Mahabare

DEP Staff Recommendation**: Approve S-3.** Administrative policy V.F.1.a: consistent with existing plans.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
• 15005 Wimbledon Dr., Aspen Hill • Parcel P746, Layhill (acct. no. 00978873) • Map tile: WSSC – 220NW02; MD – JS11 • Cul-de-sac end of Wimbledon Dr., north of London Bridge Dr. • R-200 Zone; approx. 3 ac.* • Aspen Hill Planning Area Aspen Hill Master Plan (1994) • Northwest Branch Watershed (MDE Use IV) • Existing use: single-family house Proposed use: day-care center in the existing house **This acreage was measured by DEP; it includes only the area of the parcel located southwest of MD 200.*	Existing – **Requested** – Service Area Categories W-1 W-1 (no change) S-6 **S-3** Applicant's Explanation "Need public water ASAP, please." *DEP note: DEP advised the applicant that this property is already designated as water category W-1 and therefore eligible for public water service.*

DEP Staff Report

The applicant has requested a sewer category change from S-6 to S-3 to allow for public sewer service to a proposed day-care facility in an existing house. The use of public sewer service in the R-200 is consistent with the Water and Sewer Plan's general service policies. The site is approved for public water service and is within the planned public sewer service envelope. Approval of S-3 is recommended under the "consistent with existing plans policy".

M-NCPPC Planning staff have advised that the Aspen Hill Master Plan supports the use of public water and sewer service for this site. WSSC has advised that sewer service can be provide using a non-abutting service connection from an existing 8-inch-diameter main located just west of the property. (Note: two existing sewer mains traverse the property, but do so under the Inter-County Connector (MD 200), making them inaccessible for service connections.)

Agency Review Comments

DPS: This property cannot support the proposed use unless public sewer is obtained.

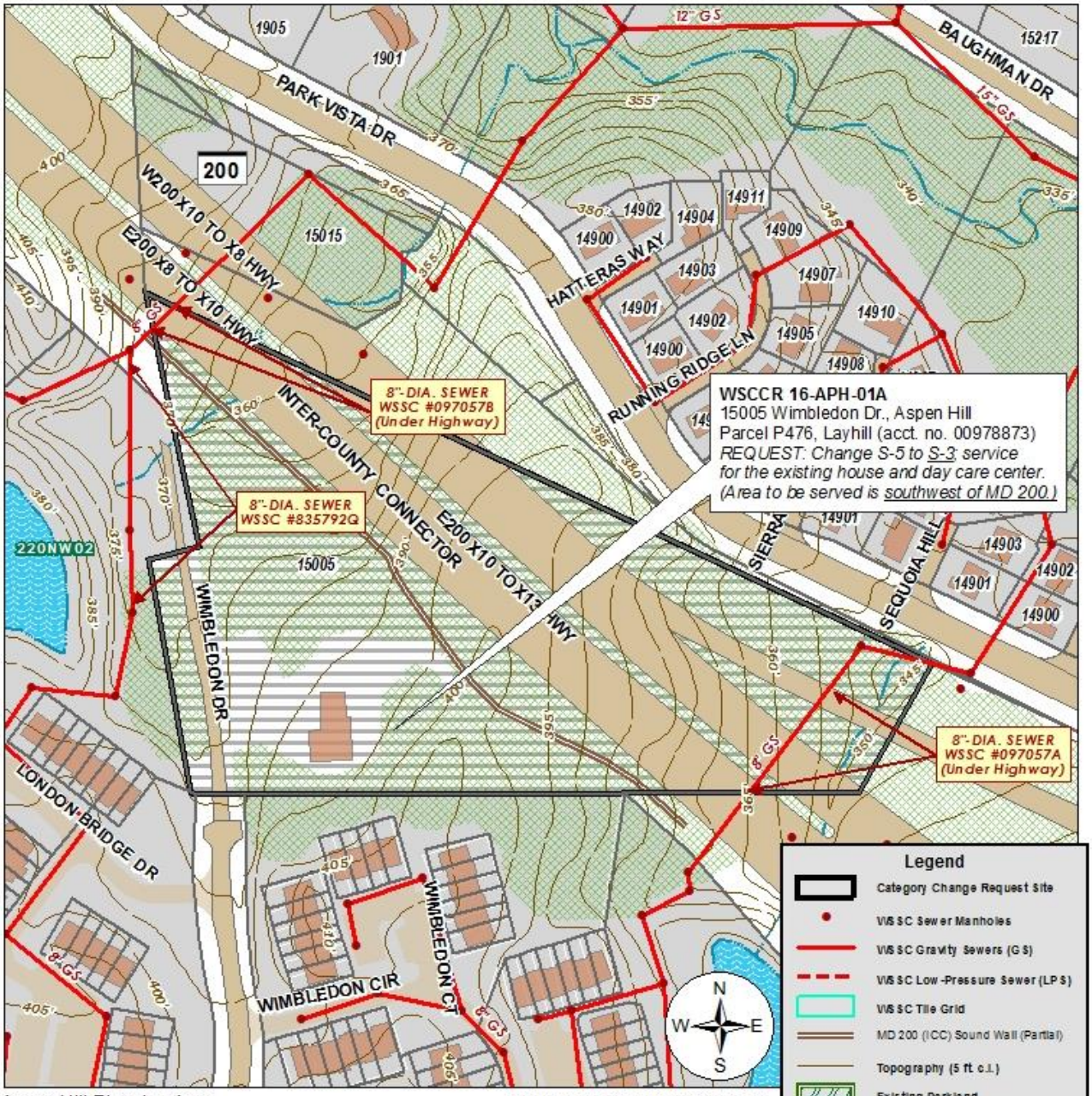
M-NCPPC – Planning Dept.: Most of this R-200-zoned property is within the right-of-way of the ICC. The remnant property is improved with a single house. According to the 1994 Aspen Hill Master Plan, "virtually all properties are eligible for both community water and sewer service." For those properties that do not have the property category for water service, "service is available should those properties apply for it."

M-NCPPC – Parks Planning: No park impact.

WSSC - Water: *(Water category change not requested)*

WSSC - Sewer: Basin: 10-080 (Northwest Branch). A private easement will be required for a non-abutting connection to serve this property. This connection can be made with the sewer main located at the west side of this property (contract #835792Q). Average wastewater flow from the proposed development: 302 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

WSCCR 16-APH-01A (Monica Mahabare)
Requested Sewer Service Category Amendment: Water and Sewer Plan Map



Request #2

WSCCR 16-DNT-01A & CPTA 16-APB-01T: Darnestown Presbyterian Church

DEP Staff Recommendation: **Revise the existing category S-6 to include approval for a multiuse sewerage system. Approve text amendment 16-APB-02T, adding the proposed multiuse system to Table B-T2, Appendix B, of the Water and Sewer Plan.** Administrative policy V.F.2.d: smaller-capacity multiuse systems.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
• 15120 Turkey Foot Rd. - Darnestown • Parcel P616, Mt Pleasant Etc (acct. no. 00388556) • Map tile: WSSC – 220NW14; MD – ES21 • South side, intersection of Turkey Foot Rd. and Darnestown Rd. (MD 28) • RE-2 Zone; 9.73 ac. • Darnestown Planning Area Potomac Subregion Master Plan (2002) • Muddy Branch Watershed (MDE Use I) • Existing use: place of worship Proposed use: expansion of existing use	Existing – **Requested** – Service Area Categories W-1 W-1 (No Change) S-6 **S-6 w/ multiuse system approved** Applicant's Explanation "The reason for the request [is] to allow the overall project sewage design flow to 2,400 Gallons/day. This sewage flow has been coordinated w/ MCDPS Well & Septic Section. As a result of this coordination, the sewer category change to multi-use is required." *DEP Note: Also see associated comprehensive plan text amendment (CPTA) 16-APB-01T for Appendix B, Table B-T2, shown below.*

CPTA 16-APB-01T

APPENDIX B: MULTI-USE WATER AND SEWER FACILITIES
APPROVED 2003- 2012 PLAN

Approval of the preceding map amendment will also require approval of the highlighted comprehensive plan text amendment (CPTA 16-APB-01T) for Table B-T2 for the proposed multiuse sewerage system for Darnestown Presbyterian Church.

DEP note: Montgomery County uses a threshold of 1,500 GPD (less than the State's 5,000 GPD) for the designation of multiuse onsite water and sewerage systems.

Table B-T2: Inventory of Existing and Proposed Multi-Use Sewerage Facilities

· Facility Name · Owner/Operating Agency · Facility Location & Coordinates	Type of Treatment	· Point of Discharge · Permit No.	Design Capacity (mgd)	Comments/Status
(See Water and Sewer Plan Appendix B for additional table entries) …				
PRIVATELY-OWNED FACILITIES				
CPTA 16-APB-01T: Darnestown Presbyterian Church Related Water Category Map Amendment: WSCCR 16-FAL-01A –data provided by applicant and updated by DPS.				
Darnestown Presbyterian Church -- 15120 Turkey Foot Rd. - Darnestown N523,448 / E1,231,277	Three existing systems: septic tanks with soil absorption via seepage pits	Existing systems: Ground Discharge Permit not required	Existing systems: at least 0.0017*	Three existing systems serve the sanctuary building (*capacity not known), an education building, and a residence.
	Proposed system for sanctuary: BAT septic tank w/ soil absorption via low-pressure dosing or drip system	Proposed system: Ground Discharge Permit not required	Proposed system: 0.0024 Total with proposed system: 0.0041	Proposed expansion of the existing onsite system for the sanctuary to a design capacity of 2,400 GPD. Project is pending DPS approval.

DEP Staff Report

Darnestown Presbyterian Church has requested the approval of a multiuse sewerage system designation to the site's existing S-6 sewer category for the expansion of the onsite septic system to a design capacity of 2,400 gallons per day (GPD). This exceeds the County's multiuse system threshold of 1,500 GPD, requiring identification of the proposed septic system in the Water and Sewer Plan. A text amendment (provided above) to the Plan's Appendix B, identifying the multiuse system, is also needed. The use of an onsite sewerage system is consistent with Water and Sewer Plan service policies for an area zoned RE-2. The map and text amendment are recommended for approval.

The request is for the existing place of worship at 15120 Turkey Foot Rd. which has WSSC public water service (water category W-1). M-NCPPC staff concur with the use of a multiuse sewerage system for this site, which is located outside the planned public sewer service envelope recommended in the 2002 Potomac Subregion Master Plan.

Based on information provided by the applicant and by DPS, this site already has a multiuse sewerage system based on the combined capacities of the existing uses, which total at least 1,700 GPD. (The design capacity of the existing septic system for the sanctuary building is not known.) The proposed text amendment provides information for both the existing and proposed multiuse sewerage systems. The applicant continues to work with DPS on the design for the new, 2,400-GPD septic system for the sanctuary building. Several other multiuse sewerage systems have been approved for this area of Darnestown (see page 8).

Agency Review Comments

DPS*: Provided data for text amendment (see Table B-T2 on pg. 5)*

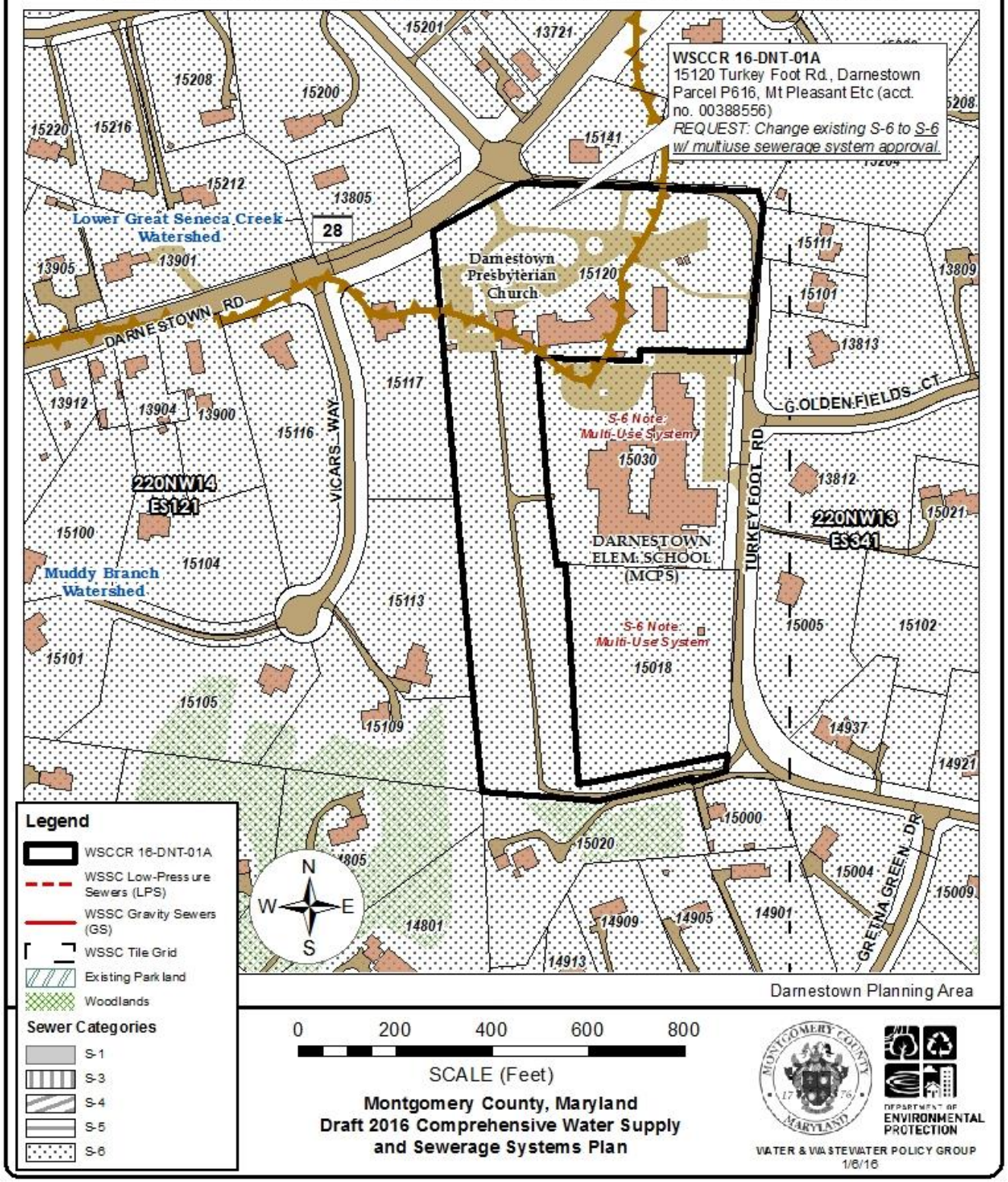
M-NCPPC – Planning Dept.: The Darnestown Presbyterian church has operated in this location for well over a hundred years on septic system. The 2002 Potomac Subregion Master Plan shows this area well outside the sewer service envelope. The Church and the surrounding neighborhood is served by public water. The master plan allows the use of septic systems in this area. The Ten-Year Water and Sewer Plan governs the use of large (1,500 gallons per day) septic systems. This is an acceptable location for a Multi-Use system.

M-NCPPC – Parks Planning: No park impact.

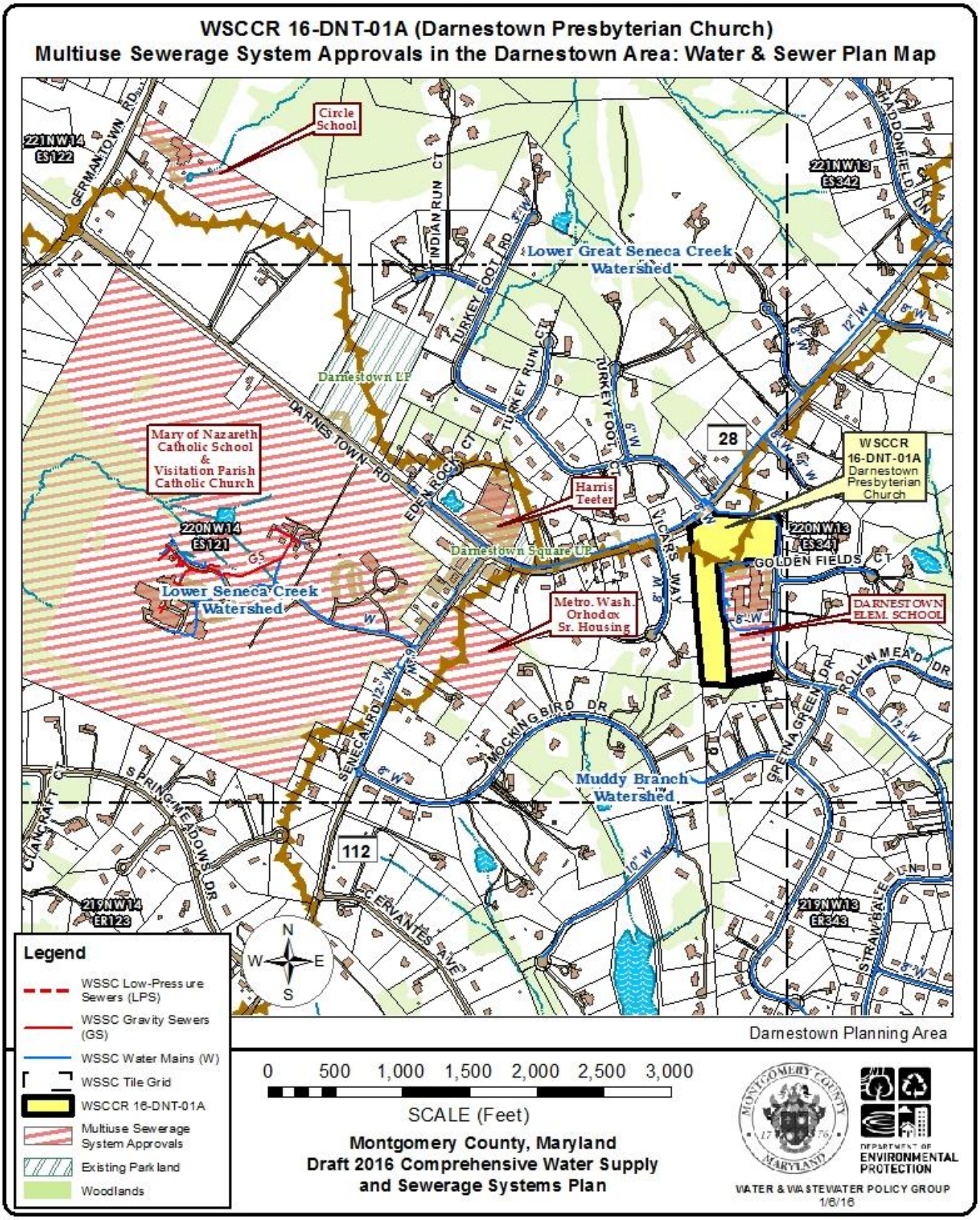
WSSC - Water: *(Water category change is not requested)*

WSSC - Sewer: *(Public sewer service is not requested)*

WSCCR 16-DNT-01A (Darnestown Presbyterian Church)
Requested Service Area Category Map Amendment: Water & Sewer Plan Map



WSCCR 16-DNT-01A (Darnestown Presbyterian Church)
Multiuse Sewerage System Approvals in the Darnestown Area: Water & Sewer Plan Map



Request #3

WSCCR 16-FAL-01A: Redeemed Christian Church of God

DEP Staff Recommendation**: Approve S-3.** Administrative policy V.F.1.a: consistent with existing plans.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
• 14126 Old Columbia Pk., Fairland • Parcel P828, paint Bottom (acct. no. 00268197) • Map tile: WSSC – 219NE01; MD – KR43 • West side of Old Columbia Pk., north of Duvall Rd. • R-200 Zone; 3.27 ac. • Fairland - Beltsville Planning Area Fairland Master Plan (1997) • Paint Branch Watershed (MDE Use III); Mont. Co. Upper Paint Branch SPA • Existing use: one single-family house (built 1931) Proposed use: place of worship, 250-seat sanctuary	Existing – **Requested** – Service Area Categories W-1 W-1 (no change requested) S-6 **S-3** Applicant's Explanation "To build 250-seat church."

DEP Staff Report

The Redeemed Christian Church of God has requested approval of sewer category S-3 for the purpose of providing public sewer service for a planned 250-seat place of worship. The approval of public sewer service is consistent with Water and Sewer Plan service policies for areas zoned R-200. The site is within the County's planned public sewer envelope. This area of Fairland, along Duvall Rd. west of Old Columbia Pk., has been gradually switching from septic systems to public sewer service since public service was initially installed in the early 1990s. Public sewer service is consistent with Water and Sewer Plan service policies and with master plan service recommendations. Staff recommend the approval of sewer category S-3. Note that this recommendation does not restrict sewer service to a not-for-profit (PIF) use; that restriction is not needed for a site located within the planned public sewer service envelope.

DPS staff have indicated that the ability of the site to handle the proposed church use is questionable. WSSC has acknowledged the possibility extending public service to the site by either a 2,500-foot gravity sewer extension or by a shorter, dedicated low-pressure sewer extension (see the map on page 12). M-NCPPC staff have acknowledged the local master plan's recommendations for public sewer service for this area. Parks staff have also cautioned against any disruption due to gravity sewer construction in the Fairdale Road Neighborhood Conservation Park.

Agency Review Comments

DPS: Soils in the general area are poor for on-site sewage disposal. DPS would support this request if it expands the sewer availability in the general area of Duvall Road and Old Columbia Pike. Given the location of a stream to the rear of 14126, on-site sewage disposal for a 250-seat church cannot be assumed.

M-NCPPC – Planning Dept.: This R-200-zoned property is located along Old Columbia Pike, across from Paint Branch High School. According to the 1997 Fairland Master Plan, "community water and sewer service is generally available in the Little Paint and Paint Branch watersheds." The plan recommendation is to "Provide appropriate community sewer and water facilities with minimal impacts to the area's natural resources." The property will require a sewer extension via Duvall Road. This connection will require crossing the stream that flows along the northwest property boundary and will likely be located within the road right-of-way that terminates at the property boundary. Environmental constraints associated with the Paint Branch Special Protection Area and a Use III stream will be addressed at the time of subdivision.

M-NCPPC – Parks Planning: Ensure that the sewer alignment avoids crossing Fairdale Road Neighborhood Conservation Park to protect park forest.

WSSC - Water: (Water category change not requested)

WSSC - Sewer: WSSC Initial Review Comments (2/26/16):
Basin: Paint Branch. Approximately 2,500-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to the existing manhole 02-043-122N of 8-inch gravity sewer (contract no. 794471A) in Bradshaw Drive and would abut approximately more than 10 properties, in addition to the applicant's. Easements would be required. Construction of this extension may involve the removal of trees, temporary disruption of wetlands and stream valley. Average wastewater flow from the proposed development: 1,440 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

WSSC Supplemental Review Comments (5/27/16):
WSSC does not allow non-residential property to connect to the existing 2-inch Low Pressure Sewer System (LPSS) in Duvall Road (Contract number: 1991-8920X), because this existing LPSS is serving only residential properties. A dedicated LPSS with an approximately 700-foot-long extension connecting to the existing manhole, 02-043-276M of existing 8-inch sewer line (contract number: 1989-8074A) in Duvall Road would be a pressure sewer service option to provide sewer service to the property, 14126 Old Columbia Pike. Per WSSC's Development Services (DS) Code Section 1001.1.2, some additional requirements that apply to dedicated LPSS are as follows:

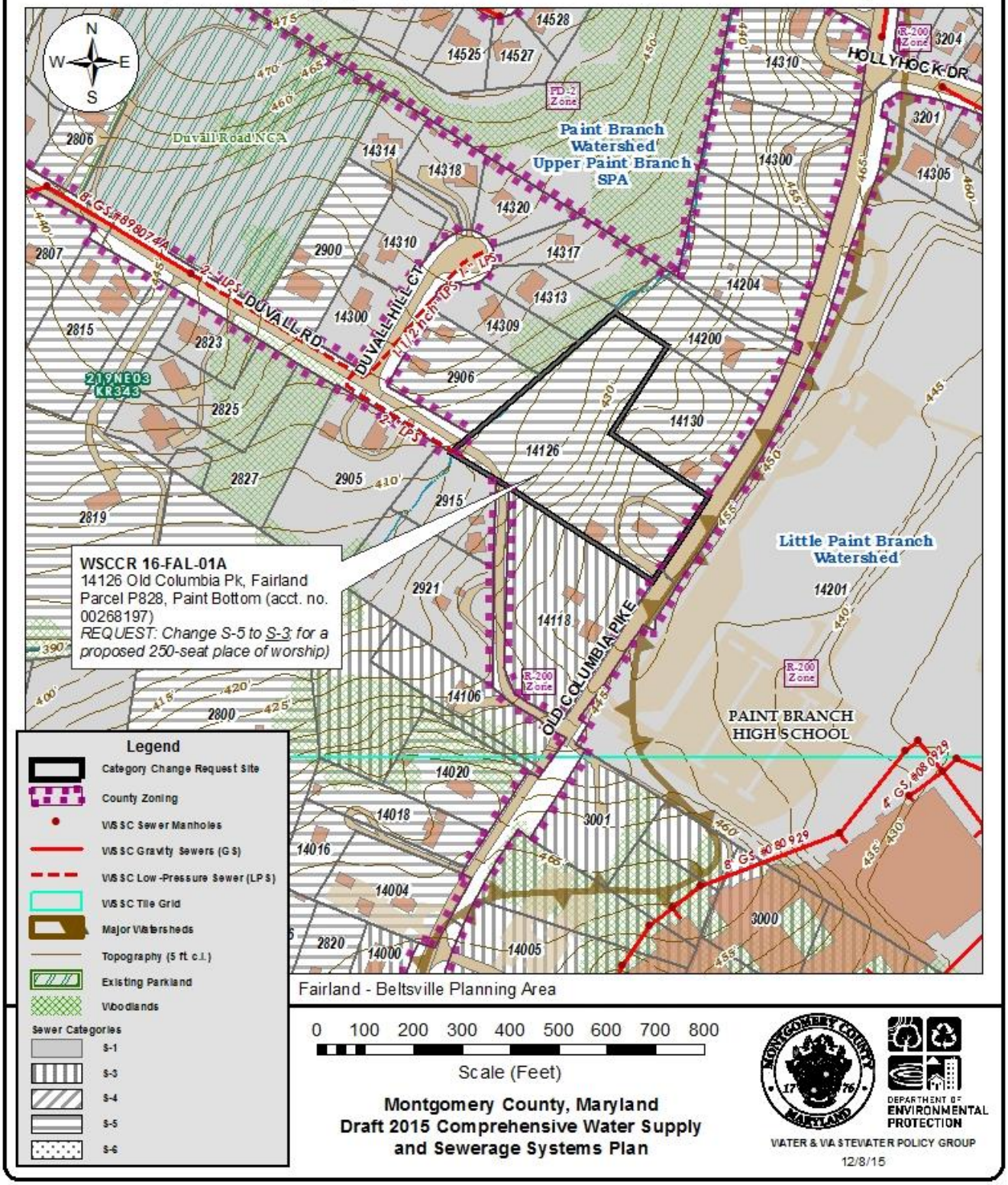
a) The portion of the LPSS in the public right-of-way will be transferred to WSSC.
b) A dedicated LPSS will be designed to serve the subject property only.
c) Once the system is built and operational, additional customers will not be permitted to connect to any dedicated LPSS.

Given the other existing utilities in the Duval Road, should the above-mentioned dedicated LPSS is not viable owing to clearance issues, etc., WSSC will consider other LPSS alignments proposed by the applicant.

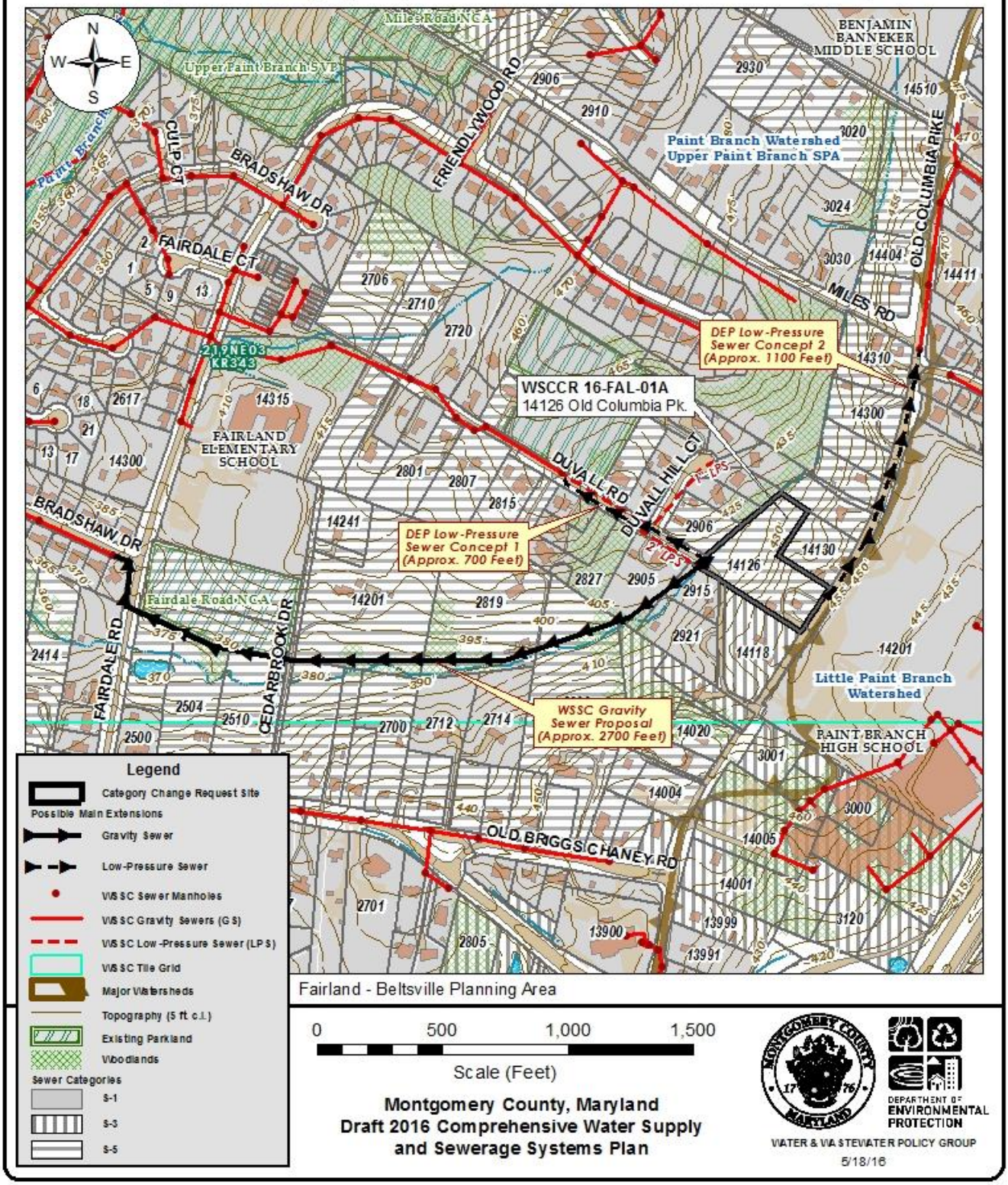
DEP Note: The preceding supplemental review comments from WSSC were provided in response to a DEP inquiry concerning the following alternative sewer extension alignments using low-pressure sewer mains (see the map on page 12):

- *DEP Concept No. 1: A 700-foot low-pressure extension west along Duvall Rd. to the transition manhole where the existing low-pressure system ties into the gravity system. With an existing low-pressure main and an existing water main in this right-of-way, would there be adequate space for another low-pressure extension dedicated to the church's use? Although the front of the church's property sits at an elevation of approximately 550 to 555 feet, the rear portion, were a grinder pump might be located is lower, between 420 and 430 feet.*
- *DEP Concept No. 2: An 1,100-foot low-pressure extension north along Old Columbia Pk. To an existing gravity main near the corner at Miles Rd. Some of the concerns cited for the shorter low-pressure extension would also apply here.*

WSCCR 16-FAL-01A (Redeemed Christian Church of God)
Requested Category Map Amendment: Water and Sewer Plan Map



WSCCR 16-FAL-01A - Sewer Extension Alternatives
Requested Category Map Amendment: Water and Sewer Plan Map



Request #4

WSCCR 16-TRV-03A & CPTA 16-APB-02T: Glenstone Foundation

DEP Staff Recommendation: **Approve 16-TRV-03A for W-6 approved for a multiuse water supply system. Approve 16-APB-02T, adding the proposed multiuse system to Table B-t1, Appendix B, of the Water and Sewer Plan.** Administrative policy V.F.1.g: larger-capacity multiuse systems.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
• 12100 Glen Rd., Potomac • Lot 5, Oak Grove (acct. no. 03676467) • Map tile: WSSC – 216NW12; MD –EQ63 • Southwest side of Glen Rd., between Greenbriar Rd. and Three Sisters Rd. • RE-2 Zone; 51.90 acres • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • Existing use: utility buildings Proposed use: multiuse well water system for the second phase of the existing art museum (on Lot 6).	Existing – **Requested** – Service Area Categories W-6 **W-6 for multiuse water system** S-3 S-3 (No Change)* **DEP will change the existing S-3 to S-1for both Lots 5 and 6 via a separate action to reflect the completed sewer extension installation for this site.* Applicant's Explanation DEP summary: MDE has required Water & Sewer Plan map and text amendments for the proposed multiuse water supply system for the Glenstone II museum expansion. (See applicant's letter, dated 4/11/16, pgs. 15-17.) *Note: See also CPTA 16-APB-02T, a draft amendment for Appendix B, to include the proposed multiuse water supply system for this project.*

CPTA 16-APB-02T

APPENDIX B: MULTI-USE WATER AND SEWER FACILITIES
APPROVED 2003- 2012 PLAN

Approval of the preceding map amendment will also require approval of the highlighted comprehensive plan text amendment (CPTA 16-APB-02T) for Table B-T1 for the proposed multiuse water supply system for the planned Glenstone II Museum project.

Table B-T1: Inventory of Existing and Approved Multi-Use Water Supply Systems			
Facility Name **Owner/Operator** **Facility Location & Coordinates**	**Water Source** **Type of Treatment** **Sludge and /or Filter Backwash Disposal**	**Rated Capacity** **Average Production** **Maximum Peak Flow** **Storage Capacity**	**Planned Expansion** **Comments**
INSTITUTIONAL			
(See Water and Sewer Plan Appendix B for additional table entries)			
CPTA 16-APB-02T: Glenstone Foundation (Related Water Category Map Amendment: WSCCR 16-TRV-03A – table data provided by applicant)			
Glenstone II Museum II Glenstone Foundation (private) 12100 Glen Rd., Potomac N506,100 / E1,241,000	•groundwater •filtration, softening, chlorination, pH control •backwash to public sewer	capacity: 0.058 MGD ave. prod.: 0.009 MGD max. flow: 0.018 MGD storage: 0.006 MG	Proposed system: primarily cooling tower water supply; also drinking water supply

DEP Staff Report

The Glenstone Foundation has requested approval of water category change in support of a proposed multiuse water supply system for its planned Glenstone II Museum. The planned capacity of the onsite water supply system, at 58,000 gallons per day (GPD), requires that it be identified in the Water and Sewer Plan as a multiuse system. The majority of the design capacity is for use in the museum's cooling systems. A relatively small percentage of the design capacity is intended for potable use. The museum will be served by the WSSC public sewerage system, which was previously approved and restricted to a not-for-profit use only.

The site is located within a low-density residential area zoned RE-2. Under the existing W-6 water category, the use of an onsite water supply is consistent with Water and Sewer Plan service policies. The Maryland Dept. of the Environment will make final determinations for the onsite water system and water appropriation permits for this project. Staff recommend approval of the multiuse designation for the category maps and approval of the text amendment.

Agency Review Comments

DPS: DPS Well and Septic supports the multiuse water supply system. An application for a Groundwater Appropriations Permit is pending with the State. Four existing wells will be used. An updated completion report is required for reworking the wells via hydrofracturing or deepening.

M-NCPPC – Planning Dept.: This project, which includes three properties totaling approximately 120 acres has already been granted sewer service under the Private Institution Facility Policy. The property in question should be granted the ability to develop a multi-use water system to serve the project currently under construction.

M-NCPPC – Parks Planning: No park impact.

WSSC - Water: *(Public water service is not requested; proposed to use onsite water service.)*

WSSC - Sewer: *(A sewer category change is not requested; public service is already approved.)*

LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW

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APR 12 2016
Environmental Protection

April 11, 2016

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Mr. Alan Soukup
Montgomery County Department of Environmental Protection
Watershed Management Division
255 Rockville Pike, Suite 120
Rockville, Maryland 20850-4166

Re: Glenstone II - Application for Multi-Use Water Supply System

Dear Mr. Soukup:

This Firm represents the Glenstone Foundation (the "Foundation"), which owns and operates the Glenstone museum on Glen Road in Potomac.[1] The Foundation is currently undertaking an expansion of the museum facilities consisting of the addition of a new museum building, café, and maintenance building ("Glenstone II") on an approximately 52-acre record lot owned by the Foundation (the "Property"). The Property is identified as "Lot 5" on Plat No. 24598, a copy of which is included in the Well Location Exhibit prepared by VIKA, the project's civil engineer, attached as Attachment "1".[2] On behalf of the Foundation, we are submitting the enclosed Application to include a multi-use water supply system for Glenstone II (the "Water System" or "System") on the Inventory of Multi-Use Water Supply Systems, Appendix B to the County's Ten Year Comprehensive Water Supply and Sewerage System Plan (the "Plan").

The Property is in Sewer Category S-3 and Glenstone II will be served by public sewer in accordance with sewer category change that was approved for the expansion by the Montgomery County Council on July 29, 2012, by Resolution No. 17-504 and approved by the Maryland Department of the Environment ("MDE") on November 8, 2012. As discussed during the sewer category application process, it was anticipated that Glenstone II would be served by a private water supply system that utilizes existing wells on the Property. Therefore, the Property remained in Water Category W-6, which is defined as an area appropriate for water supply by private wells.

[1] The Foundation is a Delaware nonprofit, tax exempt entity registered to do business in Maryland as the Glenstone Foundation, Inc. Attached as Attachment "2" is the Foundation's Delaware Certificate of Incorporation, Maryland Foreign Corporation Qualification, and IRS Tax Exempt Determination letter.

[2] The Property (Lot 5) was previously known and identified as "Parcel N538".

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LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW

Mr. Alan Soukup
April 11, 2016
Page 2

Glenstone II is currently under construction on the Property. As shown on the Projected Water Usage Table prepared by Altieri, the Project's mechanical system engineer, attached as Attachment "3", the average water usage for Glenstone II, including the cooling tower for the new museum building, is projected as 9,462 gallons per day ("GPD"), while the peak usage is projected as 18,447 GPD. Approximately 87% of the average GPD and 89% of the peak GPD usage is required for the cooling tower. Only a relatively small amount (less than 5,000 GPD) of the water is required for human consumption and we have confirmed with Glenstone that none of the water will be used for irrigation purposes. Further, the water demand for Glenstone II is significantly less than the water demand for the 43-lot residential subdivision that was previously approved for the entire Glenstone property consisting of approximately 127 acres.

The Water System for Glenstone II will be supplied by three existing wells on the Property identified on the Well Location Exhibit, Attachment "1". For emergency use only in the event of a failure of the three main wells, the Water System includes an existing well, also shown on Attachment "1", located on a lot owned by the Foundation adjacent to the Property identified as Lot 11 on Plat No. 25005.

The Water System will utilize a water filtration system for filtration and treatment ("WFS"). In order to construct the WFS, the Foundation is required to obtain a construction permit and a Water Appropriation Permit ("WAP") from the MDE (collectively, the "Permits"). The Foundation filed the application for the WFS construction permit in late August of 2015 with the MDE Engineering and Capital Projects Program and filed the WAP Application with the MDE Water Appropriations Group on December 22, 2015.

The Permits are in the critical path of the development schedule for Glenstone II. The new museum building is scheduled to open to the public in the fall of 2017. Prior to the public opening, the interior of the building must be substantially completed by April 15, 2017 to allow for staff occupancy and the installation of the art. In order to complete the exterior and interior of the new buildings by that date, the WFS and HVAC equipment, including the cooling tower that is served by the Water System, must be operational by July 1, 2016. The WFS requires approximately 4 months to construct and connect to the new buildings. Accordingly, the Glenstone II team had initially projected that the Permits would need to be issued by March 1, 2016 in order to avoid any delays in the project schedule.

In the course of reviewing the applications for the Permits, MDE staff advised the Glenstone II consultant team in late September of 2015 that prior to issuance of the Permits, Montgomery County, through DEP, was required to provide MDE with confirmation that the Water System is consistent with the Plan. In response, in December of 2015 we requested that DEP make the determination on behalf of the County that the System is consistent with the Plan because the Property is located in the W-6 water category, which indicates that the Property is appropriate for water supply by private wells as proposed for Glenstone II and based on the findings associated

LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW

Mr. Alan Soukup
April 11, 2016
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with the sewer category change. On December 17, 2015, DEP certified on the WAP application that the Water System was consistent with the Plan. Thereafter, the Foundation submitted the WAP application with this certification to MDE on December 22, 2015. The County's determination of consistency was also provided to MDE staff reviewing the construction permit. Subsequently, by letter dated March 28, 2016 to David Lake of DEP from Lynn Buhl, Director of MDE's Water Management Administration, MDE stated that based on its review of the Plan, the Water System must be identified as a Multi-Use Water System on the Plan. DEP therefore has requested that the Foundation file the enclosed Application to identify and include the Water System as a Multi-Use Water System on the Plan.

As previously stated, the issuance of the Permits is a critical path item in the Glenstone II project schedule. Accordingly, we request that you process the Application for approval as expeditiously as possible.

Enclosed please find the following:

1. Application Form

2. Draft Listing for the Glenstone Water System on the Inventory of Multi-Use Water Supply Systems

Upon review of this letter and the enclosed application materials, please do not hesitate to contact us if you have any questions. Thank you for your continued assistance on this project.

Very truly yours,

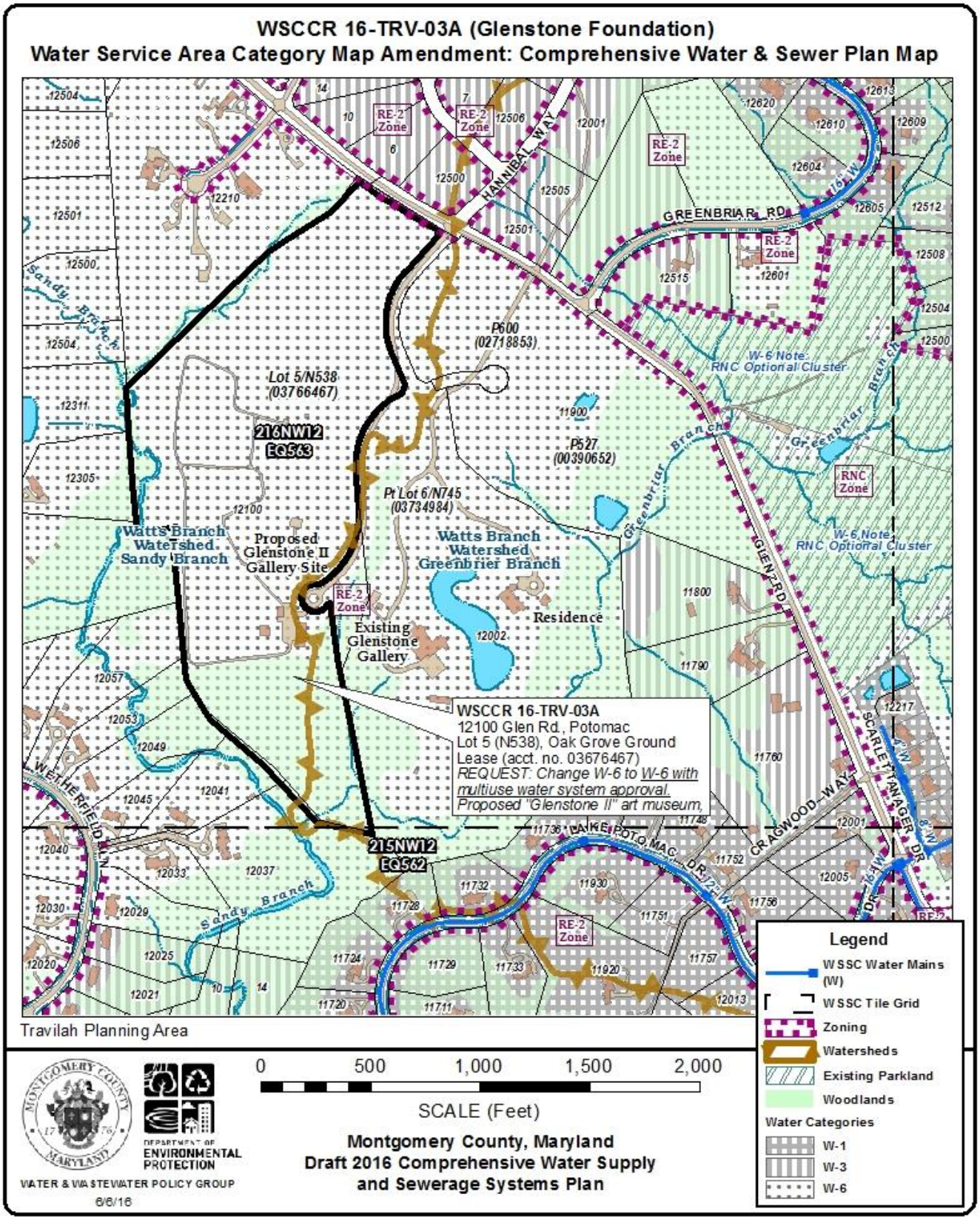
LINOWES AND BLOCHER LLP

Barbara A. Sears

Scott C. Wallace

Attachments

**L&B 5677134v5/11659.0001


WSCCR 16-TRV-03A (Glenstone Foundation)
Water Service Area Category Map Amendment: Comprehensive Water & Sewer Plan Map
WSCCR 16-TRV-03A
12100 Glen Rd., Potomac
Lot 5 (N538), Oak Grove Ground Lease (acct. no. 03676467)
REQUEST: Change W-6 to W-6 with multiuse water system approval.
Proposed "Glenstone II" art museum.
Watts Branch Watershed Sandy Branch
Proposed Glenstone II Gallery Site
Watts Branch Watershed Greenbrier Branch
Existing Glenstone Gallery
Residence
Lot 5/N538 (03766467)
Pt Lot 6/N745 (03734984)
P600 (02718853)
P527 (00390652)
216NW12 EQ563
215NW12 EQ562
RE-2 Zone
RNC Zone
W-6 Note: RNC Optional Cluster
GREENBRIAR RD
HANNIBAL WAY
GLEN RD
CRAGWOOD WAY
SCARLETTWANAGER DR
WETHERFIELD DR
LAKE POTOMAC DR
Sandy Branch
Greenbriar Branch
Travilah Planning Area
Legend
WSSC Water Mains (W)
WSSC Tile Grid
Zoning
Watersheds
Existing Parkland
Woodlands
Water Categories
W-1
W-3
W-6
0 500 1,000 1,500 2,000
SCALE (Feet)
Montgomery County, Maryland
Draft 2016 Comprehensive Water Supply and Sewerage Systems Plan
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER & WASTEWATER POLICY GROUP
6/6/16