MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

March 21, 2016

Virginia F. Kearney, Acting Director
Water Management Administration
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230

Dear Ms. Kearney,

Enclosed please find two copies of Resolution 18-423, approved by the Montgomery County Council on March 8, 2016. This resolution includes a text amendment to Montgomery County's Comprehensive Water Supply & Sewerage Systems Plan affecting the Glen Hills area in Potomac, MD. An electronic copy of Resolution 18-423 is available at the Council's website at: http://www.montgomerycountymd.gov/COUNCIL/Resources/Files/res/2016/20160308_18-423.pdf

Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 90 days to review a county governing body's action to amend the County's Water and Sewer Plan. Upon notice to the County, MDE may extend that review period for another 90 days if necessary. At the conclusion of this review period, if no specific action is taken by MDE on any amendment in the resolution approved by the County Council, the amendment is approved by default.

If you have any questions regarding the enclosed resolution, please contact Keith Levchenko of the Council Staff at (240) 777-7944 or at keith.levchenko@montgomerycountymd.gov.

Thank you for your attention to this matter.

Sincerely,

Nancy Floreen

Nancy Floreen
Council President

NF:kl
Enclosure

c: David R. Craig, Secretary, Maryland Department of Planning

Resolution No.: 18-423
Introduced: July 21, 2015
Adopted: March 8, 2016

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: County Council

SUBJECT: Comprehensive Water Supply and Sewerage Systems Plan: Glen Hills Area Text Amendment

Background

1. Section 9-501 et seq. of the Environmental Article of the Maryland Code requires the governing body of each county to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the county.

2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 90 days to review a county governing body's action to amend the county's Water and Sewer Plan. Upon notice to the county, MDE may extend that review period for another 90 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by the MDE or the period for final MDE action has expired.

3. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which was approved by the State Department of the Environment.

4. The County Council has from time to time amended the Plan.

5. On June 5, 2015, the County Council received a text amendment from the County Executive regarding the Glen Hills area. This text amendment resulted from the completion of a sanitary study of the Glen Hills Area which had been recommended in the 2002 Potomac Subregion Master Plan.

6. Recommendations regarding this text amendment were solicited from the Maryland-National Capital Park and Planning Commission and Washington Suburban Sanitary Commission Staff.

7. A public hearing was held on September 17, 2015.

8. The Transportation, Infrastructure, Energy & Environment Committee discussed these amendments on October 26, 2015, November 16, 2015, and January 21, 2016 and made recommendations to the Council.

9. The Council held worksessions on March 1, 2016 and March 8, 2016.

Action

The County Council for Montgomery County, Maryland approves a text amendment to the to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan for the Glen Hills Area as shown in the attachment to this resolution.

The County Council directs the Planning Board to produce a limited master plan amendment to the Potomac Subregion Master Plan of 2002. The area to be covered is limited to the Glen Hills Sanitary Study Area. The limited master plan amendment will amend the Glen Hills section of the plan based on the 2015 Sanitary Study performed by DEP.

The Limited Master Plan Amendment should consider planning approaches and tools that are designed to address the impact of development on the watershed while reconciling the septic and sewer issues in the area.

The Limited Master Plan Amendment should not revisit the existing zoning in the Glen Hills area.

Any language changes adopted as a result of this limited master plan amendment will be incorporated in the Comprehensive Water Supply and Sewerage Plan solely with respect to the Glen Hills area.

This is a correct copy of Council action.

Linda M. Lauer

Linda M. Lauer, Clerk of the Council

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
Executive's June 2015 Amendment Transmittal: 2003 Water and Sewer Plan Text Amendment

Introduction

On March 30, 2015, the County Executive transmitted recommendations to the County Council for sewer service policies for the Glen Hills Study Area. 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 Executive subsequently transmitted a Water and Sewer Plan text amendment to the Council on June 2, 2015. The proposed text amendment converted the March 2015 sewer service policy recommendations into the format of policy language for the Water and Sewer Plan text. It revises 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 starting at the bottom of page 1/3 through page 3/3; only that part of the table addressing the Glen Hills area is included in the amendment. A reference map of the study area is provided on Attachment B.

CPTA 15-CH1-01T

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.

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 <u>Study Area</u> [Neighborhoods (as defined in the 2002 master plan.)]	[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.] <u>The 2002 Potomac Subregion Master Plan recommended new 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> <u>With the master plan-requested study completed in 2014, the following service policies apply to the Glen Hills Study Area:</u>

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
Executive's June 2015 Amendment Transmittal: 2003 Water and Sewer Plan Text Amendment

Table 1-T3: Special Master Plan Water and Sewer Service Recommendations	
General Area Affected	**Master Plan Service Recommendation & Comments**

	• Individual, on-site septic systems are the primary wastewater disposal method consistent with the area's standard-type development under the RE-1 Zone.
	• Community sewer service can be considered only under the following conditions for:
	  ○ Properties in need of relief from public health problems resulting from documented septic system failures (Sections II.B.5.b. and II.E.2.).
	  ○ Properties included within a specifically designated public health problem area (Sections II.B.5.a. and II.E.2.). The sanitary survey process used to establish these areas is outlined below.
	  ○ Properties that abut existing or planned sewer mains and that satisfy the requirements of the "abutting mains" policy (Section II.E.3.a.)
	  ○ 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.).
	Applicants shall not use the provision for a single sewer hook-up to support subdivision or resubdivision of these properties into more than one lot.
	
	Glen Hills Sanitary Surveys Overview
	A property owner or a group of owners that have septic system concerns notifies DEP of their interest in having a sanitary survey conducted. Valid concerns for studying a potential health problem area include, but are not limited to[1]:
	• A failed septic system that cannot be addressed by DPS using a conventional replacement system (deep trench, shallow trench, or sand mound).
	• An existing septic system permitted before 1975 and/or installed using septic technology no longer allowed under State and County regulations (seepage pit, dry well, etc.).
	• A known limitation affecting future septic system use, as verified by DPS. For example, properties where DPS has acknowledged that either only one or no future replacement systems are feasible.
	[1] *Unimproved properties, individually, having no septic system suitability do not have sufficient justification to initiate a sanitary survey. However, septic suitability conditions affecting unimproved properties may be considered if they are included in a survey area.*
	
	The following criteria apply to the prioritization of Glen Hills area sanitary surveys by DEP:
	• Higher priority: Properties within or adjacent to

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
Executive's June 2015 Amendment Transmittal: 2003 Water and Sewer Plan Text Amendment

Table 1-T3: Special Master Plan Water and Sewer Service Recommendations	
General Area Affected	**Master Plan Service Recommendation & Comments**
	established Review Areas (RA) from the Glen Hills Study reports, and other properties with documented septic problems. • Lower priority: Properties outside the RAs, except as noted above. Because the 2014 Glen Hills Area Sanitary Study has already generated substantial background information on existing conditions in these neighborhoods, only a brief review of DPS permit records, soil conditions, and regulatory constraints will be needed. This will help to put Glen Hills area sanitary surveys on a faster track than could be accomplished in other areas of the county that lack this existing background information. DEP estimates that sanitary surveys for "higher priority" areas of Glen Hills will take approximately 90 days. DEP, working with DPS and study applicants, will establish the extent of the sanitary survey area. With an established survey area, DPS will conduct property surveys and WSSC will consider main extension needs. DEP will consider the survey results and prepare a recommendation for the County Executive's consideration. A review by the Executive is typically accomplished within two (2) weeks, once he receives DEP's recommendations. The Executive's recommendations will then be transmitted to the County Council. The goal for "higher priority" areas is to complete this process, from an established study area to the CE's transmittal, within three (3) months. (Lower priority area surveys may take longer to complete.) An action to designate a health problem area and approve sewer category S-3 is an amendment to the County's CWSP. Council consideration and action on a Plan amendment typically takes between 2-1/2 and 3 months. Accordingly, this process is expected to take six (6) months from establishing a study area to a final action by the County Council. Owners of properties approved for public sewer service (sewer category S-3) under this process can then apply to WSSC to start the sewer design and construction process. Any owner whose property is included in the Council's designated health problem area may apply to WSSC for public sewer service.

End of CPTA 15-CH1-01T-revised

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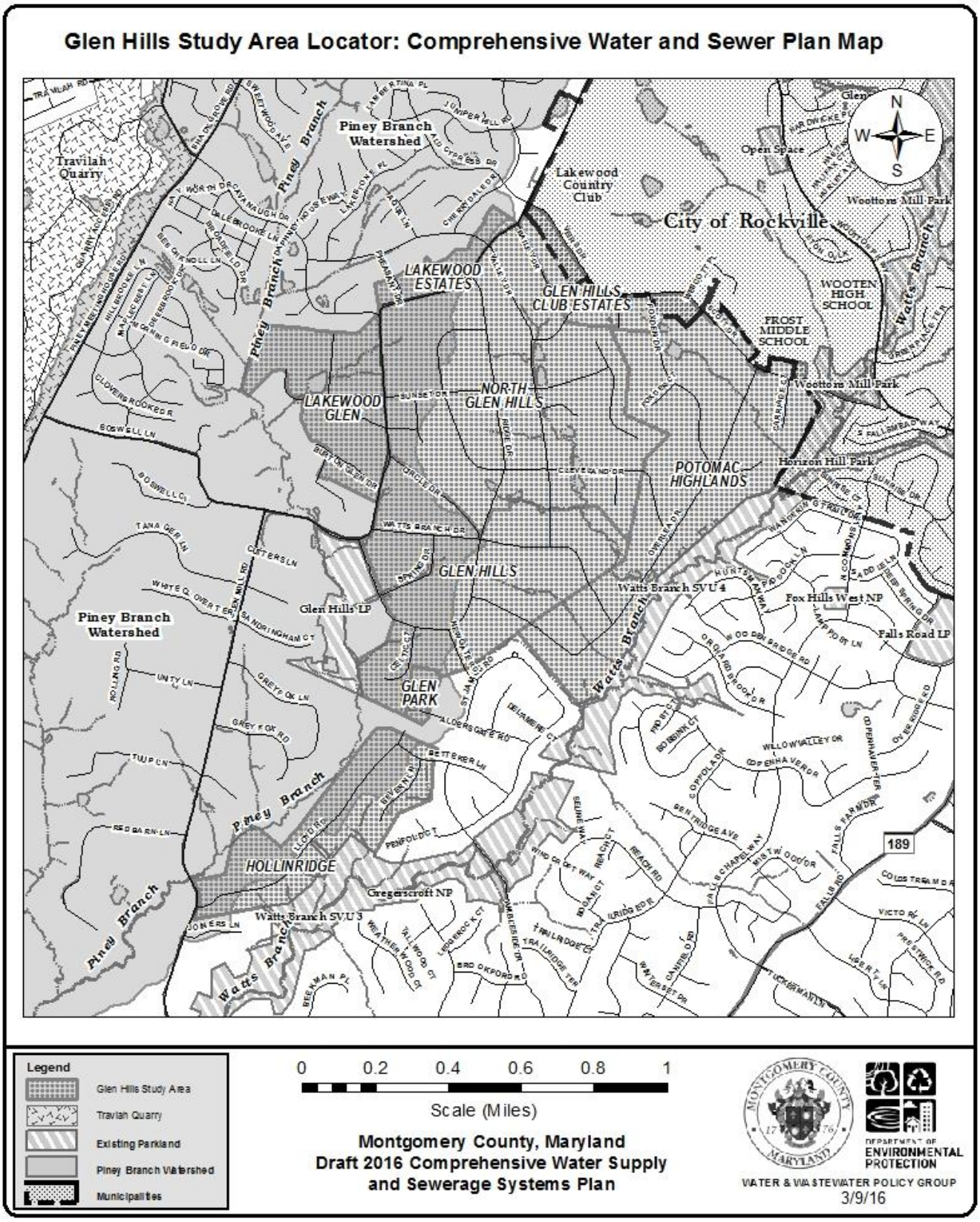
Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
Executive's June 2015 Amendment Transmittal: 2003 Water and Sewer Plan Text Amendment

Approved Water and Sewer Plan text amendment 15-CH1-01T (see Attachment A) applies to the Glen Hills Study area show on the map below.