

T&E COMMITTEE #1
October 3, 2022

Worksession

M E M O R A N D U M

September 28, 2022

TO: Transportation and Environment (T&E) Committee

FROM: Keith Levchenko, Legislative Analyst

SUBJECT: **Worksession:** Ten-Year Comprehensive Water Supply and Sewerage Systems Plan 2022-2031

Purpose: To Complete the Committee's Review of the Executive's Recommended Ten-Year Comprehensive Water Supply and Sewerage Systems Plan 2022-2031 and Transmit Recommendations to the Full Council

For additional background Information, please see the following links:

- [Council Staff Report from the Committee's first briefing/discussion September 12, 2022](#)
- [Approved 2018-27 and Recommended 2022-2031 Water and Sewer Plans](#)

NOTE: Since this is an election year for the County Council, the Water and Sewer Plan expressly prohibits the current Council from holding hearings, worksessions, or acting on Water and Sewer Plan amendments **after October 31st**. Therefore, for the current Council to have time to hold a worksession and act on the Ten-Year Plan, T&E Committee review must conclude in early October.

Attachments to this Memorandum

- Summary of Major Issues Chart (©1-10)
- Executive's Recommended Ten-Year Comprehensive Water Supply and Sewerage Systems Plan 2022-2031 Excerpts
 - Abutting Mains Policy (©11-16)
 - Potomac Peripheral Sewer Policy (©17-20)
 - Glen Hills Study Area (©21-24)
- 2002 Potomac Subregion Master Plan Excerpt: Potomac Peripheral Sewer Policy (©25)

Expected Participants

- Steve Shofar, Chief, Intergovernmental Affairs Division, Department of Environmental Protection (DEP)
- Alan Soukup, Senior Planner, Intergovernmental Affairs Division, DEP
- Nasser Kamazani, Senior Engineer, Intergovernmental Affairs Division, DEP
- George Dizelos, Planning Specialist, Intergovernmental Affairs Division, DEP
- Heidi Benham, Manager, Well and Septic Section, Department of Permitting Services (DPS)
- Katherine Nelson, Planner Coordinator, Montgomery County Planning Department

Summary of the September 12 Meeting

At the September 12 meeting, DEP staff presented the major changes in the Executive's 2022-2031 Recommended Ten-Year Plan (Plan Update) from the Approved 2018-2027 Plan. Council Staff also presented several issues not covered in the Plan Update.

The Chart on ©1-10 summarizes the major changes from the current plan recommended by the Executive as well as the additional issues raised by Council Staff. In general, the Committee was supportive of the factual and technical changes noted by DEP.¹ as well as most of the policy-related changes. Issues requiring further Committee review are discussed in more detail in this memorandum.

Most of the issues focus on "special policies" in the Water and Sewer Plan. As noted in the Plan Update these policies are intended to address situations arising mostly outside the planned water/sewer envelopes and which may not have been anticipated in a Master Plan's general recommendations. These special policies have been developed and modified over time to address issues raised in specific cases and which the Council has agreed should be dealt with consistently over time rather than as they arise in specific cases.

Where possible, Council Staff suggests that these policies include sufficient criteria to allow most cases to be approved administratively by DEP; leaving only those cases which are recommended for denial and/or which have unusual circumstances requiring more discussion. However, some future case by case review may still be needed where new policy issues arise.

Abutting Mains Policy

This longstanding policy allows for properties outside the planned water/sewer envelope which abut a water or sewer main to be eligible for a single-hookup. Most of these cases are approved administratively by DEP. However, issues arise within specific cases from time-to-time.

Allowing Limited Extensions

The Executive is recommending new language (see ©12) which would allow DEP to approve limited extensions from existing abutting mains for better placement of the service connection (for instance so the service connection would avoid sensitive environmental areas on the subject property or provide a more logical connection to the property).

Under the Executive's proposed changes, if an extension were to abut additional properties, then those properties would also become eligible for a single-hookup. In March, 2021 the Council deferred a category change request (Kapoor) pending consideration of this extension policy (see Council Worksession Staff Report [here](#)). A nearby abutting mains request (Arora) was approved but conditioned upon the applicant connecting to the existing main abutting the property. Arora's request for a main extension that would have abutted the Kapoor property was deferred.

¹ The factual and technical changes not explicitly discussed on September 12 are also noted on the chart. In the September 12 Staff Report, Council Staff indicated support for all these changes except where otherwise noted and Committee members did not raise any concerns. Therefore, these changes are noted as "Council Staff recommends approval. T&E Committee concurs."

The Executive's recommendation would prohibit the extension beyond a point where it can "best provide a logical connection to the existing outfall from the building to the septic tank..."² Also, no further extensions of the main would be allowed except to address properties with on-site system failures.

DEP staff have noted that historically it has been extremely rare for an applicant to seek a sewer extension under the abutting mains policy because the existing main may already be in a logical location to connect to the property and because of the high cost per linear foot for main extensions. On-site connections tend to be cheaper per linear foot than main extensions. Therefore, DEP does not expect these types of cases to come up often.

In the Arora/ Kapoor case, the Arora property was eligible for an abutting mains connection and could be approved administratively. However, Arora was seeking a 140' main extension (and a shorter on-site extension) that would result in the extended main abutting the Kapoor property and allowing for that property to connect as well. The Kapoor property would be the last property that could be served by the main and is the only remaining property on that block that is not currently eligible for a sewer connection. Councilmembers expressed support for Mr. Kapoor's situation (i.e. given it was the last property on the block not served), and agreed to defer the request pending review of the abutting mains policy in the Plan Update.

The Council received [written testimony from the West Montgomery County Citizens Association](#) opposing this new abutting mains policy language (as well as the existing abutting mains policy as well). The testimony expressed concern that the current policy already leads to properties being developed on sewer beyond what is generally allowed within the Potomac Subregion Master Plan's recommendations and expressed concerns about crafting new policy language (such as the Executive's recommended language) to address specific cases such as Kapoor.

Council Staff is supportive of the current abutting mains policy as currently implemented. The extension option would provide a means for properties previously ineligible for service to become eligible. While it may currently be rare for properties to seek extensions, if additional properties could become eligible under this new approach, the Council may see more of these types of requests in the future.

If the Committee is supportive of providing the additional flexibility for main extensions under the abutting mains policy per the Executive's Recommended Plan Update, then Council Staff suggests adding the additional criterion that only improved properties would be allowed to connect to a main extension approved under the abutting mains policy. This restriction would preclude the policy change from spurring new development on previously undevelopable properties.

² If this policy change is supported, Council Staff suggests adding the following language covering water main extensions: "...or to the existing feed from the well to the building."

Abutting Mains Policy – Transferring Abutting Mains Rights from One Property to Another

In March 2021, the Council deferred the Ainane request (see Council Worksession Staff Report [here](#)) pending further discussion of whether to revise the abutting mains policy to allow for the transfer of abutting main connection rights from one property to another under limited circumstances. The applicant was requesting approval of public sewer to serve an outlot (Outlot A) immediately adjacent to another developed property (Lot 2) also owned by the applicant and which uses a septic system. Both properties abut a sewer main, with Lot 2 eligible under the Abutting Mains Policy. However, Outlot A is ineligible to connect (since it was part of a prior subdivision whereby another property was provided the single-hookup rights).

In its Executive Staff Report for this request, DEP staff had noted that if Lot 2 and Outlot A were to go through a re subdivision process and a portion of Lot 1 were to be subsumed into Outlot A, then the abutting mains policy could be interpreted to allow a single connection to either one of the properties.

The Planning Board had recommended allowing for a transfer of the abutting mains rights from Lot 2 to Outlot A “if a Concept Plan analyzing development issues on the property is favorably reviewed by the Development Review Committee.”

The Executive’s Recommended Plan Update does not include any new language to allow a transfer of abutting mains rights.

The Council received [written testimony from the West Montgomery County Citizens Association](#) opposing the Ainane request since it could lead to more properties ultimately being developed on sewer beyond what is currently allowed.

Given that a resubdivision process could effectively result in a transfer of abutting mains rights, Council Staff is supportive of revising the abutting mains policy to allow for a more straightforward approach for the transfer of abutting mains rights under limited circumstances.

Council Staff recommends the following criteria must be met based on an evaluation by DEP during the category change review process:

- **Both properties must abut the water/sewer main with the donating property confirmed by DEP to be eligible for a single connection via the abutting mains policy.**
- **Both properties must be contiguous (i.e. share a property boundary)**
- **Both properties must be under common ownership**
- **If improved, the property with the existing abutting mains connection right must have a fully functioning septic system that satisfies all current septic system permitting requirements, including an established septic reserve area, under State and County law as verified by the Department of Permitting Services.**
- **The property donating the existing abutting mains connection right will no longer be eligible for public service through the abutting mains policy.**
- **Approval of the connection right transfer will be conditioned upon Planning Board confirmation of the receiving property as a building lot.**

Potomac Peripheral Sewer Policy

This policy, which dates back to the 2002 Potomac Subregion Master Plan (see ©25) allows for properties outside the planned sewer service envelope but which abut or confront properties within the Master Plan's designated sewer service envelope to connect to public sewer. The Water and Sewer Plan (see ©17-20) notes that extensions should "follow existing public rights-of-way and must not affect streams, stream valley buffers, or other environmentally sensitive areas."

The Master Plan specifically excludes "properties adjacent to and in the vicinity of the Palatine subdivision. The Council currently has a category change request (Mohebbi) before it which directly involves the Potomac Peripheral Sewer Policy and in particular the exclusion of properties adjacent to and in the vicinity of the Palatine neighborhood. (see April 19, 2022 [Public Hearing Staff Report](#))

According to the Executive Staff Report for this request, this policy exclusion "was based on WSSCWater's evaluation that the low-pressure sewerage (LPS) system serving the Palatine subdivision could not accept any additional sewer service connections." Subsequent improvements have been made to parts of the LPS system and WSSCWater now notes that some additional capacity may be available to properties "at the periphery of the Palatine LPS system."

The Executive recommended deferral of the request pending a re-evaluation of the technical limitations of the Palatine LPS system. Council Staff recommended that the Potomac Peripheral Sewer Service Policy exclusion for this area be discussed as part of the Comprehensive Update to the Ten-Year Plan and that this category change request be taken up after the conclusion of that review.

The implications for changing the policy, in terms of sewer construction impacts and the likely additional development/imperious could be significant. DEP staff have noted that:

"the entire Palatine region could be considered as environmentally sensitive as much of it sits on the serpentinite outcrop. Soils are generally very thin with shallow rock substrate. Development of the Palatine subdivision revealed the difficulties in developing this area and the detrimental effects of construction. (Much of the remaining serpentinite outcrop was dedicated to a conservation park.) It also demonstrated the need for shallow, LPS mains that didn't need the deeper excavations needed for gravity sewers. Sewer service for many "non-accessible" properties at the northern end of the subdivision would affect streams and stream buffers."

Options:

- Since the policy restriction was initiated in the Potomac Subregion Master Plan, one option is to address the issue as part of a limited Master Plan amendment process (perhaps for this and several other Water and Sewer-related issues in the Potomac area). The potential impacts/implications for changing the policy could be considered that context.
- Alternatively, the Council could seek further review of this issue within the Plan Update, given DEP Staff's contention that the restriction was originally included in the Potomac Subregion Master Plan for technical feasibility reasons. Under this approach, further study

by DEP and WSSCWater would still be needed to assess if and how the policy should be revised to reflect current conditions.

At the September 12 meeting, Committee members expressed support for consideration of a policy review of the Palatine restriction within the context of the Ten-Year Plan.

Given the Committee's discussion on September 12, Council Staff recommends having DEP review (in coordination with WSSCWater) the feasibility of extending sewer service in this area and the potential environmental impacts (both from extending sewer mains and from the potential increase in impervious area from new development and redevelopment made possible by the extension of sewer). Language noting this review can be added to the Plan Update. Under this approach, the Mohebbi request would be deferred pending this review and any resulting amendments made to the Ten-Year Water and Sewer Plan as a result.

Consideration for Extensions Outside the Planned Service Area to Serve Commercial Properties

This issue arose during the Council's discussions of the Transquest LLC and Travilah Oak LLC category change requests last fall (Council Worksession Staff Report available [here](#)). Both requests were deferred "pending consideration of a special service policy in the Water and Sewer Plan to address public service for commercial uses outside the planned public Water/Sewer service areas"

On January 27, 2022, the Executive notified the Council (see ©74-75) that while he was not supportive of such a policy, to assist the Council with its deliberations, he would transmit a draft policy that would address these deferrals. Council Staff had expected this draft policy to be transmitted in time for the September 12 Committee discussion. However, DEP staff have recently noted that they expect the draft policy to be transmitted in early October with the next category change package for Council review.

The Council received written testimony in support of the provision of sewer to both properties including from Bob Eisinger, owner of the Old White House property (Transquest LLC request). His [written testimony](#) notes support for the creation of a new commercial sewer policy that would enable the crossroads area of Travilah to provide "a more robust mix of neighborhood retail at the Potomac Oak Center (Travilah Oak LLC request) and an economically viable reuse of the Old White House property.

The owner of a child care center at the Potomac Oak Center also expressed his support for a new policy [writing](#) that it would allow him to increase the center's capacity.

On September 12, the Council received [joint correspondence](#) from the West Montgomery County Citizens Association, the Darnestown Civic Association, the Montgomery Countryside Alliance, and the Boyds Civic Association. These four groups oppose a potential commercial sewer service policy to properties outside the planned sewer service envelope including the Potomac Oak Center and the Old White House property. As noted in their letter, the groups oppose granting exceptions to narrow business interests and are concerned these projects may promote an increase in traffic volume and would set a bad precedent in particular with regard to the Old White House property which is zoned RE-2.

Options for Consideration:

As with the Peripheral Sewer Policy Issue discussed earlier, the Council could choose to address the specific issues raised in the deferred category change requests via an amendment to the Potomac Subregion Master Plan which would focus on the properties involved in the deferred requests and if and under what conditions they should be served by public sewer. This approach would avoid the need to develop a broader policy in the Water and Sewer Plan that would apply Countywide.

However, at the September 12 meeting, the Committee expressed an interest in moving forward with the creation of a commercial service policy within the context of the Water and Sewer Plan. **Council Staff recommends the following criteria be included as part of this policy to address potential community and environmental impacts:**

- **Exclude the Rural (R), Rural Cluster (RC) and Agricultural Reserve (AR) zones from this policy.**
- **Consistent with other special policies, main extensions would be required to stay within public rights of way and avoid sensitive environmental features such as streams and forests.**
- **Main extensions should not result in the need for additional public infrastructure (such as pumping facilities).**
- **Properties along the new main extensions which are otherwise ineligible for service should not be allowed to connect to the new main extension except to address documented on-site system failures.**
- **Only commercial uses would be eligible under this policy.³ Residential, Civic/Institutional, Industrial, and Miscellaneous uses would not be eligible.**
- **Requests under this policy must be considered by the Council on a case-by-case basis⁴ and cannot go through the Administrative Delegation process.**
- **Service will require WSSCWater approval of the engineering plans for the main extension serving the property. If not, the category change approval will be vacated.**

DEP staff have noted that they do not expect such a policy, if enacted, to result in many requests, given the high costs of extending sewer and the fact that many commercial uses in these low-density areas function satisfactorily without sewer. However, the currently deferred requests, Transquest LLC and Travilah Oak LLC, could potentially be eligible under a policy with the above-noted conditions.

³ The policy could be limited to certain commercial uses, but these uses would need to be defined as part of the new policy. Council Staff did not identify a good rationale for how to limit eligible commercial uses. However, the Council can consider the proposed use(s) in its case-by-case review of a request.

⁴ The case-by-case review would allow the Council to consider potential impacts such as tree loss, impervious area increases, stormwater management, and traffic implications in particular cases.

Glen Hills Study Area and Establishing Onsite Systems Survey Areas

The Plan Update (see ©21-24) makes no changes to the current sewer policy for the Glen Hills area.

The 2002 Potomac Subregion Master Plan included specific sewer restrictions for the Glen Hills area pending completion of a study of general septic system suitability in the area. Properties in the Glen Hills area had to have a documented septic system failure to be eligible for public sewer. Neither the Abutting Mains Policy nor the Peripheral Sewer Service Policy were applicable in the Glen Hills area.

The study was ultimately completed in 2013 and a Water and Sewer Plan amendment was transmitted by the Executive to the Council in June 2015. In March 2016, the Council approved a Glen Hills Area Water and Sewer Plan Text Amendment ([Resolution 18-423](#)) which maintained the policy that on-site systems were the primary wastewater disposal method for the area (consistent with the Potomac Subregion Master Plan and the Water and Sewer Plan's general policies regarding lots greater than one acre. However, the Abutting Mains Policy and the Peripheral Sewer Service Policy restrictions specific to the Glen Hills area were removed, placing Glen Hills on par with other similarly zoned properties outside the planned sewer envelope elsewhere in the County.

As part of the County's 2018 Plan Update, the requirement for the establishment of an Onsite Systems Survey Area was revised to require at least one septic system failure as documented by the Department of Permitting Services (DPS). The failure must also be identified by DPS as not being able to be reasonably addressed by a conventional replacement system. This countywide requirement was put in place in response to concerns that special sewer service areas could lead to unnecessary sewer extensions into areas not intended for sewer service. A July 2017 approval of an area in Glen Hills (The South Overlea Drive Septic Survey Area) was noted as an example.

At the public hearing on the current Plan Update, a Boardmember of the Potomac Highlands Citizens Association and President of the Overlea Sewer Consortium [testified](#) in support of a limited Master Plan Amendment to address the needs identified in the Glen Hills Study, and also recommended removing the septic failure requirement for the initiation of septic survey (i.e. going back to how survey areas were established prior to 2018). One survey area that had been initiated in the North Overlea Area (and then suspended as a result of the new requirement) is asked to be restarted. Given the Council's action in 2018 to make septic surveys

Council Staff recommends that if the Council is interested in considering further flexibility for sewer in the Glen Hills area, that a limited amendment to the Potomac Subregion Master Plan would be the appropriate process. Council Resolution 18-423 includes language calling for a limited Master Plan amendment to consider septic and sewer issues based on the results of the Glen Hills study. Council Staff does not recommend any changes in the Water and Sewer Plan's requirements for the establishment of Onsite Systems Survey Areas.

Summary of Major Issues - Ten-Year Water and Sewer Plan

Issue	CE Recommended Plan Update	Council Staff/T&E Recommendation
Chapter One: Objectives and Policies		
On-Site System Exceptions	The 2018 Plan removed requirements for dry system mains; and established that all subdivisions within service area categories 1 and 3 will use community service, rather than interim permit individual onsite systems. However, the policy now allows for consideration of exceptions that would allow for interim permit onsite systems in areas zoned for large lot development.	Council Staff recommends approval. T&E Committee concurs
Abutting Mains Policy – Allow for limited extensions	Limited extensions of existing abutting mains may be considered in cases where an extension would allow for better placement of the service connection relative to the building receiving new service. This would also allow another property that abuts the new extension to qualify for community service under this policy (II.G.3.a). Properties that abut new main extensions are limited to one connection per property. The allowed connection cannot support subdivision or resubdivision of that newly abutted property.	Council Staff is supportive of the current abutting mains policy. If the Committee concurs with the Executive recommendation to allow extensions under certain circumstances, then to minimize the potential environmental impact Council Staff recommends adding a requirement that a property must be improved to be eligible to connect to a main extension approved under this policy.
Abutting Mains Policy – Transfer of Abutting Mains Rights	Transferring abutting mains rights from one property to another is not included in the Abutting Mains Policy in the current 2018 Water and Sewer Plan nor in the Recommended Plan Update. The Council deferred the Ainane category change request pending consideration of a policy allowing the transfer of abutting mains rights.	Council Staff Recommends adding a transfer of abutting mains rights provision with the following requirements: <ul style="list-style-type: none"> • Both properties must abut the water/sewer main with the donating property confirmed by DEP to be eligible for a single connection via the abutting mains policy. • Both properties must be contiguous (i.e. share a property boundary) • Both properties must be under common ownership • If improved, the property with the existing abutting mains connection right must have a fully functioning septic system that satisfies all current septic system permitting requirements (such as an established septic

		<p>reserve area) under State and County law as verified by the Department of Permitting Services.</p> <ul style="list-style-type: none"> • The property donating the existing abutting mains connection right will no longer be eligible for public service through the abutting mains policy. • Approval of the connection right transfer will be conditioned upon M-NCPPC confirmation of the receiving property as a building lot.
Abutting Mains Policy – Multiple Service Connections	The option for multiple service connections under this policy is revised to require onsite system testing to determine the number of connections that may be replaced by dwelling units using public systems service.	Council Staff recommends approval. T&E Committee concurs
Private Institutional Facilities (PIF) Policy - RLUIPA	Added a statement about the relationship between the PIF policy and the Federal Religious Land Use and Institutionalized Persons act (RLUIPA)	Council Staff recommends approval. T&E Committee concurs
Private Institutional Facilities (PIF) Policy – Additional Considerations	Revised the “Additional Considerations” section to clarify the difference between policy changes that could be addressed via the Water and Sewer Plan (<i>e.g.</i> , PIF limitations in other zones besides the AR Zone) and changes that would have to be addressed via other venues (<i>e.g.</i> , watershed regulations).	Council Staff recommends approval. T&E Committee concurs
Private Institutional Facilities (PIF) Policy – Council focus on imperviousness and new main extension issues	Clarified that the Council’s consideration of concept plans for new PIF cases and PIF use revisions will be focused primarily on imperviousness and new main extension issues.	Council Staff recommends approval. T&E Committee concurs
Private Institutional Facilities (PIF) Policy – Imperviousness Limitations	Added an emphasis on consistency with established imperviousness limitations.	Council Staff recommends approval. T&E Committee concurs

Updates to WSSCWater's Facility Planning Process	<p>Added text provided by WSSCWater to address new aspects of the facility planning process, including WSSC's Asset Management and Business Case Evaluation Programs.</p> <p>Added a recommendation for continuing coordination efforts between WSSC Water and the County concerning the facility planning process.</p>	Council Staff recommends approval. T&E Committee concurs
Updates to Individual Systems	<p>Updated the Onsite Systems Management Program discussion to explain where the program stands now and the proposed legislation (Bill 40-21) for a septic tank pumping requirement.</p> <p>Removed a condition from the Exceptions from Design Capacity Restrictions that addresses individual onsite systems with approved permits prior to February 14, 2006, as those permits would no longer be valid.</p>	Council Staff recommends approval. T&E Committee concurs
Updates to Water and Sewerage System Financing	Removed some information from the WSSCWater Built Projects program from this update of the Plan as the program is largely irrelevant today.	Council Staff recommends approval. T&E Committee concurs
Updates to Water and Sewerage System Financing – Unserved/Underserved Bi-County Workgroup Report	Updated the discussion concerning Efforts to Address Underserved and Unserved Communities to reflect the current status of the WSSC Water – Bi-county Work Group.	Council Staff recommends updating this section to include next steps the County will pursue/support to implement the recommendations in the Workgroup Report (i.e. development of a regulation for the creation of Extension Subdistricts, support for enabling legislation to create a WSSCWater fee to help fund new extensions, and further work with Prince George's County and WSSCWater in the development of the new extension financing program. The T&E Committee concurs with Council Staff.
Updates to Plan Amendment Actions – Deferred Amendments	Specified that Deferred Amendments still pending after three years will be returned to the Council's attention with a recommendation for denial from the County Executive.	Council Staff recommends approval. T&E Committee concurs
Chapter Two: General Background		

Updated Text	<p>Updates to the County's latest ratings of stream conditions based on biological monitoring.</p> <p>Updates to the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System Permit Program (AKA the MS4 Permit Program).</p> <p>Updates to Population dynamics and forecasting. The latest forecasts (Round 9.1 Cooperative Forecasting) of population, households, and employment were developed and published by MWCOG through a cooperative process involving the Council of Governments, its member jurisdictions, the Baltimore region, the states and other planning agencies.</p>	Council Staff recommends approval of the Executive's updated text. Council Staff also recommends DEP revise these sections as needed to address public comments/suggestions received from the West Montgomery County Citizens Association.
Chapter Three: Water Supply Systems		
Updates to Projected Water Supply Demand	<p>Based on analysis of the latest water production and consumption data, WSSCWater has also developed the following water demand per unit to be used for growth projections and planning water system improvements:</p> <ul style="list-style-type: none"> ☐ Single-Family Dwelling Unit (SFDU): 177.0 gallons per day (gpd) ☐ Employees: 36.1 gpd ☐ Multi-Family Dwelling Unit (MFDU):146.8 gpd <p>The above numbers have been developed using COG/M-NCPPC Round 8.1 population forecasts.</p>	Council Staff recommends approval. T&E Committee concurs
Updates to Projected Water Supply System Needs	<p>The following includes WSSC's major current and planned studies and facilities needed to meet the projected treatment capacity at each of its water treatment plants.</p> <ul style="list-style-type: none"> - Potomac Solids Handling - Source Water Protection - Potomac Basin Corrosion Mitigation Project - Potomac Submerged Channel Raw Water Intake 	Council Staff recommends approval. T&E Committee concurs

	<ul style="list-style-type: none"> - Potomac Filter Air Scour Improvements - 2019 – 2020 AWIA Risk and Resiliency Assessment - Patuxent Water Treatment Plant Replacement and Expansion - Brighton Dam Maintenance - Germantown/Clarksburg Area Projects - Standpipe Replacement Projects 	
Regional Water Supply Resiliency	The current Ten-Year Plan includes language recommending “a more comprehensive re-evaluation of the potential benefit to the WSSC water supply system from the eventual closeout and acquisition of the Travilah Quarry...” for purposes of increasing raw water storage capacity and resiliency for the region. The Recommended Plan Update includes essentially the same language.	Council Staff recommends DEP revise this section based on updated draft text provided by WSSCWater. The draft text takes into account current regional planning efforts to secure Federal funding for further planning work. DEP staff have expressed support for WSSCWater’s draft text. Council Staff will work with Executive Branch and WSSCWater staff to update the language in the Plan Update accordingly.
Updates to Tables, Figures, Graphics, and other Technical Data	<p>All the tables, figures, and graphics have been updated to reflect the latest data, information, and trends. These include:</p> <ul style="list-style-type: none"> ☐ Water Service Area Category Maps ☐ Water Service Area maps ☐ Planning areas and pressure zones ☐ Water supply sources for each service area ☐ Well problem areas ☐ Inventory of existing impounded water supplies ☐ Existing and projected water supply demands, trends, and planned capacities for each service area (WSSD, City of Rockville, and the Town of Poolesville) ☐ Inventory of existing and approved Multi-Use Water Supply Systems 	Council Staff recommends approval. T&E Committee concurs
Updates to Programs and Policies	<p>Included in this updated Plan are revisions to a few program and policies mainly by WSSCWater to meet regulatory requirements and its financial needs and include:</p> <ul style="list-style-type: none"> ☐ Water Conservation Plan 	Council Staff recommends approval. T&E Committee concurs

	<input type="checkbox"/> Public Outreach and Education Programs <input type="checkbox"/> Plumbing Code <input type="checkbox"/> Water consumption Rate Structure	
Chapter Four: Sewerage Systems		
Updates to Wastewater Flow Analysis and Projections	<p>The updated wastewater flow projections used in this Chapter are developed on 5-year intervals and are based on Round 9.1</p> <p>Cooperative demographic forecasts and WSSC's latest wastewater flow factors. Wastewater flow forecasts are developed from detailed analyses of existing flow records and projected additional future flow based on projected demographics, wastewater flow per household and per employment, and other factors such as infiltration (extraneous groundwater) and inflow from rainfall. Population forecasting and flow projection are based on the best available data at the time the analysis is conducted.</p>	Council Staff recommends approval. T&E Committee concurs
Updates to Planned Sewerage System Needs	<p>Based on the latest population projections and using Wastewater System Modeling, WSSCWater identifies the potential impact of current and future wastewater flows on sewerage system capacities. The Wastewater System Modeling is also used to identify collection system needs such as capacity constraint due to insufficient capacity for present and/or future wastewater flows and plan needed improvements. Updates were made to the Blue Plains, Seneca, Damascus, and Poolesville Service Areas based on the latest flow analysis for each service area and individual sewer basin.</p>	Council Staff recommends approval. T&E Committee concurs
Updates to Sanitary Sewer Overflows Consent Decree	Updated language added	Council Staff recommends approval. T&E Committee concurs
Updates to Biosolids Management	Updated language added	Council Staff recommends approval. T&E Committee concurs

Updates to Tables, Figures, Graphics, and other Technical Data	<p>All the tables, figures, and graphics contained in the current approved Plan have been updated to reflect the latest data, information, and trends. These include:</p> <ul style="list-style-type: none"> ☐ Wastewater Service Area Category Map for Montgomery County ☐ Wastewater Service Area district maps ☐ Planning areas and sewersheds ☐ Projected Transmission and Conveyance Needs for individual sewersheds ☐ Wastewater treatment plant service area maps ☐ Projected wastewater treatment capacity needs for all wastewater treatment plants ☐ Current and projected safe capacities for all wastewater pumping stations ☐ Individual sewershed maps ☐ Existing and projected wastewater flows for individual sewersheds ☐ Projected facility needs for individual sewersheds ☐ Projected facility needs for all districts and treatment service areas ☐ Inventory of existing and approved Multi-Use sewerage systems 	Council Staff recommends approval. T&E Committee concurs
New Policy Initiatives and Program Recommendations		
WSSC Water - IMA Allocated Flow Capacity and Related Nitrogen and Phosphorus Load Allocations at the Blue Plains WWTP	<p>WSSC Water use of IMA allocated flow capacity of 169.6 MGD at the Blue Plains Wastewater Treatment Plant has been reduced to 163.6 MGD due to diversion of nitrogen and phosphorus load allocations (loads associated with 6 MGD) at the WSSC's Seneca Wastewater Treatment Plant. WSSC should initiate a process to explore the possibilities of restoring the full WSSC's allocated capacity in the Blue Plains Wastewater Treatment Plant.</p>	Council Staff recommends approval. T&E Committee concurs

<p>County to Develop Program Addressing the Potential Sanitation Problems from Aging Individual, On-Site Systems in the County's Neighborhoods</p>	<p>The County should create, budget, and implement appropriate programs to research, prioritize, and address the potential sanitation problems from aging individual, on-site systems facing the County's neighborhoods. This will be especially important for rural neighborhoods located outside the effective/efficient reach of community water and sewerage systems. Solving the concerns about older neighborhoods using individual on-site systems may require new and innovative solutions beyond the usual provision of community water and/or sewer service. These may include, but are not limited to:</p> <ul style="list-style-type: none"> I. Proactive, periodic on-site systems maintenance and inspection programs coordinated with public outreach and education on individual systems maintenance; II. Alternative community distribution, collection and treatment systems; III. Shared water and/or sewerage systems, owned by local communities and operated by authorized agencies or utilities IV. Alternative financing for relief systems (community or otherwise), including but not limited to special assessment districts, grants or loans from government resources, or utility assistance programs; V. Programs to assist lower-income individuals and communities in financing required relief systems. 	<p>Council Staff recommends approval. T&E Committee concurs</p>
<p>Appendix C – Exceptional Service Policies and Recommendations</p>		

Glen Hills Study Area	added that properties within the City of Rockville cannot be used as justification for sewer category change approvals under the Potomac peripheral sewer service policy.	Council Staff recommends approval. T&E Committee concurs
Glen Hills Study Area	The Council Plan Update makes no changes to the current sewerage policy for the Glen Hills Study Area	Council Staff Recommendation: Per the Council's 2016 action (see Resolution 18-423) further changes in the sewerage policy for the Glen Hills Study Area should occur in the context of a Limited Master Plan Amendment to the Potomac Subregion Master Plan. T&E Committee concurs
Jonesville and Jerusalem	The Plan Update added language addressing repeated sewage flow events exceeding WSSC Water's negotiated 20,000 gallons per day maximum flow into the Poolesville Wastewater Treatment Plant. Noted that, pending WSSC Water investigations into possible infiltration and inflow within its sewerage system, the County and WSSC Water may need to consider either further service restrictions in the service area or renegotiation on flow limits with the Town.	Council Staff recommends approval. T&E Committee concurs
Potomac Area RE-1 and RE-2-Zoned Properties	The Plan Update added language noting that properties within the City of Rockville cannot be used as justification for sewer category change approvals under the Potomac peripheral sewer service policy.	Council Staff recommends approval. T&E Committee concurs
Potomac Area RE-1 and RE-2-Zoned Properties – Palatine Restriction	The current Ten-Year Plan includes a restriction on properties adjacent to or confronting the planned sewer envelope from connecting to the Palatine sewer main per the Potomac Subregion Master Plan Recommendations. The Ten-Year Update makes no changes to this policy.	Council Staff Recommendation: Maintain Current Policy Restriction. Direct DEP to work with WSSC Water to verify the feasibility of additional properties connecting to the Palatine sewer main. If a limited amendment to the Potomac Subregion Master Plan is initiated, this issue could also be reviewed in that context.
Riverwood Drive	The Plan Update proposes to reduce the area currently restricted from being served by the Riverwood Drive sewer main. These areas either already have public sewer service or are in areas which are not feasible to serve from the Riverwood Drive sewer main.	Council Staff Recommendation: Reduce the area of the existing restriction that is already served by public sewer but maintain the existing restriction for other areas which are not already served by public sewer. T&E Committee concurs

<p>Commercial Sewer Service Policy</p>	<p>Not in the current Water and Sewer Plan nor in the Recommended Plan Update.</p>	<p>T&E Committee supports creation of a commercial sewer service policy within the Ten-Year Plan. Council Staff recommends the following restrictions/conditions:</p> <ul style="list-style-type: none"> • Exclude the Rural (R), Rural Cluster (RC) and Agricultural Reserve (AR) zones from this policy. • Main extensions are required to stay within public rights of way and avoid sensitive environmental features such as streams and forests. • Main extensions should not result in the need for additional public infrastructure (such as pumping facilities). • Properties along the new main extensions which are otherwise ineligible for service are not allowed to connect to the new main extension except to address documented on-site system failures. • Only commercial uses would be eligible under this policy. Residential, Civic/Institutional, Industrial, and Miscellaneous uses would not be eligible. • Requests under this policy must be considered by the Council on a case-by-case basis (i.e. cannot go through the Administrative Delegation process). • Service will require WSSCWater approval of the engineering plans for the main extension serving the property. If not, the category change approval will be vacated.
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within a survey area as appropriate, except where an unimproved property is at the outside limit of a draft survey area.

Once DEP accepts qualified properties for an onsite systems survey, staff will evaluate conditions of other properties in the immediate vicinity for inclusion in the survey area. For establishing a survey area, DEP considers factors such as similar zoning, lot size, and onsite system type and age; logical community service areas and main extension alignments; and physical conditions (such as streams, soils, slopes, and topography). Based on this evaluation, DEP will formally designate a draft survey area.

Once DEP establishes a draft survey area, staff will notify all property owners prior to the beginning of the survey process. At this point, any owner may choose to formally withdraw their property from inclusion in the survey. An owner's withdrawal of a property requires a written and signed notification from the owner to DEP. Once withdrawn from a survey, the subject property will not be recommended for inclusion in either any special service area or related service area category change. However, DEP may use and present the results of the research gained for withdrawn properties as part of the overall survey evaluation. DEP may also consider an owner's request to withdraw a property after a survey commences on a case-by-case-basis. Excluded properties may be considered for community service if they subsequently satisfy the abutting mains policy (Section II.3.G).

II.G.2.d: Conducting Onsite Systems Surveys to Address Area-Wide Health Problems

The survey begins with DEP's final determination of the survey area. All participating property owners (*i.e.* those who have not withdrawn their properties from the survey) will be required to provide access to their properties for purposes of a DEP/DPS site visit. DEP and DPS staff will contact owners in advance of a scheduled site visit. DEP and DPS may also request that owners provide any available documentation of onsite systems inspections or maintenance. Staff will not pursue a site visit from those owners who choose to withdraw from the survey. DEP cannot require the owners of properties that DEP has added to a survey area to conduct septic system inspections by DPS.

DEP will hold a public meeting for the property owners and other interested individuals and public interest groups, prior to finalizing its survey findings. Following coordination with other agencies, as needed, DEP will present its findings and recommendations in a report for consideration by the County Executive. This report will include DEP's recommendations for special community service areas and related category changes, as appropriate. The Executive will transmit survey findings, as appropriate, to the County Council for consideration.

The anticipated time frame for an onsite system survey starts with DEP's final designation of a well or septic system survey area and concludes with MDE's decisions concerning the County Council's action regarding the survey results and recommendations. This process is generally expected to take no more than one year, depending on agency workload, including work on other onsite system surveys. An exception to this schedule is for surveys in the Glen Hills Study Area where research conducted for the Glen Hills Area Sanitary Study already provides some background information concerning existing conditions. For those areas of Glen Hills that qualify as "higher priority areas" (see Appendix C, pg. C-4), the schedule for transmittal of an Executive recommendation to the Council is three (3) months after DEP's designation of the survey area.

Standard procedures for onsite system surveys are available on DEP's website at [Private Well and Septic Systems | Department of Environmental Protection, Montgomery County, MD](#).

II.G.3.: Community Service for Properties Abutting Community System Mains

Under specific and limited circumstances, community water and/or sewer service may be provided to properties that abut an existing or approved water and/or sewer main. Except in cases where this policy specifically requires the County Council's consideration and action, DEP may grant approval for abutting service hookups through the administrative delegation process, under the "Community Service for Properties Abutting Community System Mains" policy, Section V.D.2.a.

II.G.3.a.: General Requirements

The provision of community service under this policy requires that the property, or a structure on the property, must have been established prior to the extension of the abutting water or sewer main. Residential, institutional, and commercial uses qualify as existing structures; barns, garages, or other types of outbuildings do not qualify. Satisfaction of this requirement qualifies the property for a single public service hookup. Neither the construction of a building on an unimproved property, nor the addition to or replacement of an existing structure, invalidates the application of this policy. The provision of community service under this policy shall not be used as justification for the connection of nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

Technical Feasibility of Service Connections

The provision of community service under this policy also requires that service from the abutting main must be technically feasible. 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. Service from low-pressure, small-diameter sewer mains may also be restricted, depending on the type or number of users proposed. WSSC Water's current pump/pressure system policies do not permit both residential and non-residential (commercial/institutional) uses to connect to the same low-pressure main, requiring instead separate, dedicated mains for each separate non-residential use.

A property owner may request DEP's approval of a new water or sewer main extension to the existing abutting main to position the main directly aligned with the building on the property. This can allow for a shorter onsite service utility between the main and the structure or serve to avoid affecting an environmental constraint on the site (stream, forest stand, etc.). The new main extension cannot extend past the point where it can best provide a logical connection to the existing outfall from the building to the septic tank. (See figure 1-F7, following.) DEP, DPS, and WSSC-Water will confer on these cases and determine the allowed length of the additional main extension.

The requested main extension may offer abutting mains connections to other confronting properties. These confronting properties must be served from the extended main; no additional extensions are allowed. DEP may grant an exception to this limitation in cases where an extension is needed for the relief of a failed onsite system. In cases where a service area category change is needed for a confronting property, the category change is not suitable for an advance action (see Section II.G.3.d.). The confronting properties will carry a notice that disallows any similar, additional main extensions. As with the general provisions of this abutting mains policy, a property newly abutting a new main extension is limited to a single service connection from the new main. Further, in such cases, the additional subdivision of the newly abutting property based on the provision of an abutting service connection is not allowed. Service connections from the extended main to other newly abutting properties must be direct connections from the main. Non-abutting service connections are not allowed in these cases.

Planned Community Service Mains

The implementation of this policy applies to both existing and planned service mains. Where a category change approval is based on new mains planned and approved by WSSC Water, actual service depends on the construction of that main by the applicant for that main. The owner of a property with a restricted abutting mains approval based on construction of a new main can independently initiate the construction of all or part of that new main.

Non-Abutting Service Connections

A non-abutting water or sewer connection may allow for the provision of community service under this policy. A non-abutting connection is typically located within either a public road right-of-way or a WSSC Water main easement. The associated house service utility must be located on *only* the customer's property receiving community service. The use of an offsite service hookup in an easement crossing another intervening property is not allowed. Non-abutting service connections require specific approval from WSSC Water.

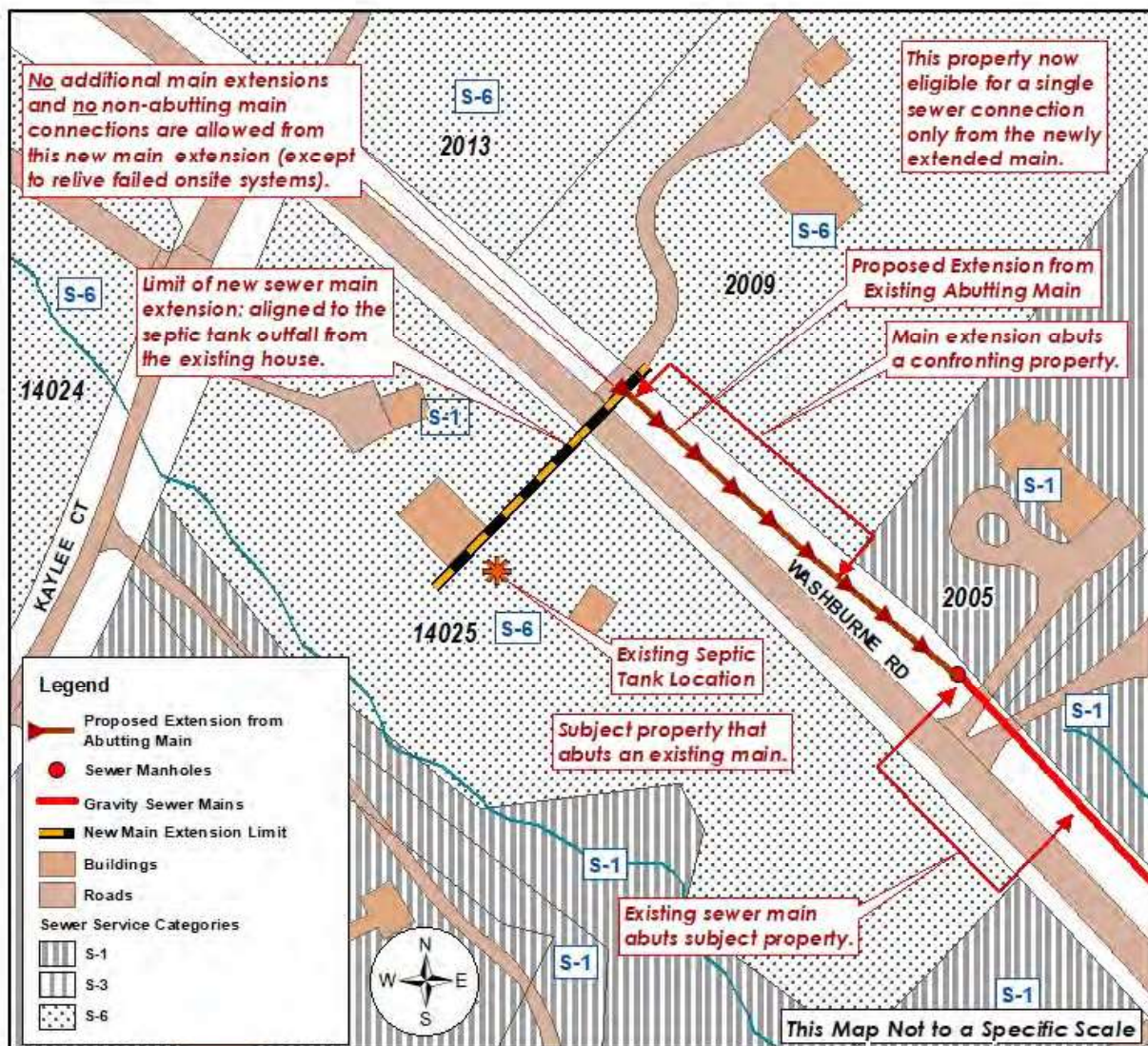
Policies for the use of non-abutting service connections differ between this Plan's policies and WSSC Water's. In this Plan, the preceding policy concerning non-abutting service connections will determine whether a property

qualifies for community service under the abutting mains policy. Most often, such a property is located outside the planned community service envelope and is considered for community service only because it satisfies this special service policy. WSSC Water's policy for non-abutting service connections addresses cases involving access to a community system main where the County has already approved the property for community service. Typically, these properties are within the designated planned community service envelope.

In summary:

- The Water and Sewer Plan's policy concerning non-abutting service connections affects decisions about which properties may receive community service.
- WSSC Water's non-abutting connection policy affect decisions about the best way to serve a property once the Plan has established that property for community service.

Figure 1-F7: New Extensions from Abutting Community Service Mains
 (Source: DEP-IGAD)



Abutting Mains Policy Exclusions

This policy will not apply in the following circumstances:

- *Private Institutional Facilities* - The application of this policy does **not** include the provision of community service for private institutional facilities (PIFs) located outside planned community service envelopes. These cases must be addressed separately through the PIF policy (see [Section II.G.4.](#)).
- *Limited Access Service Mains* - This policy cannot be applied in cases where the County Council has expressly restricted access to the abutting main as specified under the Limited Access Water and Sewer Mains policy (see [Section III.A.1.](#)).

II.G.3.b.: Single Connections for Only One Property

A single water and/or sewer connection only is allowed for an individual property or for a structure that satisfies the policy requirements under Section 3.a. preceding. The application of the policy is most often for a single property in the same geometric configuration that existed at the time an abutting main was approved or constructed. However, the policy does allow for exceptions, as follows:

Allowed Property Changes

A change in the property configuration due to the following circumstances does not invalidate this allowed single connection:

- Dedication of land for a public use such as a road right-of-way or park land.
- An exchange of land between a *qualifying* property and an adjacent property, qualifying or not, provided the overall number of qualifying lots—and therefore the allowed number of service connections—remains the same. Under this provision, *at least one* property must have qualified for a single hookup under this policy *before* the lot line adjustment occurred. A lot line adjustment only to acquire frontage along a main does not justify an abutting mains approval.
- The inclusion of additional contiguous, commonly owned properties, if those properties are combined through subdivision with the qualifying property into a single property. Only one single water and/or sewer connection for the *entirety* of the combined properties will be approved in such cases, so that the provision of community service does not promote the further subdivision of additional lots. Final approval of a category change will require the Planning Board's approval of the subdivision plan or plat assembling the properties.

Remainders of Qualifying Properties

The allowed single service connection may also be assigned to an existing property that is the remainder of a property that would have originally qualified for a single hookup under [Section II.G.3.a.](#) above. For approval of single service hookups, these properties must satisfy both of the following conditions:

- The residual property proposed for community service abuts the existing or approved main; and
- The allowed service hookup has not been used elsewhere on the property that originally qualified for the single service hookup. Community service provided elsewhere on the original property where consistent with both Water and Sewer Plan general service policies and with master plan recommendations shall not be considered to have used this one allowed service connection.

DEP may grant approval for this single connection under the administrative delegation process included in this chapter, as noted previously in [Section II.G.3.](#), provided that either:

- All of the residual properties involved are still under common ownership, or
- None of the other residual properties from the original abutting property could qualify under this policy for the allowed connection because they do not abut the subject water or sewer main.

However, DEP shall refer to the County Council any cases where two or more residual properties that could qualify for the single service connection are under different ownership. DEP will attempt to notify the owners of

those qualifying properties of the pending category change request amendment and of the Council's hearing for that amendment.

Single Community Service Connections in Proposed Subdivisions

Some properties that qualify for a single community service connection under this policy will also be proposed for new subdivisions. In these cases, this policy may allow for a new lot using community service in addition to those lots approved using individual, onsite systems. Qualifying projects will need to satisfy the following conditions:

- The original property had to satisfy the general policy requirements for a single community service connection under **Section II.G.3.a**, preceding.
- The property in the subdivision receiving the single community service connection must receive service by either a direct connection or non-abutting connection to the water or sewer main. The conditions for the use of a non-abutting connection apply as explained in **Section II.G.3.a**, preceding.
- Final approval of a category change under this condition will require the Planning Board's approval of a preliminary plan that specifies the lot receiving the allowed community water and/or sewer connection.

Properties located within the Piney Branch Restricted Sewer Access Area and the Glen Hills Study Area do not qualify for this subdivision provision of the abutting mains policy concerning sewer connections. The policy is not intended to promote the creation of additional subdivision lots in these areas. A single sewer connection may be provided in a subdivision to one qualifying lot that could be served by an individual septic system.

II.G.3.c. Multiple Abutting Community Service Connections

In order to limit the effects of development supported by community systems in areas intended to use individual, on-site well and septic systems, the preceding "abutting mains" policies limit service to a single service connection. However, situations may arise where a reasonable accommodation can be made for more than one service connection for a subdivision site that abuts an existing or approved water or sewer main. The use of community service, particularly sewer service, may allow for an improved lot layout over that required using onsite systems.

The approval of multiple community service connections requires all of the following conditions be satisfied:

- The property proposed for subdivision qualifies for a single service connection under **Section II.G.3.a** above.
- One proposed lot qualifies for a connection to community service under the basic policy. Each additional proposed building lot in the subdivision must be established on the basis of an approved onsite systems permit for a well and/or a septic system by DPS. The total number of lots approved using community service must not exceed the number of lots that would otherwise be allowed using the one allowed "abutting mains" hookup plus permitted onsite systems.
- All community service infrastructure must be contained within the subdivision site; no offsite infrastructure is allowed. Easements for main extensions and offsite service utilities may be established within the project site. On-site main extensions, if required, must not make community service available to any other properties otherwise ineligible for community service.
- Final approval for a service area category change under this policy will require the Planning Board's approval of a preliminary subdivision plan for the subject site.

Category change actions considered under this subsection must be addressed by the County Council and do not qualify for consideration under the administrative delegation process.

II.G.3.d.: DEP Advance Approval of Single Abutting Connections in Categories 4, 5, and 6

DEP may direct WSSC Water to provide an allowed single water and/or sewer connection for a residential use on a property not currently designated for community service (categories 4, 5, or 6) upon confirmation of the following:

- DEP staff confirmation that the property qualifies for service under this policy, and does not require consideration and action by the County Council for approval; and
- DEP receipt of a valid category change request application for the property.

Only in such cases may DEP approve service for a residential use 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.

II.G.4.: Community Service for Private Institutional Facilities

This Plan defines private institutional facilities (PIFs) as buildings constructed for an organization that qualifies for a federal tax exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service).

Private institutions, needing space to locate and grow, sometimes look to less-expensive land zoned for lower-density development. This land is often located outside of the community water and/or sewer service envelopes. The County Council adopted a special service policy addressing PIF uses with three primary goals in mind:

- To continue to support, where the provision of community service is reasonable, the county's private institutional facilities, which the Council recognizes as having an important role in their communities and for their residents;
- To provide more objective and consistent criteria in evaluating PIF cases; and
- To limit the potential impact of water and sewer main extensions constructed outside the community service envelopes for the sole purpose of supporting PIF uses.

Aspects of the Religious Land Use and Institutionalized Persons Act of 2000

The County understands the intent of the [Religious Land Use and Institutionalized Persons Act of 2000](#) (RLUIPA). The County further accepts RLUIPA as a means of ensuring against discrimination to religious institutions in the County's land use and zoning codes. The PIF policy acts to grant opportunities for the provision of community water and sewer service for non-profit institutions (that can include religious institutions) that are not otherwise afforded to residential and commercial development in areas located outside planned public service envelopes.

Restrictions included in the PIF policy serve to limit the applicability of the policy to address appropriate development and environmental concerns, not to discriminate against any specific type of land use or institution. County zoning and land use standards still apply equally to institutional uses as they do to residential and commercial development for the same area. The County works to ensure that master plan recommendations concerning the provision of community apply in a manner consistent with both the PIF policy and RLUIPA.

PIF Sites Within the Planned Community Service Envelopes

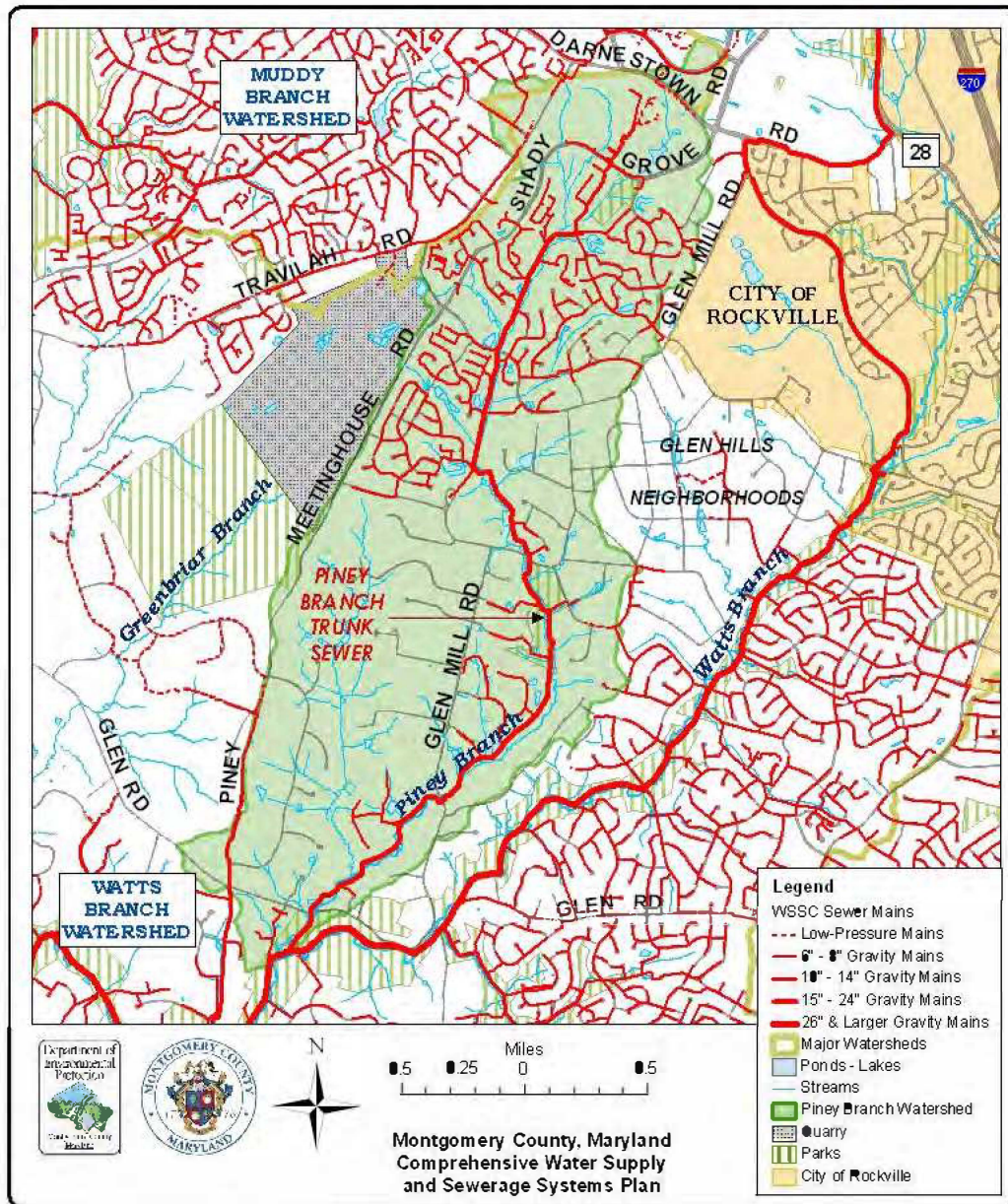
Note that for private institutional facilities located within the planned water and/or sewer community service envelopes, service area category changes may be approved by DEP through the administrative delegation process ([Section V.D.2.a.](#): Consistent with Existing Plans). For a specific site, the planned water and sewer service envelopes differ in some areas due to the general service policies ([Section II.F.](#)) included in this Plan.

PIF Sites Outside the Planned Community Service Envelopes

The County Council will address category change requests seeking the provision of community water and/or sewer service to such facilities located outside of the planned community service envelopes on a case-by-case basis by the policies provided in the following sections. Under this circumstance, category change requests for PIF uses have specific application requirements. Refer to [Section II.G.4.e.](#) for relevant information.

The County Council has come to place greater emphasis on the review of a concept plan for projects seeking the approval of community water and/or sewer service under the PIF policy. PIF-based category change cases often propose more intense development of a site than would be expected on a property zoned for lower-density development. As a result, one of the Council's more significant concerns is the amount of impervious area proposed for the project. Typically, the Council's approval of a category change for a PIF use is based on an

Figure C-F11: Piney Branch Watershed and Restricted Sewer Service Area



Developers seeking to subdivide parcels into building lots using community sewer service in the Piney Branch subwatershed are required to record, as a covenant running with the properties, the Piney Branch Sewer Agreement Recommendations as a condition for the approval of sewer categories S-1 or S-3. Properties established prior to 1988, and for which only a single sewer connection is sought, are exempt from this requirement. Contact DEP staff (see Appendix D) for copies of the draft covenant and the required recommendations.

II.M.: POTOMAC AREA RE-1 AND RE-2-ZONED PROPERTIES

Special Community Sewer Service Policy: Recommended by the 2002 Potomac Subregion Master Plan

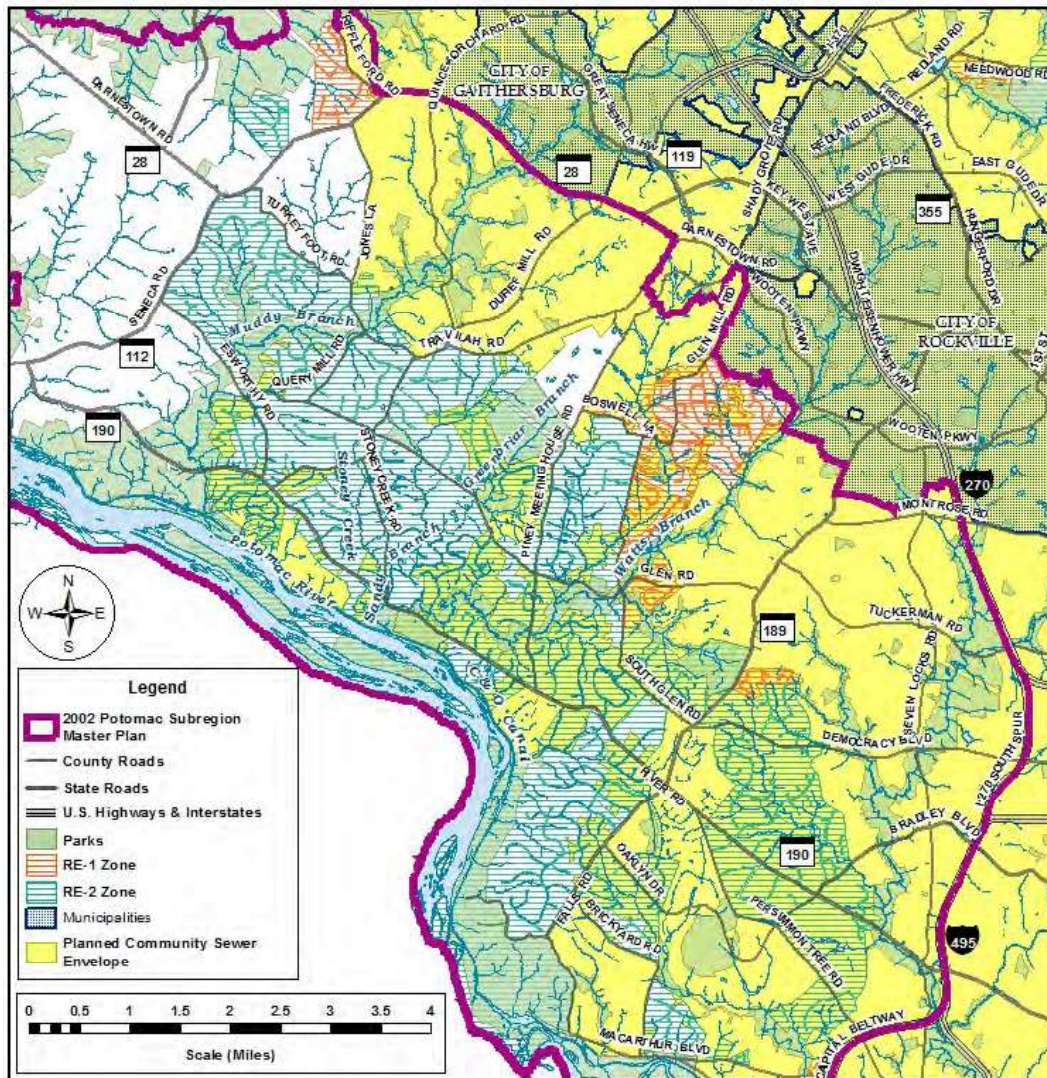
Subject Area: Properties zoned RE-1 or RE-2 at the edge or "periphery" of the master plan's recommended community sewer service envelope

Service Recommendation & Comments: The master plan's recommendations concerning for community sewer service properties zoned for rural estate development (RE-1 and RE-2) depart from those in the 1980 master plan. The previous master plan had allowed for the consideration of sewer service for rural estate zones. The

2002 master plan follows in line with the Water and Sewer Plan's general service policies for rural estate zones. However, the new master plan also recognizes that before 2002, the approval and provision of community sewer service within these zones occurred on a case-by-case basis, resulting in an irregular sewer service envelope. The master plan recommends that RE-1- and RE-2-zoned properties located at the edge or periphery of the recommended community sewer envelope may be *considered* for community sewer service on a case-by-case basis. In such cases:

- The property under consideration must abut or confront another property within the master plan's designated sewer service envelope.
- The extension of community sewer service is intended to follow existing public rights-of-way and must not affect streams, stream valley buffers, or other environmentally-sensitive areas.

• **Figure C-F12: Potomac Area Community Sewer Envelope and RE-1 and RE-1 Zones**

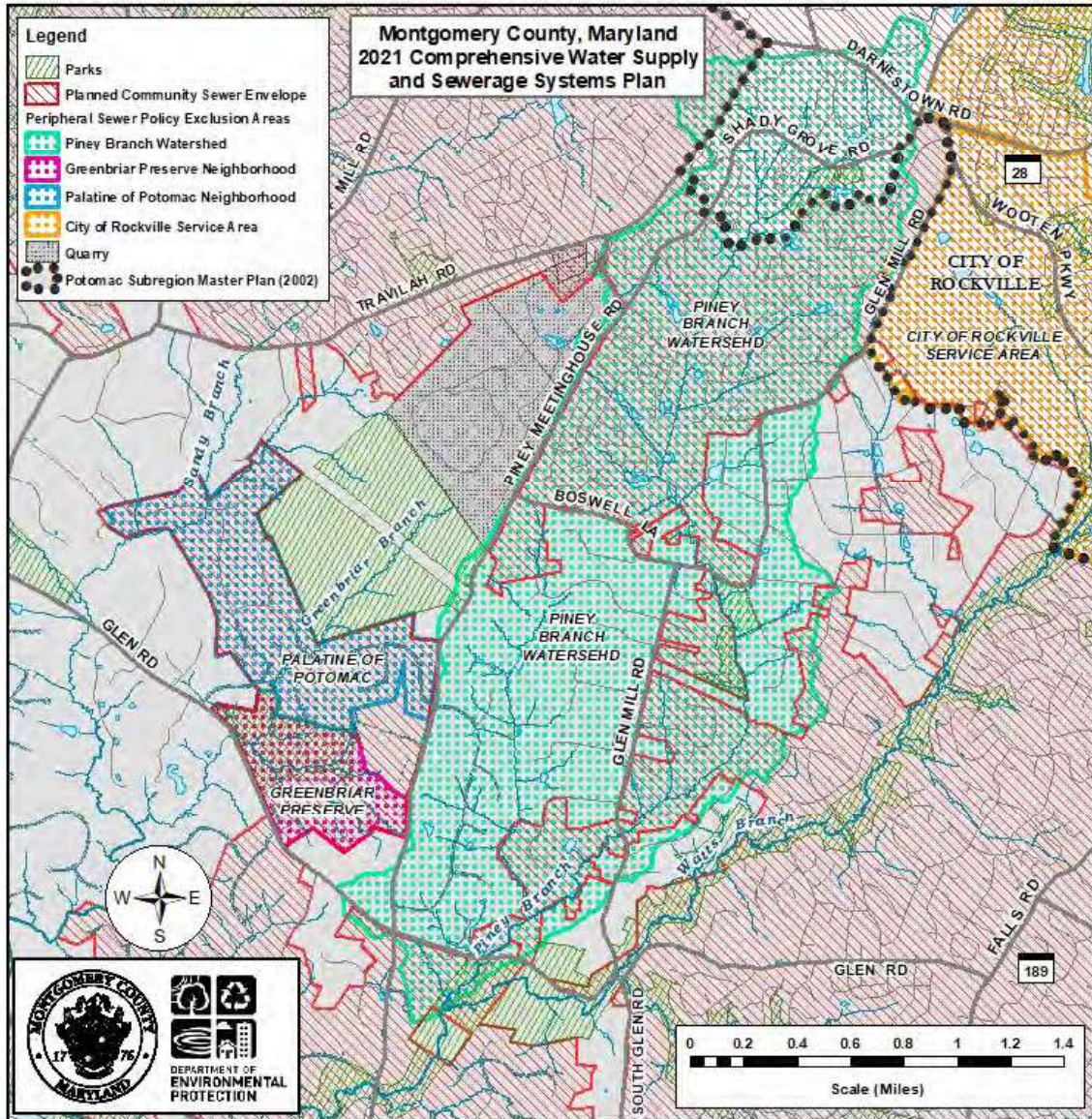


In addition to the preceding essential requirements, several years of experience implementing this policy have resulted in the acceptance of guidelines that further refine the evaluation of and recommendations for potential cases.

- Properties that confront the sewer envelope across broad public rights-of-way should also be in relatively close proximity to other properties approved for sewer service on their own side of that right-of-way.

- The selection of sewer main extensions, wherever possible, should minimize the number of properties abutting new sewer main extensions

Figure C-F13: Potomac Area Peripheral Sewer Service Policy Exclusion Areas



Note that the 2002 master plan specifically recommends excluding properties within or at the edge of the following neighborhoods from the use of this policy (see Figure C-F13):

- The Piney Branch subwatershed
- The Palatine of Potomac neighborhood
- The Greenbriar Estates neighborhoods.

The preceding exclusion areas previously included the Glen Hills neighborhoods. The 2002 master plan recommended reconsideration of this exclusion following the completion of the Glen Hills Area Sanitary Study. However, the recommendations provided with the study did not address this policy. The 2017 Water and Sewer Plan update removes the Glen Hills area exclusion, except for those properties at the periphery of the planned sewer envelope within the Piney Branch watershed.

Also excluded from using this policy are properties that would abut or confront the planned community sewer service envelope within the City of Rockville.

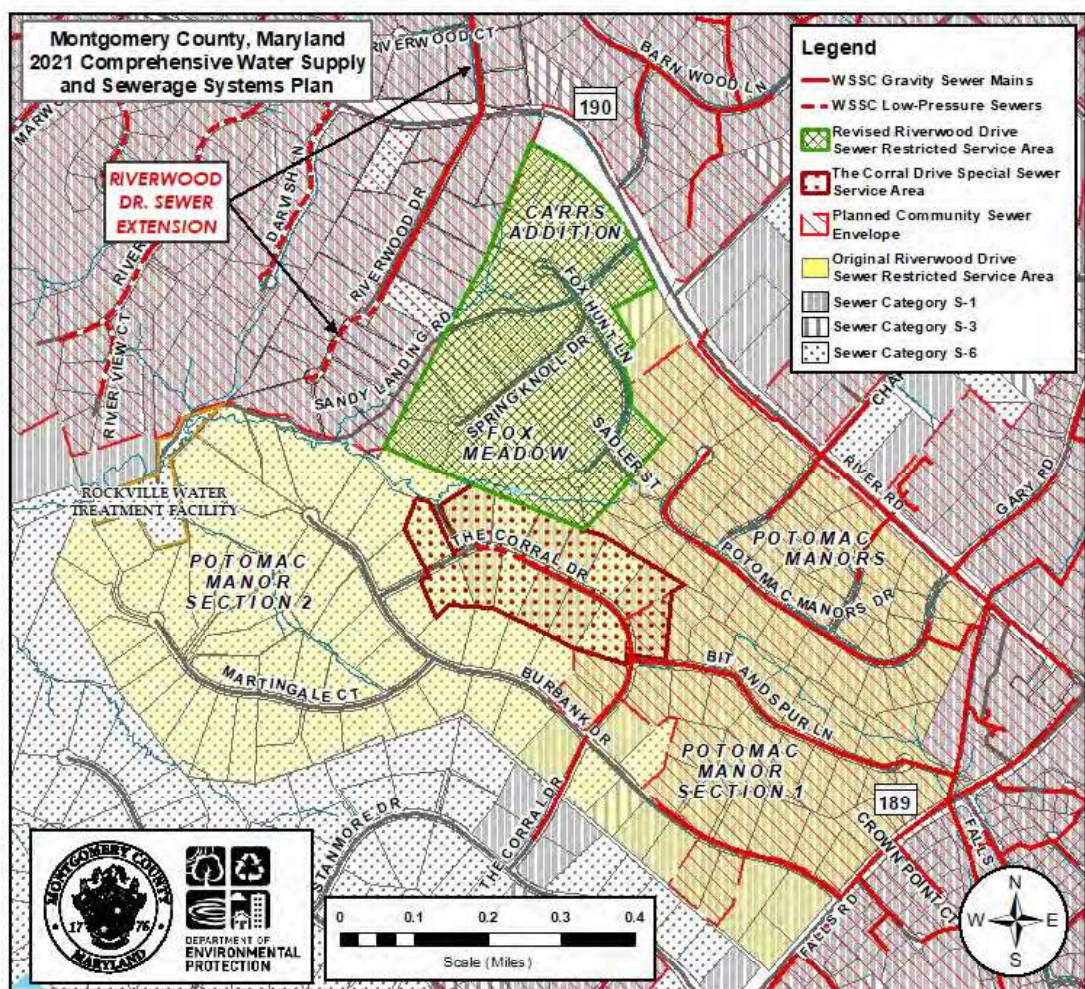
II.N. RIVERWOOD DRIVE

Restricted Sewer Service Area: Established by Council Resolution 13-1205 (3/10/98)

Subject Area: Fox Meadow and Carrs Addition subdivisions.

Service Recommendation & Comments: In March 1998 under CR 13-1205, the County Council approved the extension of community sewer service to properties located along Riverwood Drive south of River Road in Potomac (see Figure C-F14). In approving this service, the Council restricted the number of sewer hookups allowed for the Kitchen Property located at the southern end of the street, and further restricted the sewer main extension from serving properties in nearby neighborhoods in order to limit the extension of sewer service in the areas zoned for two-acre development south of River Road.

Figure C-F14: Riverwood Drive Sewer Restricted Service Area



DEP's recent review of this restricted sewer service area revealed that it is more extensive than is needed to limit sewer service from the Riverwood Dr. sewer main extension south of River Rd. Much of the original restricted service area already has community sewer service. Other areas in Potomac Manor are not reasonably accessible due to the steep stream valley along Sandy Landing Rd. Except where community service is required to relieve public health problems, the Riverwood Drive sewer main, and potential future

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* Within RNC-zoned areas not yet subdivided, the public sewer envelopetemporarily encompasses the entire zone. As subdivision of these areas proceeds, the sewer envelope will be revised to coincide with the approved public service area.

Legend

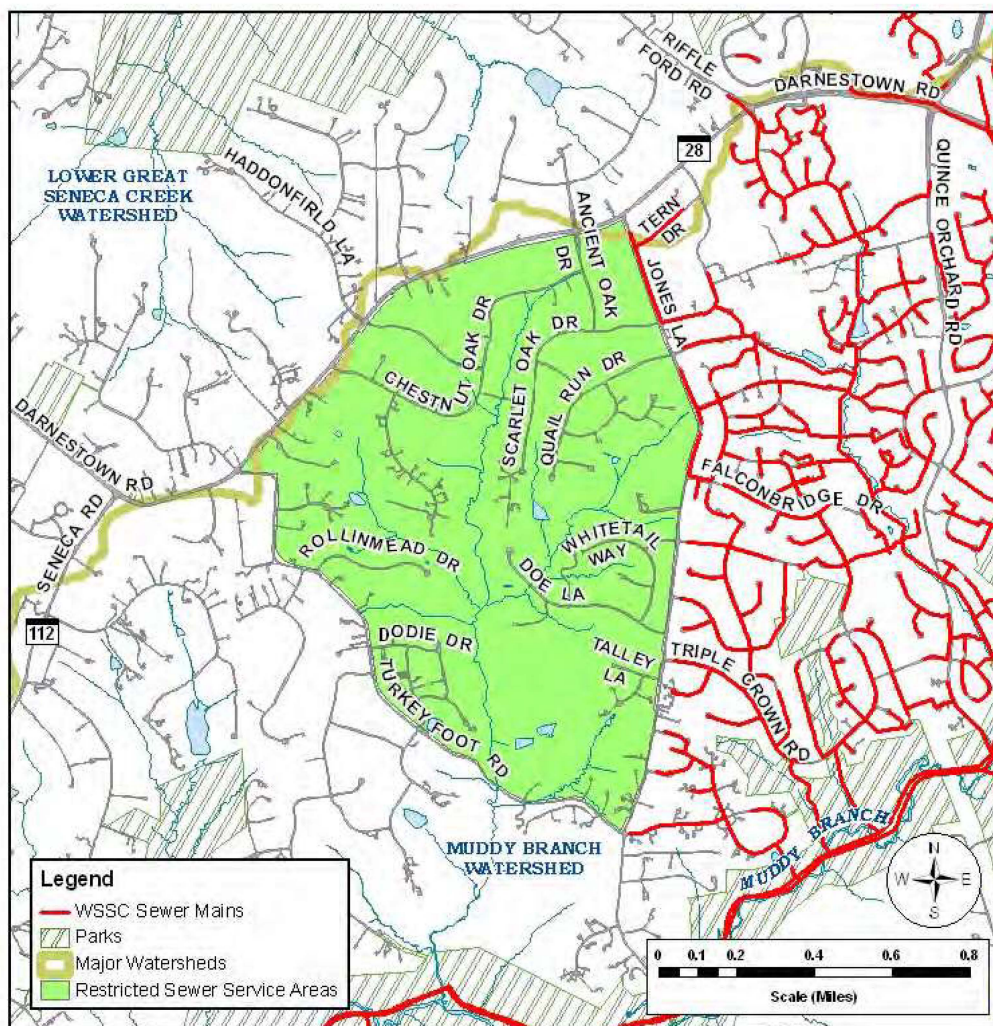
- Planned Public Sewer Envelope*
- Damascus Master Plan Area
- Zoning**
 - RNC *
 - RE-1
 - RE-2C

Scale (Miles)

0 0.25 0.5 0.75 1 1.25 1.5 1.75 2

- Individual, on-site septic systems are the primary wastewater disposal method consistent with the area's standard-type development under the RE-1 Zone.

Figure C-F3: Darnestown Triangle Restricted Sewer Service Area

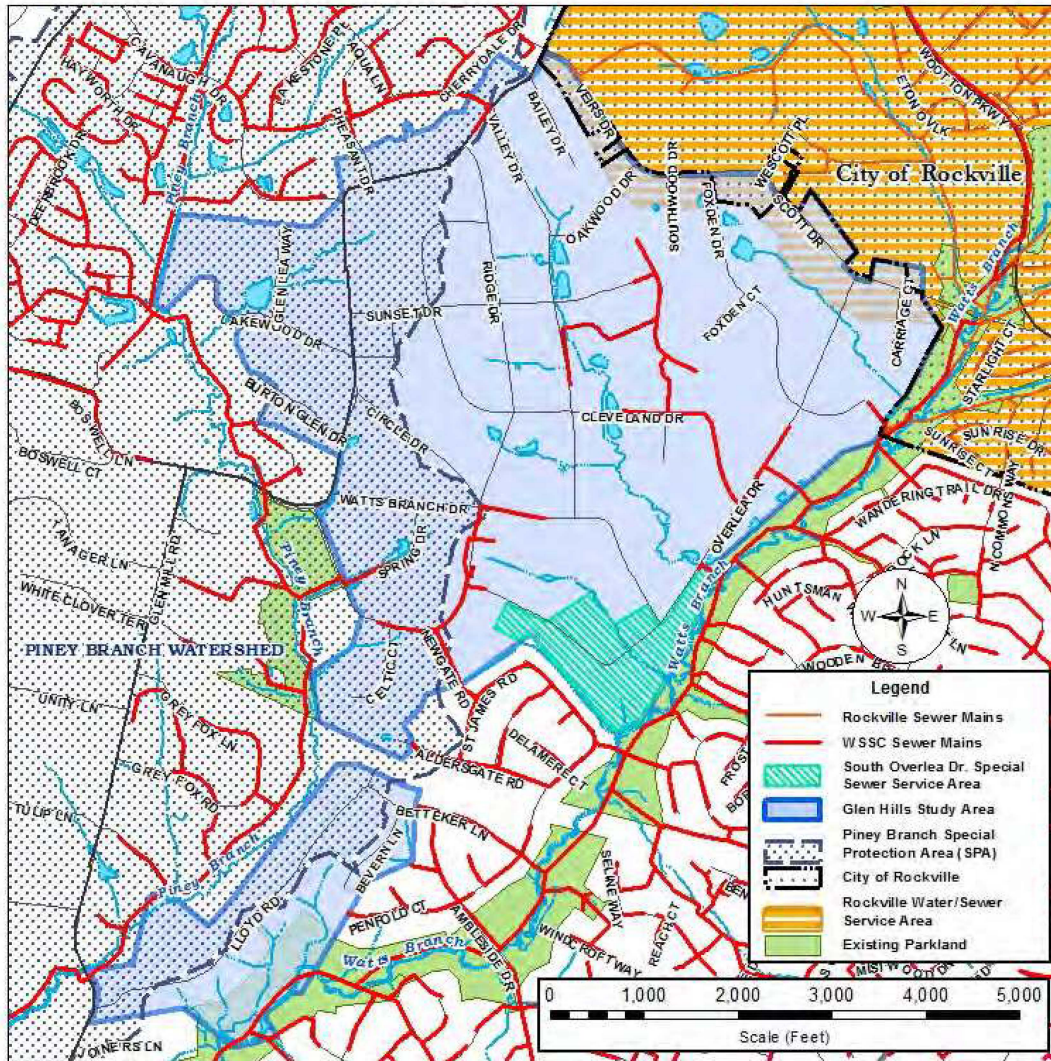


- Community sewer service can be considered only under the following conditions for:
 - Properties in need of relief from public health problems resulting from documented septic system failures (Sections II.G.2.a.).
 - Properties included within a specifically designated special sewer service area (Section II.G.2.b.). The septic system survey process used to establish these areas is outlined in the Council's resolution and in Chapter 1, Section II.G.2.b: Area-Wide Onsite Systems Concerns, *et seq.* The research conducted for the Glen Hills Area Sanitary Study will allow DEP to streamline the survey process for properties in these neighborhoods. Once DEP has established a survey area, an Executive recommendation for the Council concerning that area is expected within approximately three (3) months. A decision by the Council is generally expected within three months after that.
- DEP will give a higher priority for surveys that include properties located within Review Areas (RAs) established in the Glen Hills Study and those with documented septic system problems. DEP will give a lower priority to survey areas outside of RAs or where DPS has not identified existing septic problems.
- The County has approved one special sewer service area in Glen Hills for part of the South Overlea Drive Septic Survey Area. The County Council under CR 18-888 (July 25, 2017) acted to include 16 of 24 properties surveyed by DEP and DPS within a special sewer service area.

The County Council's 2018 action to approve this Plan update changed the County's approach to the consideration of area-wide health problems where located outside the planned community service envelope. Establishing a septic system survey requires the inclusion of at least one property that has a DPS-documented septic system failure (see Chapter 1, Sections II.G.2.b. – d.).

- Properties that abut existing or planned sewer mains and that satisfy the requirements of the "abutting mains" policy (Section II.G.3.)
- Properties at the edge of the Potomac Master Plan planned public sewer envelope, that abut and/or confront properties within the envelope, consistent with the Potomac area peripheral sewer service policy. (Consistent with this policy however, properties at the periphery of the planned sewer envelope within the Piney Branch watershed and at the periphery of the City of Rockville's planned service area are excluded.)
- 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.G.11.b.).

Figure C-F4: Glen Hills Sewer Service Policy Area



Property owners shall not use the provision for a single sewer hook-up under any of the four Glen Hills area sewer policy provisions cited above to support subdivision or resubdivision of existing properties into more than one lot.

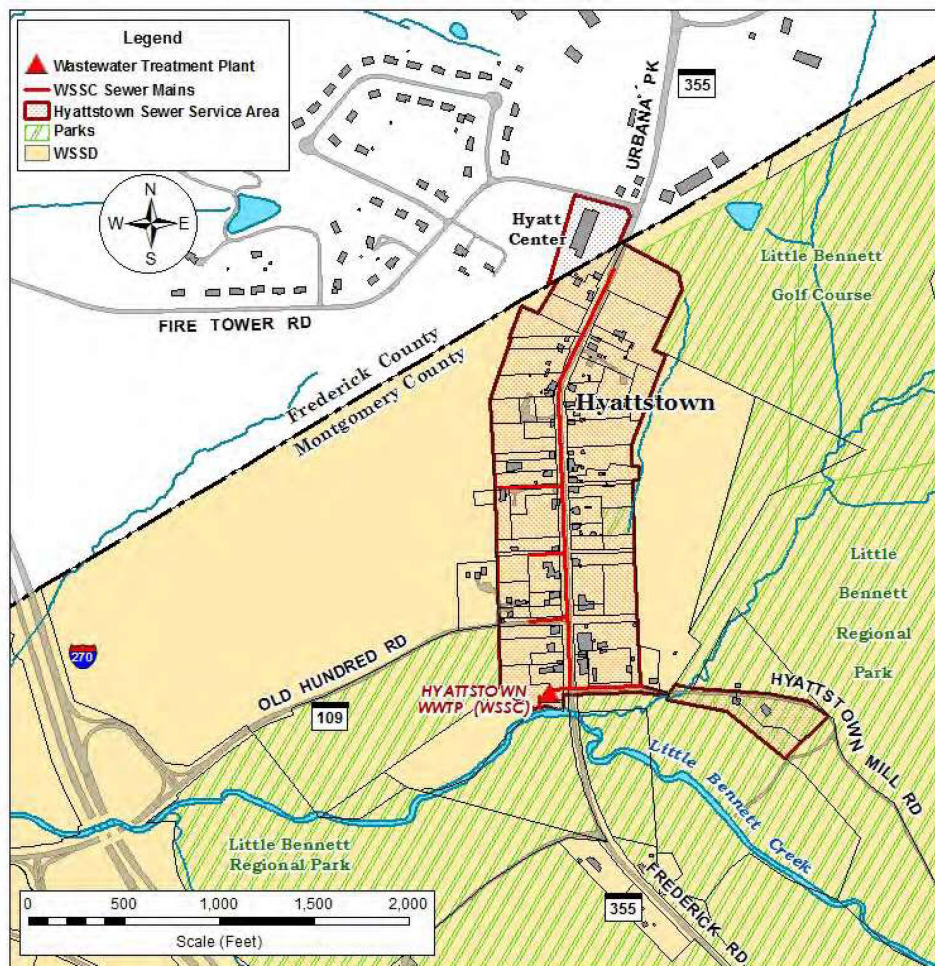
II.F: HYATTSTOWN HISTORIC DISTRICT

Special Community Sewer Service Area: Recommended by the 1994 Clarksburg Master Plan and Hyattstown Special Study Area. Established by Council Resolution No. 13-89 (4/4/95)

Subject Area:

- Properties zoned R-200 and NR-0.75 in the community of Hyattstown
- Nearby portion of Little Bennet Regional Park, east of Hyattstown along Hyattstown Mill Rd.
- Adjacent commercial development at the Hyatt Center in Frederick County

Figure C-F5: Hyattstown Special Sewer Service Area



Service Recommendation & Comments: The County approved the provision of community sewer service to the Hyattstown area in 1994, as part of the Clarksburg Master Plan. Sewer service was needed to relieve chronic, ongoing septic problems in the community, some of which had required condemnation of specific properties. In order to provide this service, WSSC constructed the Hyattstown Wastewater Treatment Plant near the intersection of Frederick Road (Rte. 355) and Old Hundred Road (Rte. 109). The provision of community sewer service in this area is restricted to the Hyattstown Historic District, with only one allowed exception. The County Council subsequently approved the provision of community sewer service to the commercial Hyatt Center site located adjacent to the Montgomery County limits in Frederick County. The septic system for that facility had failed and had the potential to affect wells in the Hyattstown community.

envelope is irregular, established by demand rather than by plan. Voids within the envelope and irregular boundaries along its perimeter abound. Although this Master Plan generally recommends against the continued provision of community sewer service to low-density (RE-1 and RE-2) areas, it does support limited approvals for community sewer service for the low-density areas within the envelope and along its currently-established edge. The focus of this limited service and expansion should be on properties which already abut existing or proposed mains and on properties which can be served by sewer extensions within public rights-of-way. Main extensions that would disrupt streams and their undisturbed buffer areas should be avoided. Any approvals granted along the currently-established edge should not be cited as justification for expanding the sewer service envelope beyond the limits recommended in this Plan.

Sewer Service Recommendations

- **Provide community sewer service in the Subregion generally in conformance with *Water and Sewer Plan* service policies. This will generally exclude areas zoned for low-density development (RE-1, RE-2, and RC) not already approved for service from further extension of community service.**
- **Allow for the limited provision of community sewer service for areas zoned RE-1 and RE-2 within and at the periphery of the proposed sewer service envelope. (See Foldout Map D.) Exclude from this peripheral service policy properties adjacent to and in the vicinity of the Palatine subdivision and the lower Greenbriar Branch properties, and all properties within the Piney Branch Subwatershed, the Darnestown Triangle, and the Glen Hills Area (until completion of the study described on page 24, which will evaluate whether this exclusion should continue in the future). Emphasize the construction of sewer extensions, if needed, along roads rather than through stream valleys.**
- **Help to protect water quality in the Stoney Creek subwatershed of Watts Branch by requiring that sewer main extensions to serve the few properties approved for community service be located along River and Stoney Creek Roads, rather than along the stream valley.**
- **Deny the provision of community sewer service to the areas zoned R-200 near the intersection of River and Seneca Roads.**

Glen Hills Area

The Glen Hills area consists of several established subdivisions with lots generally at least one acre in size. Most of the lots were established in the 1950's and 60's using septic systems. At that time, septic standards did not include septic buffers, water table testing, multiple depth testing, and the consideration of fractured rock. The Department of Permitting Services (MCDPS) has raised concerns about the periodic septic failures which occur in the neighborhood because subsurface conditions often do not allow for replacement systems which satisfy current septic regulations. This Plan supports a study of the septic failures in Glen Hills to develop the measures necessary to ensure

ADDENDUM
T&E COMMITTEE #1
October 3, 2022

Worksession

MEMORANDUM

October 3, 2022

TO: Transportation and Environment (T&E) Committee

FROM: Keith Levchenko, Legislative Analyst

SUBJECT: **Worksession:** Ten-Year Comprehensive Water Supply and Sewerage Systems Plan 2022-2031

Attachments to this Memorandum

- Executive's Recommended Ten-Year Comprehensive Water Supply and Sewerage Systems Plan 2022-2031 Excerpts
 - Chapter 1 Section 1.E.3.a: Washington Suburban Sanitary Commission (WSSC Water, WSSC) (©1-3)
 - Chapter 1 Section 2.G.4: Community Service for Private Institutional Facilities (©4-7)

Subsequent to the release of the original [Staff Report](#) for T&E Committee #1 for October 3, 2022, Council Staff received additional information and comments from Executive Branch and WSSC Water staff which are discussed below.

1. **Additional Expected Participants:** Tom Hilton, Planning Division Manager, Engineering and Construction Department, WSSC Water
2. **Potomac Peripheral Sewer Policy – Palatine Area Restriction:** Mr. Hilton of WSSC Water staff, provided additional information regarding capacity issues in the Palatine low pressure sewer system. He also noted WSSC Water's support for the County Executive's and Council Staff's recommendation to defer the Mohebbi request pending further study. Mr. Hilton's comments are below:
 - *While improvements have been made to the Palatine low pressure sewer system, they were intended to rectify issues existing customers were having with the current system and were never intended to enable a system expansion*
 - *WSSC's comments on the category change request for the Mohebbi property, dated 7/26/21, never indicated system capacity was available. In fact, a statement was made that "downstream system upgrades might be required."*
 - *The Palatine low pressure system is a large and complex system in which individual grinder pumps pump into a network of small diameter pressurized pipelines. Capacity analyses of such a large and complex system require the use of a computerized*

hydraulic model that simulate the pumped flows from each home into the piping network to see if the system pressures are adequate to support the connection of additional grinder pumps at the locations being contemplated.

- *We therefore support, the Staff's recommendation to defer this request, pending a further review of the hydraulic capacity of the Palatine low pressure sewer system to determine if the current system is capable of supporting one or more additional sewer service connections to the system and what, if any, improvements will be required.*
3. **Abutting Mains Policy – Main Extensions** – As noted in the original Staff Report, Council Staff supports the current policy which does not include a provision for applicants to request main extensions as part of their abutting mains application. However, if the Committee is supportive of the Executive's recommendation which would allow main extensions under certain circumstances, Council Staff had noted in the original Staff Report a suggestion that only improved properties should be eligible to connect to these extensions. Based on further discussions with Executive Branch staff, Council Staff suggests that the language be modified to allow extensions only to "improved properties or recorded lots." This would still preclude properties not otherwise developable from connecting but would avoid a situation where an abutting vacant property would have to first be developed on septic before being eligible to connect to the abutting main.

4. **Draft Commercial Sewer Service Policy** –

- WSSCWater Approval of Main Extensions - Mr. Hilton of WSSCWater provided comments noting that WSSCWater's review of potential main extensions also entails a case-by-case review of system capacity. This review is particularly important when involving properties outside the planned sewer envelope (not previously assumed in capacity calculations) which would drain into the Potomac Interceptor where WSSCWater is subject to average and peak flow allocations. Mr. Hilton's comments are below:
 - *The WSSC wastewater collection and conveyance system was never planned to accommodate properties outside of the sewer service area. It was planned for existing and future customers within the service area; however, there may be some limited capacity for properties outside the service area, but it would have to be evaluated on a case by case basis as noted below.*
 - *Additionally, several sewer basins within Montgomery County drain into the Potomac Interceptor which is owned and operated by DCWater. The 2012 Blue Plains IMA stipulates average and peak flow allocations at every point of connection into the Potomac Interceptor. These allocations were not set to incorporate future flows from properties outside of the sewer service area.*
 - *WSSC is in the process of updating its computerized hydraulic sewer models for each sewer basin. These models are calibrated to current average and wet weather flow conditions and then are used to project future dry and wet weather flows, which account for future growth based on the MWCOC's demographic projections. The results for all of the sewer basins within Montgomery County are not yet final for this update to the 10-Year Water and Sewer Plan update. When the results are final, they will be helpful to determine, what if any, additional capacity may exist for*

properties outside of the sewer service area (both physical pipe capacity and capacity as allowed within the 2012 Blue Plains IMA). This modelling information is expected within the coming months.

- *Under the “Options for Consideration”, bold bulleted text: Service will require WSSCWater approval of the engineering plans for the main extension serving the property. If not, the category change approval will be vacated. It’s not clear by this statement if this approval would also involve an analysis of available system capacity. As a result, we recommend this statement to also include a review and approval of available system capacity.*

The WSSCWater approval language in the draft policy was included to make clear that the commercial sewer service policy does not supersede WSSCWater’s authority to approve main extensions. Council Staff’s intent was that consideration of system capacity is assumed to be part of WSSCWater’s review and approval process for main extensions.

With regard to that same language, representatives of the Transquest and Travilah Oak applicants expressed concern with this language, nothing that it is not included in other special policies in the Water and Sewer Plan.

The Executive’s Recommended Plan, Chapter 1, Section I.E.3.a: Washington Suburban Sanitary Commission, includes language regarding WSSCWater’s general responsibilities vis a vis the Plan (See ©1-3). However, this language does not include a discussion of WSSCWater’s authority to approve main extensions. **Council Staff recommends that language be added to this section regarding WSSCWater’s main extension approval authority. Council Staff will work with Executive Branch staff on this language. Given that WSSCWater’s approval authority is inherent under any general or special policies noted in the Water and Sewer Plan, Council Staff agrees that the WSSCWater approval language in the draft Commercial Sewer Service Policy is not needed and can be removed.**

- Draft Commercial Sewer Service Policy and Private Institutional Facilities (PIF) Policy Comparison - The Executive has not yet transmitted a draft Commercial Sewer Service Policy. However, Executive Branch staff have provided some feedback on Council Staff’s draft policy and suggested that the draft Commercial Sewer Service Policies criteria should be considered in the context of the criteria used for the Water and Sewer Plan’s Private Institutional Facilities (PIF) Policy. The County’s goals are similar in both cases (i.e. providing an opportunity for consideration for the extension of sewer to properties otherwise ineligible to advance broader County interests while minimizing environmental and community impacts). Council Staff agrees it would be helpful to compare these two policies and has prepared a comparison chart below:

Comparison of the Private Institutional Facilities (PIF) Policy and the Draft Commercial Sewer Service Policy

Requirements/Conditions	PIF Policy	Draft Commercial Sewer Service Policy
Zoning Restrictions (Policy is not applicable in these zones)	AR Zone	AR, Rural, RC Zone
Not Applicable in Areas with Specific Master Plan Restrictions on Public Sewer	Yes	---
Not Applicable for Existing Residential Structures	Yes	---
No New WSSCWater owned and operated pumping station required	Yes	Yes
Cannot Open up Service to Other Ineligible Properties*	Yes	Yes
Concept Plan reviewed by the Development Review Committee	Yes	---
Council Case by Case Review Required (cannot be approved administratively)	Yes	Yes
Approvals are conditioned upon Planning Board approval of a preliminary subdivision plan which conforms substantially with the concept plan reviewed by the County Council	Yes, where applicable	---
Notes WSSCWater Approval Authority for Main Extension	No	Yes

*The PIF Policy allows only low pressure systems to abut ineligible properties. Council Staff recommends using similar language for the Draft Commercial Sewer Service Policy

- Council Staff is comfortable having more zoning restrictions under the commercial policy.
 - Council Staff suggests that language be added to the Draft Commercial Sewer Service Policy regarding specific master plan restrictions.
 - Council Staff suggests adding similar language as in the PIF Policy regarding not opening up service to ineligible properties.
 - One major difference in the two policies is that PIF applicants are required to submit concept plans to the Development Review Committee for review and comment prior to the initiation of the application process with DEP. This process is not currently part of the Draft Commercial Sewer Service Policy. Requiring Concept Plans, at least in some commercial cases, makes sense and would provide the Council with helpful information regarding requests. **Council Staff believes this issue requires further discussion to determine whether this should be a blanket requirement or limited to certain types of requests.**
5. Council Staff is working with the Clerk's office to schedule T&E Committee discussion later in October of several deferred category change requests as well as a current request (Mohebbi). Depending on the Committee's Ten-Year Water and Sewer Plan recommendations from the October 3 meeting, some of these requests could be recommended for approval conditioned upon MDE approval of the Ten-Year Water and Sewer Plan Update (as recommended by the Committee). The Council could act on these requests immediately after its action on the Ten-Year Water and Sewer Plan Update. A Council worksession on the Ten-Year Water and Sewer Plan is tentatively scheduled for October 18. If the Council completes its work on the Plan, action could occur on October 25.

Town of Laytonsville: The majority of properties in Laytonsville are approved for community water service from WSSC Water. Although it is within the WSSD, the town is outside of the planned community sewer service envelope.

Town of Barnesville: Barnesville is located within the WSSD, but outside the limits of the planned community water and/or sewer service envelopes.

I.E.3.: Bi-county Agencies

The State of Maryland has chartered two bi-county agencies to serve Montgomery and Prince George's Counties: the Washington Suburban Sanitary Commission and the Maryland - National Capital Park and Planning Commission.

I.E.3.a.: Washington Suburban Sanitary Commission (WSSC Water, WSSC)

Established in 1918 under State legislation, WSSC Water provides community (public) water and sewerage systems throughout most of Montgomery and Prince George's Counties. The State's charter specifies the area served by WSSC Water, the Washington Suburban Sanitary District (WSSD), shown in Figure 1-F3. Montgomery and Prince George's Counties each appoint three of the six commissioners who head the WSSC Water, subject to confirmation by the respective county councils. The commissioners serve staggered, four-year terms. The chairperson of the Commissioners alternates annually between Montgomery and Prince George's Counties. The WSSC Water General Manager, the chief executive for all WSSC Water operations, as well as the Inspector General and the Board Secretary, report directly to the Commissioners.

WSSC Water is responsible for the design, construction, operation, and maintenance of the community water supply and sewerage systems within the WSSD. The agency constructs and maintains water mains, pumping stations, and water storage facilities to deliver treated drinking water from the Potomac and Patuxent filtration plants to connected households and businesses. WSSC Water also constructs and maintains sanitary sewer lines, pumping stations, and force mains to collect and transport wastewater to its wastewater treatment facilities (water resource recovery facilities) and to trunk sewers connecting to the regional Blue Plains wastewater treatment facility.

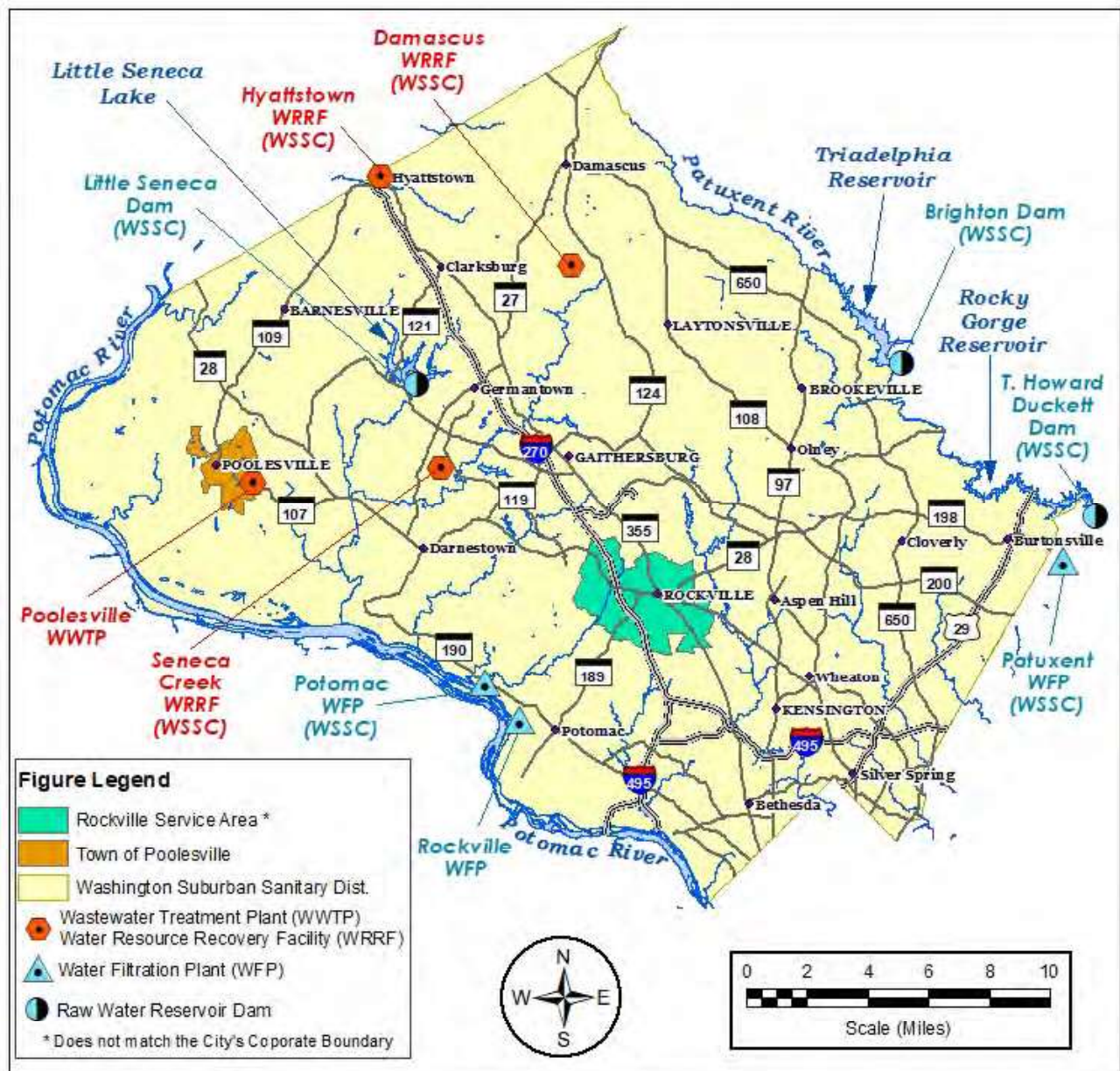
WSSC Water operates and maintains approximately 5,800 miles of water mains and 5,600 miles of sewer mains throughout the WSSD. WSSC Water will face a significant challenge during the tenure of this Plan in the form of rehabilitating aging water and sewer mains within its systems, many reaching and exceeding their expected useful life. WSSC Water issues plumbing permits for water and sewer service throughout the WSSD, both within its own community service areas and for areas within the WSSD using individual, on-site systems (wells and septic systems).

WSSC Water owns and operates water supply reservoirs on the Patuxent River and on Little Seneca Creek. The Triadelphia and Rocky Gorge Reservoirs on the Patuxent River supply raw water to WSSC Water's Patuxent Water Filtration Plant. WSSC Water uses the Little Seneca Lake Reservoir, located within Black Hill Regional Park in Germantown, to supplement flows in the Potomac River to the Potomac Water Filtration Plant during designated periods of drought. Discharges from Little Seneca Lake are coordinated through the Interstate Commission for the Potomac River Basin (see [Section I.E.5.c](#)). The agency has permits to operate and maintain water intakes and filtration plants, to withdraw and treat water from the Potomac River and the Patuxent River reservoir system for public water supply purposes. WSSC Water conducts extensive water quality analyses for the community water supply within the WSSD and provides water quality reports to its customers through federally mandated, annual Consumer Confidence Reports. These reports may also be obtained through the WSSC Water Public Communications Office or on WSSC Water's website at www.wsscwater.com.

WSSC Water operates and maintains three wastewater treatment plants in the county, which WSSC Water recently renamed as water resource recovery facilities (WRRF):

- The Seneca WRRF on Great Seneca Creek near Germantown.
- The Damascus WRRF on Magruder Branch near Damascus
- The Hyattstown WRRF on Little Bennett Creek in Hyattstown.

Figure 1-F3: Washington Suburban Sanitary District (WSSD) in Montgomery County
 (Source: DEP-IGAD)



These point source discharges are controlled through NPDES permits issued by MDE. WSSC Water conducts in-plant process monitoring of water filtration and wastewater treatment processes and maintains a water quality laboratory to support these operations. WSSC Water also conducts some raw water supply monitoring at its water sources and in-stream monitoring immediately upstream and downstream of its wastewater discharge points.

WSSC Water provides data and guidance to the Executive pertaining to capacity of the water supply and sewerage systems and to engineering and fiscal aspects of system expansion. WSSC Water's functions also include reviewing and commenting on the Recommended Comprehensive Water Supply and Sewerage Systems Plan and on proposed amendments, including water and sewer service area category changes.

WSSC Water submits an annual operating budget and a Six-Year Capital Improvements Program (CIP) budget annually to the County for interagency review and for modification and adoption by the County Council. WSSC

Water prepares and submits the CIP for major community water and sewerage projects to the County as part of its responsibility to plan and finance the water supply and sewerage system. WSSC Water and the Executive work together in the preparation of relevant portions of the WSSC Water's proposed CIP and related facility plans. The County incorporates the adopted WSSC Water annual CIP and subsequent amendments as updates to the Water and Sewer Plan, which serve to substantially fulfill the fiscal planning requirements of state law and regulations. WSSC Water implements the County-approved CIP for major water and sewerage facilities by designing, constructing, operating, and maintaining water systems and acquiring facility sites and rights-of-way. The two County Councils annually review and adopt the WSSC Water CIP and operating budgets. In the event that the two County Councils cannot agree on the capital and operating budgets, the Commission's recommended budgets are adopted by default.

WSSC Water is responsible for identifying potential environmental impacts from construction of proposed water and sewer lines and related infrastructure. Cooperating with other agencies through the Development Services Process, WSSC Water works to avoid and minimize environmental impacts of sewer line, water line, and other facility construction and maintenance activities to streams, floodplain, wetlands, parklands, and woodland buffers.

I.E.3.b.: Maryland - National Capital Park and Planning Commission (M-NCPPC)

State legislation created M-NCPPC in 1927 to protect open space and control development in Montgomery and Prince George's Counties. In 1939, the Maryland District Act provided planning and zoning authority to M-NCPPC. The agency is also responsible for park land acquisition and development and maintenance of the county's park system. Ten commissioners govern M-NCPPC, five each appointed by Montgomery and Prince George's Counties. The five members of the commission for each County also serve as a separate Planning Board to facilitate, review, and administer the matters affecting their respective counties. The Montgomery County Planning Board advises and assists the County Council in zoning, and master plan and related development issues. The Planning Board prepares draft master plans for Executive review and County Council consideration and approval. In support of the triennial update of the CWSP, M-NCPPC provides demographic information and population projections.

In carrying out its basic land use planning mission, M-NCPPC develops the County's *General Plan*, master and sector plans and functional master plans. Once approved by the County Council and adopted by the Planning Board, local area master plans, sector plans, and functional master plans amend the *General Plan*. Master plans are required to incorporate the seven Visions of the Maryland Economic Growth, Resource Protection, and Planning Act of 1992. M-NCPPC also conducts natural resource inventories necessary to support the development of land use plans. In executing its development review responsibilities, M-NCPPC evaluates proposed subdivisions and site plans for impacts on forests, specimen trees, slopes, wetlands, streams, wildlife, fisheries, and other natural features.

M-NCPPC coordinated the preparation and adoption of the 2010 *County-wide Water Resources Functional Master Plan* (WRFMP) as required by the Water Resources Element (WRE) of Maryland HB 1141, enacted in May 2006. This legislation required the County to amend the *General Plan*, considering existing and planned growth, to address the adequacy of the County's water supply capacity, wastewater treatment capacity, storm water quality and quantity management resources, and the water quality of its streams. The WRFMP serves as a guide for the County's *Ten-Year Comprehensive Water Supply and Sewerage Systems Plan*, other functional master plans, area master plans, and sector master plans. For more information on the WRFMP, see **Section II.F.1.b and Chapter 2, Section III.A.2.**

M-NCPPC provides guidance on and interpretation of land use, development, park and natural resources, and community planning issues to the County government. As required by State law (Annotated Code Sections 9-506(a)(1)(ii), 9-506(a)(2) and 9-516), this includes review and comment on the Recommended *Comprehensive Water Supply and Sewerage Systems Plan* and proposed amendments, including water and sewer service area category changes.

M-NCPPC is responsible for protecting, preserving, and managing natural resources in County parks, including streams, fish, wetlands, forests, and wildlife. Within the park system this is accomplished through a wide variety of ongoing programs including: 1) resource inventory functions; 2) reforestation; 3) wildlife and fisheries

- DEP staff confirmation that the property qualifies for service under this policy, and does not require consideration and action by the County Council for approval; and
- DEP receipt of a valid category change request application for the property.

Only in such cases may DEP approve service for a residential use 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.

II.G.4.: Community Service for Private Institutional Facilities

This Plan defines private institutional facilities (PIFs) as buildings constructed for an organization that qualifies for a federal tax exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service).

Private institutions, needing space to locate and grow, sometimes look to less-expensive land zoned for lower-density development. This land is often located outside of the community water and/or sewer service envelopes. The County Council adopted a special service policy addressing PIF uses with three primary goals in mind:

- To continue to support, where the provision of community service is reasonable, the county's private institutional facilities, which the Council recognizes as having an important role in their communities and for their residents;
- To provide more objective and consistent criteria in evaluating PIF cases; and
- To limit the potential impact of water and sewer main extensions constructed outside the community service envelopes for the sole purpose of supporting PIF uses.

Aspects of the Religious Land Use and Institutionalized Persons Act of 2000

The County understands the intent of the [Religious Land Use and Institutionalized Persons Act of 2000](#) (RLUIPA). The County further accepts RLUIPA as a means of ensuring against discrimination to religious institutions in the County's land use and zoning codes. The PIF policy acts to grant opportunities for the provision of community water and sewer service for non-profit institutions (that can include religious institutions) that are not otherwise afforded to residential and commercial development in areas located outside planned public service envelopes.

Restrictions included in the PIF policy serve to limit the applicability of the policy to address appropriate development and environmental concerns, not to discriminate against any specific type of land use or institution. County zoning and land use standards still apply equally to institutional uses as they do to residential and commercial development for the same area. The County works to ensure that master plan recommendations concerning the provision of community apply in a manner consistent with both the PIF policy and RLUIPA.

PIF Sites Within the Planned Community Service Envelopes

Note that for private institutional facilities located within the planned water and/or sewer community service envelopes, service area category changes may be approved by DEP through the administrative delegation process ([Section V.D.2.a.](#): Consistent with Existing Plans). For a specific site, the planned water and sewer service envelopes differ in some areas due to the general service policies ([Section II.F.](#)) included in this Plan.

PIF Sites Outside the Planned Community Service Envelopes

The County Council will address category change requests seeking the provision of community water and/or sewer service to such facilities located outside of the planned community service envelopes on a case-by-case basis by the policies provided in the following sections. Under this circumstance, category change requests for PIF uses have specific application requirements. Refer to [Section II.G.4.e.](#) for relevant information.

The County Council has come to place greater emphasis on the review of a concept plan for projects seeking the approval of community water and/or sewer service under the PIF policy. PIF-based category change cases often propose more intense development of a site than would be expected on a property zoned for lower-density development. As a result, one of the Council's more significant concerns is the amount of impervious area proposed for the project. Typically, the Council's approval of a category change for a PIF use is based on an

understanding that the PIF user's final development plan will be consistent with the concept plan considered by and acceptable to the Council, especially concerning impervious area.

The use of community service outside the planned community service envelopes can imply inconsistency with the general recommendations of local area master plans. However, many master plans are silent on the specific issue of community service related to exceptional service policies in this Plan, such as the PIF policy. The County Council typically interprets these situations as suitable for the application of this policy.

Some circumstances will result in properties that are specifically excluded from the application of this policy; see Section II.G.4.a., below.

In cases where the County Council supports a requested category change for a PIF use, the Council will typically choose to condition a category change approval on either:

- The Planning Board's approval of a preliminary subdivision plan that the Board finds to be in conformance with local area master plan recommendations; or
- The Planning Board's approval of a preliminary subdivision plan which conforms substantially with the concept plan reviewed by the County Council.

Please refer to Section V.E.2. for additional information concerning conditionally approved Water and Sewer Plan amendments, including the five- to -ten-year sunset provisions for final approval actions.

Sites Abutting Existing Water and/or Sewer Mains

For cases where existing or approved water or sewer mains abut or will abut a property, the Council may consider the approval of service area category amendments for sites with an existing PIF use and for sites proposed for a new or relocating PIF use, excluding those zoned AR (see Section II.G.4.c).

Sites Requiring New Water and/or Sewer Main Extensions

For sites where the provision of community service for a PIF use requires the construction of new water and/or sewer mains, the Council shall apply the following criteria:

- For existing PIF uses, service area category amendments may be approved for sites only where required water and/or sewer main extensions do not threaten to open undeveloped land to development contrary to the intent of the relevant local area master plan.
- For new or relocating PIF uses, service area category amendments may be approved for sites where required new water and/or sewer main extensions will not make community service available to additional properties that are otherwise not eligible for community service under the general policies of this plan.

WSSC Water policies require that where low-pressure systems provide sewer service to a non-residential use, that system must be dedicated to only one user and cannot provide service to intervening properties, whether for residential or non-residential uses. This policy will therefore allow a dedicated, low-pressure sewer main extension for a PIF use to abut properties ineligible for community sewer service.

Care must be taken to ensure that any associated gravity outfall from a low-pressure sewer system otherwise satisfies these requirements.

New WSSC Water wastewater pumping facilities are not allowed where their only purpose is to serve PIF uses. (See Section II.G.4.c., following.)

Consistent with the Limited Access Water and Sewer Mains policy (see Section III.A.1), water and sewer main extensions outside the acknowledged community service envelopes, where required, shall be designated "Limited Access". Where community sewer service for a PIF use will be provided by low-pressure mains, those mains shall be dedicated only to that PIF use and generally not eligible for additional service connections. This is consistent with WSSC Water's policy of requiring that non-residential pump/pressure sewer system users

have systems dedicated to only that use. The County and WSSC Water may make limited exceptions to this requirement to allow for the relief of failed septic systems, where such service is technically feasible.

PIF uses may receive service from limited access water or sewer mains where the Council has specifically approved access to those mains. 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.

Under its Systems Extension Permit (SEP) process, WSSC Water requires that all commercial and institutional service applicants construct and pay for the community systems main extensions and related facilities needed to serve their projects.

II.G.4.a.: PIF Policy Exclusions

The following circumstances restrict the application of the PIF policy in cases where community service is sought.

PIF Uses Affected by Specific Master Plan Service Policy Recommendations

This policy cannot be used to justify the provision of community service where a local area master plan specifically recommends against the use of community service for PIF uses, or for any use in general.

PIF Uses on Sites Zoned Agricultural Reserve (AR)

To help preserve the integrity of the land-use plan for the County's agricultural reserve, neither community water nor sewer service shall be used to support existing or proposed PIF uses within the Agricultural Reserve (AR) Zone. This prohibition shall apply to all PIF cases regardless of whether public service requires either new main extensions or only service connections to an existing, abutting main.

The only exception allowed to this prohibition is to allow for community service to relieve health problems caused by the failure of on-site systems, as documented by the Department of Permitting Services (DPS). In the case of a public health problem, DEP and DPS staff will need to concur that the provision of community service is a more reasonable alternative to a replacement of the failed on-site system, either by conventional or alternative technologies. WSSC Water and DEP staff will need to concur that the provision of community service is technically feasible.

Note that this Plan, with the preceding agricultural preservation goals in mind, also places limitations on the size of individual, on-site septic systems used within the AR Zone (see Section **II.G.4.c**).

PIF Uses in Existing Residential Structures

The Council may deny service area category amendments for PIF uses located outside the acknowledged water and/or sewer envelopes where main extensions are required for private institutional facilities seeking community service for existing residential structures. This could result in the extension of community water and/or sewer service for structures which would not otherwise be eligible for such service, and which could return to residential use.

PIF Uses Requiring New WSSC Water Pumping Facilities

In cases where more than one PIF use proposes to locate on a site requiring a pump and low-pressure main extension, WSSC Water requires that each institutional facility have a separate pump and pressure main system. The County and WSSC Water will not support the provision of community sewer service for a PIF use where that service will require a WSSC Water-owned and operated wastewater pumping station that does not also support community sewer service for other non-PIF uses consistent with the service policies of this Plan.

II.G.4.b.: Further PIF Policy Considerations

The PIF policy has accomplished its intended goals in many cases, although the practical application of the policy in other cases remains controversial. These more controversial cases have raised additional policy questions about the criteria for to evaluate PIF category change requests. Among these are the following:

- Should the policy place limitations on the length of water and /or sewer main extensions needed to serve qualifying PIF uses?

- Should the policy include additional prohibitions on community service for PIF uses in other zones besides the AR Zone?

Outside of the CWSP and the PIF policy, should broader County policies consider the following issues:

- Whether County policies should include limitations on the amount of allowed impervious surfaces for either all uses or all non-residential uses, whether universal or based on zoning criteria, and subsequent enforcement of approved impervious surface limitations. Should the County enact additional environmental overlay zones with imperviousness limitations in additional watersheds or subwatersheds the County determines to need additional protection?
- Should County policies be concerned about the effect of PIF uses on nearby communities with respect to compatibility, noise, traffic, etc.?

II.G.4.c.: PIF Policy Category Change Application Requirements

Applicants seeking category change approvals under the PIF policy need to provide the following information in addition to the category change application form:

- Name of and contact information for the proposed institutional use if that institution does not already own the property.
- Statement of the institution's non-profit, federal tax-exempt status from the U.S. Internal Revenue Service.
- A concept plan for the site of the proposed institutional use that has first been considered by the M-NCPPC Development Review Committee (DRC) under that agency's concept plan review process. The County Council's consideration of the reviewed concept plan will focus on impervious area and on water and sewer main extensions. The concept plan needs to include:
 - Proposed activities, seating capacity, and auxiliary uses (day care, private school, etc.).
 - Proposed building footprints, parking and driveway areas, and other paved surfaces in sufficient detail to provide an estimate of impervious surface area. Imperviousness must be consistent with specific, established imperviousness limitations imposed by County regulations.
 - Concepts for water and/or sewer main extensions, as needed.

The category change application needs to include a copy of the reviewed concept plan and a copy of the comments for the plan provided by the DRC agencies.

II.G.4.f.: County Council Reconsideration of PIF Concept Plan Changes

The discussion of the review of PIF policy cases (Section II.G.4.b) explains the Council's consideration of a concept development plan for the proposed PIF use, which in part is the basis for a category change approval action. However, if the PIF user makes significant changes (prior to service being provided to the approved PIF use) to the development plan from the plan considered at the time of the Council's action, the County will require reconsideration of the original approval action by the County Council. This shall also apply for cases where the proposed PIF user changes from the original user. The M-NCPPC Planning Department will evaluate the revised concept plan with respect to the original plan and report its findings to DEP and the Council concerning significant changes that would warrant the Council's reconsideration.

II.G.5.: Community Service for Public Facilities

Public facilities are defined as government-owned buildings or facilities; this includes facilities for municipal, county, state, state-chartered, and federal government agencies. Service area changes needed for community water and sewer service to serve those public facilities sited within the planned community service envelopes through the administrative delegation process (Section V.D.2.a: Consistent with Existing Plans). For locations outside the planned community service envelopes, DEP may act to approve service area changes for existing and proposed public facilities through the administrative delegation process, Section V.D.2.a: Public Facilities. 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.