

Action

M E M O R A N D U M

September 28, 2018

TO: County Council

FROM:  Keith Levchenko, Legislative Analyst

SUBJECT: **Action:** Ten-Year Comprehensive Water Supply and Sewerage Systems Plan 2017-2026

PURPOSE: To approve the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan 2017-2026

Summary

- The Council held worksessions on February 27, March 6, March 20, April 17, and September 11, 2018 on the Ten-Year Water and Sewer Plan. Councilmembers should refer to the Council packets from those worksessions* for more details on each issue discussed.
- Council Staff has worked with Executive staff to finalize the Water and Sewer Plan language to implement the policy recommendations preliminarily supported by the Council at its prior meetings and to clarify text (where possible, consistent with the Council's policy guidance) to address concerns raised in comments from Councilmembers and testimony received from the public.

Council Staff Recommendation: Approve the Ten-Year Plan Update with the text changes to the Executive's March 2017 Water and Sewer Plan Update presented in Resolution Attachments A and B.

Council Staff also recommends revising the years in the title of the Ten-Year Plan to "2018-2027", consistent with the Council approval occurring in 2018.

*These packets are available for download at the Council website. Current direct links are provided below:
February 27 (#5): http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&clip_id=14632&meta_id=149752
March 6 (#13): http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&clip_id=14681&meta_id=150260
March 20 (#14): http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&clip_id=14739&meta_id=151122
April 17 (#8): http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&clip_id=14887&meta_id=153831
September 11 (#4): https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/180911/20180911_4.pdf

Both the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan 2017-2026 (County Executive Recommended Plan – March 2017) and the Current Approved 2003-12 Plan are available for download at:
<https://www.montgomerycountymd.gov/water/supply/county-water-plan.html>

Attachments to this Memorandum Include:

- Summary of preliminary Council actions to date (©1-10)
- Council Approval Resolution (©11-12)
- Resolution Attachment A: Summary Table of Text Revisions to the County Executive's Plan Update (©A1-A5)
- Resolution Attachment B: Policy Revisions to the County Executive's Plan Update (©B1-B28)

The T&E Committee and the full Council reviewed many issues associated with the Ten-Year Water and Sewer Plan. A listing of the major policy/text changes (both those originally recommended in the Executive's Plan Update and/or those added through the Council's review) are provided below. Summary discussion of T&E Committee and Council actions to date is attached on ©1-10. More detailed information can be found in the prior Council worksession packets noted earlier. Specific text changes made to the Executive's Plan Update transmitted to the Council in March 2017 are provided on ©B1-B28.

Major Policy/Text Changes

- **Area-Wide Public Health Problems/Special Sewer Service Areas:** Involved a major text rewrite to clarify current policies within and outside planned water/sewer service envelopes and to add a new requirement that a documented failure with no reasonable on-site remedy is required for the initiation of an on-site systems area survey.
- **Individual Public Health Cases:** Involved a major text rewrite to clarify current policies within and outside planned water/sewer service envelopes and to affirm which cases can be approved administratively by DEP and which must go through the Council review process.
- **On-Site Systems Management:** Revised recommendation language to focus next efforts on the creation of a database of on-site systems in the County and initial education and outreach to property owners, with the intent that startup and ongoing funding for these two efforts can be considered in the context of future operating budgets.
- **Procedures for Adopting and Amending the Water and Sewer Plan:** Clarified that the election year prohibition (i.e., no hearing, deliberation, or action after October 31 in a Council election year) includes comprehensive updates and interim plan amendments. Also, clarified the existing processes and removed language providing for administrative denials. Also, clarified that DEP can provide water and sewer map updates, map corrections, and revisions, as well as informational updates on a more frequent schedule than the State's required triennial comprehensive updates; added a 5-year time limit for a category change applicant to meet all conditions included in an approval; clarified the text regarding deferred and tabled amendments and settled on a 90-day time period after which new notice requirements for deferred amendments are required; and updated MDE's review timeframes based on current law.
- **Dry Public Systems:** The Plan Update requires all subdivisions intended to be served on public water and/or sewer (i.e., W1 or W3 and/or S1 or S3) to utilize community service. No interim permits for on-site systems (with dry systems then built) would be allowed.

- **Extension Costs:** The Plan Update recommends continued work by the two counties and WSSC to implement the subdistrict concept, as well as to consider other policies (such as grants and subsidies) to make extension costs affordable.
- **Private Institutional Facilities (PIF):** Affirmed the current minimum criteria for eligibility for consideration; added clarifying language that the PIF Policy cannot be considered in cases where a Master Plan specifically recommends against the use of public water/sewer for PIF uses or any use; added language recommended by the Executive noting that the applicant must submit a conceptual development plan; added language clarifying that reconsideration of a PIF approval by the Council is required if the PIF applicant makes significant changes to its development plan; provided a five-year deadline for the applicant to meet the conditions included in the Council approval; and added clarifying language noting that the Council may condition PIF approvals upon the PIF applicant going through a subdivision review.
- **Potomac Subregion Master Plan Peripheral Sewer Policy and Glen Hills:** Extended the peripheral sewer policy into the Glen Hills area (except for those areas within the Piney Branch subwatershed).
- **Abutting Mains Policy:** added clarifying language to the Plan text supporting current practice regarding the consideration of non-abutting connections within this policy.

Recommended Plan Title Change

Given that approval of the Plan Update is now scheduled for October 2, 2018, Council Staff recommends revising the Plan's title from "Ten-Year Comprehensive Water Supply and Sewerage Systems Plan 2017-2026" to "Ten-Year Comprehensive Water Supply and Sewerage Systems Plan 2018-2027." The attached resolution and attachments have been revised to reflect this change.

Next Steps

After Council action approving the attached resolution, the Executive has 10 days to review and provide comments to the Council. After that, the approval resolution will be forwarded to the Maryland Department of the Environment for final action.

attachments

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THE FOLLOWING SECTIONS PROVIDE A SUMMARY OF THE T&E COMMITTEE'S RECOMMENDATIONS AND THE COUNCIL'S MAJOR PRELIMINARY ACTIONS TO DATE ON THE TEN-YEAR WATER AND SEWER PLAN UPDATE.

Subject Areas

- Area-Wide Public Health Problems/Special Sewer Service Areas
- Individual Public Health Cases
- On-Site Systems Management
- Procedures for Adopting and Amending the Water and Sewer Plan
- Dry Public Systems
- Extension Costs
- Private Institutional Facilities (PIF)
- Potomac Subregion Master Plan Peripheral Sewer Policy and Glen Hills
- Abutting Mains Policy

NOTE: © page notations refer to attachments in the October 2, 2018 Council packet (Agenda item #7). Some page references noted below refer to the Current Ten-Year Plan and/or the Executive's Recommended Plan Update, which are both available for download at: <https://www.montgomerycountymd.gov/water/supply/county-water-plan.html>

Area-Wide Public Health Problem Areas

The current Ten-Year Plan includes some general language regarding area-wide public health problem areas in Chapter 1, Section 2E2 ("Community Service to relieve Public Health Problems") (see Page 1-20 of the Current Plan). Over the past few decades, according to DEP, the County has performed numerous area-wide sanitary studies and the Council has considered the creation of public health problem areas, including:

As implemented, the current policy provides for the case-by-case review by DEP and DPS of areas, with a focus on identifying septic constraints. While septic failures can be addressed, identification of an actual failure is not required for consideration. Further details regarding the current policy and prior public health problem areas established can be found in the Council Staff packet of September 11 (Agenda Item #4).

The Plan Update transmitted by the County Executive last year includes clarifying language (similar to the Glen Hills Resolution 18-423 language approved by the Council in March 2016).

On March 6, the Council discussed a proposed amendment by Councilmember Elrich that would restrict the creation of Special Sewer Service Areas to properties with documented septic failures with no feasible on-site remedy. On March 20, the Council continued this discussion and then preliminarily voted 5-4 (Floreen, Katz, Leventhal, Rice opposed) in support of Councilmember Elrich's amendment. On April 12, the Executive sent a memorandum to the Council asking it to consider alternatives to Mr. Elrich's amendment. At the Council session on April 17, after Councilmember discussion, Council President Riemer asked the T&E Committee to discuss this issue, which it did on July 16, 2018.

The T&E Committee (joined by Councilmembers Elrich and Katz) met on July 16. At that meeting, Council Staff laid out a number of policy alternatives for consideration (consistent with the Executive's request and the Council President's direction).

Committee Chair Berliner supported an alternative that the initiation of a special service area survey by DEP outside the planned water/sewer envelopes should require confirmation by DPS of at least one on-site failure or major problem. After a substantial amount of discussion, the Committee agreed to have Council Staff draft Water and Sewer Plan text reflecting this policy. On September 11, the Council preliminarily supported this approach.

This approach is more restrictive than current policy (which does not require a documented failure for a survey to be initiated). However, this approach is less restrictive than Councilmember Elrich's original amendment, which also required that all properties ultimately included within the survey area have documented failures.

Also, on September 11, the Council supported several Council Staff recommendations involving areawide surveys, including:

- providing an opt-out provision for property owners who do not wish to have their property included in an areawide survey
- prohibiting the subdivision of properties approved for public water/sewer via special service areas (or through the individual public health problems criterion)
- noting that the current survey under review (North Potomac Highlands) can continue, but that the Executive and Council will review this and any future surveys under the new policy framework.

The latest draft language is attached on ©B22-B24. Council Staff has worked with DEP and DPS staff to clarify the text (while remaining consistent with the Council's preliminary action on September 11). The most significant text changes include:

- revised language to better define on-site failures and existing and potential (previously called "anticipated") public health problems.
- eliminating the term "major problems" in the discussion regarding the requirements for the initiation of a special area survey. Based on discussions with DPS staff, a documented failure with no reasonable on-site remedy is sufficient to cover the range of issues DPS would refer to DEP.

Individual Public Health Cases

At its September 11 meeting, the Council supported Council Staff recommendations regarding the review process for individual public health cases. Council Staff worked with DEP and DPS staff to finalize the policy language (see ©B21-B22) to reflect the following review process for properties outside the planned water/sewer envelopes:

- In cases involving documented failures with no reasonable onsite relief and with readily available community service¹, DEP may act to approve related service area changes through the administrative delegation process.
- All other cases must go to the Council for action.

¹ "Readily available community service" is defined in the latest plan draft language as meaning a property can be served by "a directly abutting or a WSSC-approved non-abutting service connection, not a main extension."

On-Site Systems Management

The OLO Report 2017-5, “Lifecycle Regulation of On-Site Wastewater Treatment Systems”² provides a summary of how Montgomery County regulates septic systems and include case studies of how other jurisdictions provide varying levels of oversight of private septic systems.

The County’s regulatory oversight is generally limited to the initial permitting of a new system and/or replacement system. The Department of Permitting Services and DEP will also, upon request by the property owner, assist in the assessment of existing systems and the potential for connection to public sewer.

The Ten-Year Plan Update recommends that a workgroup be formed to consider the creation and implementation of programs to manage individual on-site systems.

However, at its June 22 Committee meeting, Committee members and Executive Branch staff agreed that establishing a comprehensive database of the universe of septic systems (and wells) in use now throughout the County is a critical first step to any enhanced governmental role. This database could then provide the County the means to better target future education and outreach (such as best practices for maintenance and repair of systems). The database could also provide better information going forward as to whether additional regulation is warranted.

Based on T&E Committee feedback, Council and DEP staff worked on revised recommendation language to focus next efforts on the creation of a database of on-site systems in the County and initial education and outreach to property owners, with the intent that startup and ongoing funding for these two efforts can be considered in the context of future operating budgets. This work can then allow for a future consideration by the Council of more proactive maintenance and inspection programs.

On March 6 and March 20, the Council discussed additional language proposed by Councilmember Elrich to form a workgroup to create and implement programs to manage individual on-site septic programs, as well as immediate steps to implement an education and outreach program and move towards pro-active maintenance and inspection programs (in addition to the creation of an on-site systems database). **The Council ultimately did not support this additional language.**

However, after the March 6 meeting, at the direction of the Council, Council Staff included more detailed language regarding some immediate education and outreach that could be implemented. **The Council supported the T&E Committee recommendation with this additional text.**

Procedures for Adopting and Amending the Water and Sewer Plan

Acting on an Amendment in an Election Year

The current Plan prohibits the Council from holding a public hearing, deliberating, or acting on any amendment to the Ten-Year Plan after October 31 of a year when the Council is elected, until the new Council takes office. This prohibition is similar to what is in place for other land use-related decisions the Council makes.

² Available for download at:
https://www.montgomerycountymd.gov/LO/Resources/Files/2017%20Reports/OLOReport2017_5.pdf.

Page 1-67 of the Plan Update clarifies that this prohibition includes comprehensive updates and interim plan amendments. The administrative delegation process is not affected by this prohibition. **Council Staff supports this clarifying language. The T&E Committee also concurred. No issues arose during the Council discussion.**

Administrative Delegation Process

The current Plan includes a process for DEP approval of category change requests that meet specific Water and Sewer Plan policies (such as “consistent with existing plans” or “abutting mains”) AND are non-controversial. Requests can also be administratively denied if DEP determines the request is not consistent with Water and Sewer Plan policies. However, the applicant may appeal the denial to the County Council.

The DEP Director has the discretion to have any request go through the regular Council review process. For requests to be approved or denied through the administrative delegation process, the Planning Board must concur on the action and there must be no request from any Councilmember to “pull” the item for full Council review.

Pages 1-70 through 1-73 of the Plan Update clarify the existing processes and also remove language providing for administrative denials. Since administrative denials can be appealed to the Council by the applicant, in practice DEP has chosen to send requests it would have denied through the Council process instead. **Council Staff supports removal of the administrative denial language. The T&E Committee also concurred. No issues arose during the Council discussion.**

Informational Plan Text Amendments

The current Plan allows DEP to approve text amendments that are informational updates to the Water and Sewer Plan.

The Plan Update (see page 1-73) clarifies that DEP can provide water and sewer map updates, map corrections, and revisions, as well as informational updates on a more frequent schedule than the State’s required triennial comprehensive updates. DEP has noted that it intends to do these types of updates on an annual basis administratively to ensure the Ten-Year Plan is as accurate as possible at any given time. **Council Staff supports this process. The T&E Committee also concurred. No issues arose during the Council discussion.**

Conditional Approval Time Limits

The current Plan does not include a time limit by which an applicant must meet conditions included in a category change approval. This has led to some conditional approvals remaining in place for many years, even as the subject property has been sold and/or the property owner’s intended use of the property has changed. When a revised development moves forward, this can lead to confusion as to whether the new project is consistent with the conditions approved under the old request.

A recent example is the Jesus House PIF case. A category change approval was originally approved in 1999 under the PIF Policy for the construction of a place of worship. A new property owner is now moving forward with a development plan for a different place of worship on the site. The original approval included a requirement for the set-aside of forested area, based on what would have

been required to build the original project on septic. When the new property owner came back to M-NCPPC to build on the site, DEP, DPS, M-NCPPC, and the community went through a lengthy discussion about whether the new development proposal met the requirements of the original category change approval. Part of the difficulty in assessing this was the time lag that occurred.

The Plan Update (see page 1-74) includes new language that provides for a 5-year time limit for the applicant to meet all conditions included in an approval. The applicant may request from DEP up to a 5-year extension of time from the original five years. Once the time limit is hit, DEP will revert the property back to its original categories. Going forward, the property owner would need to seek a new category change. **Council Staff concurs with this new time limit for conditional approvals. The T&E Committee also concurred. The Council discussed this issue and ultimately supported this recommendation.**

Process for deferred amendments

The Plan Update (see pages 1-74 through 1-75) includes more detailed language regarding the rationale for Council deferrals. Some examples of deferral rationales include: additional information is requested by the Council, a master plan revision is ongoing (which could impact the request), or other land use processes need to occur before consideration of the amendment request. **Council Staff concurs with this clarifying language. The T&E Committee also concurred. No issues arose during the Council discussion.**

The Plan Update also clarifies that deferrals are intended not to last more than one year and that DEP will monitor deferred requests. When DEP finds that progress on a deferred request is no longer expected, the Executive may recommend that a deferred request be denied. **Council Staff concurs with this clarifying language. The T&E Committee also concurred. No issues arose during the Council discussion.**

The Plan Update adds language noting that deferred requests can proceed through an administrative delegation process, where the resolution of the deferral has resulted in the request meeting the Water and Sewer Plan's administrative delegation criteria. **Council Staff concurs with this new language. The T&E Committee also concurred. No issues arose during the Council discussion.**

For deferred amendments, the current Plan includes language requiring the Council to hold a new public hearing for a deferred amendment request if the details of the proposed amendment have substantively changed. This language is maintained in the Plan Update (see page 1-75).

For deferred amendments that have not significantly changed, the Plan Update revises the time lag that triggers the meeting notice requirement (to the reviewing agencies, the applicant, and to all parties who submitted oral or written testimony on the amendment) for a new Council meeting on the request from 30 days to 120 days. This circumstance does not come up often, but Council Staff feels the 30-day trigger is too short, since the parties to be notified are still well-engaged in the issue after 30 days. However, Council Staff feels a 120-day timeframe may be too long a trigger period. **Council Staff recommends 90 days as a trigger for new notice requirements. The T&E Committee concurred with Council Staff's recommendation. The Council supported Council Staff's recommendation as well. Revised language reflecting this recommendation is attached on ©B5.**

The Plan Update includes new language outlining the Council's "tabling" of amendments. A tabled amendment is one in which action by the Council (i.e., approval, denial, or deferral) is delayed. This delay most often occurs when the Council needs to schedule additional discussion and/or is expecting more information to be provided very soon. A tabling is expected to be a short delay and can help the Council avoid the longer process involved when items are deferred. **Council Staff concurs with this clarifying language. The T&E Committee concurs. No issues arose during the Council discussion.**

Maryland Department of the Environment (MDE) Review of Amendments

During the 2017 State Legislative session, Senate Bill 1040 was enacted which revised the timelines MDE must follow for its review of locally approved Water and Sewer Plan amendments (and Solid Waste Management Plan amendments as well). The review period (which begins when MDE formally acknowledges receipt of a copy of the local government action) was reduced from 90 days to 60 days. Extensions of the MDE review period were also reduced from 90 days to 45 days. **DEP Staff has drafted new language for the Plan Update recognizing this change.**

Dry Public Systems

The current Ten-Year Plan requires developers to install "dry" water supply and sewerage in new developments with on-site systems where the County intends to allow public service, but where community systems are not currently adequate or available. This requirement has resulted in some dry systems built in the 1970s and 1980s that are still dry today. Ultimately, when dry systems are to be connected, WSSC must do an assessment of the need for the rehabilitation and/or replacement of the system.

The Plan Update requires all subdivisions intended to be served on public water and/or sewer (i.e., W1 or W3 and/or S1 or S3) to utilize community service. No interim permits for on-site systems (with dry systems then built) would be allowed. **Council Staff concurs with this recommended change, as does the T&E Committee. No issues arose during the Council discussion.**

Extension Costs

The Plan Update includes new text (see pages 1-62 through 1-64) regarding extension costs and the need to pursue new approaches to make water/sewer extensions more affordable, while also allocating the costs more equitably among beneficiaries.

The Plan Update includes discussion of a 2012 proposal by a Bi-County workgroup for the creation of extension subdistricts within the WSSC service area that would at least partially accomplish the twin goals noted above.³ Possible changes to the existing health hazard subsidy and other financial assistance were also identified by the workgroup as possible solutions. These options were later discussed at a joint T&E/TH&E Committee meeting at WSSC in March 2015.

The Plan Update recommends continued work by the two counties and WSSC to implement the subdistrict concept, as well as to consider other policies (such as grants and subsidies) to make extension

³ In Montgomery County, this kind of approach has been utilized to finance other shared community benefits, such as: sidewalks, noise barriers, and even leaf vacuuming. This approach would have the effect of better allocating the costs of extensions with the beneficiaries of the extensions and result in lower costs per property owner.

costs affordable. A Bi-County workgroup of Montgomery County, Prince George's County, and WSSC recently began meeting to research and develop recommendations for both Councils' consideration.

Council and DEP staff agree that further staff review with WSSC and Prince George's County is needed to flesh out potential policy recommendations. Once developed, these recommendations can be brought back to the Council for whatever action(s) may be needed for implementation. These actions may include Water and Sewer Plan policy changes, changes in County law, and possibly changes in State law (especially if changes in WSSC practices are sought), and will likely require joint action by Montgomery and Prince George's Counties.

The T&E Committee supports continued work by the Bi-County workgroup. No issues arose during the Council discussion.

The Private Institutional Facilities (PIF) Policy

The T&E Committee agreed to several changes in the Executive's Plan Update affecting the PIF Policy. These include:

- Maintaining the current minimum criteria for eligibility for consideration.⁴
- Adding clarifying language that the PIF Policy cannot be considered in cases where a Master Plan specifically recommends against the use of public water/sewer for PIF uses or any use.⁵ *This is consistent with how the PIF Policy is currently interpreted by Executive and Council Staff.*
- Adding language recommended by the Executive noting that the applicant must submit a conceptual development plan (see Chapter 1 of the Plan Update – page 1-40, attached).
- Adding language clarifying that if the PIF makes significant changes (as determined by DEP) to the development plan from the Plan considered by the Council at the time of the Council's action, reconsideration of the approval by the Council is required. **Council Staff concurred with the intent of this language, but suggested that the Planning Department (with assistance from DEP and DPS) is better positioned to determine whether significant changes have occurred in the development plan. The Committee concurred.**
- Providing for a five-year deadline for the applicant to meet the conditions included in the Council approval. A five-year extension may be granted by DEP upon request. This provision would apply to all PIF requests as well as any other conditional approvals.
- Added clarifying language noting that the Council may condition PIF approvals upon the PIF applicant going through a subdivision review.

⁴ The current PIF Policy includes minimum eligibility criteria to be considered for approval by the Council on a case-by-case basis. NOTE: An applicant who meets the minimum criteria for consideration is not guaranteed approval. These criteria include:

- The applicant must be 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)." NOTE: *Common categories of PIF uses are: places of worship, private schools, senior housing, and day care centers.*
- For PIF requests involving main extensions, those main extensions cannot open service to areas otherwise ineligible for public water/sewer. **The Plan Update includes clarifying language, which the Committee supports.**
- PIF approvals are not allowed in the AR zone (as noted earlier), nor are approvals allowed for PIF uses in existing residential structures outside the water/sewer envelope.

⁵ The PIF Policy is a "specific" policy in the Water and Sewer Plan and supersedes other general policies, both in the Water and Sewer Plan and in area Master Plans.

At its November 9 meeting, the T&E Committee asked Council, DEP, and Planning Department staff to develop a revised PIF review approach that provides for more agency review of a PIF applicant's concept plan before the Council's consideration of the PIF request occurs.

Based on this guidance from the T&E Committee, Council, DEP, and Planning Department staff discussed a revised PIF application process that would require potential PIF applicants to submit concept plans to the County's Development Review Committee for comment first, before submitting a PIF application to DEP. This additional review step will provide more information to the applicant (and to the Council ultimately) regarding a concept plan's conformance to master plan and other requirements. The Council would still be responsible for approving or denying PIF requests as it is now, but will have more complete information for its review.

DEP drafted revised language for the Plan Update consistent with the Committee's guidance (see ©13-14). The T&E Committee expressed support for this change at the March 6 Council worksession, and the Council supported these revisions as well.

At the Council worksession on March 6, Councilmember Elrich recommended the formation of a task force to study a number of issues regarding the PIF Policy, such as impervious area impacts and neighborhood compatibility, forest preservation, and other issues. However, this proposal was not supported by a majority of the Council. **No other issues arose during the Council discussion of the PIF Policy.**

Potomac Subregion Peripheral Sewer Policy and Glen Hills

Based on the Council's March 2016 action on Glen Hills (Resolution 18-423), properties in Glen Hills (all of which are zoned RE-1) are:

- 1) Presumed to be served by on-site systems. This presumption is consistent with water and sewer policies countywide for large lot zones (like the RE-1 zone) and with general provisions in the Potomac Subregion Master Plan and other Master Plans, as well as the Ten-Year Water and Sewer Plan.
- 2) Properties in Glen Hills may seek approval for sewer under limited circumstances, including: if the property has a failed (or failing) septic system as documented by the Department of Permitting Services; if the property is included within a designated Special Sewer Service Area approved by the Council; or if the property abuts a sewer main. These conditions are similar to how other RE-1 zoned properties are treated elsewhere in the County.

Peripheral Sewer Policy

The Peripheral Sewer Policy allows for "the limited provision" of sewer to properties within or "at the periphery" of the proposed water and sewer envelope.⁶ Sewer extensions to serve these properties should be along roads rather than go through stream valleys. In practice, DEP has recommended approval for properties adjacent to or confronting the established sewer envelope, which can be served by sewer extensions along rights-of-way (rather than through environmentally sensitive

⁶ Being adjacent to properties served by sewer is not the same as being adjacent to the sewer envelope. For example, when properties outside the sewer envelope are approved for public sewer via the abutting mains policy or to address failing systems, those newly-served properties are not considered to be in the sewer envelope.

areas or through private easements) and which will minimize the opening of service to other properties that would be ineligible under this policy.

The 2002 Potomac Subregion Master Plan specifically excluded properties adjacent to and in the vicinity of the Palatine subdivision, the lower Greenbriar Branch properties, all properties within the Piney Branch subwatershed, the Darnestown Triangle, and the Glen Hills area (pending the outcome of the Glen Hills study).

The Current Ten-Year Plan includes minimal summary language regarding the policy (see page 1-20). The Plan Update (in Appendix C) includes substantially more language clarifying how the policy is currently implemented.

According to DEP, 26 properties in the Potomac Subregion area have been approved for service under this policy since 2002 (not counting the Council's approval of two category change requests under this policy on October 31, 2017).

The Glen Hills Sanitary Study completed in 2014 did not review the implications of expanding this policy to Glen Hills, nor did the Executive's Glen Hills recommendations or the Council's deliberations or ultimate action through Resolution 18-423 in 2016 touch upon this policy.

Given that the Glen Hills Sanitary Study has been completed and that the peripheral sewer policy as implemented supports extensions along rights-of-way and minimizing opening service to otherwise ineligible properties (consistent with concepts discussed in the Glen Hills Sanitary Study), Council Staff is supportive of extending the peripheral sewer policy into the Glen Hills area (except for those areas within the Piney Branch subwatershed). The T&E Committee concurred with Council Staff. Council Staff worked with DEP staff to draft text for the Plan Update to implement this recommendation. No issues arose during the Council discussion.

Abutting Mains Policy

Non-Abutting Connections

The Current Plan's abutting mains policy (see page 1-21 and 1-22) is silent on non-abutting connections. However, in very limited cases, DEP has supported the approval of "non-abutting" connections under the current abutting mains policy. While the concept of approving a non-abutting connection as part of the abutting mains policy may initially sound contradictory, the intent is to provide some flexibility to serve properties on the edge of the water/sewer envelope in cases where a direct connection to the property can be made without the need for an easement across an intervening property and where the non-abutting connection can meet WSSC policy requirements.

Not allowing easements under this policy is intended to prevent properties ineligible for water or sewer from being able to become eligible through the securing of an easement from an intervening property.

The Plan Update (see pages 1-35 through 1-38) includes new language consistent with DEP's current implementation of the abutting mains policy. After the July 20 T&E Committee meeting, DEP staff drafted additional language intended to clarify the current policy regarding non-abutting connections.

The Council received correspondence arguing that the Water and Sewer Plan's non-abutting connections policy should be consistent with WSSC's criteria for allowing non-abutting connections (such as allowing easements across intervening lots). *NOTE: There is also a pending category change request in Glen Hills, which the Committee initially discussed on October 12 but tabled pending this policy discussion, in which the property owner is seeking a non-abutting connection.*

Council Staff supports DEP's current approach for non-abutting connection approvals and the new clarifying language in the Plan Update. The T&E Committee concurred with Council Staff (2-1, Floreen supporting a broader approval policy). No issues arose during the Council discussion.

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Ten-Year Comprehensive Water Supply and Sewerage Systems Plan, 2018-2027

Background

1. Section 9-501 et seq. of the Health-Environmental Article of the Maryland Code requires the governing body of each county to adopt and submit to the State Department of the Environment a comprehensive County Plan, and on a triennial basis comprehensively review its Plan.
2. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan, which was approved by the State Department of the Environment.
3. The County Council has from time to time amended the Plan.
4. On March 13, 2017, the County Executive submitted the Recommended Montgomery County 2017-2026 Comprehensive Water Supply and Sewerage Systems Plan.
5. Recommendations on these amendments were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission staff, and affected municipalities.
6. A public hearing was held on June 13, 2017.
7. The Transportation, Infrastructure, Energy and Environment Committee discussed these amendments on June 22, July 20, October 5, and November 9, 2017, and July 16, 2018, and made recommendations to the Council.
8. The County Council held worksessions on February 27, March 6, March 20, April 17, and September 11, 2018.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The County Executive's March 2017 Recommended Montgomery County 2017-2026 Comprehensive Water Supply and Sewerage Systems Plan is approved with the following changes, as shown in the attachments to this resolution.

This is a correct copy of Council action.

Megan Davey Limarzi, Esq.
Clerk of the Council

Approved 2018 - 2027 Water and Sewer Plan: Summary Table of Text Revisions

In preparing the final version of the Approved 2018 - 2027 Water and Sewer Plan, the Montgomery County Department of Environmental Protection (DEP) made numerous revisions and updates to the March 2017 draft Plan text. Many of these changes were minor in nature, including editing corrections and minor wording revisions. In addition, DEP updated several of the GIS-generated maps appearing throughout the text. The following table provides a summary of the policy and other major revisions to the draft text:

APPROVED 2018 - 2027 WATER AND SEWER PLAN		
Policy Revisions for the County Executive Recommended March 2017 Draft		
Section/Figure/Table Revised*	Initiated By	Revision
Executive Summary (pgs. ES-2 to ES-3, ES-4 & ES-7)	DEP	Revised the Executive Summary, as needed, to reflect other changes in the Plan text (as identified below).
Chapter 1: OBJECTIVES AND POLICIES		
Section I.A.: Plan Goals and Objectives (pg. 1-7)	public input	Added text to better address the use of and reasoning for individual onsite systems in lower-density residential and agricultural areas.
Section II.A.: County Water and Sewer Systems & Figure 1-F5 (pgs. 1-19 to 1-20)	T&E Committee	Added language regarding abutting mains and clarified the language for non-abutting service connections. Also revised Figure 1-F5 to include more detail concerning abutting and non-abutting service connections.
Section II.A.: County Water and Sewer Systems (pg. 1-19)	public input	Added text addressing and comparing planned community service envelopes and existing community service areas.
Section II.E.1.: Development Plan Review (pg. 1-24)	T&E Committee	Added language noting that certain policies in the Plan limit or restrict the provision of community service. Added language noting the Development Review Committee's role in reviewing concept plans for PIF-based category change requests.
Section II.F.: General Policies for Water and Sewer Service (pg. 1-25) & Section II.F.1.: Consistency with Comprehensive Planning Policy (pg. 1-26)	public input	Revised text to note that some rural areas with moderate-density residential, employment, or industrial zoning do not receive community service because they are outside the planned community service envelopes.
Section II.F.2.b.: Low-Density Residential Estate Development (pg. 1-27)	public input	Added text addressing the presumption of onsite system service for properties in these zones and how they serve as buffers for lower-density development.
Section II.F.3.a.: Rural Neighborhood Cluster (RNC) Zone (pg. 1-28)	public input	Added text addressing the presumption of onsite system service for projects developing under the RNC standard cluster method.
Section II.F.5.: Service Policies for Employment and Industrial Development (pg. 1-29)	public input	Added text to note that development of this type, if located in rural areas, are presumed to use onsite systems service, not community service because they are outside the planned community service envelopes.
Section II.F.6.: Service Policies for Agricultural Development (pg. 1-29)	public input	Revised text to clarify the use of onsite systems service in areas zoned for agricultural use.
Section II.G.1: Master Plan Recommended Exceptions (pg. 1-33)	public input	Added a reference to Council Resolution No. 18-423 that established sewer service policies for the Glen Hills study area.

* Page references refer to the Executive's draft Plan text.

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APPROVED 2018 - 2027 WATER AND SEWER PLAN Policy Revisions for the County Executive Recommended March 2017 Draft		
Section/Figure/Table Revised*	Initiated By	Revision
Section II.G.2.: Community Service for to Relieve Onsite System Concerns (pgs. 1-34 to 1-35)	County Council	Clarified the approval process required for individual cases under this policy. Revised the section (and subsections) to address the Council's actions affecting the consideration of area-wide health problems in areas outside the planned community sewer envelope. The actions require that DPS must document an on-site system failure with no reasonable on-site remedy before an areawide septic survey can be initiated. The section was restructured to address separately properties within and outside planned community service areas.
Section II.G.3 and II G 3 a.: Community Service for Properties Abutting Community Service Mains (pg. 1-35 through 1-38)	DEP	Clarified DEP's current practice for consideration for approval of non-abutting connections in some limited circumstances under this policy.
Section II.G.4.: Community Service for Private Institutional Facilities (pgs. 1-38 to 1-41).	T&E Committee M-NCPPC	Added text clarifying current practice that the PIF Policy cannot be utilized in cases where a Master Plan specifically recommends against the use of public water/sewer for PIF uses or any use.
Section II.G.4.b.: PIF Sites Outside the Planned Community Service Envelopes (pg. 1-39)	T&E Committee	Clarified the Council's options for granting conditional approvals for PIF-based category change requests.
Section II.G.4.e.: PIF Policy Application Requirements (pg. 1-40)	T&E Committee M-NCPPC	Added text revising the application process to require the PIF applicant to submit a concept plan to <u>M-NCPPC</u> for review by the <u>Development Review Committee</u> (DRC) prior to submission of the category change request to DEP. The category change application must include a copy of the concept plan and DRC comments on the plan.
Section II.G.4.f.: County Council Reconsideration of PIF Concept Plan Changes	T&E Committee	Added text noting that if a PIF applicant makes any significant concept plan changes, as determined by M-NCPPC, from the concept plan considered by the Council at the time of the Council's action, reconsideration of the PIF approval action by the County Council is required.
Section II.G.11.b.: Piney Branch Restricted Sewer Service Policy (pg. 1-43).	DEP	Removed the text regarding the conditions required for the consideration of sewer service and text that instead refers to the same conditions noted in Appendix C, Section II. L.
Section III.A.5 b.: Interagency Coordination (pgs. 1-48 to 1-49).	DEP	Added language noting the County's participation in the facility planning process for WSSC's capital improvements program.
Section III.C.2.: Individual Sewerage Systems (pg. 1-53)	DEP	Revised the text concerning the use of Best Available Technology (BAT) systems to clarify the conditions for requiring BAT systems outside of Bay Critical areas.
Section III.C.4.a.: Individual Systems Failures (pg. 1-53)	public input	Expanded the information provided about possible mitigation actions to address a failing septic system.

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APPROVED 2018 - 2027 WATER AND SEWER PLAN Policy Revisions for the County Executive Recommended March 2017 Draft		
Section/Figure/Table Revised*	Initiated By	Revision
Section III.C.4.b.: Aging Individual Systems (pg. 1-55)	public input	Revised to better reflect the County's priority to repair or replace failed septic systems, if possible, rather than the further extension of community water and sewer service.
Section III.C.4.c: Individual Water and Sewerage Systems Problems	DEP	Revised the text regarding how onsite system failures can affect public and environmental health and that potential public health problems can be identified where onsite systems may not be capable of providing adequate water supply or wastewater disposal in the future. Moved descriptive text in this section to the Appendix A: Glossary.
Section III.C.4 d.: Rural Sanitation Planning Program (pg. 1-56 to 1-57)	T&E Committee	Revised the recommendations in this section to focus on the development of a functioning onsite systems database that will inventory and maintain ongoing records of the existing wells and septic systems throughout the County and the development of an initial education and outreach effort to property owners.
Section III.G.3.a: Community Service for Properties Abutting Community System Mains: General Requirements (pg. 1-36)	T&E Committee	Added language regarding abutting mains and clarified the language for non-abutting service connections.
Section V.B.: Triennial Water and Sewer Plan Comprehensive Update Process (pg. 1-67)	DEP	Updated the MDE initial review period requirements from 90 to 60 days and its review extension period from 60 to 45 days consistent with the enactment of SB1040 during the 2017 State legislative session.
Section V.D 3.: State Consideration of Interim Amendments (pg. 1-73)	DEP	<i>See revision comments for Section V.B., preceding.</i> Also added text noting the County's 180-day period in which to appeal an amendment disallowed by MDE.
Section V.E.3.: Deferred Amendments (pg. 1-75)	T&E Committee	Revised the timeframe which triggers the Council providing notice of a meeting on a deferred request with no significant changes from 120 days (as recommended by the County Executive) to 90 days.
Chapter 2: GENERAL BACKGROUND		
Note: No policy revisions for the County Executive's Recommended Draft		
Chapter 3: WATER SUPPLY SYSTEMS		
Section II.F.2.a - Projected Source Water and Treatment Facility Needs (pgs. 1-32 to 1-33)	public input	Revised in partial response to community group requests for projected facility needs for the Potomac Water Filtration Plant, specifically for the submerged channel raw water intake and drought management.
Chapter 4: SEWERAGE SYSTEMS		
Note: No policy revisions for the County Executive's Recommended Draft		

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APPROVED 2018 - 2027 WATER AND SEWER PLAN**Policy Revisions for the County Executive Recommended March 2017 Draft**

Section/Figure/Table Revised*	Initiated By	Revision
APPENDIX A: GLOSSARY		
Best Available Technology (BAT) System (pg. A-1)	DEP	Revised text to correctly reflect regulation changes for BAT systems outside of Critical Areas made by MDE.
Community Service Envelopes and Service Areas (pg. A-1)	public input	Added text addressing and comparing planned community service envelopes and existing community service areas.
Onsite Systems Failures (pg. A-3)	DEP & Council Staff	Added text (some moved from other Plan Chapter 1 text sections) to address the characteristics of and relief measures for the failure of onsite systems.
Public Health Problems – Existing and Potential (pg. A-3)	DEP	Added text to address the terms existing and potential health problems (similar to that in Chapter 1, Section III.C.4.c.)
Special Water or Sewer Service Area (pg. A-4)	DEP	Added text to address the designations of special water or sewer service areas to address existing and potential area-wide public health problems.
Water/Sewer Service Connection (pgs. A-3 to A-4)	DEP	Added and relocated text to clarify abutting service connections versus non-abutting service connections.
APPENDIX B		
Note: No policy revisions for the County Executive's Recommended Draft		
APPENDIX C: EXCEPTIONAL SERVICE POLICIES AND RECOMMENDATIONS		
Section II.E: Glen Hills Study Area (pgs. C-4 to C-6.)	T&E Committee & County Council	<p>Added:</p> <ul style="list-style-type: none"> Text concerning the revised sewer policies for the Glen Hills Study per Council Resolution 18-423 and concerning subsequent revisions to the consideration of area-wide public health problems as adopted by the approval of this Plan update. Information about the special sewer service area approved for the South Overlea Drive survey area, summarized changes to the area-wide health problems policy as approved by the Council. Text allowing for the use of the Potomac peripheral sewer service policy with the Glen Hills area, but still excluding that properties within the Piney Branch Special Protection Area.
Section II.L: Piney Branch Watershed (pg. C-13)	DEP	Added text clarifying the public health problems provision of the Piney Branch sewer service policy to allow community sewer service for properties within a Council-designated special sewer service area.

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Policy Revisions for the County Executive Recommended March 2017 Draft		
Section/Figure/Table Revised*	Initiated By	Revision
Section II.M: Potomac Area RE-1 and RE-2-Zoned Properties & Figure C-F13 (Pgs. C-14 to C-16)	T&E Committee	Revised this section to remove the Glen Hills Study area from being excluded from the Peripheral Sewer Policy. NOTE: The areas within the Glen Hills study area which is also within the Piney Branch Watershed is still excluded from consideration under the Peripheral Sewer Policy.

APPENDIX D:

Note: No policy revisions for the County Executive's Recommended Draft

APPENDIX E:

Note: No policy revisions for the County Executive's Recommended Draft

Other revisions involving Water and Sewer Plan technical corrections as raised by the County Council, DEP, and other agencies, and from public input are not included here.

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ABUTTING MAINS POLICY AND NON-ABUTTING SERVICE CONNECTIONS

Revisions developed from requests from community groups and the T&E Committee for clarification about the terms for and use of abutting vs. non-abutting service connections.

CHAPTER 1**II.: POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE**

Starting on draft page 1-19

II.A.: County Water and Sewer Systems

The following provides a brief introduction to the types of water supply and sewerage systems used in Montgomery County. More-detailed information on these systems is available in later parts of this chapter and in Chapters 3 and 4.

Service connections and hookups are two parts of the same pipe that ties a structure to water or sewer service mains. The **service connection** runs from the local water or sewer main to the customer's property line and is installed, owned and maintained by WSSC. The **service hookup** runs from the property line to the structure being served and is installed, owned and maintained by the property owner. Some policies in this Plan restrict the provision of community water and/or sewer service to a single service hookup only. In these cases, the term hookup functions as shorthand for and includes both the service connection and hookup together (see Figure 1-F5).

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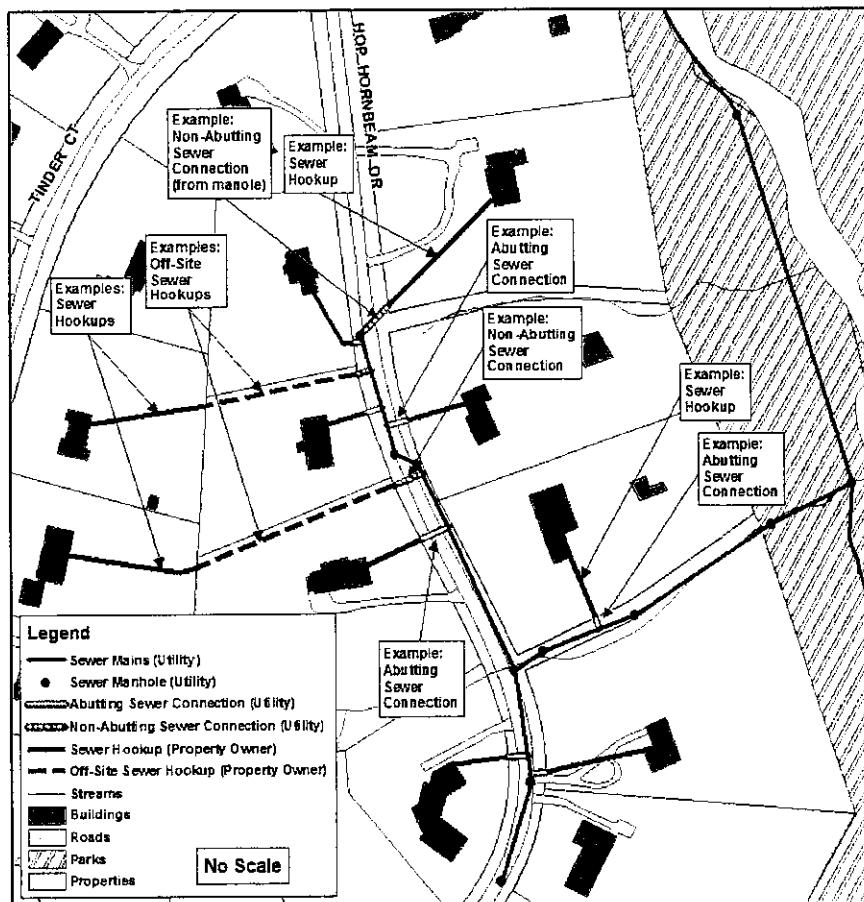
Note that a single service connection/hookup may serve more than one structure on a property. This can occur on properties where ancillary buildings (guest house, pool house, workshop, etc.) are allowed under the County's Zoning Ordinance. However, this applies only to more than one building on a *single* property.

Abutting service connections comprise the vast majority of water and sewer service connections in the county. These connections, installed at a 90-degree angle to the service main, intersect the customer's property line. Some abutting sewer connections are provided from sewer manholes, allowing them to be constructed perpendicular to the manhole but at an angle of other than 90 degrees to a sewer main. WSSC's Development Services Code (see the link below) provides examples detailing under what conditions these sewer connections are considered abutting.

Non-abutting connections provide water and/or sewer service to properties that do not directly abut a water or sewer main. In some cases, the non-abutting connection runs further than usual through the public or WSSC right-of-way to reach the customer's on-site service hookup. In other cases, the non-abutting connection provides service access to the customer's hookup that crosses another, intervening property by way of a private easement in order to reach the customer's property. Some non-abutting sewer connections are provided from sewer manholes, allowing them to be constructed perpendicular to the manhole at an angle of other than 90 degrees to the sewer main. Additional details concerning the use of abutting and non-abutting service connections are provided in WSSC's Development Services Code (<https://www.wsscwater.com/business--construction/developmentconstruction-services.html>). The use of abutting and non-abutting service connections in the context of the Plan's special service policies is explained further in Section II.G.3.

Figure 1-F5: Sample House Connections and Hookups
(Source: DEP-WWPG)

== The figure shown at right replaces the original figure from the CE's draft Plan. ==



Approved 2018 - 2027 Water and Sewer Plan: Policy RevisionsStrikethrough Text: Approved Deletions Underscored Text: Approved Additions**II.G.: Special Policies for Water and Sewer Service****II.G.3.: Community Service for Properties Abutting Community System Mains***Starting on draft page 1-36***II.G.3.a.: Community Service for Properties Abutting Community System Mains: General Requirements****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 main easement. The associated service hookup 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.

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

APPENDIX A: GLOSSARY*On draft pages A-3 and A-4***Non-abutting Service Connection**

A non-abutting service connection is used by WSSC in cases where an existing community system water or sewer main does not directly abut a user's property. They are typically used in cases where an intervening property blocks access to the main, or where a service connection, built at a 90-degree angle to the main providing service, will not intersect with the user's property line. Additional information and an illustration are provided in Chapter 1, Section II.A. & Figure 1-F4.

Water/Sewer Service Connection

The portion of the service connection for a structure located between the local service main and the property line, or between the main and the sanitary easement for the main. Within the WSSD, the house connection is the responsibility of the WSSC. Additional details concerning the use of abutting and non-abutting service connections are provided in WSSC's Development Services Code (<https://www.wsscwater.com/business-construction/developmentconstruction-services.html>).

Abutting Service Connection: A service connection constructed at a right angle to a service main running directly to the customer's property line. Some abutting sewer connections are provided from sewer manholes, allowing them to be constructed perpendicular to the manhole but at an angle of other than 90 degrees to the sewer main.

Non-Abutting Service Connection: A service connection used by WSSC in cases where an existing community system water or sewer main does not directly abut a customer's property. They are typically used in cases where an intervening property blocks access to the main, or where a service connection, built at a 90-degree angle to the main providing service, will not intersect with the user's property line. Some abutting sewer connections are provided from sewer manholes, allowing them to be constructed

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perpendicular to the manhole and not at an angle of 90 degrees to the sewer main. Additional information and an illustration are provided in Chapter 1, Section II.A. & Figure I-F4.

ADDRESSING AGING ONSITE SYSTEMS

Language requested by community groups to reflect the County's priority to repair or replace failed septic systems, if possible, rather than the further extension of public sewer service.

CHAPTER 1**II.: GENERAL POLICIES FOR WATER SUPPLY AND SEWERAGE SYSTEMS FACILITIES****III.C.: Individual Systems****III.C.4.: Individual Water and Sewerage Systems Problems**

Starting on draft pg. 1-55.

III.C.4.b.: Aging Individual Systems

As housing stock and their individual, onsite systems age, the County makes every reasonable effort to transition these houses to new onsite systems to continue the use of onsite system service. This is consistent with master plan service recommendations and this Plan's service policies. This may place limitations on expansions and other property improvements. However, some areas may face faces a potential problem in sustaining specific homes and businesses and perhaps entire neighborhoods that currently use these systems. Some of these neighborhoods, built in the 1950s and 1960s, were created using standards that allowed the use of individual systems:

- For lots that are now too small to support both wells and septic systems under current regulations.
- On soils inappropriate for septic systems under today's testing standards because of high water tables and shallow fractured rock.
- With sanitary system technologies that no longer satisfy current regulations, such as hand-dug wells, septic seepage pits and lagoons, and septic overflow pipes.

ALTERNATIVES FOR THE MITIGATION OF SEPTIC SYSTEM FAILURES

Language requested by community groups to better explain alternatives for the mitigation of septic system failures other than replacement of a system or the provision of community sewer service.

CHAPTER 1**III.: GENERAL POLICIES FOR WATER SUPPLY AND SEWERAGE SYSTEMS FACILITIES****III.C.: Individual Systems****III.C.4.: Individual Water and Sewerage Systems Problems**

Starting on draft page 1-53

III.C.4.a.: Individual Systems: Individual Systems Failures

When an individual, onsite system fails to function properly, the owner of that individual system has the responsibility for having it repaired or replaced. In some situations, the property owner becomes aware of a problem very quickly, such as when sewage backs up into the house. In other situations, a problem, such as a septic system installed partly within the water table, may go unnoticed for a longer period of time. A failure does not always require a system replacement to resolve; in some cases, other mitigation actions are sufficient to resolve a problem:

- A repair, such as replacing a broken pipe or a broken baffle in a septic tank.
- Improved maintenance, such as more-frequent pumping of the septic tank.
- User changes, such as better awareness of what can and cannot be put into the septic system and of clothes washing and bathing scheduling.

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is sufficient. The repair and replacement of individual, onsite systems needs to occur in accordance with County and State regulations, as administered by DPS.

COUNCIL CONSIDERATION OF DEFERRED AMENDMENTS

A revision recommended by County Council staff to reduce the number of days elapsed for a deferred Plan amendment before its reconsideration requires a new public hearing.

CHAPTER 1**V.: PROCEDURES FOR ADOPTING AND AMENDING THE WATER AND SEWER PLAN****V.E: Plan Amendment Actions**

Starting on draft pg. 1-75

V.E.3: Deferred Amendments**Process Options Following Deferral**

Upon resolution of the reason for a deferral, an amendment may be brought back for further consideration by the Council. To promote an orderly public process, whenever possible a previously deferred amendment should be submitted resubmitted to the Council as part of a semiannual amendment packet from the County Executive. If a previously deferred amendment is resubmitted to the Council outside of the Executive's semiannual amendment transmittal process, then the Council shall proceed according to the following processes, as appropriate:

- ***Deferred Amendments with No Significant Changes:*** If the details of the proposed amendment have not changed since the item last went to public hearing (for example, the water and/or sewer alignment is the same and the applicant's plans for use of the property to receive service have not changed), then the Council is not required to hold a new public hearing. A Committee or Council meeting on this request must be listed on the Council agenda at least ten days before the meeting. In addition, if more than 420 90 days have elapsed since a prior Council meeting on the amendment, then the Council must provide a notice of the new meeting to the reviewing agencies, to the applicant, and to all parties that submitted either oral or written testimony on the amendment at the prior public hearing. Although an additional public hearing is not required, the Council President can choose to hold a public hearing for this deferred request.

COUNTY INVOLVEMENT IN WSSC FACILITY PLANNING

Additional language developed by DEP addressing WSSC and County coordination concerning the WSSC facility planning process.

CHAPTER 1**III.: GENERAL POLICIES FOR WATER SUPPLY AND SEWERAGE SYSTEMS FACILITIES****III.A.: Washington Suburban Sanitary Commission Community Systems****III.A.5.: Facility Planning**

Starting on draft page 48.

III.A.5.b.: Interagency Coordination

An important and essential part of the facility planning process involves WSSC's coordination with Montgomery County agencies, primarily through DEP. The County actively participates in the WSSC facility planning process to ensure that the WSSC capital program meets the County's need to provide community service consistent with Water and Sewer Plan policies, land use planning goals, and environmental protection.

WSSC produces a preliminary scope of work, conducts the consultant selection process; and, once selected, oversees the consultant's work. WSSC organizes a planning team and works with the team to achieve consensus of the draft Facility Plan. The planning team consists of a WSSC project team, the interagency Policy Review Group (PRG), and the technical consultant.

Approved 2018 - 2027 Water and Sewer Plan: Policy RevisionsStrikethrough Text: Approved Deletions Underscored Text: Approved Additions**DEVELOPMENT PLAN REVIEW – COMMUNITY SERVICE LIMITATIONS**

Additional language to clarify DEP's review comments for plan review provided to the DRC. In some cases, although community service is approved for a project site, that approval comes with limitations or restrictions that could affect the proposed development plan.

CHAPTER 1**II.: POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE****II.E.: Water and Sewer Service Planning in the Development Review Process**

Starting on draft page 1-24.

II.E.1.: Development Plan Review

The M-NCPPC Development Applications & Regulatory Coordination Division manages the County's Development Review Committee (DRC), an interagency group which meets regularly to review and evaluate proposed development plans. DEP is the lead agency in the DRC with regard to water and sewer service planning issues. DEP staff report to the DRC on the consistency of the water and sewer service components of development proposals with respect to the County's Water and Sewer Plan. In order for a development proposal to proceed to the Planning Board for consideration, DEP staff need to confirm for M-NCPPC the consistency of the development plan with the policies and service area designations in the Water and Sewer Plan. DPS and WSSC staff also participate in this process with a focus on on-site and community water and sewerage systems design, respectively.

Note that certain service policies in this Plan limit or restrict the provision of community service to:

- The use of specific cluster development options (RE-1, RE-2C, and RNC Zones, for example).
- The use of TDR development options (RE-1 and RE-2 Zones, for example).
- The development of specific uses, such as for private institutional facilities (PIFs).
- A single water or sewer hookup only for a property and may further restrict the subdivision of such properties from more than one building lot where using community service.

GLEN HILLS SEWER SERVICE POLICIES

Revised to include additional text to:

- *Include more of the information from Resolution No. 18-423 in the discussion of sewer service policies for the Glen Hills area, as requested by community groups*
- *Remove the Glen Hills study area, outside of the Piney Branch watershed, from those areas excluded from use of the Potomac peripheral sewer service policy, as agreed to by the T&E Committee and approved by the Council.*
- *Note Council's approval of one Glen Hills special sewer service area, resulting from the South Overlea Drive Septic Survey.*
- *Note the change in the consideration of area-wide public health problems in locations outside the planned community sewer envelope, consistent with the Council's revision to the community service for area-wide health problems policy.*

APPENDIX C

Starting on draft page C-4

II.E: Glen Hills Study Area

Sewer Service Policy Area: Established by Council Resolution No. 18-423 (3/8/16)

Subject Area: Residential development zoned RE-1 as identified in the Glen Hills Area Sanitary Study.

Service Recommendation & Comments: In March 2016, the County Council adopted Resolution No. 18-423 that established sewer service policies for the Glen Hills area, as shown below (see Figure C-F4). These service policies resulted from a study of general septic system suitability in the area conducted by DEP. This study had been recommended by the 2002 Potomac Subregion Master Plan. Pending the Council's consideration of the study's results, the provision of new community sewer service in the Glen Hills area was limited to properties with septic system failures documented by DPS.

The Council's 2016 resolution established the following sewer service policies for the study area:

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- Individual, on-site septic systems are the primary wastewater disposal method consistent with the area's standard-type development under the RE-1 Zone.
- Community sewer service can be considered only under the following conditions for:
 - Properties in need of relief from public health problems resulting from documented septic system failures (Sections II.G.2.a.).
 - Properties included within a specifically designated public health problem special sewer service area (Sections II.G.2.b.). The sanitary 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 Public Health Problems. 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. and c.)

- 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 are excluded.) Note that this service condition was subsequently added to the Glen Hills study area in 2018 by the County Council's action to approve this update of the Plan.
- 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.).

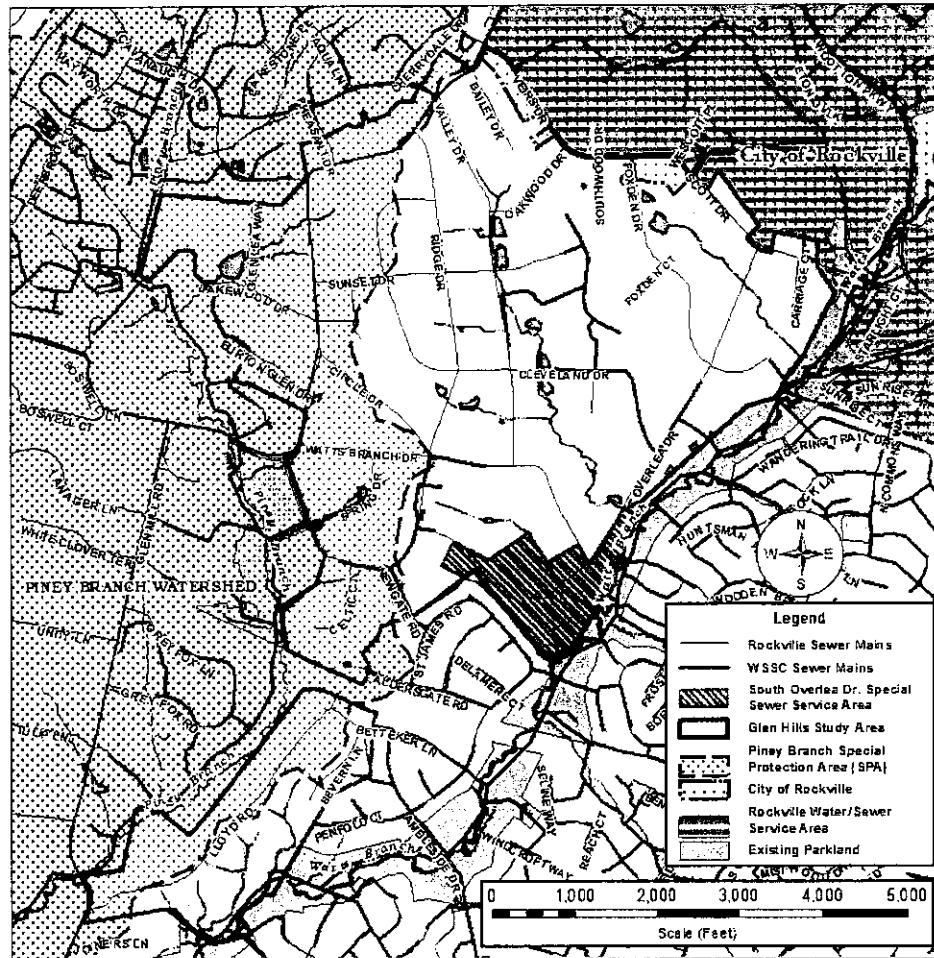
Property owners Applicants shall not use the provision for a single sewer hook-up under any of the four Glen Hills area sewer policy provisions cited above to support subdivision or resubdivision of these existing properties into more than one lot.

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Figure C-F4: Glen Hills Sewer Service Policy Area

== The figure at right replaces the original figure from the CE's draft Plan. ==

**APPENDIX C**

Starting on draft page C-14

II.M.: Potomac Area RE-1 and RE-2-Zoned Properties

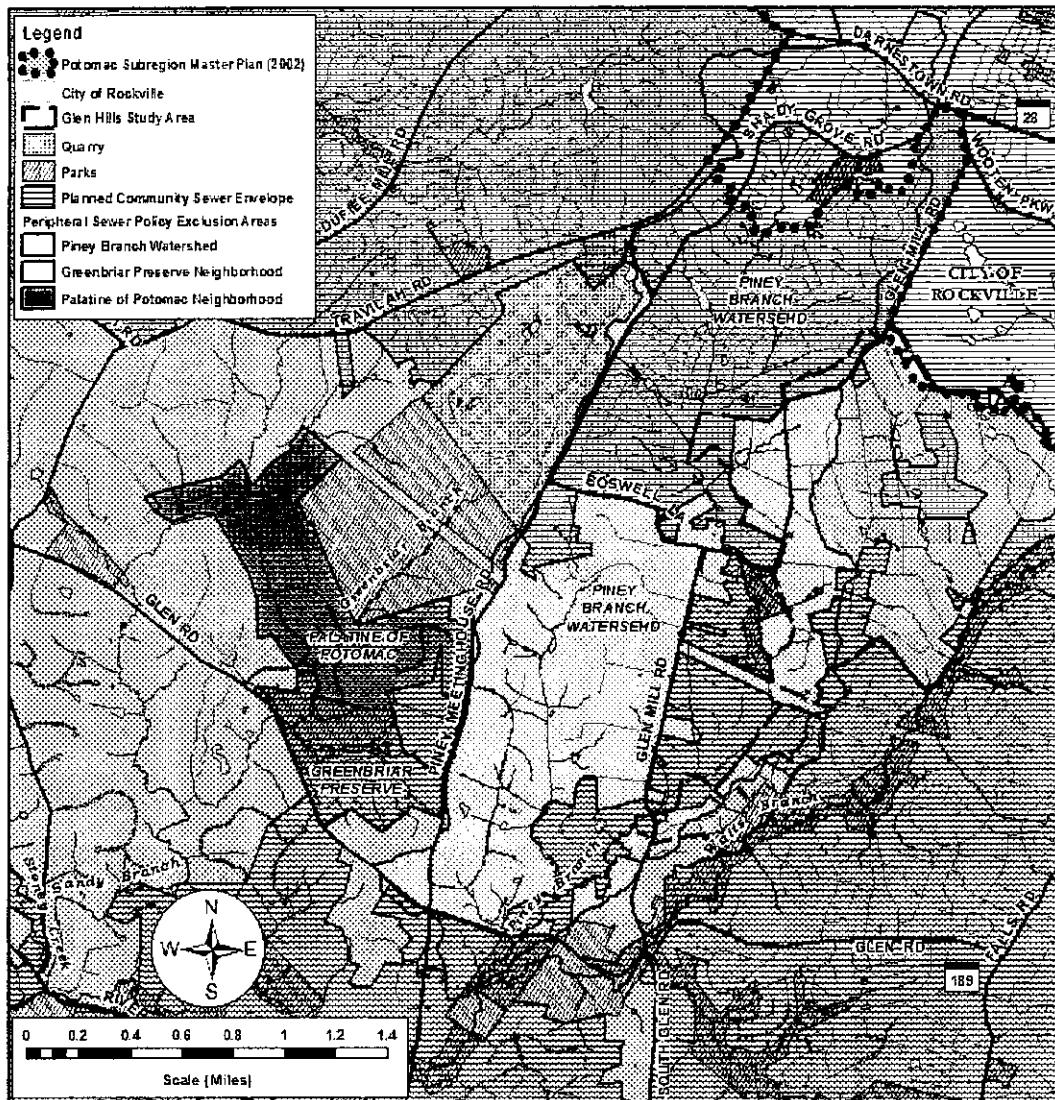
Note that the 2002 master plan specifically recommends excluding properties within or at the edge of the planned sewer envelope within the following neighborhoods areas from the use of this policy (see Figure C-F13):

- The Glen Hills neighborhoods
- 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.

Approved 2018 - 2027 Water and Sewer Plan: Policy RevisionsStrikethrough Text: Approved Deletions Underscored Text: Approved Additions**Figure C-F13: Potomac Area Peripheral Sewer Service Policy Exclusion Areas**

== The figure at right replaces the original figure in the CE's draft. ==

**MASTER PLAN EXCEPTIONS TO WATER AND SEWER SERVICE POLICIES**

Added a citation for Council Resolution No. 18-423, for the Glen Hills study area sewer service policies, as requested by community groups.

CHAPTER 1**II.: POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE****II.G. Special Policies for Water and Sewer Service**

Starting on draft page 1-33

II.G.1. Master Plan Recommended Exceptions

The previous discussions of the Water and Sewer Plan's service policies have noted that in order to implement specific development and land use strategies, master plans may make recommendations for water and/or sewer service that vary from this Plan's general policies. Where a master plan makes such a recommendation, it must also include an appropriate justification for the recommended departure from the general service policies. DEP coordinates closely with M-NCPPC with regard to the water and sewer service recommendations developed in local area master plans. Exceptions to the general service policies are recommended in the following master plan areas:

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- Burtonsville Crossroads Neighborhood Plan (2012)
- Cloverly Master Plan (1997)
- Damascus Master Plan (2006)
- Fairland Master Plan (1997)
- Olney Master Plan (2005)
- Potomac Subregion Master Plan (2002): This master plan had recommended substantial and unique restrictions on community sewer service in the RE-1-zoned area referred to as Glen Hills. Following the County's study of septic system and community sewer use in this area, the Council in March 2016 acted under Resolution No. 18-423 to restore sewer service policies for Glen Hills to those typical for similarly-zoned communities in the master plan area.
- Upper Rock Creek Watershed Master Plan (2004)

Refer to Appendix C for details about the exceptional service policy recommendations included in each of the preceding master plans.

MDE CONSIDERATION OF CWSP AMENDMENTS

A revision to address recent changes in State law affecting MDE's consideration of Comprehensive Plan amendments.

CHAPTER 1**V.: PROCEDURES FOR ADOPTING AND AMENDING THE WATER AND SEWER PLAN**

Starting on draft page 1-67

V.B.: Triennial Water and Sewer Plan Comprehensive Update Process

Following the Executive's review, copies of the Approved Plan are provided to the Maryland Department of the Environment (MDE) for State agency review, including the Department of Planning (MDP) and the Department of Natural Resources (DNR). Within 90 ~~60~~ days of its receipt of the Council's Approved Plan, MDE must approve the Plan, disallow the Plan either in whole or in part, or ~~request a 90~~ declare a 45-day review extension. MDE may also require a second 45-day review extension that would require a notice from MDE to the County, the County's delegation to the General Assembly, and the Governor. If MDE has not neither acted nor declared the need for a review extension by any of these three deadlines [by either the initial 90-day or the extended 180-day deadline,], the Plan is approved as adopted by the County Council by default. If MDE disallows any part of the Plan, the County has 180 days from the date of MDE's notification to formally challenge MDE's decision.

Starting on draft page 1-73

V.D: Scheduling for Interim Amendment Review and Consideration**V.D.3: State Consideration of Interim Amendments**

The Maryland Department of the Environment (MDE) reviews the County's interim amendments to the Water and Sewer Plan and coordinates a review by the Maryland Department of Planning and by other State agencies, as appropriate. Within 90 ~~60~~ days of its receipt of the interim amendments, MDE must approve the amendments, disallow the amendments either in whole or in part, or ~~request a 90~~ declare a 45-day review extension. MDE may also require a second 45-day review extension that would require a notice from MDE to the County, the County's delegation to the General Assembly, and the Governor. If MDE has not neither acted nor declared the need for a review extension by any of these three deadlines [by either the initial 90-day or the extended 180-day deadline,] the amendments are approved as adopted by the County by default. If MDE disallows any amendment or part of an amendment to the Plan, the County has 180 days from the date of MDE's notification to formally challenge MDE's decision. This State review process applies to amendments either approved or conditionally approved by the County; the State generally neither reviews nor comments on deferred and denied amendments.

Approved 2018 - 2027 Water and Sewer Plan: Policy RevisionsStrikethrough Text: Approved Deletions Underscored Text: Approved Additions**MDE REQUIREMENTS FOR SEPTIC SYSTEMS USING BEST AVAILABLE TECHNOLOGY (BAT)**

Revisions developed by DEP to address recent changes in the State's regulations for the use of best available technology (BAT) systems for nitrogen removal in onsite septic systems.

CHAPTER 1**III.: GENERAL POLICIES FOR WATER SUPPLY AND SEWERAGE SYSTEMS FACILITIES****III.C.: Individual Systems**

Starting on draft page 1-53

III.C.2. Individual Sewerage Systems

To address nitrogen contributions to the Chesapeake Bay from septic systems, the State had previously implemented a program that uses best available technology (BAT) for nitrogen removal all new and replacement septic systems. BAT systems are installed in the septic tank and typically use an aeration process, needing electricity to run. The State requires homeowners with BAT systems to have a contract with a maintenance company to help ensure proper operation of the system.

In November 2016, the State revised the BAT program to require universal BAT system installation only in Bays Critical Areas. No Critical Areas exist in Montgomery County. Outside of Critical Areas, BAT systems will still be required for:

- All multiuse septic systems with a design capacity of 5,000 or more gallons per day.
- Any septic system as required by a local government in order to protect public health or the waters of the State.

State requirements for maintenance contracts and system warranties remain in effect for all BAT systems.

APPENDIX A: GLOSSARY

On draft page A-1

Best Available Technology (BAT) System

An aeration system used in a septic tank to improve Nitrogen removal from septic systems. The Maryland Dept. of the Environment (MDE) regulations require installation of BAT systems for new septic system service and for some replacement septic systems within Bay Critical Areas. Within Montgomery County, located outside of any established Critical Areas, the County's Dept. of Permitting Services determines the need for BAT systems for new and existing septic systems.

ONSITE SYSTEMS – LIFE-CYCLE MANAGEMENT SYSTEM

Revisions resulting from community input and from Council decisions to modify the draft program proposal.

CHAPTER 1**III.: GENERAL POLICIES FOR WATER SUPPLY AND SEWERAGE SYSTEMS FACILITIES****III.C.: Individual Systems****III.C.4.: Individual Water and Sewerage Systems Problems**

Starting on draft page 1-56

Section III.C.4.d.: Rural Sanitation Planning Program

The County has seen a shifting emphasis in community planning from major new development expansion to infill and redevelopment of existing neighborhoods. Accordingly, a similar approach—changing emphasis from major expansion of the community service envelopes towards more neighborhood-based efforts—will be required to address the sustained use of individual systems in the Water and Sewer Plan. This will be important in areas where potential sanitation problems from aging individual systems have the potential to affect older neighborhoods and to affect rural neighborhoods where water supply and wastewater disposal service is presumed to use individual, onsite systems, rather than community water and sewerage systems. Onsite wells and septic systems all need routine maintenance to promote sustainability.

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At present, the County has no proactive programs in place to promote the long-term sustainability of individual onsite wells and septic systems. There are minimal opportunities for public education, and there are no regular maintenance reminders, inspections, or testing. In Montgomery County, once a well or septic system is installed and operating, there will very likely be no further contact between the owner and the County government regarding that system until it fails. The Plan will need to start placing an increased emphasis on addressing the needs of older communities that may find their future options limited using individual, on-site systems.

Improving the way in which the County government addresses rural sanitation issues and public health problem cases resulting from the failure of wells and septic systems will require approaches from several fronts. The combined efforts of several agencies will be needed, including DEP, DPS, M-NCPPC, WSSC, and MDE. While DPS maintains the responsibility for permitting and regulating individual systems in the County, that agency is not charged with performing systematic, long-range planning for rural sanitation systems management. Other than the designation of areas intended for service from individual systems and addressing public health cases, recent versions of the Water and Sewer Plan have had little to say about rural sanitation planning. This Plan update is taking the first steps towards addressing that oversight.

Water and Sewer Plan Recommendation: Individual Onsite Systems Management

The County needs to assemble a work group with the purpose of considering the creation and implementation of appropriate programs to manage individual onsite systems use. This will be important in areas where potential sanitation problems from aging individual systems have the potential to affect older neighborhoods and where rural neighborhoods are located outside the effective reach of community water and sewerage systems. Onsite wells and septic systems all need routine maintenance to promote sustainability.

The County first needs to work on the development of a functioning onsite systems database that will inventory and maintain ongoing records of the existing wells and septic systems throughout the county.

Once a functional database exists, the need for additional aspects of a long-term management program can be evaluated.

- An education and outreach program to onsite system owners, particularly concerning system use and maintenance, with distribution either handled directly or through service providers. This would be a logical next step in a management program.
- Proactive, periodic on-site systems maintenance and inspection programs coordinated with the preceding public outreach and education on individual systems maintenance.

An onsite systems management program will be important in areas where 1) potential sanitation problems from aging individual, onsite systems have the potential to affect older neighborhoods, 2) and where rural neighborhoods are located outside the effective reach of community water and sewerage systems.

Addressing the concerns of neighborhoods that rely on individual onsite systems may require new and innovative solutions beyond just the potential provision of community water and/or sewer service. These may include, but are not limited to:]

- Distribution of onsite system use and maintenance information to property owners either directly or through service companies.
- Proactive, periodic on-site systems maintenance and inspection programs

Approved 2018 - 2027 Water and Sewer Plan: Policy RevisionsStrikethrough Text: Approved Deletions Underscored Text: Approved Additions**Water and Sewer Plan Recommendation: Individual Onsite Systems Management**

coordinated with public outreach and education on individual systems maintenance;

- Alternative community distribution, collection and treatment systems;
- Shared water and/or sewerage systems, owned by local communities and operated by authorized agencies or utilities (see Section III.D.);
- Alternative financing for relief systems (community or otherwise), including but not limited to special assessment subdistricts, grants or loans from government resources, or utility subsidies;
- Programs to assist lower-income individuals and communities in financing required relief systems.

PIF POLICY ISSUES – CONCEPT PLAN CHANGES

A revision concerning the review of revised development plans for PIF cases as agreed to by Council staff, DEP, and M-NCPPC. This change places the consideration of revised plans with M-NCPPC as the agency responsible for development plan review.

CHAPTER 1**II.: POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE****II.G. Special Policies for Water and Sewer Service****I.G.4.: Community Service for Private Institutional Facilities**

Starting on draft page 1-41

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, DEP the County will require reconsideration of the original approval action by the County Council. DEP will determine when a concept plan warrants the Council's reconsideration. 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.

PIF POLICY ISSUES – CONCEPT PLAN REVIEW AND CONDITIONAL APPROVALS

Revisions that require PIF users seeking category changes to provide a concept plan for the project to M-NCPPC for consideration by the County's Development Review Committee prior to filing a category change request.

CHAPTER 1**II.: POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE****II.E.: Water and Sewer Service Planning in the Development Review Process**

Starting on draft page 1-24

II.E.1.: Development Plan Review

The M-NCPPC Development Applications & Regulatory Coordination Division manages the County's Development Review Committee (DRC), an interagency group which meets regularly to review and evaluate proposed development plans. DEP is the lead agency in the DRC with regard to water and sewer service planning issues. DEP staff report to the DRC on the consistency of the water and sewer service components of development proposals with respect to the County's Water and Sewer Plan. In order for a development proposal to proceed to the Planning Board for consideration, DEP staff need to confirm for M-NCPPC the consistency of the development plan with the policies and service area designations in the Water and Sewer Plan. DPS and WSSC staff also participate in this process with a focus on on-site and community water and sewerage systems design, respectively. At the request of the County Council, the DRC also reviews and comments on concept plans for private institutional facilities seeking service area category changes in areas located outside the planned community service envelopes.

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II.: POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

II.G. Special Policies for Water and Sewer Service

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

Starting on draft page 1-39

II.G.4.b.: PIF Sites Outside the Planned Community Service Envelopes

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

Starting on draft page 1-40

II.G.4.e.: PIF Policy 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 is not already the owner of the property.
- Statement of the institution's non-profit, federal tax-exempt status from the U.S. Internal Revenue Service.
- Conceptual development A concept plan for the site of the proposed institutional use showing: that has been considered by the M-NCPPC Development Review Committee (DRC) under that agency's concept plan review process. 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 estimate impervious surface area.
 - Concepts for water and/or sewer main extensions, as needed.

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

Approved 2018 - 2027 Water and Sewer Plan: Policy RevisionsStrikethrough Text: Approved Deletions Underscored Text: Approved Additions**PINEY BRANCH RESTRICTED SEWER POLICY**

Revisions developed by DEP to avoid redundancy of the Piney Branch Restricted Sewer Policy between Chapter 1 and Appendix C. Also, a clarification to the policy in Appendix C to address Council-designated special sewer service areas resulting from septic system surveys of neighborhoods within the watershed.

CHAPTER 1**II.: POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE****II.G. Special Policies for Water and Sewer Service****II.G.11. Special and Restricted Community Service Areas**

Starting on draft page 1-43

II.G.11.b. Piney Branch Restricted Sewer Service Area

This restricted sewer service area was established in 1991 to minimize the potential effects of sewer-dependent development in the Rural Estate-zoned areas in the lower Piney Branch Watershed. The policy was reexamined and updated in the context of interrelated land use, zoning, and sewer service recommendations in the 2002 Potomac Subregion Master Plan.

In order to be eligible for community sewer service, properties within the Piney Branch watershed must satisfy at least one of [the following] six conditions: related to issues such as sewer service staging, trunk sewer easements, and septic system problems. These conditions are detailed in Appendix C, Section II.L. All other properties within the Piney Branch watershed are restricted from community sewer service, whether from the Piney Branch sewerage system or from other adjacent sewerage systems.

- **Master Plan Sewer Staging:** Properties designated as Sewer Stages I or II in the 1980 Potomac Subregion Master Plan;
- **Trunk Sewer Right-of-Way:** Properties that the Piney Branch Trunk Sewer right-of-way either traverses or abuts, including properties adjacent to and commonly owned with these abutted or traversed properties as of December 3, 1991;
- **Prior Sewer Category Approvals:** Properties with approval or conditional approval for sewer categories S-1 or S-3 as of December 3, 1991;
- **Public Health Problems:** Properties, with documented public health problems resulting from failed septic systems, and properties within Council approved public health problem areas, where the provision of public sewer service is logical, economical, and environmentally acceptable;
- **Abutting Sewer Mains:** Properties that abut existing or approved sewer mains and which satisfy the abutting mains policy requirements for Section II.G.3.b. Applicants shall not use the provision of a single sewer hookup to support subdivision or resubdivision of these properties into more than one lot. (This condition does not restrict sewer service provided to properties satisfying the "trunk sewer right-of-way" condition, preceding.)
- **Cluster Development:** Properties zoned RE-2C located in the southeast corner of the intersection of Boswell Lane and Piney Meetinghouse Road which develop using the cluster method.

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

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. Recordation of this covenant is 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 Water and Wastewater Policy Group staff (see Appendix D) for a draft covenant and the required recommendations, and for additional information.

Approved 2018 - 2027 Water and Sewer Plan: Policy RevisionsStrikethrough Text: Approved Deletions Underscored Text: Approved Additions**APPENDIX C***Starting on draft page C-13***II.L.: Piney Branch Watershed**

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

- **Master Plan Sewer Staging:** Properties designated as Sewer Stages 1 1 or II in the 1980 Potomac Subregion Master Plan.
- **Trunk Sewer Right-of-Way:** Properties that the Piney Branch Trunk Sewer right-of-way either traverses or abuts, including properties adjacent to and commonly owned with these abutted or traversed properties as of December 3, 1991;
- **Prior Sewer Category Approvals:** Properties with approval or conditional approval for sewer categories S-1 or S-3 as of December 3, 1991;
- **Public Health Problems:** Properties with documented public health problems resulting from failed septic systems, and properties included within a Council-designated special sewer service area, where the provision of public sewer service is logical, economical, and environmentally acceptable; or
- **Abutting Sewer Mains:** Properties that abut existing or approved sewer mains and which satisfy the policy requirements for Section II.G.3.: Community Service for Properties Abutting Community System Mains – Single Hookups for Only One Property. Applicants shall not use the provision of a single sewer hookup to support subdivision or resubdivision of these properties into more than one lot. (This condition does not restrict sewer service provided to properties satisfying condition ii., preceding.)
- **Cluster Development:** Properties zoned RE-2C located in the southeast corner of the intersection of Boswell Lane and Piney Meetinghouse Road which develop using the cluster method.

PLANNED COMMUNITY SERVICE ENVELOPES

Revisions requested by community groups to sections of Chapter 1 and Appendix A to clarify and compare terms related to planned service envelopes and existing service areas.

CHAPTER 1*Starting on draft page 1-19***II.A.: County Water and Sewer Systems**

Non-abutting connections provide water and/or sewer service to properties that do not directly abut a water or sewer main. In some cases, the non-abutting connection runs further than usual through the public or WSSC right-of-way to reach the customer's on-site service hookup. In other cases, the non-abutting connection provides service access to the customer's hookup that crosses another, intervening property by way of a private easement in order to reach the customer's property.

Community Service Envelopes and Service Areas

Planned Community Water/Sewer Service Envelopes: Those areas intended for community service under the County's Water and Sewer Plan's general service policies and local area master plans recommendations.

Generally, this includes properties currently approved for such service and designated as categories W-1, S-1 or S-1, S-3. Areas planned for future community service (W-4, W-5, and S-4, S-5) are included in the planned service envelopes. Some properties that have not been considered under the service area category change process, and still designated as categories W-6 and/or S-6, may also be included in the planned service envelope.

Existing Community Water/Sewer Service Areas – Those properties approved for and with access to community water/sewer service, designated as categories W-1 and/or S-1.

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Planned Service Envelopes vs. Existing Service Areas – A category W-1 and/or S-1 does not always identify properties included in the planned community service envelopes. Properties located outside the planned service envelopes are typically approved for community service using one of the special service policies in the County's Comprehensive Water and Sewerage Plan (abutting mains, private institutional facilities, onsite system failures, etc.). As such, these properties, although designated as categories 1 or 3, are exceptions to the Plan's general service policies and do not become part of the planned service envelopes.

The Plan's Glossary (Appendix A) provides additional information on these and other terms.

APPENDIX A

Starting on draft page A-1

Capital Improvements Program (CIP)

Provides for the programming of planning, design, land acquisition, and construction on a yearly basis for major water and sewerage facilities. These facilities include project such as water filtration plants, sewage treatment plants, major water and sewer transmission mains, pumping stations, and storage facilities. The adopted WSSC CIP is incorporated annually into the County's CIP when approved by the Montgomery and Prince George's County Councils. Community system capital budgets are available as follows:

- WSSC The current CIP budget document, and those for some prior years, are available through WSSC's budget webpage at <https://www.wsscwater.com/budget>.
- City of Rockville Capital program information is available at <http://www.rockvillemd.gov/index.aspx?NID=1071>.
- Town of Poolesville Capital program information is available at <http://www.poolesvillemd.gov/296/Budget>.

Community Service Envelopes and Service Areas

Planned Community Water/Sewer Service Envelopes – Those areas intended for community service under the County's Water and Sewer Plan's general service policies and local area master plans recommendations. Generally, this includes properties currently approved for such service and designated as categories W-1, S-1 or S-1, S-3. Areas planned for future community service (W-4, W-5, and S-4, S-5) are included in the planned service envelopes.

Note that not all properties located within the planned community service envelope are currently approved for such service and designated categories 1, 3, 4 or 5. Most requests for service area category changes seeking community service are granted through a case-by-case consideration. As a result, some properties designated as W-6 and S-6 may also be within the planned service envelopes because they have never had requests filed for a category change. Also see the "Planned Service Envelopes vs. Existing Service Area" discussion following.

Existing Community Water/Sewer Service Areas – Those properties approved for and with access to community water/sewer service, designated as categories W-1 and/or S-1.

A variation of the existing service areas could be considered as an approved service area. This would add those properties designated as service area categories W-3 and S-3 to the Existing Service Areas.

The majority of properties within existing service areas are connected to community systems. However, some properties continue to use individual, onsite systems even though community service is available. Note that some properties within existing service areas are located outside of the planned service envelopes; please see the following discussion.

Planned Service Envelopes vs. Existing Service Areas – Every property that is approved for and has access to community service (W-1, S-1) becomes part of the existing water/sewer service areas. However, a category change approval for such a property does not necessarily make it part of a planned service envelope.

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Properties located outside the planned service envelopes are typically approved for community service (categories 1 or 3) through one of the special service policies in the County's Comprehensive Water and Sewerage Plan (abutting mains, private institutional facilities, onsite system failures, etc.) or under another justification as determined by the County Council. As such, these properties, although designated as categories 1 or 3, are exceptions to the Plan's general service policies and do not become part of the planned service envelopes.

This distinction is important in the Potomac Subregion Master Plan area where the master plan recommends the use of a peripheral sewer service policy, addressing properties located at the edge of the planned sewer envelope. Again, properties approved for S-1 or S-3 under this service policy do not add to or become part of the planned service envelope. This was intended to avoid a domino effect that could eventually extend sewer service well beyond the limits of the planned service envelope.

POTOMAC WFP SOURCE WATER AND TREATMENT NEEDS

Revisions in partial response to changes requested by community groups for discussions of projected facility needs for the Potomac Water Filtration Plant, specifically for the submerged channel raw water intake and drought management.

CHAPTER 3

Starting on draft page 1-32.

II.F.2.a - Projected Source Water and Treatment Facility Needs: The following sections include brief descriptions of major WSSC's current and planned studies and facilities needed to meet the projected treatment capacity at each of its water treatment plants.

- **Potomac Submerged Channel Raw Water Intake:** This study is to develop alternatives and examine the construction of a new submerged channel raw water intake in the Potomac River. This raw water intake would serve as an alternate to the existing Potomac intake at the river channel's bank below the plant at the C&O Canal National Park. The implementation of this project would provide for several objectives including:
 - The Submerged Intake would provide Provide an additional barrier against drinking water contamination (particularly *Giardia* cyst and *Cryptosporidium* oocysts) by drawing better quality raw water.
 - as well as enhancing Enhance plant reliability [and reducing treatment costs] by avoiding the current problems associated with ice and vegetation blocking the existing bank withdrawal.
 - Provide desired operational redundancy during emergency situations.
 - Provide significant treatment cost reduction associated with solids handling and transportation, chemical use, and energy consumption.

Its use would also help to avoid heavy sodium chloride runoff from the Watts Branch that occurs when road salt application is followed by heavy rain or rapid snow melt. The project is expected to pay for itself over time based upon the reduced chemical usage, reduced solids handling, and reduced energy costs. This project is consistent with the industry's recommended multiple barrier approach and operational reliability and redundancy.

- **Drought Planning:** WSSC continues to maintain the Little Seneca Reservoir, which can supplement the raw water supply in the case of drought. The County recognizes that increased siltation and contamination in Little Seneca Lake may occur from the increased impervious surface coverage (new roads, sidewalks, houses, etc.) in the three main tributaries feeding the reservoir. In order to slow the rate of increase of runoff pollution entering the reservoir, the County has placed

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caps on imperviousness for new developments planned in the Ten Mile Creek watershed, along with reforestation goals. WSSC is investigating the use of the Travilah Quarry as an additional raw water supply for the system.

PRESUMPTION OF ONSITE SEPTIC SYSTEM SERVICE IN LOW-DENSITY AND AGRICULTURAL AREAS

Revisions requested by community groups to several sections of Chapter 1 to emphasize the presumption of the use of onsite septic systems in areas planned for low-density residential and agricultural uses.

CHAPTER 1

I.: INTRODUCTION

Starting on draft page 1-7

I.A.: Plan Goals and Objectives

- Support the State of Maryland Smart Growth initiatives that direct State funding for public services and infrastructure to identified growth areas and promote the use of onsite water supply and wastewater disposal systems to limit development density in the Agricultural Reserve and lower-density wedge areas.
- Identify specific public health problems related to water supply and wastewater disposal throughout the county and recommend appropriate solutions, including community water and/or sewerage systems and capital projects if required. However, the cost and potential impacts of the extension of new community systems, especially in environmentally-sensitive, low-density areas, requires that the County maintain an emphasis on the repair or replacement of existing onsite systems with standard onsite conventional or alternative technologies.

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II.F.: General Policies for Water and Sewer Service

This Plan recognizes that some rural and low-density areas of the county with have moderate-density residential, employment, or industrial zoning. These areas are planned to remain outside of community service envelopes and [beyond the logical and economical reach of existing or planned community service. These areas] will be served by individual, onsite water and sewer systems. Property owners and developers will need to recognize that the use of onsite systems may not allow these properties to achieve the maximum development density theoretically allowed under these zones.

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II.F.1.: Consistency with Comprehensive Planning Policy

This Plan intends that water and sewer service decisions should follow and implement the land use and development guidance established in the County's General Plan and local area master and sector plans. A variety of factors influence policy decisions concerning the density or type of development for a particular area: overall land use guidance; transportation and school capacity; environmental protection; local and county-wide housing and commercial demand; compatibility with existing development; and suitability for individual, on-site systems. The proximity of water and/or sewer mains to an area of the county, also one of these factors, should not serve as the primary driver of these water and or sewer service policy decisions.

Community water and sewerage systems provide service in areas of moderate- to high-density residential development, and to commercial, mixed use, and industrial development. The density of this development does not allow the space on individual lots needed for the use of individual, onsite wells and septic systems. The vast majority of developed properties in rural and low-density areas are served by onsite water supply and wastewater disposal systems, wells and septic systems. In support of the County General Plan and Master

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Plans, the presumption is that all of these areas will continue to be served using onsite systems consistent with this Plan's service policies.

II.F.2.: Service Policies for Residential Development

Starting on draft page 1-27

II.F.2.b.: Low-Density Residential Estate Development

The RE-1 Zone (residential estate one-acre), RE-2 Zone (residential estate two-acre), and RE-2C Zone (rural estate two-acre cluster) provide for low-density residential development. These zones are most often intended presumed to use individual, on-site systems. Land zoned for residential estate development is often located in areas that function as the transition between areas planned for higher-density residential development and areas planned for rural or agricultural development. The presumed use of individual, onsite systems, especially septic systems, supports master plan goals for these areas. In addition to providing buffers for rural development and agricultural areas, they serve to protect high-quality streams, including those used for public water supply. The distances between residences in low density areas results proportionate increases in the cost of extending community service to each lot proportionately increases, making the use of individual systems more cost effective.

II.F.3.: Rural Residential Development

Starting on draft page 1-28

II.F.3.a.: Rural Neighborhood Cluster (RNC) Zone

Properties zoned RNC have two alternative development options: standard cluster and optional cluster. The choice between these options affects whether a project uses community or individual water and sewer service. The local area master plan will provide direction on the use of these cluster options.

Standard Cluster Method

The standard cluster method of development results in lower density neighborhoods on large lots. Development under the standard cluster method is generally intended presumed to use individual onsite systems, as established for the RNC Zone in the zoning ordinance. Service from the community water system may be considered if the project satisfies the requirements for community water service for large-lot development (see Section II.F.2.b.).

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II.F.5.: Service Policies for Employment and Industrial Development

Most areas zoned for employment or industrial development are intended to develop at a density that will require the use of community water and sewer service, rather than individual, onsite systems. However, some commercial and industrial zones are located in rural communities beyond the limits of the community water and/or sewer service envelopes. These areas are presumed to use individual, onsite water supply and wastewater systems. Designations for the provision of community service or the use of individual onsite systems will be generally consistent with the type of service used for adjacent or nearby residential development, as guided by master plan development recommendations.

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II.F.6.: Service Policies for Agricultural Development

Areas zoned for agricultural development, the twenty-five-acre agricultural or AR Zone (formerly Rural Density Transfer), are intended for service by individual, onsite water supply and sewer wastewater treatment systems. This includes residential properties within these zones. The size of lots in these zones, the distances between lots, and the density and scale of development, and the scale of development, and the distances between lots and from existing community service, makes these areas suitable for the [is generally more compatible with the] use of individual, onsite wells and septic systems. For development within the AR Zone, this Plan limits the size of individual on-site septic systems (see Section II.C.5.c.).

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PUBLIC HEALTH PROBLEMS SERVICE POLICY

Revision to policy as approved by the County Council. The entire Public Health Problems Service Policy sections, now the "Community Service to Relieve Onsite System Concerns" policy, is presented here, as much of the existing text was rewritten and reorganized. The significant changes agreed to by the Council affect primarily the section addressing area-wide onsite system concerns in locations outside the planned community service envelopes and subsequent sections addressing onsite system surveys. In this revised section of the policy, the initiation of an onsite system survey requires at least one property with a DPS-documented onsite system failure where no reasonable onsite relief is feasible. Some text from individual, onsite systems discussions in Section III.C.4.c. has been relocated to new terms added to the Glossary in Appendix A. Text was also added at the request of community groups to clarify the timing for the onsite system survey process in general, and specifically as it applies to the Glen Hills study area.

CHAPTER 1

Starting on draft page 1-34

II.: POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE**II.G. Special Policies for Water and Sewer Service****II.G.2.: Community Service to Relieve Onsite System Concerns**

Public health concerns can result from failures of individual, onsite water supply or wastewater disposal systems, including the failure of those systems. Onsite systems usually—but not exclusively—serve properties located outside the planned community service envelopes, where development is intended for service using wells and septic systems. This is consistent with the planning for and designation of lower-density residential, rural, and agricultural areas.

As a result, most properties using individual, onsite systems are often in areas where relief of failures using community service is neither logical nor economical. In these cases, first consideration for mitigation of a failure will focus on onsite relief measures. A feasible onsite remedy must satisfy onsite systems permitting requirements, as verified by DPS. However, some failures do occur in areas within or near areas served by community systems. Issues involving concerns with and failures of individual water supply and sewerage systems are addressed in more detail in Section III.C.4.a.

II.G.2.a.: Single Property Onsite Systems Concerns

In the majority of onsite systems failures reported to DPS, relief is provided by an onsite repair or replacement. However, community water and/or sewer service may be provided to an improved property to resolve an onsite systems failure, upon documentation of that failure by the Director of DPS or a designee. If a water or sewer main extension is required or if the availability of service is unclear, DEP, in coordination with WSSC, will evaluate whether the provision of community service is feasible. In cases where DEP determines that the provision of community service is not feasible, DEP will report this back to the DPS Well and Septic Section. DPS then determines the best possible onsite solution for the onsite systems failure. Note that the State of Maryland, typically through MDE, may also direct the use of community service to relieve an onsite system failure.

Unless a case requires consideration by the County Council, DEP may direct WSSC to begin and expedite the process to provide community service regardless of the existing service area category. The utility does not need to wait for the County to grant a service area change approval to plan, design, and implement community service. DEP will follow up this action with the needed category change through the administrative delegation process. The inability of an unimproved property to allow for a permitted septic system does not provide justification to allow the provision of community service to that property alone under this policy.

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In cases addressed by this policy, community service will generally be limited to a single water and/or sewer hookup for existing properties. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

Within the planned community service envelopes, where DPS determines that an existing onsite system failure occurs, the property involved may already have a category 1 or 3 service area designation. This allows WSSC to proceed with expediting the provision of community service. However, where a property lacks an appropriate category designation for community service, DEP may direct WSSC to proceed with the provision of service, as explained previously. Because the provision of community service is for a property located within an area already planned for community service, DEP may act to approve related service area changes through the administrative delegation process, under the "Consistent with Existing Plans" policy, Section V.D.2.a.

Outside the planned community service envelopes, first consideration for relief of an existing onsite systems failure will focus on onsite mitigation measures. However, some cases occur where DPS determines that onsite measures cannot relieve the failure. In cases involving documented failures, with no reasonable onsite relief measure and with readily available community service, DEP may act to approve related service area changes through the administrative delegation process, under the "Community Service for Public Health Problems" policy, Section V.D.2.a. Readily available community service is that which allows for community service for a property using either a directly abutting or a WSSC-approved non-abutting service connection, not a main extension. Otherwise, onsite system failures found outside the planned community service envelopes and related service area category changes will be addressed by the County Council. Depending on the circumstances affecting such cases, the County Executive may transmit appropriate recommendations to the Council outside the usual semi-annual cycle of Plan amendments.

In areas planned to use onsite water and/or sewer systems, the County's decisions to provide community water and/or sewer service and approval for related service area changes are not intended to change existing development patterns originally based on the suitability of onsite systems use. To this end, properties outside the planned service envelopes cannot be subdivided into more than one lot where approved for public water and/or sewer service under this policy.

II.G.2.b.: Area-Wide Onsite Systems Concerns

In some situations, the number and/or the pattern of onsite systems failure cases could indicate broader-scale concerns rather than just an isolated, individual case. A function of this Plan is to survey and identify, as necessary, areas where future, long-term use on individual, onsite systems may be constrained, and to recommend solutions for those concerns. All special community service areas recommended for action under this policy require consideration and approval by the County Council. Upon the approval of a special community service area, the Council may also approve category changes for community water and/or sewer service for that special service area under this policy.

The County's designation of a special community service area will allow property owners within these communities to take advantage of WSSC's expedited service process and main construction subsidies. Individual properties within an existing or pending special service area that are documented by DPS as having onsite systems failures may still be addressed using the procedures outlined in Section II.G.2.a., above.

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In addition to onsite systems survey requests from individual property owners (see outside the planned service envelopes in the following section), DPS may also identify and recommend to DEP potential onsite systems survey areas.

In areas planned to use onsite water and/or sewer systems, the County's establishment of special community service areas and approval for related service area category changes is not intended to change existing development patterns originally established on the suitability of onsite systems use. To this end, properties outside the planned service envelopes cannot be subdivided into more than one lot where approved for community water and/or sewer service under this policy. 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.

II.G.2.c: Establishing Onsite Systems Survey Areas

Within planned community service envelopes, the need for onsite system surveys for properties is limited as the area involved is already intended for community service. Surveys are sometimes conducted to establish an area eligible for public health subsidies from WSSC to help cover the cost of the extension of a water/sewer main and to expedite the planning and construction of needed main extensions.

Outside planned community service envelopes, onsite systems surveys are typically initiated by an individual property owner, or a group of owners, who identify an area of concern for DEP to investigate. At least one property owner requesting a survey must demonstrate that the existing onsite system has failed, as verified by DPS. DPS must also find that the onsite system failure cannot reasonably be resolved by an onsite repair or permitted replacement of that system. This determination may require an onsite system inspection by DPS and a qualified contractor. A previous inspection may also satisfy this requirement, if acceptable to DPS.

In cases involving septic systems, DPS must determine that the onsite system failure cannot be addressed reasonably by using a conventional replacement system (deep trench, shallow trench, or sand mound), by innovative and alternative onsite replacement systems, or by new technologies as they are approved for use by the State and County (e.g. graywater systems and waterless toilets). Note that in the case of septic systems, reasonable relief methods do not include the use of a holding tank.

The inability of an unimproved property to allow for a permitted well or septic system does not provide a property owner with justification to request an onsite system health survey. DEP may include unimproved properties 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

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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.

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 any survey findings it 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.

III.: GENERAL POLICIES FOR WATER SUPPLY AND SEWERAGE SYSTEMS FACILITIES**III.C.: Individual Systems****III.C.4.: Individual Water and Sewerage Systems Problems**

Starting on Draft page 1-34

III.C.4.c: Individual Systems and Public Health Problems

Existing public health problems (as defined in this Plan) can result from the failure or anticipated failure of existing individual, onsite systems. In addition, potential public health problems can occur where the County determines that onsite systems may not be capable of providing adequate water supply or wastewater disposal service in the future. Onsite system failures may result in problems that can affect public and environmental health due to contact with inadequately treated sewage or contaminated drinking water, or due to an inadequate drinking water supply. Existing health problems resulting from onsite well failures typically result from an inadequate water yield or groundwater contamination. Existing health problems resulting from onsite septic systems system failures are typically characterized by inadequately treated sewage on the surface of a yard or

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Backing up into a building. Additional information on these subjects is provided in the Glossary in Appendix A, page A-3.

Existing Public Health Problems: Individual systems can fail due to causes such as age, damage, contamination, or insufficient maintenance. The following circumstances are among the most common that constitute an existing public health problem:

- The presence of inadequately treated sewage rising to the surface of the ground or backing up into a building. Or an excessive need to pump out a septic system in order to keep the preceding from happening, usually on the order of several times in a year. Proper septic system operation typically requires tank pumping every two to five years for preventative maintenance.
- Evidence of a septic system discharging inadequately treated sewage into ground or surface waters. This includes problems such as drainfields constructed within the water table, constructed on fractured bedrock, and constructed with an overflow pipe that allows the surface discharge of inadequately treated sewage from the septic tank.
- A well with inadequate water quantity yield. (State minimum standard is 1 gallon per minute.)
- A well with inadequate water quality, resulting from either an inflow of surface water or contamination of the groundwater source.
- A well that does not satisfy current regulatory standards, including hand-dug wells, wells without adequate sleeves/casing, etc. A structural failure of the well may result, such as a side wall collapse.

Anticipated Public Health Problems: The expectation that existing onsite wells and/or septic systems cannot be replaced and will not support existing development once they fail can present anticipated public health problems. Early identification of areas or neighborhoods where these conditions exist may result in corrective measures that will prevent actual individual systems failures that will result in health problems.

Health Problem Relief Measures: Typically, properties served by individual systems are located in low-density development areas where access to community systems is not considered logical or economical. In many cases of individual system failures reported to DPS, relief is provided by an onsite repair or replacement, rather than by community service. However, in some cases where individual systems have failed, owners may not be able accomplish a repair or replacement consistent with current regulations, as determined by DPS. Changes to individual systems regulations over the past decades have resulted in improved standards for human and environmental health. However, these regulatory changes can have the potential to hinder efforts to replace existing individual systems with new systems that satisfy current standards. Section II.G.2. of this chapter discusses the conditions where community service can be used to relieve public health problems resulting from individual systems failures.

Inclusion of additional terms used in the Plan text.

APPENDIX A: GLOSSARY

Starting on draft page A-3

Municipal Well

A groundwater well that provides water for a community water supply system. In Montgomery County, only the Town of Poolesville uses municipal wells to provide a potable water supply to its customers.

Onsite System Failures

Individual, onsite system failures can result from causes such as age, contamination, insufficient maintenance, or structural problems. The following situations are among the most common that constitute an onsite systems failure:

- The presence of inadequately treated sewage rising to the surface of the ground or backing up into a building, resulting from a hydraulic overload of the septic tank and/or the drainfield. Proper septic system operation typically requires tank pumping every two to five years for preventative maintenance.

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- Evidence of a septic system discharging inadequately treated sewage into ground or surface waters. This includes problems such as drainfields constructed within the water table, constructed on fractured bedrock, or constructed with an overflow pipe. Overflow pipes typically allow the discharge of inadequately treated sewage from the septic system into a drainage feature such as a swale, pond, or stream. Failures may also result from structural problems involving the septic tank or drainfields.
- A well with inadequate water quantity yield. (State minimum standard is 1 gallon per minute.)
- A well with inadequate water quality, resulting from either an inflow of surface water or contamination of the groundwater source.
- A well that does not satisfy current regulatory standards, including hand-dug wells, wells without adequate sleeves/casing, etc. A structural failure of the well may result, such as a side wall collapse

An excessive need to pump out a septic tank, usually on the order of several times in a year, to keep the septic overflows or backups from happening, can also signal a septic system failure. Other excessive actions indicating a septic failure may include curtailing the use of laundry, kitchen, and/or bathroom facilities to prevent overflows or backups. These situations can be considered as temporarily mitigated failures in that the property owner has intervened to prevent the failure from causing a public health problem (see below).

Relief measures for individual, onsite system failures generally fall into one of three categories:

- Onsite Repair – The repair of an onsite well or septic system typically involves a straightforward process that does not require DPS to issue a permit. Repairs can include replacing a broken pipe or septic tank baffle, clearing a clogged pipe, or replacing a pump. Repairs may also involve an improved maintenance schedule or the use of practices compatible with onsite systems.
- Onsite Replacement – An onsite systems replacement occurs where a major component of the well and/or septic system no longer functions as intended. A replacement will require DPS to issue a new permit for a new well, septic tank, and/or septic drainfield. Some septic system drainfield replacements can be considered as single replacements, where one new drainfield is feasible, but without the identification of reserve areas for future use. A full replacement for a septic system includes a new drainfield and an approved reserve area for future drainfields.
- Community Service – Community service is provided, if feasible, and where consistent with community service policies in Chapter 1 of this Plan.

Public Health Problems – Existing and Potential

Individual, onsite well and septic system failures may result in problems than can affect public and environmental health due to contact with inadequately treated sewage or contaminated drinking water, or due to an insufficient drinking water supply.

Existing Public Health Problems: The determination by DPS that a property suffers from the failure of an onsite well or septic system to function as originally designed. Solutions for failed onsite systems may require a new well or septic system permit. New septic system permits are required for the replacement of the septic tank

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and/or drainfield or pit. In other cases, a repair, such as the replacement of a broken pipe, or change in use or maintenance, may suffice to address the failure.

Potential Public Health Problems: The expectation, based on a determination by the County, that the replacement of existing onsite wells and/or septic systems may not be capable of supporting existing development, resulting in future public health problems. Early identification of areas or neighborhoods where these conditions exist may result in corrective measures that will help to avoid future individual systems failures.

Sanitary District

The entire area where the responsibility of providing community water and sewer service as identified in this plan falls to a single agency. The Washington Suburban Sanitary District (WSSD), which encompasses most of Montgomery and Prince George's Counties, is served by the WSSC. Two areas within the County are excluded from the WSSD:

SPECIAL WATER OR SEWER SERVICE AREAS

Inclusion of additional terms used in the Plan text.

APPENDIX A: GLOSSARY

Starting on draft page A-4

Sewer Service Area

That area served, or potentially served, by a system of sanitary sewers connected to a treatment plant, or, in a very large system, sub-areas as delineated by the County.

Special Water or Sewer Service Area

An area designated by the County Council where the provision of community water and/or sewer service is approved to provide relief for existing failures and/or potential health problems. Special service areas may be located either within or outside the planned community service envelopes.

Systems Development Charge (SDC)

A fee paid by new users of the WSSC's water and sewerage systems which WSSC uses to finance the capital cost of system growth and improvement.

UPDATES FOR THE EXECUTIVE SUMMARY

Revisions resulting from changes elsewhere to the draft text.

Draft pages ES-2 to ES-3

Special Policies for Water and Sewer Service (Section II.G.)

Community Service for Area-Wide Health Problems: This update provides more detailed information about the health area survey process, much of which was developed for the Glen Hills sewer policy text amendment approved under CR 18-423. Areas zoned AR are excluded from the survey process.

Community Service to Relieve Onsite System Concerns: This update rewrites this service policy with a focus on procedures for addressing onsite system failures both within and outside the planned community service envelopes. In addition, the procedures and requirements for initiating an onsite systems survey are revised from those adopted following the Glen Hills Study under CR 18-423. This update provides more detailed information about the onsite systems survey process.

Private Institutional Facilities (PIFs): This update restructures the PIF policy, largely from prior text, to create a more logical organization and provide additional background information on its rationale. The update also provides an explanation regarding why dedicated low-pressure sewer main do not have the potential to

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serve other abutting properties. This addresses an aspect of the PIF policy under which the Council has operated for many years, but that was not specifically covered in Plan text. This update adds a requirement for PIF applicants to submit a concept plan for the project for review and comment by the M-NCPCC Development Review Committee (DRC) prior to filing the category change request with DEP; the concept plan and DRC comments are provided as part of the category change application. This update also includes language that requires the County Council's reconsideration of a category change approval in the event that a concept development plan, considered and accepted by the Council as part of a PIF-based action, is subsequently and significantly revised.

*Draft page ES-4***Adopting and Amending the Water and Sewer Plan (Section V.)**

Triennial Comprehensive Update and Interim Amendment Processes: These revised sections more clearly address the triennial and interim Plan amendment processes, and better establish interim amendments as separate from, but contributing to the triennial update process. The Plan also updates schedules for MDE's consideration of triennial Plan updates and interim Plan amendments based on recent changes to state regulations.

*Draft page ES-7***APPENDICES**

The Plan's glossary has been moved to Appendix A. Capital program projects, previously summarized in Appendix A, are included in the Plan by reference to available documentation online. In appendix B, inventories of the County's multiuse systems (large-capacity, individual, onsite water and sewerage systems) have been combined into a single table including both multiuse water and sewer systems. Appendix C includes information on exceptional water and sewer service policy areas, moved there from Chapter 1. Information in Appendix C also includes updates for the Glen Hills study area based on the sewer service policies resulting from the 2015 "Glen Hills Area Sanitary Study" and from policy revisions for onsite system surveys adopted in this Plan update. Appendix D includes updated municipal, county, state, and regional agency contact information. Appendix E, an addition to the Plan, includes an inventory of major public and institutional facilities in the county.