

Resolution No.: 15-1343
Introduced: November 8, 2005
Adopted: February 14, 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Knapp

**SUBJECT: Amendment to the Comprehensive Water Supply and Sewerage Systems Plan:
Multi-Use On-Site Systems**

Background

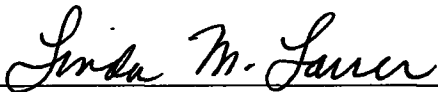
1. Section 9-501 et seq. of the Environmental Article of the Maryland Code, requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the County.
2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 90 days to review a county governing body's action to amend the County's Water and Sewer Plan. Upon notice to the County, MDE may extend that review period for another 90 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by the MDE or the period for final MDE action has expired.
3. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which was approved by the State Department of the Environment.
4. The County Council has from time to time amended the Plan.
5. On, November 8, 2005, the County Council introduced an amendment that would restrict the capacity of multi-use on-site septic disposal systems in Rural Density Transfer (RDT) zoned properties. The capacity restriction is calculated for each property by determining the maximum number of residential units that could be constructed on that property based on current zoning requirements and multiplying that number by 600 gallons.

6. Recommendations on this amendment were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission Staff, and affected municipalities.
7. A public hearing was held on January 19, 2006.
8. The Transportation and Environment Committee discussed this amendment on February 2, 2006 and made recommendations to the Council.
9. The County Council discussed the amendment on February 14, 2006 and voted to add a 5,000 gallon per day cap on multi-use septic disposal systems to the amendment.

Action

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

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

CPTA 05T-CH1-03: 2003 – 2012 Comprehensive Water Supply and Sewerage Systems Plan Amendment

Chapter 1: Objectives and Policies

Multi-Use System Policies and Procedures (Chapter 1, Section III.B.2.)

Council Approved Text

Amendment Revisions Key	Public Hearing Draft:	<u>underscored text</u> = proposed additions [bracketed text] = proposed deletions
	T&E Worksession Draft:	<u>double-underscored text</u> = proposed additions [[double-bracketed text]] = proposed deletions <u>dashed underlined text</u> = proposed relocations
	County Council Action:	<u>heavy underscored text</u> = approved additions/revisions

III. GENERAL POLICIES FOR WATER SUPPLY AND SEWERAGE SYSTEMS FACILITIES

B. Individual and Multi-Use On-Site Systems – These sanitary systems are primarily groundwater wells and septic disposal systems. Much of the policy discussion concerning individual on-site systems and under what conditions they are appropriate to support development is included in prior sections of this chapter. In cases where a State Water Appropriation and Use Permit issued by MDE is required to establish a well or wastewater disposal system, DEP is responsible for the County’s approval of applications for those permits. The following sections address specific types of on-site systems with special policy considerations.

2. General Policies for Multi-Use Systems – All multi-use systems in the County, as defined under the Plan’s glossary [[Chapter 1, Section I.E.]], shall be approved as formal map and text amendments to this plan. Multi-use systems will be identified in Appendix B of the Plan text [in Chapters 3 and 4], and on the water and sewer category and systems maps. Multi-use systems are generally provided for commercial, public, or private institutional uses in areas not intended to receive community water and sewer service. The provision of such systems shall be consistent with the protection of surface and ground waters and shall require the concurrence of the DPS. In order to ensure this protection, DEP may, upon consultation with the DPS, require hydrogeologic studies of the potential effects of the proposed systems on ground and surface water resources.

a. Multi-Use System Flow Requirements – Multi-use water and sewerage systems are primarily defined by the systems’ design capacity. The design capacity of a multi-use water supply system is the maximum water flow the system is designed to deliver in one day. The design capacity of a multi-use sewerage system is the maximum waste flow that the system is designed to collect and either treat or store in one day. Septic tanks—the first stage in the treatment system—are designed to hold twice the design capacity, or two days’ worth of flow. The design capacity is sometimes referred to as the “peak capacity” of the system.

The County has adopted a minimum design [[peak]] flow requirement for multi-use systems of 1,500 gallons per day (gpd), which is more stringent than the State’s requirement of 5,000 gpd. This lower flow threshold was adopted in order to give the County better information on the location of on-site systems with capacities in excess of those required for strictly residential uses. This will help the County identify areas where multi-use systems together may create cumulative impacts on ground and surface waters which would be difficult to evaluate on a case-by-case basis. The identification of these systems in the plan also allows for a more comprehensive review of proposals for multi-use systems which are typically located in areas where the provision of community service is not anticipated.

For the purposes of this Plan, multi-use systems include the following:

- A single water supply and/or sewerage system serving a single property;
- A single water supply and/or sewerage system serving two or more commonly-owned, contiguous properties with a common function (religious institution, nursing home, etc.); and
- More than one water supply and/or sewerage system serving a single property with a cumulative design capacity of 1,500 or more gpd.

(Note: The preceding paragraph was copied from the multi-use system definition in the Plan glossary.)

b. Design Capacity Restrictions in the Rural Density Transfer Zone – In order to protect the environmental and agricultural character of Rural Density Transfer (RDT) zone areas, as envisioned by the Agricultural and Rural Open Space Master Plan (1980), the maximum design capacity for new multi-use sewerage systems serving properties in the RDT Zone must not exceed the lesser of the following capacity limits:

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Chapter 1: Objectives and Policies

Multi-Use System Policies and Procedures (Chapter 1, Section III.B.2.)

Council Approved Text

- i. 4,999 gallons per day; or
- ii. The equivalent design capacity from the residential development of the site under the current zoning standards. The equivalent residential design capacity calculation shall be based on the design capacity for a four-bedroom single-family house: 600 gallons per day (gpd), or 150 gpd per bedroom. For example, a property in the RDT Zone that could accommodate 8 homes under current zoning standards and 8 TDR's are retained with the site, that property would be allowed to build a multi-use sewerage system with a maximum design capacity of up to 4,800 gpd (or 8 x 600 gpd).

c. Exemptions from Design Capacity Restrictions – The following systems and uses are exempt from the design capacity limits established under Section III.B.2.b:

- i. On-site sewerage systems of up to 1,500 gpd design capacity;
- ii. Permitted Agricultural uses – either by right or by special exception;
- iii. Publicly owned or operated uses;
- iv. Existing multi-use sewerage systems and systems not yet built but which are approved and permitted by the Department of Permitting Services prior to February 14, 2006; and
- v. The expansion of existing on-site sewerage systems, provided each of the following criteria are met:
 - (a) The ownership of the property has not changed since February 14, 2006;
 - (b) The property acreage has not been increased since February 14, 2006; and
 - (c) The use of the property as identified in the following documents has not changed since February 14, 2006:
 - (1) Sewage disposal system permit issued by the Approving Authority;
 - (2) Consent agreement or covenant regarding the sewage disposal system approved by the Approving Authority and recorded in the County's land records;
 - (3) In the absence of a consent agreement or covenant regarding the sewage disposal system, any document filed with the Approving Authority contemporaneously with the application for the sewage disposal system permit; and
 - (4) Any other reliable documentation, as determined by the Department of Environmental Protection and Department of Permitting Services, regarding approved use of a parcel or lot when a sewage disposal system permit was issued.

The preceding design capacity restrictions are not intended to obstruct the replacement or repair of multi-use sewerage systems in the RDT Zone. This Plan favors the on-site repair and replacement of multi-use systems in the RDT Zone over the extension of public water and sewer service, provided that the on-site system adequately protects public health and environmental quality.