



Maryland

Department of
the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

AUG 21 2019

The Honorable Nancy Navarro
County Council President
Montgomery County Council
Stella Werner Council Office Building
100 Maryland Avenue
Rockville, MD 20850

Dear Council President Navarro:

The Maryland Department of the Environment (MDE) has completed its review of the Administrative Delegation Action **AD 2019-A (Amendment)** to the 2018 Montgomery County Comprehensive Water Supply and Sewerage Systems Plan. The Amendment was administratively approved on June 7, 2019 by the Director of the Montgomery County Department of Environmental Protection, under authority granted by the Montgomery County Council. The Amendment includes eight (8) service category change requests as set forth below:

Correction Action for WSCCR 19-POT-02C:

- **Joel Szabat & Chiling Tong** (7613 Brickyard Rd., Lot 5, Account Number 01828205, 2.01 acres). The request is to correct the service category from S-6 to S-1.
- **Gaurav Pal & Sinha Shruti** (7701 Brickyard Rd., Lot 6, Account Number 01828216, 2.01 acres) request is to correct the service category from S-6 to S-1.
- **Leon Trager, c/o Maraline Trager** (7709 Brickyard Rd., Lot 4, Account Number 01828193, 2.00 acres). The request is to correct the service category from S-6 to S-1.
- **David & Maureen Shove-Brown** (7801 Brickyard Rd., Lot 7, Account Number 01828227, 2.02 acres). The request is to correct the service category from S-6 to S-1.
- **Michael & G.R. Nagan** (7809 Brickyard Rd., Lot 3, Account Number 01828182, 2.00 acres). The request is to correct the service category from S-6 to S-1.

- **Andrew Lang, et. al. Tr.** (7815 Brickyard Rd., Lot 2, Account Number 01828171, 2.09 acres). The request is to correct the service category from existing S-1 (restricted to one sewer hookup only, abutting mains policy) to S-1 (removing the one single hookup restriction).
- **Montgomery County** (7800 Block of Brickyard Rd., Pt. Lot 2, Account Number 02164033, 0.58 acres). The request is to correct the service category from existing S-1 (restricted to one sewer hookup only, abutting mains policy) to S-6.
- **Nicholas & K. Balland** (7901 Brickyard Rd., Lot 1, Account Number 01828160, 2.45 acres). The request is to correct the service category from S-6 to S-1.

During MDE's review of the Amendment, the Maryland Department of Planning (MDP) advised the Department that the extension of sewer service to these lots during the 1980's was consistent with the County's plans and policies (see enclosed comments). In accordance with §9-507(a) of the Environment Article, Annotated Code of Maryland, **MDE hereby approves the Administrative Delegation Action AD 2019-A.**

This action completes MDE's review, as required by §9-507 of the Environment Article, Annotated Code of Maryland. If you need further assistance on these matters, please contact Heather Barthel, Acting Deputy Director, at (410) 537-3512, toll-free at (800) 633-6101, or by e-mail at heather.barthel@maryland.gov.

Sincerely,



D. Lee Currey, Director
Water and Science Administration
Enclosure

cc: Patty Bubar, Acting Director, Montgomery County DEP
Alan Soukup, Montgomery County DEP
George Dizelos, Environmental Planner, Montgomery County DEP
Charles Boyd, Director, Planning Coordination, MDP
Heather Barthel, Acting Deputy Director, WSA, MDE

**Summary of Administration Delegation Action AD 2019-A
2018 Montgomery County Water Supply and Sewerage Systems Plan Amendment**

Case No.	Applicant	Existing Service Area Categories	Service Area Category Request	Administrative Action	MDE Action
WSSCR 19-POT- 02C	Joel Szabat & Chiling Tong (7613 Brickyard Rd., Lot 5, Account Number 01828205, 2.01 acres)	W-1 S-6	W-1 (no change) S-1	Maintain W-1 (no change) Approve S-1	Maintain W-1 (no change) Approve S-1
WSSCR 19-POT- 02C	Gaurav Pal & Sinha Shruti (7701 Brickyard Rd., Lot 6, Account Number 01828216, 2.01 acres)	W-1 S-6	W-1 (no change) S-1	Maintain W-1 (no change) Approve S-1.	Maintain W-1 (no change) Approve S- 1
WSSCR 19-POT- 02C	Leon Trager, c/o Maraline Trager (7709 Brickyard Rd., Lot 4, Account Number 01828193, 2.00 acres)	W-1 S-6	W-1 (no change) S-1	Maintain W-1 (no change) Approve S-1	Maintain W-1 (no change) Approve S-1

<p>WSCCR 19-POT- 02C</p>	<p>Michael & G.R. Nagan (7809 Brickyard Rd., Lot 3, Account Number 01828182, 2.00 acres)</p>	<p>W-1 S-6</p>	<p>W-1 (no change) S-1</p>	<p>Maintain W-1 (no change) Approve S-1</p>	<p>Maintain W-1 (no change) Approve S-1</p>
<p>WSCCR 19-POT- 02C</p>	<p>Andrew Lang et. Al. Tr. (7815 Brickyard Rd., Lot 2, Account Number 01828171, 2.09 acres)</p>	<p>W-1 S-1* *restricted to one sewer hookup only, abutting mains policy</p>	<p>W-1 (no change) S-1 (removing the one single hookup restriction)</p>	<p>Maintain W-1 (no change) Approve S-1 (removing the one single hookup restriction)</p>	<p>Maintain W-1 (no change) Approve S-1 (removing the one single hookup restriction)</p>
<p>WSCCR 19-POT- 02C</p>	<p>Montgomery County (7800 Block of Brickyard Rd., Pt. Lot 2, Account Number 02164033, 0.58 acres)</p>	<p>W-1 S-1 (restricted to one sewer hookup only, abutting mains policy)</p>	<p>W-1 (no change) S-6</p>	<p>Maintain W-1 (no change) Approve S-6</p>	<p>Maintain W-1 (no change) Approve S-6</p>
<p>WSCCR 19-POT- 02C</p>	<p>Nicholas & K. Balland (7901 Brickyard Rd., Lot 1, Account Number 01828160, 2.45 acres)</p>	<p>W-1 S-6</p>	<p>W-1 (no change) S-1</p>	<p>Maintain W-1 (no change) Approve S-1.</p>	<p>Maintain W-1 (no change) Approve S- 1</p>



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

August 7, 2019

Ms. Dinorah Dalmasy, Manager, Integrated Water Planning Program
Maryland Department of the Environment
Water and Science Administration
1800 Washington Boulevard
Baltimore, Maryland 21230

**Subject: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
Administrative Delegation Action – AD 2019-A**

Dear Ms. Dalmasy:

The Maryland Department of Planning (Planning) has reviewed the above-referenced water and sewerage plan amendment pursuant to our mandate to advise the Maryland Department of the Environment (Environment) on local comprehensive plan consistency and other appropriate matters as required by Environment Article Section 9-507 (b)(2). Montgomery County's Department of Environmental Protection (DEP) Director Adam Ortiz has administratively approved Administrative Delegation Action AD 2019-A on June 7, 2019. We offer the following comments for your consideration:

Summary of Amendment:

The adopted AD-2019-A amendment included one corrective map change for the eight (8) properties of the Brickyard Meadows subdivision to the 2018-2027 water/sewer category map of the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan (WSP):

WSCCR 19-POT-01C DEP for Eight Property Owners in Brickyard Meadows

The Department of Environmental Protection requested corrective action for the 15.18 acre Brickyard Meadow Subdivision to change the sewer category from S-6 (No planned community systems within a ten-year period) to S-1 (Areas served by community [public] systems), acknowledging the existing sewer service to the seven (7) residential houses established from October 1980 and November 1986; and correcting the sewer classification for a portion of Rock Run Stream Park, formerly part of the subdivision's Lot 2, from S-1 (restricted) to S-6 (No planned community systems within a ten-year period). Administrative Action: *Approve S-1 for the seven residential lots and S-6 for the dedicated park lot. Policy justification: Chapter 1, Section V.D.2.c. "Administrative Delegation Staff Approval Process: Water and Sewer Map Corrections, Revisions, and Informational Updates." (Water and Sewer Plan 2018 Update)*

Consistency with the Comprehensive Plan

As provided in Section V.2.D.c of the 2018-2027 Montgomery County Water and Sewerage Systems Plan, "DEP may amend service area categories as necessary to correct verified service area mapping and other errors." (Page 1-73)

WSSCR 19-POT-01C DEP for Eight Property Owners in Brickyard Meadows

DEP states in its review of the request, "During the preparation of an administrative category change action for the property at 7601 Brickyard Road, DEP inquired with WSSC Permit Services about water and sewer service accounts for a group of eight properties immediately to the north. All eight properties are part of the Brickyard Meadows subdivision, established by plat in 1978." It was determined that the seven residential lots obtained sewer service from October 1980 and November 1986, even though the current sewer service map indicated the properties were designated S-6. The properties are designated W-1 for water service. This amendment corrects the mapping error that was undetected until the 2016 administrative category change request for the property to the south.

According to the DEP report, "The 1980 Potomac Subregion Master Plan appears to place these lots in Sewer Stage II, an area intended for public sewer service." Page 22 of the *2002 Potomac Subregion Master Plan* states, "the 1980 Potomac Master Plan's intent was to use community sewer service to take maximum advantage of the allowed density in lower-density zones such RE-1 and RE-2 where it was appropriate." Since this subdivision was built in the 1980s, it appears the extension of sewer service to these lots at the time was **consistent** with the County's plans and policies.

Priority Funding Area Review

Pursuant to the State Finance and Procurement Article, Section 5-7B-02, local jurisdictions are eligible to receive State financial assistance if the project is located in a Priority Funding Area (PFA).

WSSCR 19-POT-01C is located outside of the County's locally designated PFA.


Growth Tier Map Review

The growth tier map review is applicable to all six amendments.

WSSCR 19-POT-01C is designated as Tier III. Montgomery County may want to consider revisiting its Tier III designation for these properties since the County already provides sewer service to these properties.

If you have any questions concerning these comments please call Chuck Boyd at 410-767-1401, or Sylvia Mosser at 410-767-4487.

Sincerely,


Charles W. Boyd, AICP
Director of Planning Coordination

cc: Robin Pellicano; Nicholai Francis-Lau; and Steve Alfaro, Environment
Jason Dubow; Joe Griffiths; and Sylvia Mosser, Planning
Tony Redman, DNR
Dwight Dotterer, MDA