



Maryland

Department of
the Environment

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

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

OCT - 7 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 2020 (Amendment)** to the 2018 Montgomery County Comprehensive Water Supply and Sewerage Systems Plan. The Amendment was administratively approved on July 31, 2019 by the Director of the Montgomery County Department of Environmental Protection, under authority granted by the Montgomery County Council. The Amendment includes nine (9) service category change requests as set forth below:

Correction Action for WSCCR 20-CLO-01C:

- **Rick, Jr. & J.R. Pelsara** (15708 Thompson Rd., Lot 3, Block A, Account Number 00255651, 0.92 acres). The request is to correct the service category from S-5 to S-1.
- **John & Shea Peran** (15709 Thompson Rd., Lot 1, Account Number 00270304, 0.50 acres) request is to correct the service category from S-5 to S-1.
- **Walter & Mary Minnick** (15712 Thompson Rd., Lot 4, Block A, Account Number 00270348, 0.92 acres). The request is to correct the service category from S-5 to S-1.
- **Elanor Fisher** (15716 Thompson Rd., Lot 5, Block A, Account Number 00269841, 0.92 acres). The request is to correct the service category from S-5 to S-1.
- **George Paratonakis** (15717 Thompson Rd., Lot 2, Block 1, Account Number 00270270, 0.87 acres). The request is to correct the service category from S-5 to S-1.

- **Pearl Wilson** (15800 Thompson Rd., Lot 1, Block B, Account Number 00282847, 0.95 acres). The request is to correct the service category from S-5 to S-1.
- **Donna Dunn** (15804 Thompson Rd., Lot 2, Block B, Account Number 00265262, 0.95 acres). The request is to correct the service category from S-5 to S-1.
- **Charles & H. J. Eden** (15808 Thompson Rd., Lot 3, Block B, Account Number 00258324, 0.84 acres). The request is to correct the service category from S-5 to S-1.

Correction Action for WSCCR 20-TRV-01C:

- **Tova Filegel** (14100 Travilah Rd., Parcel P028, Account Number 00392593, 4.50 acres). The request is to correct the service category from S-6 to S-1 for the entire parcel.

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, including the 1997 Cloverly Master Plan and the 2002 Potomac Subregion Master Plan (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: Adam Ortiz, Director, Montgomery County DEP
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 2020 to the
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 20-CLO- 01C | Rick, Jr. & J.R. Pelsara (15708 Thompson Rd., Lot 3, Block A, Account Number 00255651, 0.92 acres) | W-1 S-5 | W-1 (no change) S-1 | Maintain W-1 (no change) Approve S-1 | Maintain W-1 (no change) Approve S-1 |
| WSSCR 20-CLO- 01C | John & Shea Peran (15709 Thompson Rd., Lot 1, Account Number 00270304, 0.50 acres) | W-1 S-5 | W-1 (no change) S-1 | Maintain W-1 (no change) Approve S-1. | Maintain W-1 (no change) Approve S-1 |
| WSSCR 20-CLO- 01C | Walter & Mary Minnick (15712 Thompson Rd., Lot 4, Block A, Account Number 00270348, 0.92 acres) | W-1 S-5 | W-1 (no change) S-1 | Maintain W-1 (no change) Approve S-1 | Maintain W-1 (no change) Approve S-1 |

| | | | | | |
|-------------------------|---|----------------|--|--|--|
| WSSCR 20-CLO- 01C | Elanor Fisher (15716 Thompson Rd., Lot 5, Block A, Account Number 00269841, 0.92 acres) | W-1 S-5 | W-1 (no change) S-1 | Maintain W-1 (no change) Approve S-1 | Maintain W-1 (no change) Approve S-1 |
| WSSCR 20-CLO- 01C | George Paratonakis (15717 Thompson Rd., Lot 2, Block 1, Account Number 00270270, 0.87 acres). | W-1 S-5 | W-1 (no change) S-1 | Maintain W-1 (no change) Approve S-1 | Maintain W-1 (no change) Approve S-1 |
| WSSCR 20-CLO- 01C | Pearl Wilson (15800 Thompson Rd., Lot 1, Block B, Account Number 00282847, 0.95 acres) | W-1 S-5 | W-1 (no change) S-1 | Maintain W-1 (no change) Approve S-1 | Maintain W-1 (no change) Approve S-1 |
| WSSCR 20-CLO- 01C | Donna Dunn (15804 Thompson Rd., Lot 2, Block B, Account Number 00265262, 0.95 acres) | W-1 S-5 | W-1 (no change) S-1 | Maintain W-1 (no change) Approve S-1 | Maintain W-1 (no change) Approve S- 1 |
| WSSCR 20-CLO- 01C | Charles & H. J. Eden (15808 Thompson Rd., Lot 3, Block B, Account Number 00258324, 0.84 acres) | W-1 S-5 | W-1 (no change) S-1 | Maintain W-1 (no change) Approve S-1 | Maintain W-1 (no change) Approve S- 1 |
| WSSCR 20-TRV- 01C | Tova Filegel (14100 Travilah Rd., Parcel P028, Account Number 00392593, 4.50 acres) | W-1 S-6 | W-1 (no change) S-1 (for entire parcel) | Maintain W-1 (no change) Approve S-1(for entire parcel) | Maintain W-1 (no change) Approve S- 1 (for entire parcel) |



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

September 26, 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 2020-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 administratively approved Administrative Delegation Action AD 2020-A on July 31, 2019. We offer the following comments for your consideration:

Summary of Amendment:

The adopted AD 2020-A amendment included two corrective map changes for a total of ten (10) properties to address documented service and mapping errors in the 2018-2027 water/sewer category map of the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan (WSP):

WSSCR 20-CLO-01C for Nine Property Owners in 15700 & 15800 Blocks of Thompson Road

The Department of Environmental Protection requested corrective action for the following nine properties to change the sewer category from S-5 (Planned for new community systems within a seven to ten-year period) to S-1 (Areas served by community [public] systems), acknowledging sewer service to five of the nine properties started in 1992, the year that the abutting sewer main was constructed. The Washington Suburban Sanitary Commission (WSSC) connected the four other properties over a span of 18 years, between 1995 and 2013.

- 15705 Thompson Road
- 15708 Thompson Road
- 15709 Thompson Road
- 15712 Thompson Road
- 15716 Thompson Road
- 15717 Thompson Road

- 15800 Thompson Road
- 15804 Thompson Road
- 15808 Thompson Road

Administrative Action: *Approve S-1 for the nine residential lots. Policy justification: Chapter 1, Section V.D.2.c. "Administrative Delegation Staff Approval Process: Water and Sewer Map Corrections, Revisions, and Informational Updates." (WSP 2018 Update)*

WSSCR 20-TRV-01C - 14100 Travilah Road

According to DEP's report, the owner of the property located at 14100 Travilah Road inquired about the sewer service area category for this property, shown as category S-6 (No planned community systems within a ten-year period) on the Water and Sewer Plan's sewer category map. Investigation by WSSC's Permits Service Section revealed an active WSSC sewer account dating back to February 1977. DEP's July 31, 2019 amendment report states, "Due to WSSC's confirmation of the existing sewer service account, this property needs a sewer category correction from S-6 to S-1. Sometime between 1973 and 1977, the Water and Sewer Plan established a public health problem area for the frontage of this and other properties along Travilah Rd. in this area. The frontage of this property was designated a sewer category S-1 (for a single sewer hookup only to relieve a health problem), while the rear of the site retained S-6." The 2008 update of the sewer category maps, that designated categories for whole (not partial) properties, reassigned category S-6 to the entire parcel.

DEP further states, "In the interests of acknowledging existing public sewer service and of the accuracy of the Water and Sewer Plan's category maps, this correction action proposes to approve a sewer category change from S-6 to S-1 for Parcel P028 at 14100 Travilah Rd. All adjacent, improved properties are designated as sewer category S-1." Administrative Action: *Approve S-1 for the one residential property. 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 20-CLO-01C for Thompson Road property owners

DEP states in its July 31, 2019 corrective amendment report, "DEP granted a sewer category change for an adjacent property at 15704 Thompson Road (WSSCR 14-CLO-01A, Ruby Green) under administrative action AD 2014-2 on Feb. 17, 2015. In considering this administrative category change action, M-NCPPC staff and the Planning Board found that the provision of public sewer service to these RE-1-zoned lots was consistent with recommendations in both the 1981 *Eastern Montgomery County* and the 1997 *Cloverly Master Plans*. DEP therefore granted the administrative action under the 'consistent with existing plans' administrative policy." According to DEP's report, it appears the provision of sewer service granted in 1992 was in error, as the maps at the time showed the areas as S-5, but ultimately the area was planned for sewer service.

The nine properties are in the Paint Branch Watershed and zoned RE-1. Page 94 of the 1997 *Plan* states, "The *Cloverly Master Plan* reconfirms...for the Patuxent River Watershed in recommending

that no new sewerage service or extensions occur in the Patuxent watershed. **The only exception is for RE-1 zoned properties where sewer service can be provided from existing mains within the Northwest Branch or Paint Branch watersheds.** [emphasis added]

Page 94 of the 1997 Plan also notes, "The recommendations in this Plan directly support the efforts to maintain rural character and watershed protection and they reflect changes in policies since the 1981 Plan." Furthermore, page 96 of the 1997 Plan states,

"This Plan recommends RE-1 zoning for much of the headwaters of Paint Branch which is designated as a Special Protection Area. The County Council has previously concurred with the provision of service to the RE-1 areas in Cloverly provided the main extensions were logical, economical, and environmentally acceptable. This Plan further recommends that the approval of community sewer service to properties zoned RE-1 in the upper Paint Branch SPA should be coordinated with the approval of subdivision plans which address the environmental concerns associated with development in these headwaters areas, and which further must demonstrate an environmental benefit resulting from development supported by community sewer service, rather than that supported by septic systems."

It appears the extension of sewer service to these nine lots at the time was **consistent** with the County's plans and policies.

WSSCR 20-TRV-01C - 14100 Travilah Road

Planning concurs with DEP's assessment that "The provision of public sewer service to the entirety of this R-200/TDR-zoned property is consistent with Water and Sewer Plan general service policies and with the recommendations in the 2002 Potomac Subregion Master Plan. Therefore, no restrictions or conditions, including the prior public health single hookup restriction, are recommended for this action."

The Sewer Service Recommendations of the 2002 Potomac Subregion Master Plan state, "Provide community sewer service in the Subregion generally in conformance with Water and Sewer Plan service policies. This will generally exclude areas zoned for low-density development (RE-1, RE-2, and RC) not already approved for service from further extension of community service" (Page 23). Since the subject property is zoned R-200/TDR, it appears the extension of sewer service to 14100 Travilah Road 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 20-CLO-01C is located outside of the County's locally designated PFA.

WSSCR 20-TRV-01C is located inside of the County's locally designated PFA

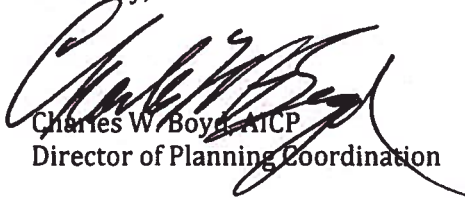
Growth Tier Map Review

The growth tier map review is applicable to the two map changes for the ten properties.

WSSCR 20-CLO-01C and **WSSCR 20-TRV-01C** are designated as Tier I. No growth tier map change appears needed for this WSP amendment.

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