June 18, 2021

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

Dear Council President Hucker:

The Maryland Department of the Environment (MDE) has completed its review of AD 2021-2 (Amendment) to the 2018-2027 Montgomery County Comprehensive Water Supply and Sewerage Systems Plan. The Amendment was administratively approved on April 28, 2021 by the Director of the Montgomery County Department of Environmental Protection (DEP), under authority granted by the Montgomery County Council. The Amendment includes one service category change request for 10800 Burbank Drive, Potomac (WSCCR 21-POT-02A). The amendment is requesting a service category change from S-6 to S-1.

**Maryland Department of Planning Findings**

Maryland Department of Planning (MDP) has reviewed the amendment and submitted the following comment to MDE for WSP amendment reclassification of 10800 Burbank Drive. MDP found the category change to be consistent with the master plan, and the property abuts an existing sewer main in the public right-of-way making the property eligible for the sewer hook-up.

If there are comments or questions regarding MDP’s review, MDE encourages the County to contact MDP. See enclosed MDP’s comments and contact information.

**MDE Findings and Action**

In accordance with §9-507(a) of the Environment Article, Annotated Code of Maryland, the Department hereby approves AD 2021-2 for the one case (WSCCR 21-POT-02A).

This 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, 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, Deputy Director, Montgomery County DEP  
Alan Soukup, Senior Planner, Montgomery County DEP  
George Dizelos, Environmental Planner, Montgomery County DEP  
Charles Boyd, Director, Planning Coordination, MDP  
Heather Barthel, Deputy Director, Water and Science Administration, MDE
MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Comprehensive Water Supply and Sewerage Systems Plan Amendments
Administrative Delegation Action 2021-2
Water/Sewer Service Area Category Change Requests

CHRONOLOGY

Interagency Notices of Public Hearing: ................................................................. February 25, 2021
Published Notice of Public Hearing: ................................................................. March 17, 2021
Public Hearing: .................................................................................................. March 31, 2021
Public Hearing Record Closed: ........................................................................ April 7, 2021
DEP Administrative Approval Action: ............................................................... April 28, 2021

BACKGROUND

Authority: Under the Annotated Code of Maryland, Section 9-501, et seq., the Maryland Department of the Environment (MDE) has charged the Montgomery County Council, as the governing body for Montgomery County, with adopting and amending a comprehensive plan for the provision of adequate water supply and sewerage systems within the county. As part of the staging element of the Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan (CWSP), the Council has designated water and sewer service area categories for all properties within the county. Requests to change the water and/or sewer service area categories designated in the Plan constitute proposed amendments to that Plan.

In the adopted CWSP, the County Council has delegated to the Director of the Department of Environmental Protection (DEP), through an administrative process, the authority to approve certain amendments to the Plan, including water and sewer category changes. To qualify for administrative consideration, Plan amendments must satisfy the specific requirements of the policies established by the Council in the CWSP, Chapter 1, Section V.D.2.a Administrative Delegation Policies.

Proposed Plan Amendments: DEP staff considered one proposed amendment for approval by the administrative delegation process. The amendment was for a service area category change. The proposed amendment was reviewed by the following agencies, as appropriate: the Washington Suburban Sanitary Commission (WSSC), the Maryland - National Park and Planning Commission (M-NCPPC), and the Montgomery County Department of Permitting Services (DPS) - Well and Septic Section. The amendment was also referred to the County Councilmembers for their review and concurrence.

PUBLIC HEARING PROCESS

Public Hearing Notification: In accordance with State regulations, on February 25, 2021, DEP notified the appropriate County and State agencies of an administrative public hearing, scheduled for March 31, 2021, and provided the staff recommendations for the proposed amendment. The County provided a published notice of the administrative hearing on March 17, 2021, in The Washington Times, a newspaper of general, local circulation, satisfying the State’s public notification requirements. This notice provided a link to the DEP website on which all pertinent documents were placed prior to that date. DEP also provided a mailed or e-mailed notice for the public hearing to the following: each property owner/applicant, local civic association leaders, attorneys or engineers (as requested by the property owners), and adjacent and confronting property owners.

Public Hearing Testimony and Interagency Recommendations: DEP staff scheduled a remote public hearing for the date and time included in the hearing notices. This was dictated by the county’s temporary covid-19 operating procedures. The hearing notices specified that anyone wanting to provide testimony needed to contact DEP staff to receive information on how to do so. DEP received no inquiries about providing testimony during the scheduled hearing. Neither was any written testimony provided related to the staff recommendations.

On March 14, 2021, Keith Levchenko, senior legislative analyst on the Council’s staff notified DEP that the Councilmembers concurred with the approval recommended for this administrative action.

On March 18, 2021, the Planning Board met to consider M-NCPPC staff recommendations for the amendment included in the AD 2021-2 administrative delegation packet. The Board concurred with the M-NCPPC staff recommendation- for the included amendment, which agreed with DEP’s staff recommendation-. On April 23rd, 2021, DEP received formal notification of the Board’s action in a letter dated March 23, 2021.
DEP ADMINISTRATIVE ACTION
The 2018-2027 water/sewer category map update of the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan is hereby amended as follows:

Potomac Planning Area
WSCCR 21-POT-02A: Jennifer and James Anschutz

<table>
<thead>
<tr>
<th>Property Information and Location</th>
<th>Applicant's Request: Administrative Action and Policy Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 10800 Burbank Dr., Potomac</td>
<td>Service Area Categories:</td>
</tr>
<tr>
<td>• Lot 1, Block F, Potomac Manor Sec 2 (acct. no. 00881953)</td>
<td>Existing Requested</td>
</tr>
<tr>
<td>• Map tile: WSSC – 212NW11; MD –FP22</td>
<td>W-1 W-1 (no change)</td>
</tr>
<tr>
<td>• South west corner of Burbank Dr. at the intersection with The Corral Dr.</td>
<td>S-6 S-1</td>
</tr>
<tr>
<td>• RE-2 Zone; 2.91 ac.</td>
<td>Administrative Action</td>
</tr>
<tr>
<td>• Potomac Planning Area</td>
<td>Approve S-1, for a single sewer hookup only,</td>
</tr>
<tr>
<td>Potomac Subregion Master Plan (2002)</td>
<td>Administrative policy V.D.2.a.: Community Service for properties abutting mains. (Mapping on pg. 5)</td>
</tr>
<tr>
<td>• Rock Run Watershed (MDE Use I)</td>
<td>DEP NOTE: Advanced Action granted by DEP on December 30th, 2020, under the abutting mains policy</td>
</tr>
<tr>
<td>• Existing use: Single-Family Home (built 1960)</td>
<td></td>
</tr>
<tr>
<td>• Proposed use: New Single-Family Home</td>
<td></td>
</tr>
</tbody>
</table>

Now therefore be it resolved by the Director of the Montgomery County Department of Environmental Protection that the amendment described above for inclusion in the County’s Comprehensive Water Supply and Sewerage Systems Plan is approved. DEP will revise the water and sewer category maps in the County’s geographic information system (GIS) database to include this amendment, and it will be shown as part of the next interim or triennial service area map update.

Approved

Patty Bubar for

Adam Ortiz, Director
Montgomery County Department of Environmental Protection

NOTIFICATION OF DEP ACTION
DEP will submit notification of the Director's action to MDE for that agency's review. MDE has 60 days to either comment on the administrative approvals granted or invoke up to two 45-day review extensions. DEP will also notify each applicant, appropriate county government agencies, and other interested parties of the Director's action. A list of agencies that will receive a copy of this summary of action follows:

Distribution: Interagency
D. Lee Currey, Director, Water and Science Admin., MDE
Tom Hucker, President, Montgomery County Council
Keith Levchenko, Montgomery County Council
Mitra Pedoeeem, Director, DPS
Heidi Benham, Well & Septic Section, DPS
Casey Anderson, Chairman, Planning Board
Patrick Butler and Katherine Nelson, Upper County Planning Team, M-NCPPC
Jason Satori, Functional Planning Division, M-NCPPC
Christina Sorrento, Intake and Regulatory Coord. Division, M-NCPPC
Geoffrey Mason, Parks Planning Division, M-NCPPC
Carla Reid, General Manager, WSSC
Ray Chicca, Tom Gingrich, & Rufus Leeth, Development Services Division, WSSC
Luis Tapia, Permit Services Section, WSSC
Eintou Karima, Assessments Group, WSSC

Distribution: Property Owners /Other Interested Parties/Public Interest Groups

WSCCR 21-POT-02A... Jennifer and James Anschutz

Audubon Naturalist Society
Greater Glen Mill Community Association
Greater Glen Hills Coalition LLC
Glen Hills Civic Association
Glen Hills Community Coalition
Glen Preservation Foundation
North Potomac Citizens Association
Montgomery County Civic Federation
Montgomery Coalition to Stop Sewer Sprawl
Potomac Highlands Citizens Association
West Montgomery County Citizens Association

Attachments
Service Area Category Designations (see page 4)
Amendment Service Area Category Mapping (see page 5)

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WATER/SEWER SERVICE AREA CATEGORIES INFORMATION

The Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan designates water and sewer service area categories for each property within the County. These service area categories determine a property's eligibility to receive public water and/or sewer service and indicate when the County and the sanitary utility (usually the Washington Suburban Sanitary Commission (WSSC)) should program water and sewerage facilities to serve those properties. (Although the actual provision of public service is often dependent on an applicant’s own development schedule.) The Water and Sewer Plan is adopted and amended by the County Council; it is administered by the County Executive through the Department of Environmental Protection (DEP).

Water and Sewer Service Area Categories Table

<table>
<thead>
<tr>
<th>Service Area Categories</th>
<th>Category Definition and General Description</th>
<th>Service Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-1 and S-1</td>
<td>Areas served by community (public) systems which are either existing or under construction. *This may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service.</td>
<td>Properties designated as categories 1 and 3 are eligible for to receive public water and/or sewer service. New development and properties needing the replacement of existing wells or septic systems are generally required to use public service. Properties with wells or septic systems on interim permits are required to connect to public service within one year of its availability. Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for mains abutting these properties unless the property has a functioning well and/or septic system. WSSC provides public water and sewer service throughout the county, except where service is provided by systems owned by the City of Rockville or the Town of Poolesville.</td>
</tr>
<tr>
<td>W-2 and S-2</td>
<td>Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan. (State’s definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.)</td>
<td>Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for mains abutting these properties unless the property has a functioning well and/or septic system. WSSC provides public water and sewer service throughout the county, except where service is provided by systems owned by the City of Rockville or the Town of Poolesville.</td>
</tr>
<tr>
<td>W-3 and S-3</td>
<td>Areas where improvements to or construction of new community systems will be given immediate priority and service will generally be provided within two years or as development and requests for community service are planned and scheduled.</td>
<td>WSSC will not serve properties designated as categories 4 or 5, but will work to program water and/or sewer projects needed to serve these areas. Permits for new wells and/or septic systems for category 4 properties will be interim permits. (See above for further information.) MCDEP may require that development proceeding on interim wells and septic systems in category 4 areas also provide dry water and sewer mains and connections. Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for mains abutting these properties designated as category 4 unless the property has a functioning well and/or septic system. WSSC will not assess front foot benefit charges for properties designated as category 5.</td>
</tr>
<tr>
<td>W-4 and S-4</td>
<td>Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. *This includes areas generally requiring the approval of CIP projects before service can be provided.</td>
<td>WSSC will not serve properties designated as categories 4 or 5, but will work to program water and/or sewer projects needed to serve these areas. Permits for new wells and/or septic systems for category 4 properties will be interim permits. (See above for further information.) MCDEP may require that development proceeding on interim wells and septic systems in category 4 areas also provide dry water and sewer mains and connections. Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for mains abutting these properties designated as category 4 unless the property has a functioning well and/or septic system. WSSC will not assess front foot benefit charges for properties designated as category 5.</td>
</tr>
<tr>
<td>W-5 and S-5</td>
<td>Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period. *This category is frequently used to identify areas where land use plans recommend future service staged beyond the scope of the six-year CIP planning period.</td>
<td>WSSC will not serve properties designated as categories 4 or 5, but will work to program water and/or sewer projects needed to serve these areas. Permits for new wells and/or septic systems for category 4 properties will be interim permits. (See above for further information.) MCDEP may require that development proceeding on interim wells and septic systems in category 4 areas also provide dry water and sewer mains and connections. Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for mains abutting these properties designated as category 4 unless the property has a functioning well and/or septic system. WSSC will not assess front foot benefit charges for properties designated as category 5.</td>
</tr>
<tr>
<td>W-6 and S-6</td>
<td>Areas where there is no planned community service either within the ten-year scope of this plan or beyond that time period. This includes all areas not designated as categories 1 through 5. *Category 6 includes areas that are planned or staged for community service beyond the scope of the plan’s ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans.</td>
<td>WSSC will neither provide service to nor assess front foot benefit charges for properties designated as category 6. Development in category 6 areas is expected to use private, on-site systems, such as wells and septic systems.</td>
</tr>
</tbody>
</table>

Please note that the County does not necessarily assign water and sewer categories in tandem (i.e. W-3 and S-3, or W-5 and S-5), due to differences in water and sewer service policies or to actual water or sewer service availability. Therefore, it is important to know both the water and sewer service area categories for a property.