Comprehensive Water Supply and Sewerage Systems Plan Amendments
Administrative Delegation [Action] (AD) 2022-3 – Statement of Action
Water/Sewer Service Area Category Change Requests

CHRONOLOGY

Interagency Notices of Public Hearing: ................................................................. June 14, 2022
Published Notice of Public Hearing: ................................................................. June 29, 2022
Public Hearing: ............................................................................................... July 13, 2022
Public Hearing Record Closed: ....................................................................... July 20, 2022
DEP Administrative Approval Action: ............................................................. July 28, 2022

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 2018 update of the 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 five proposed amendments for approval by the administrative delegation process. All five amendments were for service area category changes. The proposed amendments 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 amendments were also referred to the County Councilmembers for their review and concurrence.

PUBLIC HEARING PROCESS

Public Hearing Notification: In accordance with State regulations, on June 14, 2022, DEP notified the appropriate County and State agencies of an administrative public hearing, scheduled for July 13, 2022, and provided the staff recommendations for the proposed amendments. The County provided a published notice of the administrative hearing on June 29, 2022, 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. 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 July 11, 2022, 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 July 7, 2022, the Planning Board met to consider M-NCPPC staff recommendations for the amendment included in the AD 2022-3 administrative delegation packet. The Board concurred with the M-NCPPC staff recommendations for the included amendments, which generally agreed with DEP’s staff recommendations. The Board’s recommendations for the two Damascus Planning Area requests also included a requirement that development using public sewer service be provided by only gravity sewerage systems. This is consistent with the 2006 Damascus Master Plan recommendations for the King/Leishear properties (WSCCR 22-DAM-05A). The master plan, however, recommends the use of gravity and grinder pump sewerage systems for the Burdette...
properties (WSCCR 22-DAM-04A). On July 20, 2022, DEP received formal notification of the Board’s action in a letter dated July 11, 2022. DEP’s recommendations for these two requests were adjusted accordingly. The Board also recommended that the development plans for these two projects follow master plan guidance. This is subject to the Board’s judgment and does not need to be a category change issue.
**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:

### Cloverly Planning Area

**WSCCR 22-CLO-05A: Joseph Merritt**

<table>
<thead>
<tr>
<th>Property Information and Location</th>
<th>Applicant’s Request: Administrative Action and Policy Justification</th>
</tr>
</thead>
</table>
| • 15801 Thompson Rd., Silver Spring  
• Lot 1, Block 1, Marlowes Add Spencerville Acres (acct. no. 00276048)  
• Map tile: WSSC – 221NE02; MD –KS22  
• East side of Thompson Rd., At the intersection with Romer St.  
• RE-1 Zone; 37,711 sq.ft.  
• Cloverly Planning Area  
• Cloverly Master Plan (1997)  
• Paint Branch Watershed (MDE Use III)  
• Existing use: Unimproved  
• Proposed use: Single-Family Home | Service Area Categories:  
Existing | Requested |
| W-1 | W-1 (no change)  
S-5 | S-1 |
| Administrative Action | Approve S-1, Administrative policy V.D.2.a.: Consistent with Existing Plans. (Mapping on pgs.7) |

### Damascus Planning Area

**WSCCR 22-DAM-04A: Mullinix, Arnett and Walker**

<table>
<thead>
<tr>
<th>Property Information and Location</th>
<th>Applicant’s Request: Administrative Action and Policy Justification</th>
</tr>
</thead>
</table>
| • 9700, 9701, 9702 and 9703 Highview Ave., Damascus  
• Parcels P222, P060, P187 and P132, Owens Conclusion (acct. nos. 00925328, 00925408, 01804107 and 01701551)  
• Map tile: WSSC – 237NW09; MD –FX53  
• East and West side of Woodfield Rd., 480 feet South of Faith Ln.  
• RNC/TDR Zone; 81.66 total ac.  
• Damascus Planning Area  
• Damascus Master Plan (2006)  
• Upper Patuxent River Watershed (MDE Use III)  
• Existing use: Residential and Agriculture  
• Proposed use: 40+ dwelling units | Service Area Categories:  
Existing | Requested |
| W-6 | W-3  
S-6 | S-3 |
| Administrative Action | Maintain W-6 and S-6, with final approval for W-3 and S-3 requiring Planning Board approval of an RNC Optional Cluster Method Preliminary Plan. The master plan recommends that the developed area receiving public sewer service be served only by gravity and grinder pump sewerage systems. Administrative policy V.D.2.a.: Consistent with Existing Plans. (Mapping on pg.8-9) |

*DEP note: The standard practice for RNC-zoned projects is to apply categories W-3 and S-3 to the entire project site upon final approval of the request. Once the subdivision lots are platted and included in the County’s property database, DEP will assign categories W-3 and S-3 to the approved building lots intended to use public water and sewer service. DEP will also assign categories W-6 and S-6 to areas planned for open space and those lots not intended for public service.*
WSCCR 22-DAM-05A: Mary King

<table>
<thead>
<tr>
<th>Property Information and Location</th>
<th>Applicant's Request: Administrative Action and Policy Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Development</td>
<td>Service Area Categories:</td>
</tr>
<tr>
<td></td>
<td>Existing</td>
</tr>
<tr>
<td>11415, 11411 and Parcel P974 Kingstead Rd., Damascus</td>
<td>W-6</td>
</tr>
<tr>
<td>Parcel P295, P909 and P974, Hope Improved (acct. nos. 00933410, 00933421 and 01629272)</td>
<td>S-6</td>
</tr>
<tr>
<td>Map tile: WSSC – 236NW11; MD –FX22</td>
<td></td>
</tr>
<tr>
<td>East side of Kings Valley Rd., Northeast corner of the intersection with Kingstead Rd.</td>
<td></td>
</tr>
<tr>
<td>RNC/TDR Zone; 120.52 total ac.</td>
<td></td>
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<tr>
<td>Damascus Planning Area</td>
<td></td>
</tr>
<tr>
<td>Damascus Master Plan (2006)</td>
<td></td>
</tr>
<tr>
<td>Little Bennet Creek Watershed (MDE Use III)</td>
<td></td>
</tr>
<tr>
<td>Existing use: Agriculture</td>
<td></td>
</tr>
<tr>
<td>Proposed use: 40+ dwelling units</td>
<td></td>
</tr>
</tbody>
</table>

**DEP note:** The standard practice for RNC-zoned projects is to apply categories W-3 and S-3 to the entire project site upon final approval of the request. Once the subdivision lots are platted and included in the County’s property database, DEP will assign categories W-3 and S-3 to the approved building lots intended to use public water and sewer service. DEP will also assign categories W-6 and S-6 to areas planned for open space and those lots not intended for public service.

Olney Planning Area

WSCCR 22-OLN-01A: Avak and Elma Perrian

<table>
<thead>
<tr>
<th>Property Information and Location</th>
<th>Applicant's Request: Administrative Action and Policy Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Development</td>
<td>Service Area Categories:</td>
</tr>
<tr>
<td></td>
<td>Existing</td>
</tr>
<tr>
<td>3301 Emory Church Rd., Olney</td>
<td>W-6</td>
</tr>
<tr>
<td>Parcel N178, PT Par 1 Batchlors Forest Powells Adds (acct. no. 00717232)</td>
<td>S-6</td>
</tr>
<tr>
<td>Map tile: WSSC – 222NW03; MD –HS53</td>
<td></td>
</tr>
<tr>
<td>South side of Emory Church Rd., 1,100 feet east of the intersection with Georgia Ave.</td>
<td></td>
</tr>
<tr>
<td>RE-2 Zone; 1.99 ac.</td>
<td></td>
</tr>
<tr>
<td>Olney Planning Area</td>
<td></td>
</tr>
<tr>
<td>Olney Master Plan (2005)</td>
<td></td>
</tr>
<tr>
<td>Northwest Branch Watershed (MDE Use IV)</td>
<td></td>
</tr>
<tr>
<td>Existing use: Single-Family Home (built 1956)</td>
<td></td>
</tr>
<tr>
<td>Proposed use: Water service for the Existing Single-Family Home</td>
<td></td>
</tr>
</tbody>
</table>

**Administrative Action**

Approve W-1, Administrative policy V.D.2.a: Consistent with Existing Plans. (Mapping on pg.12)
Travilah Planning Area

WSCCR 22-TRV-16A: Willow Springs MGS LLC

<table>
<thead>
<tr>
<th>Property Information and Location</th>
<th>Applicant’s Request: Administrative Action and Policy Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 12928 Valley Dr., Rockville</td>
<td>Service Area Categories:</td>
</tr>
<tr>
<td>• Lot 1, Block 1, Sec 1 North Glen Hills (acct. no. 00077220)</td>
<td>Existing Requested</td>
</tr>
<tr>
<td>• Map tile: WSSC – 218NW10; MD –FR42</td>
<td>W-1 W-1 (no change)</td>
</tr>
<tr>
<td>• East side of Valley Dr., At the intersection with Glen Mill Rd.</td>
<td>S-6 S-3</td>
</tr>
<tr>
<td>• RE-1 Zone; 1 ac.</td>
<td>Administrative Action</td>
</tr>
<tr>
<td>• Travilah Planning Area</td>
<td>Approve S-3, (Potomac peripheral sewer service policy). Administrative policy V.D.2.a.: Consistent with Existing Plans. (Mapping on pg.13)</td>
</tr>
<tr>
<td>• Potomac Subregion Master Plan (2002)</td>
<td>DEP note: This action does not extend the planned public sewer envelope to this property.</td>
</tr>
<tr>
<td>• Watts Branch Watershed (MDE Use I)</td>
<td></td>
</tr>
<tr>
<td>• Existing use: Unimproved</td>
<td></td>
</tr>
<tr>
<td>• Proposed use: 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 amendments described above for inclusion in the County’s Comprehensive Water Supply and Sewerage Systems Plan are approved. DEP will revise the water and sewer category maps in the County’s geographic information system (GIS) database to include these amendments, and they will be shown as part of the next interim or triennial service area map update.

Approved

Adriana Hochberg, Acting Director 7/28/2022
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
Gabe Albornoz, President, Montgomery County Council
Keith Levchenko, Montgomery County Council
Mitra Pedoeem, Director, DPS
Heidi Benham, Well & Septic Section, DPS
Casey Anderson, Chairman, Planning Board
Patrick Butler, Donnell Zeigler 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, & Fred Mejias, Development Services Division, WSSC
Luis Tapia, Permit Services Section, WSSC
Eintou Karima, Assessments Group, WSSC

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

22-CLO-05A... Joseph Merritt
22-DAM-04A... Mullinix, Arnett and Walker
... James Clifford, Clifford Debelius
22-DAM-05A... Mary King
... James Clifford, Clifford Debelius
22-OLN-01A... Avak and Elma Permain
22-TRV-16A... Willow Springs MGS LLC
... Eric Tidd, CAS Engineering

Audubon Naturalist Society
Cloverly Civic Assoc.
Cloverly-Fairland-White Oak CAC
East County Citizens Advisory Board
Greater Glen Mill Community Association
Greater Glen Hills Coalition LLC
Greater Olney Civic Association
Glen Hills Civic Association
Glen Hills Community Coalition
Glen Preservation Foundation
Northern Montgomery County Alliance
Montgomery County Civic Federation
Montgomery Coalition to Stop Sewer Sprawl
Patuxent Watershed Protective Association
Potomac Highlands Citizens Association
Spencerville Civic Association
West Montgomery County Citizens Association

Attachments
Service Area Category Designations (see page 6)
Amendment Service Area Category Mapping (see pages 7-13)

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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 unless the property has a functioning well and/or septic system. WSSC will not assess front foot benefits 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 unless the property has a functioning well and/or septic system. WSSC will not assess front foot benefits 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>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 will not assess front foot benefits 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.
WSCCR 22-CLO-05A (Joseph Merritt) - Silver Spring
Requested Service Area Category Map Amendment: Water & Sewer Plan Map

WSCCR 22-CLO-05A
15801 Thompson Rd., Silver Spring
Lot 1, Block 1, Marlowes Add Spencerville Acres
(acct. no. (00276048)
ACTION: Change S-5 to S-1.
As Shown

Legend
- WSSC Sewer Manholes
- WSSC Gravity Sewers (GS)
- Subject Site
- Topography (5 ft. c.i.)
- Zoning
  - Major Watersheds
  - Woodlands
  - Sewer Category
  - S-1
  - S-5

SCALE (Feet)
Montgomery County, Maryland
2018 Comprehensive Water Supply and Sewerage Systems Plan

Cloverly Planning Area
Paint Branch Watershed

0 100 200 300 400