




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

October 3, 2024

TO: Andrew Friedson, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Transmittal of and Recommendations on Three Proposed Amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan

Pursuant to the requirements of the Environment Article, Sections 9-503 through 9-506 and 9-515 through 9-516 of the Annotated Code of Maryland, I am transmitting my recommendations for three proposed amendments to the County's *Comprehensive Water Supply and Sewerage Systems Plan*. The attached staff report includes recommendations and supporting documentation addressing these amendments. All three amendments are requests for individual water/sewer service area category changes.

My recommendations for these amendments are consistent with the adopted policies and guidelines in the Water and Sewer Plan. They are consistent with precedents set under local area master plan service recommendations. Nevertheless, I expect that several of these category change cases have the potential to generate public testimony and work session discussions. These requests are summarized as follows:

Residential Case in the RE-2 Zone

WSCCR 24-CLO-01A (Logos Homes)

The applicants have proposed the development of one new single-family house on a vacant, landlocked parcel in the RE-2 Zone. There are no existing water or sewer mains available to provide public service. The use of public water service in the RE-2 Zone can be considered under the Water and Sewer Plan general service policies. Water service will require an easement across at least one intervening property. However, the provision of public sewer service is inconsistent with existing Plan policies. I recommend approval of water category W-1 and denial of sewer category S-1 for this request.

Potomac Area Cases Involving Septic Systems in the RE-2 Zone

WSSCCR 24-TRV-01A (David Mohebbi) and WSSCCR 24-TRV-03A (Mohamed Alosh)

In 2022, The County Council granted approval of sewer category S-3 for the **Mohebbi property** on Centurion Way due to ongoing, costly mechanical problems the owner had experienced with the existing sand mound septic system. The Council believed the ongoing situation created a nuisance for the owner that the owner believed connecting to public sewer service would resolve. However, MDE denied the Council's S-3 approval action under CR 19-426 because the County's Department of Permitting Services (DPS) could not confirm a septic system failure for the property. The property owner has filed a new request seeking approval for category S-3. However, no new information about the existing septic system would support a category change approval due to a septic system failure. Consistent with MDE's determination, I recommend the denial of category S-3 for this request as inconsistent with the County's water and sewer service policies.

DPS has confirmed a septic system failure for the **Alosh property** on Piney Meetinghouse Rd. The property is adjacent to the Palatine subdivision, which is served by a low-pressure grinder pump sewerage system. DPS has also reported that options for a septic system repair on this property are not encouraging. Due to capacity constraints, WSSC Water has reported that connecting this property to the existing Palatine low-pressure system will require a new engineering study. That study is not planned within WSSC Water's current work program. I recommend deferral of this request pending coordination with WSSC Water to address the needed engineering study.

Staff from the Department of Environmental Protection's Watershed Restoration Division will be available for and participate in upcoming committee and full Council work sessions.

ME: as

Attachment

- c: Lee Currey, Director, Water and Science Administration, Maryland Department of the Environment
- Rebecca L. Flora, Secretary, Maryland Department of Planning
- Artie Harris, Chair, Montgomery County Planning Board
- Kishia Powell, General Manager, Washington Suburban Sanitary Commission
- Jon Monger, Director, Department of Environmental Protection
- Jeffery Seltzer, Deputy Director, Department of Environmental Protection
- Rabbiah Sabbakhan, Director, Department of Permitting Services

Montgomery County 2022 Comprehensive Water Supply and Sewerage Systems Plan

County Executive's September 2024 Amendment Transmittal to the County Council

3 Service Area Category Change Requests

Prepared by The Department of Environmental Protection

Jon Monger, Director

Jeffery Seltzer, Deputy Director

Amy Stevens, Chief, Watershed Restoration Division

Alan Soukup, Senior Planner, WRD, Water Supply & Wastewater Unit

Tim Williamson, Planner III, WRD, Water Supply & Wastewater Unit

**We acknowledge and appreciate the assistance of the following
agencies in the preparation of this amendment packet:**

Washington Suburban Sanitary Commission

Maryland – National Capital Park and Planning Commission

Montgomery County Department of Permitting Services

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive’s Summer 2024 Transmittal Packet

FY 2023 (Second Half) & FY 2024 (First Half) Category Change Requests

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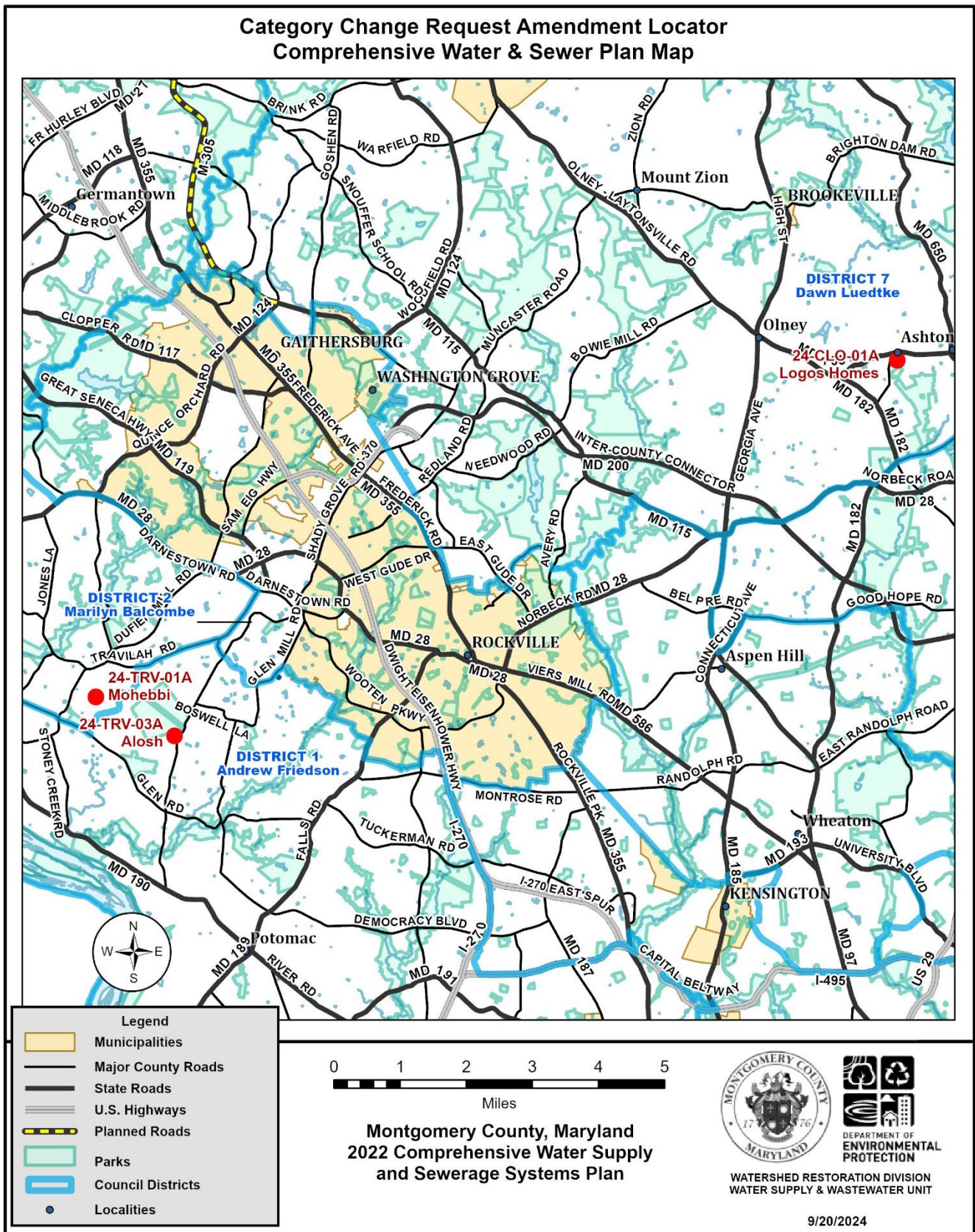
Water and Sewer Plan Policy Excerpts:

- Piney Branch Watershed (Appendix C, Section II.L) Pgs. 24-25
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Executive Summary: Proposed Service Area Category Amendments and Recommendations

Category Change No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Summary of Executive Recommendations & Policy Discussions	Packet Page No.
Request [1] WSCCR 24-CLO-01A: Logos Homes			
<ul style="list-style-type: none"> • 17805 Norwood Rd., Sandy Spring • RE-2 Zone; 2.31 ac. • Sandy Spring Ashton Master Plan (1998) • Northwest Branch Watershed (MDE Use IV) • <u>Proposed use</u>: Single Family Home 	<p>W-6 to W-1</p> <p>S-6 to S-1</p>	<p>Approve the request for water category W-1. Deny the request for sewer category S-1; maintain S-6.</p> <p>Public water service is consistent with Water and Sewer Plan service policies and with master plan recommendations. Proposed public sewer service is not.</p>	<p>Report: Pgs. 4-7</p> <p>Map: Pgs. 8-9</p>
Request [6] WSCCR 24-TRV-01A: David Mohebbi			
<ul style="list-style-type: none"> • 11905 Centurion Way, Potomac • RE-2 Zone; 5.17 ac. • Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Proposed use</u>: Sewer service for the Existing Single-Family Home (built 2019) 	<p>W-1 (no change)</p> <p>S-6 to S-3</p>	<p>Deny the request for category S-3; maintain S-6.</p> <p>Proposed public sewer service is not consistent with the application of the Potomac peripheral sewer service policy. DPS has not documented a septic system failure.</p>	<p>Report: Pgs. 11-12</p> <p>Map: Pg. 13</p> <p>CR 19-1426 (Excerpt) Pg. 14</p> <p>MDE 3/9/223 Letter Pgs. 15-16</p>
Request [4] WSCCR 24-TRV-03A: Mohamed Alesh			
<ul style="list-style-type: none"> • 12720 Piney Meetinghouse Rd., Potomac • RE-2 Zone; 7.58 ac. • Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Proposed use</u>: Public Sewer for the existing Single-Family House (built 1958) 	<p>W-1 (no change)</p> <p>S-6 to S-3</p>	<p>Defer the request for category S-3; maintain S-6 pending an agreement with WSSC Water to study sewer system capacity issue in Palatine.</p> <p>Proposed public sewer service is not consistent with the application of the Potomac peripheral sewer service policy. DPS has reported a septic system failure. WSSC has advised that sewer service will require a study of capacity availability in the Palatine LPS system.</p>	<p>Report: Pgs. 17-18</p> <p>Maps: Pgs. 19-20</p>

See Executive Staff Reports for recommendations, policy discussions, and agency comments for each proposed amendment.



Description: A map showing the locations of three water and/or sewer category change requests within the county,

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

Service Area Categories	Category Definition and General Description	Service Comments
W-1 and S-1	Areas served by community (public) systems which are either existing or under construction. <ul style="list-style-type: none"> 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. 	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.
W-2 and S-2	<p>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.)</p>	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.
W-3 and S-3	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.	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.
W-4 and S-4	Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. <ul style="list-style-type: none"> This includes areas generally requiring the approval of CIP projects before service can be provided. 	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for abutting properties designated as category 4 unless the property has a functioning well and/or septic system. WSSC will not assess front foot charges for properties designated as category 5.
W-5 and S-5	Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period. <ul style="list-style-type: none"> 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. 	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.
W-6 and S-6	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. <ul style="list-style-type: none"> 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. 	

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.

Request [1] WSCCR 24-CLO-01A: Logos Homes

County Executive’s Recommendation: Approve a change to water category W-1. Deny a change to sewer category S-1; maintain S-6.

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> • 17805 Norwood Rd., Sandy Spring • Parcel P534, Auburn (acct. no. 00701657) • Map tile: WSSC – 224NW01; MD –JT32; Council District 7 • Approx. 370 feet east of Norwood Rd., south of Windrush Ln. (landlocked) • RE-2 Zone; 2.31 ac. • Cloverly Planning Area Sandy Spring Ashton Master Plan (1998) • Northwest Branch Watershed (MDE Use IV) • <u>Existing use:</u> Unimproved • <u>Proposed use:</u> One Single Family Home 	<p>Applicant’s Request: Service Area Categories & Justification</p> <p><u>Existing – Requested – Service Area Categories</u></p> <p>W-6 W-1</p> <p>S-6 S-1</p> <p>Within the planned public water service envelope. Outside the planned public sewer service envelope.</p> <p><u>Applicant’s Explanation</u></p> <p>“To build a single family home on the property. “</p>
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Maps, Plans, etc.: Water and Sewer Category Maps..... Pages 8 - 9

Executive Staff Report

The applicant has requested water and sewer category changes for W-1 and S-1 to allow for the provision of public water and sewer service for a proposed single-family house on an unimproved parcel. The property is 2.31 acres in size and is zoned RE-2. It is within the planned public water service envelope but outside the planned public sewer envelope.

M-NCPPC staff have confirmed the property’s location with respect to the planned water and sewer service envelopes in the related 1998 Sandy Spring Ashton Master Plan. They support the use of public water service, but not public sewer service. DPS staff report that they cannot find any records of septic testing for this parcel. The property adjacent to the south, also zoned RE-2, received approval of sewer category S-1 due to a septic system failure.

The property is also without direct access to public road frontage and therefore without direct access to existing water and sewer mains. This is reflected in WSSC Water comments, which call for easements to gain access to existing water and sewer mains. Access to existing water mains would be to either the north at Windrush Ln. (through the Sandy Spring Village Condominium site) or to west at Norwood Rd. through one intervening property.

Access to existing sewer mains could also be to the north, again through the Sandy Spring Village Condominium site. This alignment would require a low-pressure sewer and an onsite grinder pump. WSSC Water has also identified a 1,300-foot-long gravity sewer alignment extending to an existing 8”-diameter sewer main outfall (from Meeting House Rd.) that would abut or cross up to six additional properties including part of Northwest Branch Stream Valley Park. This alignment could require the removal of trees, and the temporary disruption of wetlands and a stream valley.

DPS reports that there are no septic testing records for this property in their files. Investigation into the septic suitability of the property should be investigated before pursuing public sewer service.

Executive staff find that the request for category W-1 for public water service is consistent with service area policies and master plan recommendations and can support the category change. However, the approval of sewer category S-1 is not consistent with the County’s service policies and recommendations. Denial of the requested sewer category change to S-1 is recommended; maintain category S-6.

Agency Review Comments

DPS – Well & Septic:

There are not any well or septic records or records of percolation testing in DPS records.

M-NCPPC – Planning Dept.

The applicant desires to build a single-family detached house on the property and requests category changes from W-6 and S-6 to W-1 and S-1 for public water and sewer service. The property is within the 1998 *Sandy Spring/Ashton Master* plan recommended water envelope. The property is eligible for public water service.

The property is not within the 1998 *Sandy Spring/Ashton Master Plan's* planned sewer envelope. The master plan places the property in the "Village Centers + Settings" analysis area. However, the master plan does not provide specific guidance for the property, which is not part of the various larger properties described as part of the "settings" the master plan contains recommendations for. The primary goal of the master plan is the preservation of rural character, but this should not raise any concerns for this "landlocked" property with no street frontage. Thus, we must look to the general recommendations for the provision of sewer service, which, for zones with densities less than one dwelling unit per ½ acre, the plan recommends applying the general policies of the *Water and Sewer Plan*. There is also an exception "where public health is an issue and extension of service is found to be the appropriate solution" (p. 86). The property is in a zone that requires two acres per dwelling unit, and there is no documented public health concern on the property. There are no policies in the *Water and Sewer Plan* that would allow for the extension of public sewer service generally to a property in the RE-2 zone. Therefore, the master plan does not support public sewer service for the property.

M-NCPPC – Parks Planning:

No apparent park impacts.

WSSC Water – Water Service: [see pg. 6]

WSSC Water – Sewer Service: [see pg. 7]

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's Summer 2024 Transmittal Packet

FY 2023 (Second Half) & FY 2024 (First Half) Category Change Requests

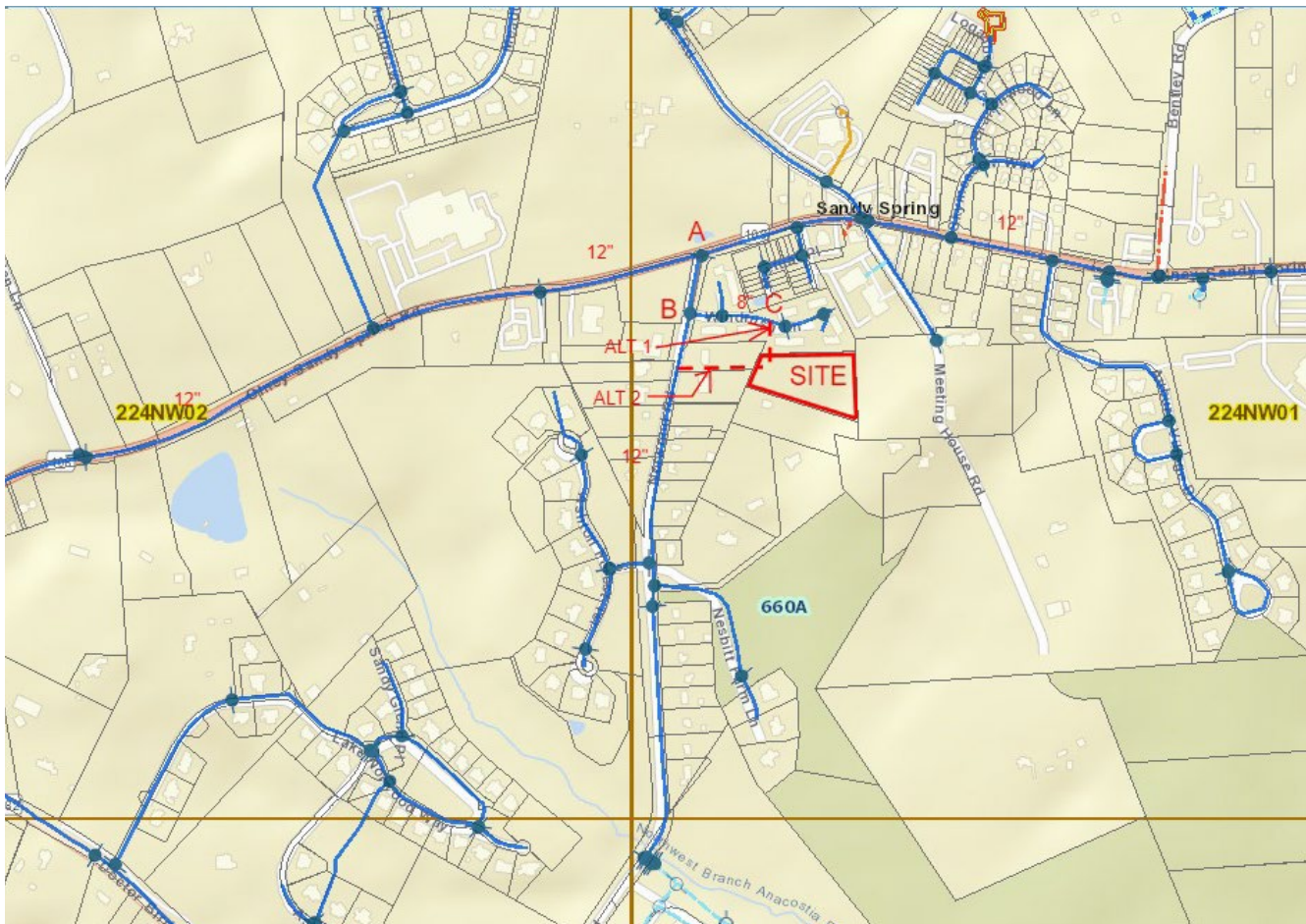
WSSC Water – Water Service:

Water pressure zone: 660A.

An 8”/6” main (1981-4946A) is located in Windrush Lane within the Sandy Spring Village Condominium property to the north of the subject property. A non-abutting connection and approximately 150’ private service line through the Condominium property will be required to provide [service] to the subject property. A private easement will also be required through the Condominium. See “ALT 1” on Attached Water Sketch. (See pg. 6, below)

Alternatively, see “ALT 2”, a non-abutting connection could be made to the 12” main in Norwood Road. A 340’ private water line through 1 property would be required along with a private easement. Local service is adequate.

Statements of adequacy/inadequacy are made exclusively for this application at this time. Further analysis of adequacy will be part of the review at the time of application for water/sewer service.



Description: A map provided by WSSC Water illustrating water main extensions options for WSSCR 23-CLO-01A.

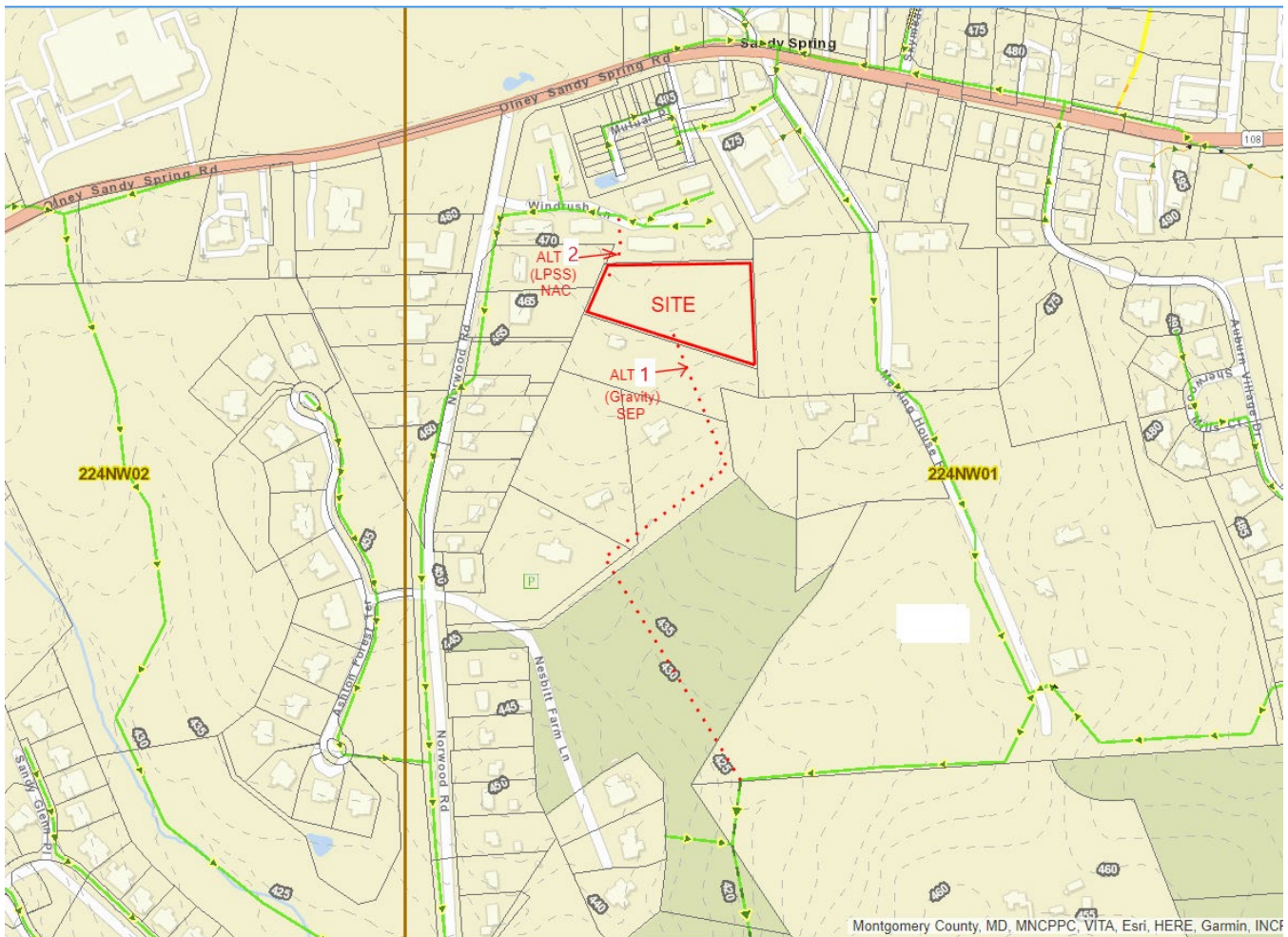
WSSC Water – Sewer Service:

Basin: 10 Northwest Branch.

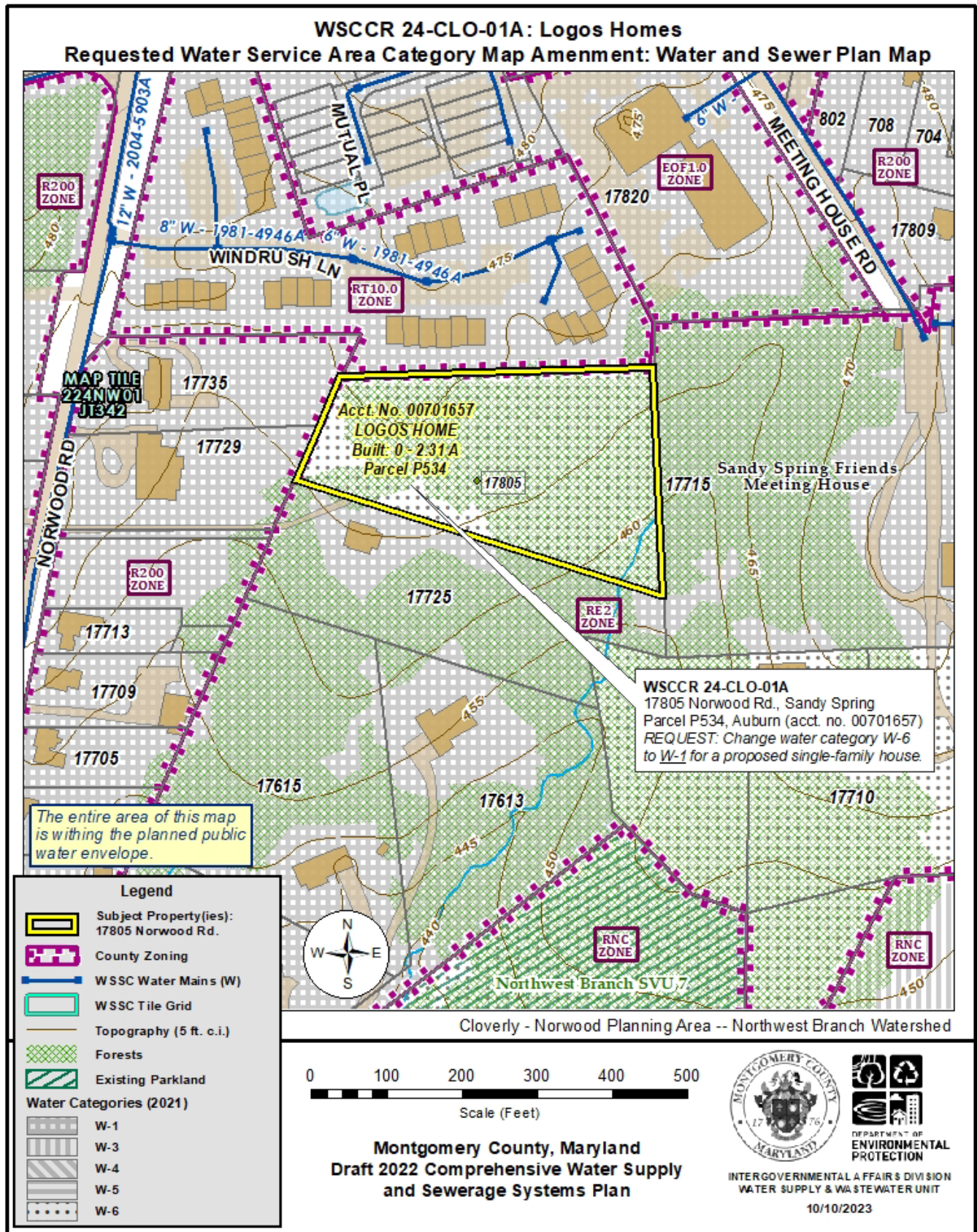
- An 8” sewer main is located approximately 1300’ south[east] of the property on private property known as Lot 30, Block A, Auburn Village at Sandy Spring. A 1300’ foot-long non-CIP-sized sewer extension is required to serve the property by gravity. This extension would connect to an 8” sewer main (contract #1970-4196A) and would cross or abut 6 properties, including MNCPPC Parcel L at Springview, in addition to the applicant’s. Easements would be required. Construction of this extension may involve the removal of trees, and temporary disruption of wetlands and stream valley. See “ALT 1” on the attached Sewer Sketch. (See pg. 7, below)
- Alternatively, see “ALT 2”, this property could be served by a non-abutting connection and approximately 150’ private pressure sewer line connecting to an existing 8” sewer main located in Windrush Lane within the Sandy Spring Village Condominium property to the north of the subject property.

Average wastewater flow from the proposed development: 280 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

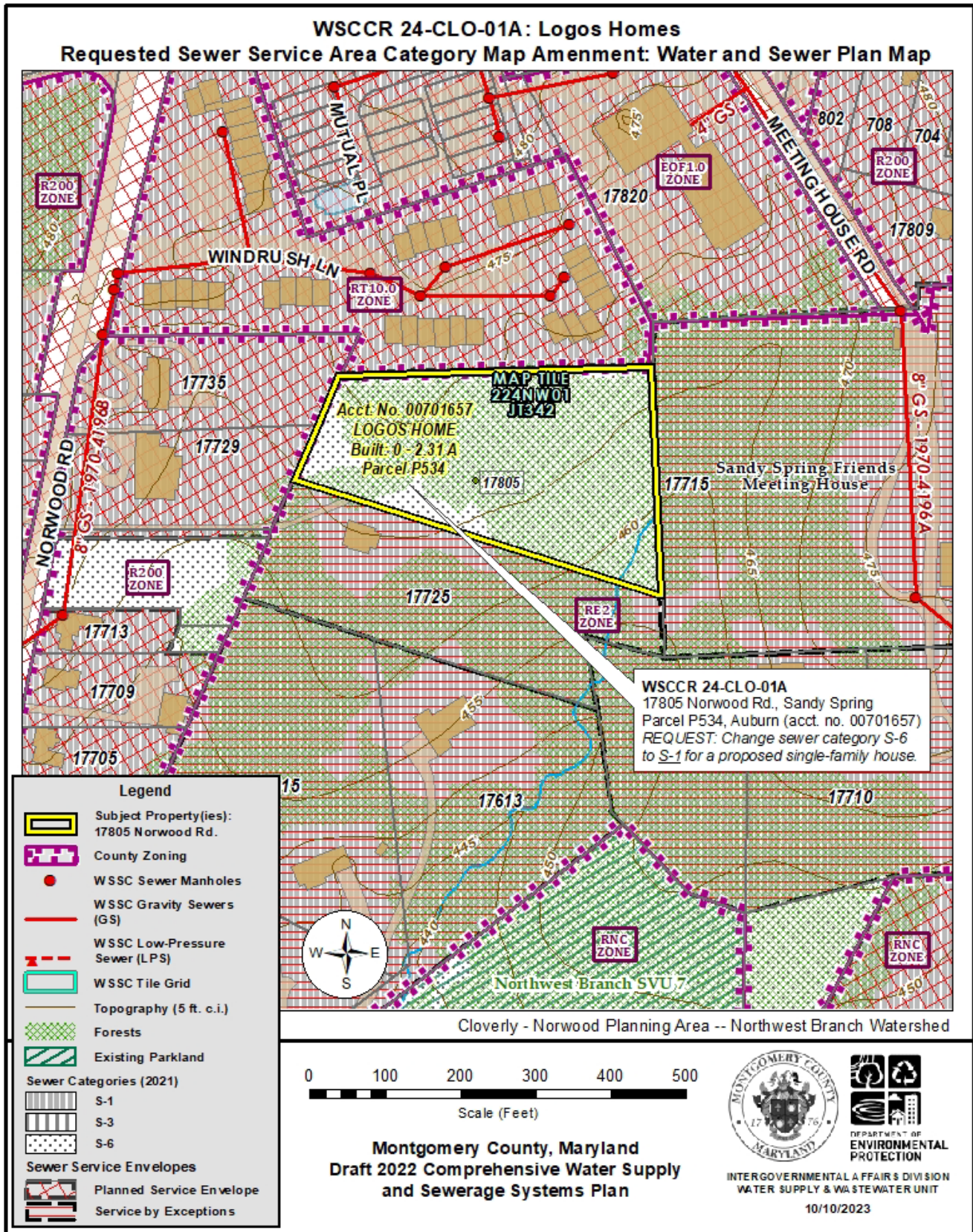
Statements of adequacy/inadequacy are made exclusively for this application at this time. Further analysis of adequacy will be part of the review at the time of application for water/sewer service.



Description: A map provided by WSSC Water illustrating sewer main extensions options for WSSCR 23-CLO-01A.



Description: Water category map showing WSSCR 24-CLO-01A, planned public service envelope, existing water mains, and other base map information.



Description: Sewer category map showing WSSCR 24-CLO-01A, planned public service envelope, existing sewer mains, and other base map information.

Potomac Peripheral Sewer Service Policy Cases

This policy discussion relates to the following two sewer category change requests: WSCCRs 24-TRV-01A (Mohebbi) and 24-TRV-03A (Alosh).

The Potomac peripheral sewer service policy was developed in the 2002 update of the Potomac Subregion Master Plan. The recommendation was provided as a means of addressing remnants of the previous 1980 master plan's sewer service policy allowing for the case-by-case approval of public sewer service in areas zoned RE-1 and RE-2. The background information from the 2002 master plan follows:

"Under the prior [1980] master plan, the Subregion has experienced substantial provision of community sewer service to lower-density areas. **Because of this, and because the County considered approvals for much of this service on a case-by-case basis, the current Potomac community sewer envelope is irregular, established by demand rather than by plan. Voids within the envelope and irregular boundaries along its perimeter abound.** *[Emphasis added.]* Although this Master Plan generally recommends against the continued provision of community sewer service to low-density areas (RE-1 and RE-2), it does support limited approval for community sewer service for the low-density areas within the [planned] envelope and along its currently-established edge. The focus of this limited service and expansion should be on properties which already abut existing mains and on properties which can be served by sewer extensions within public rights-of-way. Main extensions that would disrupt streams and their undisturbed buffer areas should be avoided. Any approvals granted along the currently-established edge should not be cited as justification for expanding the [planned] sewer service envelope beyond the limits recommended in this Plan."
[See the 2002 Potomac Subregion Master Plan excerpt on pages 21 - 23.]

Bothy of the sewer category change requests in the Travilah Planning Area in this packet were filed by the applicants who invoked the peripheral sewer service policy. The policy, as presented in the 2022 update of the Water and Sewer Plan is found on pages 21 - 23.

Request [6] WSCCR 24-TRV-01A: David Mohebbi

County Executive’s Recommendation: Deny the request for sewer category S-3; maintain S-6.

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> • 11905 Centurion Way, Potomac • Lot 3, Parcel N188, Sutton’s Addition to Palatine (acct. no. 03639933) • Map tile: WSSC – 217NW12; MD –ER51; Council District 2 • East side of Centurion Way, 2,050 feet from the intersection with Greenbriar Rd. • RE-2 Zone; 5.17 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use</u>: Single-Family Home • <u>Proposed use</u>: Public Sewer for the existing Single-Family Home 	<p>Applicant’s Request: Service Area Categories & Justification</p> <hr/> <p style="text-align: center;">Existing – Requested – Service Area Categories</p> <p>W-1 W-1 (no change)</p> <p>S-6 S-3</p> <p>Outside the planned public sewer envelope.</p> <hr/> <p><u>Applicant’s Explanation</u></p> <p>“This property has a unique geography and is divided in two sections. One is north where the house is located, and the southern part of the land is where the sand mound septic field is located. Due to the property’s unusual shape, Mr. Mohebbi has been experiencing septic system challenges and significant expenditures and time on replacing his septic system equipment. We respectfully request a change of category to S-3, public sewer service which will address his public health concerns and financial burdens.</p>
<p>“Our client first applied [in] April 2021 and was approved unanimously by the County Council on October 25th, 2022 for a 70-foot low pressure on Centurion Way recommended by the Washington Suburban Sanitary Commission (WSSC). See attached his prior application. As was noted, in 2019 ran a [sewer] line all the way down Centurion Way to the front of their neighbor’s house at 11832 Centurion, which is approximately 0.24 miles away from our client. The state put his and about eight (8) other applications on hold. Due to communications and time challenges, our client Mr. Mohebbi’s application was not able to be submitted back to the state by Montgomery County Staff and he was advised to submit another application.</p> <p>“We would appreciate approval of his request. We welcome any questions to assist on this request. “</p> <p><i>DEP note: The County Council approved sewer category S-3 under CR 19-1426, Oct. 22, 2022, for WSCCR 21-TRV-03 (see pg. 14). MDE subsequently denied the Council’s approval action on March 9, 2023 (see pgs. 15 - 16).</i></p>	

Maps, Plans, etc.: Sewer Category Map Page 13
 CR 19-1426 Excerpt..... Page 14
 MDE letter dated 3/9/2023 Pages 15 - 16

Executive Staff Report

The applicant has requested a sewer category change from S-6 to S-3 for the purpose of abandoning the existing sand mound septic system and converting instead to public sewer service. The property owner had explained the mechanical difficulties he was having with the pumping system needed for the sand mound drainfields. The sand mound drainfields are located approx. 700 feet distant from his house, owing to the unusual configuration of his lot (see pg. 13). Note that DPS had not identified a failure of the septic system. The lot is zoned RE-2 and is 5.17 acres in size. It is outside the planned public sewer envelope.

As described in the applicant’s explanation section above, the County Council approved category S-3 for this property in 2020 on the basis of a public health concern (see pg. 14). The Maryland Dept. of the Environment (MDE) denied the Council’s decision to approve category S-3. In its letter to Montgomery County (see pgs. 15 - 16), MDE noted the lack of a DPS determination of a septic system failure. MDE also noted that should additional information about the condition of the septic system become available within six months of the date of its letter (dated March 9, 2023), then the Council could request that MDE reconsider the denial of the Council’s action.

As noted by DPS staff below, a site visit to the property on July 6, 2023, did not reveal a failure of the septic system. DPS staff did offer suggestions on how the property owner might reconfigure the septic system, replacing the best available technology (BAT) treatment system, which is no longer a requirement, with a regular septic tank.

M-NCPPC staff find that, owing to the lack of a documented septic system failure, the property does not qualify for public sewer service. Although the lot is adjacent to the planned public sewer envelope, the peripheral sewer service policy may not be used for properties in the vicinity of the Palatine subdivision. Sewer service is not consistent with the sewer service recommendations from the 2002 Potomac Subregion Master Plan.

As noted for the previous request, WSSC reports that an approx. 70-foot low-pressure main extension is needed for the provision of public sewer service. This will bring a new main to the southern part of the lot where the sand mound drainfields are located, but not to the northern part where the house is located.

Although some aspects of the septic treatment system are problematic, based on the site visit by DPS an DEP staff in July 2023 no failure of the septic system is evident. Limitations affecting the Palatine subdivision area in the Potomac peripheral sewer service policy do not allow this property to qualify for public sewer service on only that justification.

Consistent with MDE's prior determination, Executive staff recommend against approval of sewer category S-3 for this request.

Agency Review Comments

DPS – Well & Septic:

A site visit was made to the property on 7/6/23 with the septic contractor who installed the existing sand mound system. No failure or issue was observed at that time. Recommendations were made to the property owner including removal of the existing BAT tank with a conventional septic tank to reduce the current maintenance that is required. The BAT unit is no longer a requirement. No action has been taken to date. The property has approved sand mound replacement area.

M-NCPPC – Planning Dept.:

The applicant desires a change from S-6 to S-3 to allow public sewer service for an existing single-family detached house. The property is within the 2002 *Potomac Subregion Master Plan* area and is outside the planned public sewer service envelope. The County Council approved a category change to S-3 under CR 19-1426 as a public health concern on October 22, 2022, for WSSCR 21-TRV-03, but the Maryland Department of the Environment (MDE) denied the approval action on March 9, 2023, because no documentation of a failing septic system was provided.

The property is adjacent to the Palatine neighborhood, which is within the public sewer service envelope but is explicitly excluded from areas where the Potomac Peripheral Sewer Service Policy applies (master plan p. 23). This is also reflected in the corresponding language in the *Water and Sewer Plan*. If the applicant were able to provide documentation of a septic system failure from the Department of Permitting Services (DPS), then the property would be eligible for public service under the provisions of the *Water and Sewer Plan* Section II.G.2.: Community Service to Relieve Onsite System Concerns. There is no documented public health concern on the property and there are no other policies in the *Water and Sewer Plan* that would allow for the extension of public sewer service to the property. The master plan does not support public sewer service for the property.

M-NCPPC – Parks Planning:

No apparent park impacts.

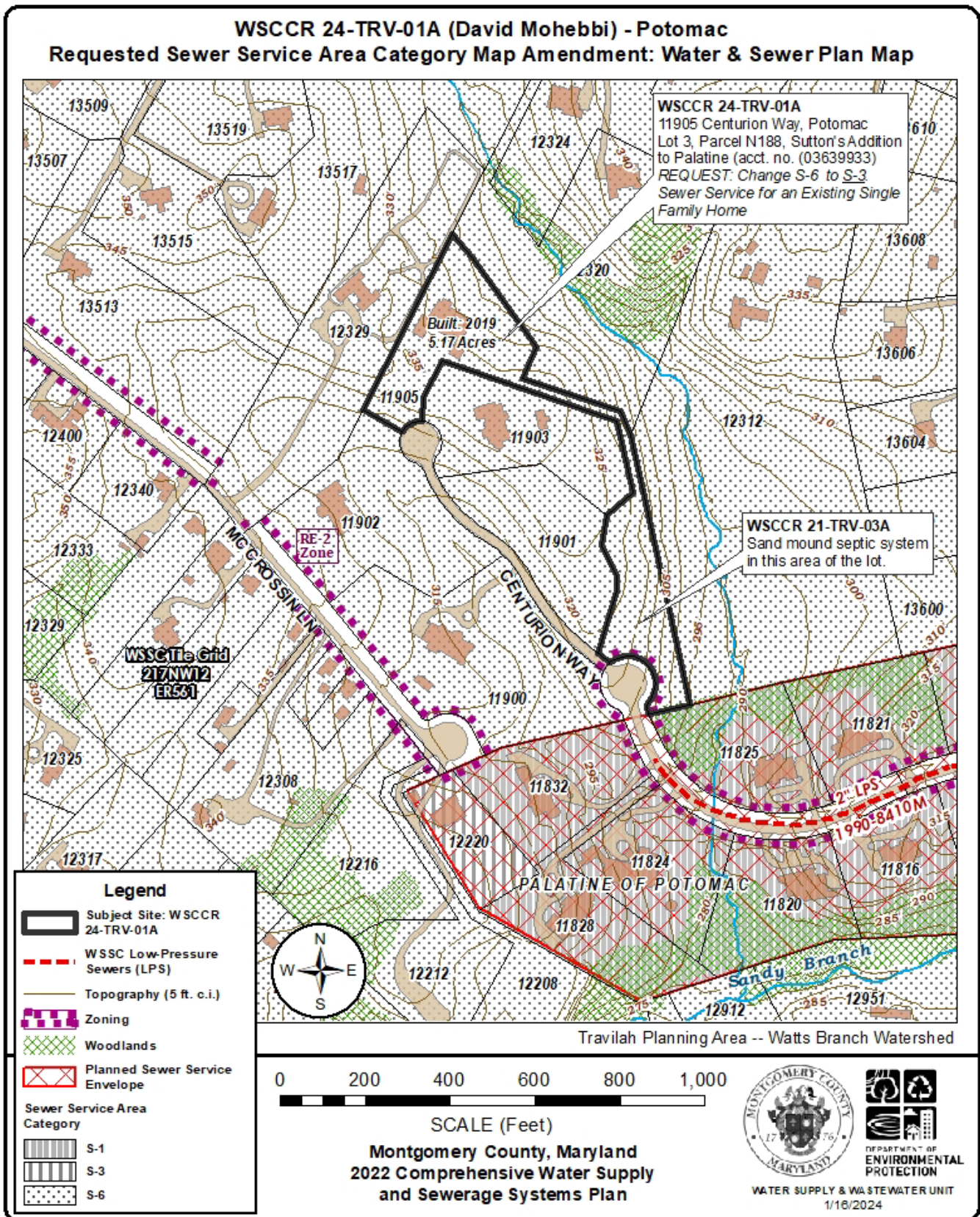
WSSC Water- Water: (water category change not requested)

WSSC Water - Sewer:

Basin: Watts Branch. Approximately +/- 70 feet of low pressure sewer extension from the end of the ex. 2.5 -inch diameter LPS in Centurion Way (contract no.16-6162A). This option would only connect the applicant's property and the new sewer main will not extend beyond the existing public road right-of way. WSSC has conducted a sewer analysis to evaluate the capacity of the system to receive the additional flow and has determined that the additional flow will not cause significant impact. Average wastewater flow from the proposed development: 280 GPD

Program-sized sewer mains not required to serve the property. This extension would not be required to appear in an adopted Capital Improvement Program since it does not meet the criteria for a major project (Maryland Code Annotated, Public Utilities Article, §23-301). Interceptor capacity is adequate. Treatment capacity is adequate.

Statements of adequacy/inadequacy are made exclusively for this application at this time. Further analysis of adequacy will be part of the review at the time of application for water/sewer service.



Description: Sewer Category Map showing the location of WSSCR 24-TRV-01A with respect to the planned public sewer envelope and the location of the existing low-pressure sewer main along Centurion Way.

County Council Resolution No. 19-1426 (Oct. 25, 2022) – Attachment A: Pg. 2/3

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
January 2022 Amendment Transmittal: Water/Sewer Category Map Amendments

WSSCR 21-TRV-03A: David Mohebbi

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
<ul style="list-style-type: none"> • 11905 Centurion Way, Potomac • Lot 3, Parcel N188, Sutton's Addition to Palatine (acct. no. 03639933) • Map file: WSSC – 217NW12; MD –ER51 • East side of Centurion Way, 2,050 feet from the intersection with Greenbriar Rd. • RE-2 Zone; 5.17 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use</u>: Single-family home • <u>Proposed use</u>: Single-family home to remain 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1 W-1 (no change)</p> <p>S-6* S-3</p> <p>*Consideration of the request for category S-3 was tabled.</p> <p>County Council Action</p> <p>Approve S-3, for one sewer connection only, as a public health concern. The needed low-pressure sewer extension will be the shorter of the two extension options evaluated by WSSC Water, approximately 70 feet in length. The new sewer main will not extend beyond the existing public road right-of-way (Centurion Way cul-de-sac).</p> <p><i>Note: Request for category S-3 previously tabled by the T&E Committee on 9/12/2022.</i></p>

Water & Sewer Service Area Categories Summary

Category Definition and General Description	Category Definition and General Description
<p>W-1 and S-1</p> <p>Properties approved for and generally with existing access to community (public) service. This may include properties which have not yet connected to existing community service.</p>	<p>W-5 and S-5</p> <p>Properties planned for future public service, but which may use private, on-site systems (wells and septic systems) on a permanent basis. • Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period.</p>
<p>W-3 and S-3</p> <p>Properties planned and approved for community (public) service, but <u>without</u> existing access to public service. • Public service will generally be provided within two years as development and requests for community service are planned and scheduled.</p>	<p>W-6 and S-6</p> <p>Properties that will use private, on-site systems (wells and septic systems), where community (public) service is not planned. • 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.</p>
<p>W-4 and S-4</p> <p>Properties planned for future public service, but which need to use private, on-site systems (wells and septic systems) in the interim. • Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. B</p>	<p>Note: Although the majority of properties in the county have the same water category as sewer category (i.e. W-3 and S-3, or W-5 and S-5), this is not always the case. The County does not always assign water and sewer categories in tandem, due to differences in service policies or to actual service availability. For example, a particular property could have service area categories W-1 and S-6. Therefore, it is important to know both the water <i>and</i> sewer service area categories for a property. Montgomery County does not use categories W-2 and S-2 in its Plan.</p>

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The Maryland Dept. of the Environment (MDE) must review and concur with this approval action. Applicants receiving a category change approval in this resolution may proceed with WSSC Water main extension requests prior to MDE's action but do so at their own risk.

Description: Excerpt from CR 19-1426 (10/25/2022) granting approval of sewer category S-3 for WSSCR 21-TR-03A.



Maryland
Department of
the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

March 9, 2023

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

Dear Council President Glass:

The Maryland Department of the Environment (MDE) has completed its review of the **Resolution 19-1426 (Amendment) - WSCCR 21-TRV-03A: David Mohebbi** to the Montgomery County Comprehensive Water and Sewerage Plan. The Amendment request involves one (1) water and sewer category change to the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan. The property is located at 11905 Centurion Way, Potomac, Lot 3 Parcel N188, with a total of 5.17 acres, and the proposed request is to change the sewer service category from S-6 (No Planned Service) to S-3 (Service within two years). The needed low-pressure sewer extension will be the shorter of two extension options evaluated by WSSC Water, approximately 70 feet in length. The new sewer main will not extend beyond the existing public road right-of-way (Centurion Way cul-de-sac). The Amendment was approved by the Montgomery County Council on October 25, 2022.

During MDE's initial review of the Amendment, it was determined that more time was required for MDE to complete its final review to determine if the update to the County Water and Sewerage Plan, currently under the Department's review, affects the policies related to this property. The initial review period, set to expire on January 28, 2023, had been extended by an additional 45 days making the new due date March 14, 2023.

Maryland Department of Planning Findings

The Maryland Department of Planning (MDP) advised the Department that for the proposed sewer category change MDP is not able to find the WSP amendment for sewer service reclassification consistent with the 2002 Potomac Master Plan because the amendment did not include information regarding the following:

“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 R-C) not already approved for service

The Honorable Evan Glass
Page 2

from further extension of community service.” (page 23 of the 2002 Potomac Master Plan)

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 Action

1. MDE noted the Wastewater Treatment Plant Capacity: The one property soon to be connected to public sewer will contribute 250 gallons per day to the Blue Plains Wastewater Treatment Plant (WWTP). Blue Plains WWTP's current permitted design capacity is 370 million gallons per day (MGD) and the facility's calendar year 2021 average flow was 286.75 MGD, therefore there currently is adequate capacity at the WWTP.
2. Initially, MDE requested from the County's Department of Environmental Protection (DEP) on January 9, 2023 any information on the status of the septic system to determine if based on that information the system was failing. DEP indicated that due to the property owner's increasing costs, the County Council has declared this a public health concern. After extending the review period, because MDE could not determine that the new Policies could affect this property's ability to connect, MDE again requested more information from the County's DEP and Permitting Services (DPS) on February 8 and February 21, 2023. County DPS indicated they visited the property but could not find any issues from an outside inspection and contacted the homeowner for another inspection with the homeowner present, but the homeowner did not respond.

MDE has reviewed the proposed changes and in accordance with §9-507(a) of the Environmental Article, Annotated Code of Maryland, **MDE hereby disapproves for the reason stated above, Resolution 19-1426 - WSCCR 21-TRV-03A: David Mohebbi** Water and Sewerage Plan Amendment to the Montgomery County Comprehensive Water and Sewerage Plan.

If an evaluation of the septic system can occur within the next 6 months and it is determined to be failing by the Montgomery County Department of Permitting Service or a delegated authority, please be advised that in accordance with Environment Article 9-508(b), at any time up to six months after receiving this disapproval, the County may request the Secretary of the Department to reconsider the disapproval.

Request WSSCR 24-TRV-03A: Mohamed Alosh

<i>County Executive’s Recommendation: Defer action pending an agreement between DEP and WSSC Water to study the capacity issue in the Palatine low-pressure sewerage system.</i>	
<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> • 12720 Piney Meetinghouse Rd., Potomac • Parcel P954, Piney Grove Etc (acct. no. 00403744) • Map tile: WSSC – 216NW11; MD –FQ23; Council District 1 • West side of Piney Meetinghouse Rd., north of Palatine Dr. • RE-2 Zone; 7.58 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use:</u> Single-Family House (built 1958) • <u>Proposed use:</u> Public Sewer for the existing Single-Family House (future subdivision considered by the applicant) 	<p>Applicant’s Request: Service Area Categories & Justification</p> <p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1 W-1 (no change)</p> <p>S-6 S-3</p> <p>Outside the planned public sewer envelope.</p> <p><u>Applicant’s Explanation</u></p> <p>“Currently the property has an old septic system which is deteriorating (please see attached picture). According to the assessment of 2 licensed septic contractors the system cannot be repaired, and it will need replacement as it does not meet the current county requirement.</p> <p>“While the status of the current septic system and potential impact on public health is the priority, it should be noted that this property is adjacent to properties on Palatine [Dr.] that are currently served by public sewer line and classified as category S-1. Please note that while the 2002 Master Plan has restriction on access to public sewer, yet the plan made the following exemption[:]</p>
<p><u>Applicant’s Explanation (continued)</u></p> <p><i>“Allow for the limited provision of community sewer service for areas zoned RE-1 and RE-2 within and at the periphery of the proposed sewer service envelope. (See Foldout Map D.) Exclude from this peripheral service policy properties adjacent to and in the vicinity of the Palatine subdivision [emphasis by applicant] and the lower Greenbriar Branch properties, and all properties within the Piney Branch Subwatershed, the Darnestown Triangle, and the Glen Hills Area (until completion of the study described on page 24, which will evaluate whether this exclusion should continue in the future). Emphasize the construction of sewer extensions, if needed, along roads rather than through stream valleys.”</i></p>	

Maps, Plans, etc.: Sewer Category Map with a conceptual non-abutting sewer connection. Page 19
Sewer Envelope and Sewer Category Map Page 20

Executive Staff Report

The applicant has requested approval of sewer category S-3 for public sewer service for an existing residence at 12720 Piney Meetinghouse Rd. The parcel is 7.58 acres in size, is zoned RE-2, and is occupied by one single-family house built in 1958. It is located partly within the Piney Branch subwatershed and special protection area.

DPS has identified a failure of the existing septic system for this property. Shallow soils and a high water table may substantially limit the possibility of an onsite septic system repair.

The applicant has cited the provisions of the Potomac peripheral sewer service policy (see pgs. 10, 21 – 22, and 26 - 28) as justification for the provision of public sewer service for this property. That policy allows for the consideration of public sewer service for S-6 properties adjacent to or confronting the planned public sewer envelope. However, the peripheral sewer service policy specifically *excludes* that part of the planned public sewer service envelope within the Palatine subdivision as a basis for using of that policy.

WSSC Water staff have advised that relief of the septic system failure by using the public sewerage system in the Palatine subdivision is questionable. Their current understanding is that the nearby low-pressure sewer main along Palatine Dr. is at capacity and cannot accept additional flow from another service connection. They have acknowledged that a definitive determination about available flow capacity in this part of the Platine low-pressure system will require an engineering study. Note that providing sewer service via the low-pressure sewer main

along Palatine Dr. will require that one of the intervening property owners along the north side of Palatine Dr. grant a private sewer easement to Mr. Alesh. This easement would be for an offsite sewer house utility to use with a non-abutting sewer connection to the LPS along Palatine Dr.

Proposed public sewer service is not consistent with the application of the Potomac peripheral sewer service policy. The property is adjacent to the planned public sewer envelope within the Palatine subdivision. DPS has reported a septic system failure. WSSC has advised that sewer service will require a study of capacity availability in the Palatine LPS system.

Defer action pending an agreement between DEP and WSSC Water to study the capacity issue in the Palatine low-pressure sewerage system to determine whether capacity exists for relief of the failed septic system on this property.

Agency Review Comments

DPS – Well & Septic

We have no records of the existing septic system. DPS received an application for soils testing, #290885. The test plan showed 3 proposed lots. The water table tests were conducted on 2/27/24. Results were marginal, may allow for sand mound systems.

[DEP note: DPS has identified a failure of the existing septic system for this property. Shallow soils and a high water table may substantially limit the possibility of an onsite septic system repair.]

M-NCPPC – Planning Dept.

The applicant desires a category change from S-6 to S-3 to allow public sewer service for an existing single-family detached house and a possible future subdivision on the property. The applicant has provided a concept drawing for the subdivision of the property showing three new lots in place of the existing house. The property is within the 2002 *Potomac Subregion Master Plan* area and is outside the planned public sewer envelope.

The property is adjacent to the Palatine neighborhood, which is within the public sewer service envelope but is explicitly excluded from areas where the Potomac Peripheral Sewer Service Policy applies (master plan p. 23). This is also reflected in the corresponding language in the *Water and Sewer Plan*. If the applicant were able to provide documentation of a septic system failure from the Department of Permitting Services (DPS), then the property would be eligible for public service for a single connection only under the provisions of the *Water and Sewer Plan* Section II.G.2.: Community Service to Relieve Onsite System Concerns. There is no documented public health concern on the property and there are no other policies in the *Water and Sewer Plan* that would allow for the extension of public sewer service to the property. The master plan does not support public sewer service for the property, nor does it support additional public sewer connections for the proposed lots because they would not be eligible for connections under the Potomac Peripheral Sewer Service Policy.

M-NCPPC – Parks Planning

No park impacts.

WSSC Water – Water: (not requested)

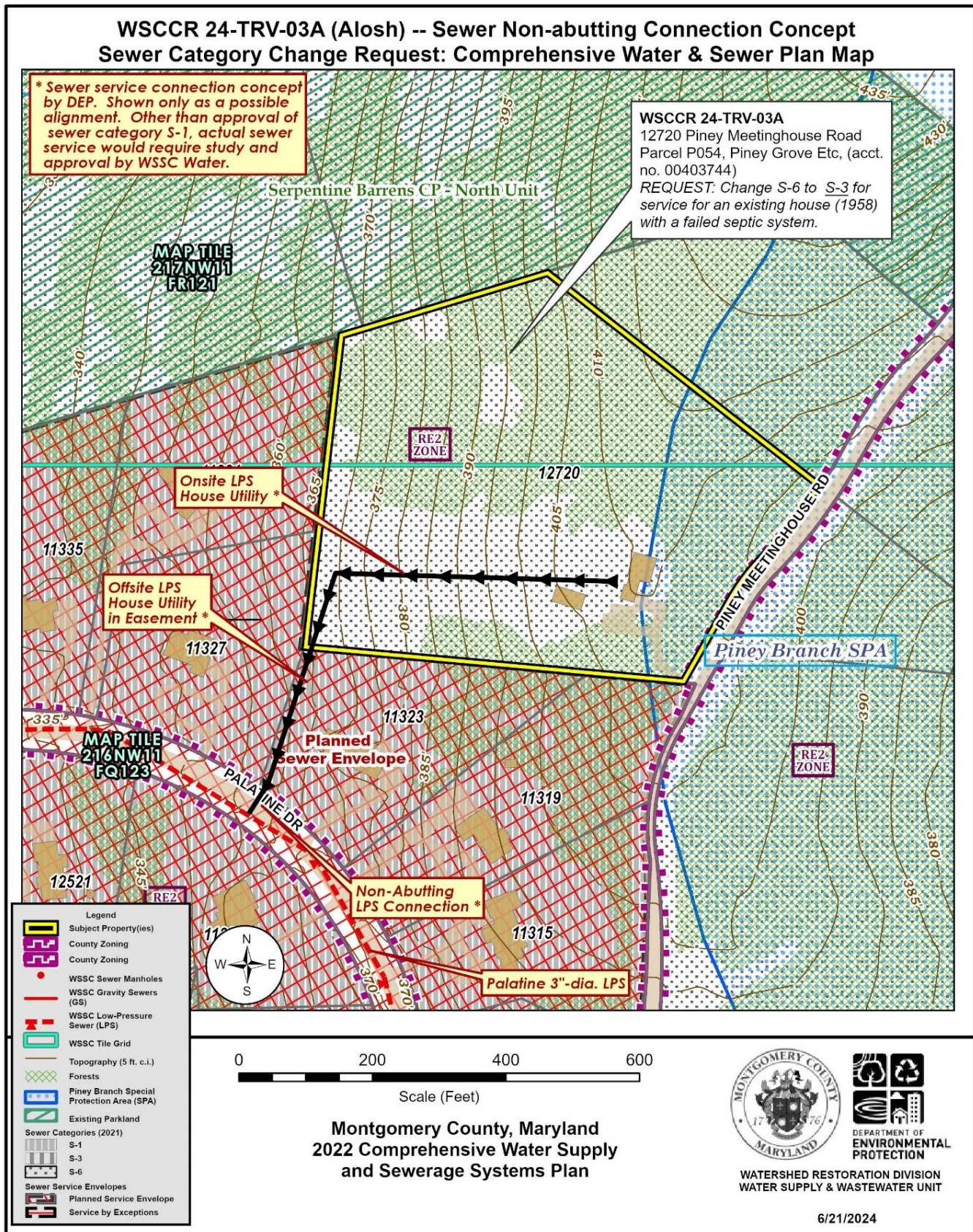
WSSC Water – Sewer:

Basin: Watts Branch. Average wastewater flow from the proposed development: 280 GPD. The nearest sewer to this property is the Palatine pressure sewer in Palatine Drive. There is no available capacity in this sewer. Therefore, it is not feasible or practical for WSSC to extend public sewer to serve the property.

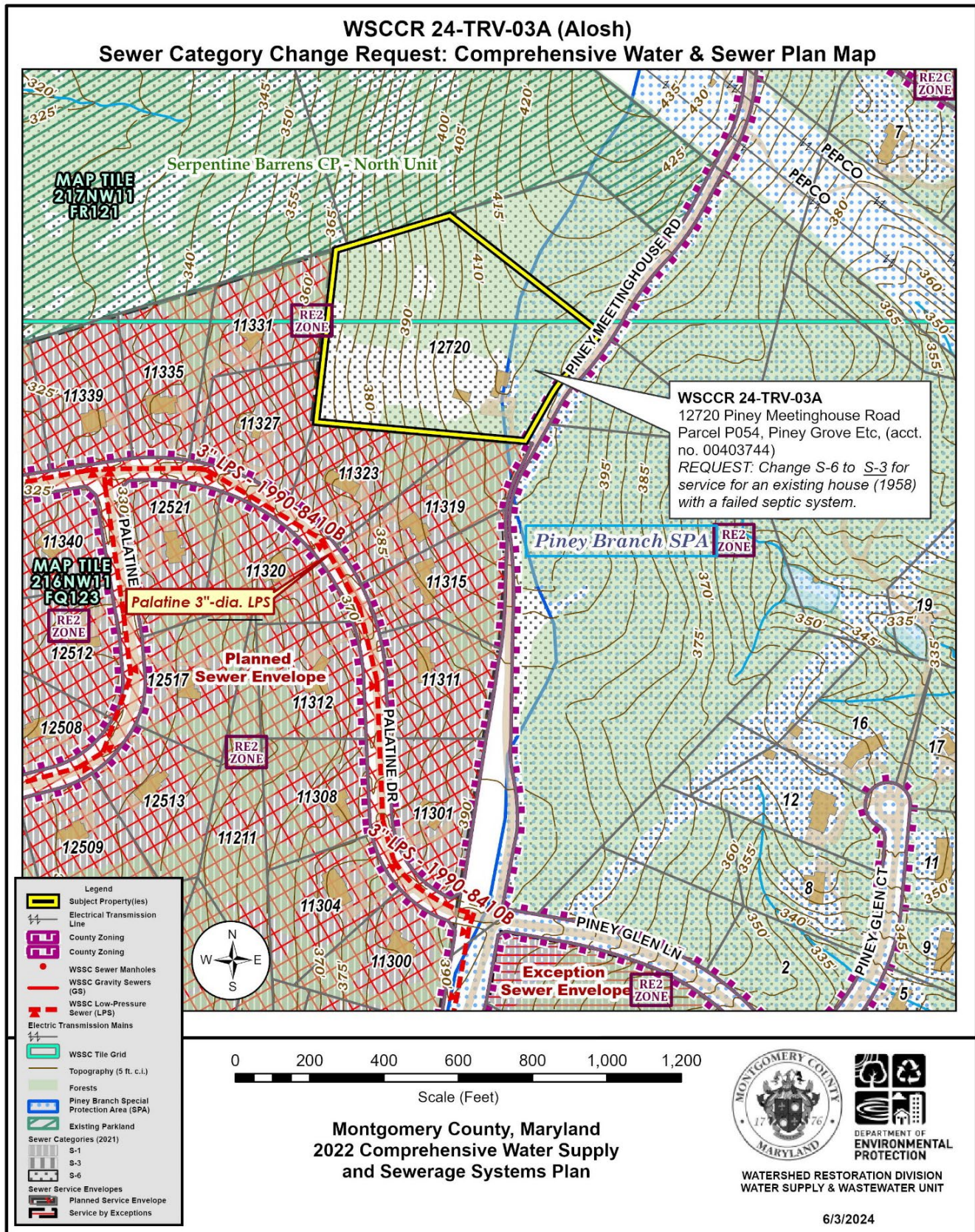
[DEP note: Following subsequent discussions WSSC Water staff, in the Development Services Division, provided the following updated information:]

Basin: Watts Branch. Average wastewater flow from the proposed development: 280 GPD. The WSSC Planning Division conducted a hydraulic analysis to evaluate the ability of our sewer collection system to receive flows from an expanded Palatine service area. Based on the results of this analysis, it was determined that further expansion of the Palatine Low Pressure Sewer System (LPSS) would require a thorough field investigation of the Palatine system due to the level of uncertainty of the condition and hydraulics in the existing LPSS. Therefore, without that additional field information, it is uncertain if the system would function satisfactorily. This would take time and funding to complete as a preliminary engineering study, and the Planning Division does not have such resources at this point in time.

Statements of adequacy/inadequacy are made exclusively for this application at this time. Further analysis of adequacy will be part of the review at the time of application for water/sewer service.



Description: A map showing existing sewer service area categories for WSSCR 24-TRV-03A, along with existing nearby sewer mains and a concept for a non-abutting sewer connection to serve the property.



Description: A map showing existing sewer service area categories for WSSCR 24-TRV-03A, along with existing nearby sewer mains and the planned public sewer envelope.

Packet Appendix:

2002 Potomac Subregion Master Plan Excerpt – Potomac Peripheral Sewer Service Policy

- **Acquire the Miller & Smith (Pepco) property (258 acres) as conservation park land.**
- **Acquire by dedication significant portions of the Tipton tributary properties in the lower Greenbriar Branch as conservation park land. These properties include the Tipton, Piney Grove, Weihe, and Semmes properties. Priorities include the Greenbriar Branch mainstem riparian areas along with the forested area west of the gas line easement.**
- **Acquire by dedication portions of the Hanson Farm along the border of Muddy Branch Stream Valley Park, including the northern corner where a trail connection is desirable and where the mainstem is close to the property line.**
- **Protect the riparian area along the Turkey Foot tributary of Muddy Branch through acquisition, dedication or conservation easement.**
- **Acquire forested property (parcel 170) adjacent to Muddy Branch Stream Valley Park land at the end of Cervantes Avenue and with access from Esworthy Road.**
- **Acquire property south of Esworthy Road (parcel 121), surrounded by the Muddy Branch Stream Valley Park.**
- **Acquire the surplus school site located inside the bend on Brickyard Road to protect scarce forested land in this densely developed area.**
- **Designate the 97-acre Callithea Farm (Figure 3) bordering Blockhouse Point and the Chesapeake & Ohio Canal National Historical Park as park land that will include a publicly owned horse farm.**
- **Explore designation of part of Gokturk Woods, on Berryville Road in Seneca Village, as a neighborhood conservation area.**

Sewer Service Policies

A critical policy related to water quality is the provision of community sewer service. Providing community sewer service to relieve failed septic systems minimizes groundwater contamination. However, the provision of community sewer service can damage the environment and water resources by facilitating development to the maximum zoning density. Extensions along stream valleys can also create habitat disturbance, threatening species survival, and can adversely affect the natural hydrologic system due to wetland fragmentation. Once sewer lines are in place, their structural integrity may deteriorate over time, resulting in sewage leaks and further disturbance to the ecosystem. This is particularly troublesome where eroding or shifting stream channels expose sewer mains and manholes, leaving them more susceptible to damage.

In general, the County's water and sewer policies allow the provision of sewer service only to those areas zoned for moderate to dense development (i.e., greater than or equal to one unit per 20,000

square feet). However, at the recommendation of the 1980 Master Plan, sewer service has been provided to some areas zoned for one- and two-acre lots, creating both a policy dilemma and, in some cases, environmental damage. Typically, low zoning densities (such as RE-1 and RE-2) are used to protect the natural environment by minimizing development impacts. Low and, in some cases medium, density areas (such as R-200) are dependent on septic suitability, often resulting in actual development yields well below the maximum allowed by zoning. Extending sewer lines into these areas has the potential to allow development density at or near the zoned maximum, to disrupt the environment and to provide rationale for further extensions and greater density. One of the greatest challenges facing the Potomac Subregion and this Master Plan has been to develop compatible land use and sewer service recommendations which protect the Subregion's environmental quality. The section addressing sewerage systems provides detailed recommendations regarding these sewer service issues.

Community sewer service in the Subregion is provided through trunk lines which parallel most of the major tributaries. These trunk mains drain to the Potomac Interceptor, a large sewer line that parallels the Potomac River and conveys sewage to the Blue Plains Treatment Plant in the District of Columbia.

The County's policies on the provision of community sewer service are governed by the *Water and Sewer Plan*, the County's *General Plan*, master plans, the State's Smart Growth policies, and other policy documents. Master plans recommend where sewer service is to be provided, generally in areas of dense development, consistent with *Water and Sewer Plan* policies. The *1980 Potomac Subregion Master Plan* is one of the County's few master plans recommending sewer service for zones such as RE-1 and RE-2, an exception to the general policies for sewer extension. The County Council has asked that as part of the Potomac master plan update, the Planning Board study the effects of sewer service in these areas on land use, infrastructure, the environment, and budget.

Low-Density Areas

In part, 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. Much of the undeveloped area zoned RE-1 and RE-2 was placed in master plan sewer stage IV where the provision of community sewer service was evaluated case-by-case on the basis of logical, economical, and environmentally acceptable service. Twenty years later, a comprehensive evaluation indicates that providing community sewer service to areas zoned for one-and two-acre development, and contrary to smart growth policies, has undermined the environmental emphasis of zoning areas for low-density development, especially where septic suitability is marginal. With increasing demand for homes and recent development and redevelopment trends, especially where sewer service is provided, this exception to the general sewer service policy is no longer effective. Much of the remaining undeveloped RE-1 and RE-2 land is beset by environmental constraints limiting development potential without sewer. [Peripheral Sewer Service Policy Background](#)

Under the prior master plan, the Subregion has experienced substantial provision of community sewer service to lower-density areas. Because of this, and because the County considered the approvals for much of this service on a case-by-case basis, the current Potomac community sewer

envelope is irregular, established by demand rather than by plan. Voids within the envelope and irregular boundaries along its perimeter abound. Although this Master Plan generally recommends against the continued provision of community sewer service to low-density (RE-1 and RE-2) areas, it does support limited approvals for community sewer service for the low-density areas within the envelope and along its currently-established edge. The focus of this limited service and expansion should be on properties which already abut existing or proposed mains and on properties which can be served by sewer extensions within public rights-of-way. Main extensions that would disrupt streams and their undisturbed buffer areas should be avoided. Any approvals granted along the currently-established edge should not be cited as justification for expanding the sewer service envelope beyond the limits recommended in this Plan.

Sewer Service Recommendations

- **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.**
Policy Recommendation
- **Allow for the limited provision of community sewer service for areas zoned RE-1 and RE-2 within and at the periphery of the proposed sewer service envelope. (See Foldout Map D.) Exclude from this peripheral service policy properties adjacent to and in the vicinity of the Palatine subdivision and the lower Greenbriar Branch properties, and all properties within the Piney Branch Subwatershed, the Darnestown Triangle, and the Glen Hills Area (until completion of the study described on page 24, which will evaluate whether this exclusion should continue in the future). Emphasize the construction of sewer extensions, if needed, along roads rather than through stream valleys.**
- **Help to protect water quality in the Stoney Creek subwatershed of Watts Branch by requiring that sewer main extensions to serve the few properties approved for community service be located along River and Stoney Creek Roads, rather than along the stream valley.**
- **Deny the provision of community sewer service to the areas zoned R-200 near the intersection of River and Seneca Roads.**

Glen Hills Area

The Glen Hills area consists of several established subdivisions with lots generally at least one acre in size. Most of the lots were established in the 1950's and 60's using septic systems. At that time, septic standards did not include septic buffers, water table testing, multiple depth testing, and the consideration of fractured rock. The Department of Permitting Services (MCDPS) has raised concerns about the periodic septic failures which occur in the neighborhood because subsurface conditions often do not allow for replacement systems which satisfy current septic regulations. This Plan supports a study of the septic failures in Glen Hills to develop the measures necessary to ensure

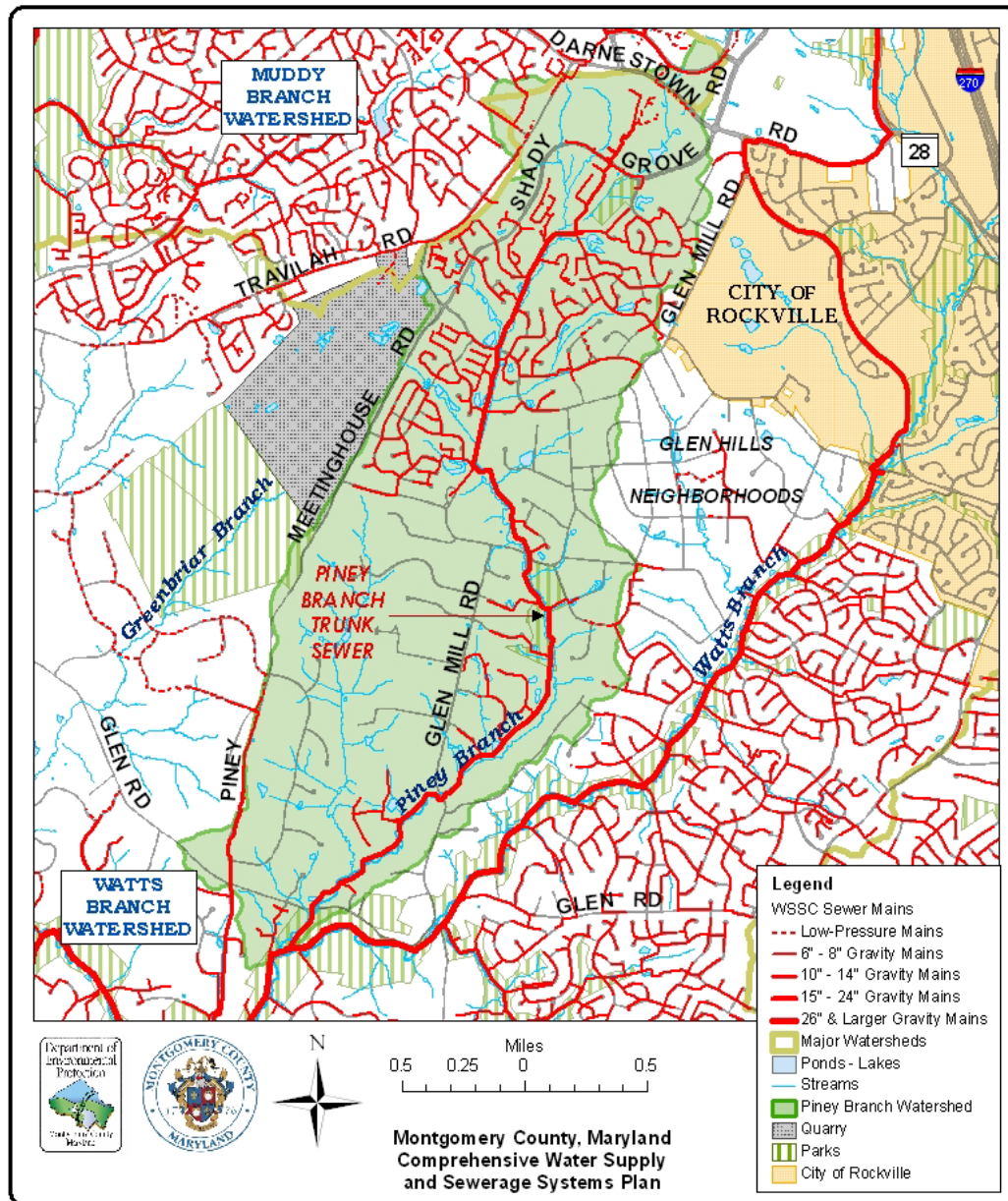
Packet Appendix:

Related 2022 Water and Sewer Plan Service Policies

<p>Appendix C, Section II.L: Piney Branch Watershed</p> <p>County Council Actions: Adopted October 25, 2022 (CR 19-1423)</p> <p>II.L.: PINEY BRANCH WATERSHED</p> <p>The following sections identify and explain the areas in the county where exceptional water and/or sewer service policies apply.</p> <p><u>Restricted Community Sewer Service Area:</u> Current version established by Council Resolution No. 15-396 (11/18/03) and recommended by the 2002 Potomac Subregion Master Plan.</p> <p><u>Subject Area:</u> Natural drainage area of Piney Branch, a tributary of Watts Branch.</p> <p><u>Service Recommendation & Comments:</u> The provision of community sewer service within this watershed is regulated by the Piney Branch Restricted Sewer Access. This policy was amended in 2002 in accordance with the recommendations in the updated 2002 master plan. (See Figure C-F11.)</p> <p>In 1991, the County Council established a policy to restrict the availability of community sewer service in the Piney Branch Watershed which is designated as one of the county’s Special Protection Area watersheds. Through the Piney Branch Sewer Restricted Access Policy, the Council sought to limit the growth of public sewer-dependent development within and near this environmentally-sensitive watershed, particularly within the areas of the watershed zoned for one- and two-acre development. The Council subsequently amended the policy in March 1997 under CR 13-830 and again in October 2002 under CR 14-1481. By these actions, the Council has specifically designated the Piney Branch Trunk Sewer and its tributary mains as Limited Access mains (see Section III.A.1.).</p> <p>This restricted access policy was recently reexamined in the context of interrelated land use, zoning, and sewer service recommendations in the 2002 Potomac Subregion Master Plan; the following conditions reflect the policy changes recommended by the new master plan. In order to be eligible for community sewer service, properties within the Piney Branch watershed must satisfy at least one of the following six conditions:</p> <ul style="list-style-type: none"> • Master Plan Sewer Staging: Properties designated as Sewer Stages 1 or II in the 1980 Potomac Subregion Master Plan. • Trunk Sewer Right-of-Way: Properties that the Piney Branch Trunk Sewer right-of-way either traverses or abuts, including properties adjacent to and commonly owned with these abutted or traversed properties as of December 3, 1991, • Prior Sewer Category Approvals: Properties with approval or conditional approval for sewer categories S-1 or S-3 as of December 3, 1991, • Public Health Problems: Properties with documented public health problems resulting from failed septic systems, and properties included within a Council-designated special sewer service area, where the provision of public sewer service is logical, economical, and environmentally acceptable, • Abutting Sewer Mains: Properties that abut existing or approved sewer mains and which satisfy the policy requirements for Section II.G.3.: Community Service for Properties Abutting Community System Mains – Single Hookups for Only One Property. Applicants shall not use the provision of a single sewer hookup to support subdivision or resubdivision of these properties into more than one lot. (This condition does not restrict sewer service provided to properties satisfying condition ii., preceding.) • Cluster Development: Properties zoned RE-2C located in the southeast corner of the intersection of Boswell Lane and Piney Meetinghouse Road which develop using the cluster method. <p>All other properties within the Piney Branch watershed are restricted from community sewer service, whether from the Piney Branch sewerage system or from other adjacent sewerage systems.</p>

Appendix C, Section II.L: Piney Branch Watershed

Figure C-F11: Piney Branch Watershed and Restricted Sewer Service Area



Developers seeking to subdivide parcels into building lots using community sewer service in the Piney Branch subwatershed are required to record, as a covenant running with the properties, the Piney Branch Sewer Agreement Recommendations as a condition for the approval of sewer categories S-1 or S-3. Properties established prior to 1988, and for which only a single sewer connection is sought, are exempt from this requirement. Contact DEP staff (see Appendix D) for copies of the draft covenant and the required recommendations.

Appendix C, Section II.M: Potomac Area RE-1 and RE-2-Zoned Properties (Peripheral Sewer Service Policy)

County Council Actions: Adopted October 25, 2022 (CR 19-1423)

II.M.: POTOMAC AREA RE-1 AND RE-2-ZONED PROPERTIES

Special Community Sewer Service Policy: Recommended by the 2002 Potomac Subregion Master Plan

Subject Area: Properties zoned RE-1 or RE-2-at the edge or “periphery” of the master plan’s recommended community sewer service envelope

Service Recommendation & Comments: The master plan’s recommendations concerning for community sewer service properties zoned for rural estate development (RE-1 and RE-2) depart from those in the 1980 master plan. The previous master plan had allowed for the consideration of sewer service for rural estate zones. The 2002 master plan follows in line with the Water and Sewer Plan’s general service policies for rural estate zones. However, the new master plan also recognizes that before 2002, the approval and provision of community sewer service within these zones occurred on a case-by-case basis, resulting in an irregular sewer service envelope. The master plan recommends that RE-1- and RE-2-zoned properties located at the edge or periphery of the recommended community sewer envelope may be *considered* for community sewer service on a case-by-case basis. In such cases:

- The property under consideration must abut or confront another property within the master plan’s designated sewer service envelope.
- The extension of community sewer service is intended to follow existing public rights-of-way and must not affect streams, stream valley buffers, or other environmentally-sensitive areas.

In addition to the preceding essential requirements, several years of experience implementing this policy have resulted in the acceptance of guidelines that further refine the evaluation of and recommendations for potential cases.

- Properties that confront the sewer envelope across broad public rights-of-way should also be in relatively close proximity to other properties approved for sewer service on their own side of that right-of-way.
- The selection of sewer main extensions, wherever possible, should minimize the number of properties abutting new sewer main extensions

Note that the 2002 master plan specifically recommends excluding properties within or at the edge of the following neighborhoods from the use of this policy (see Figure C-F13):

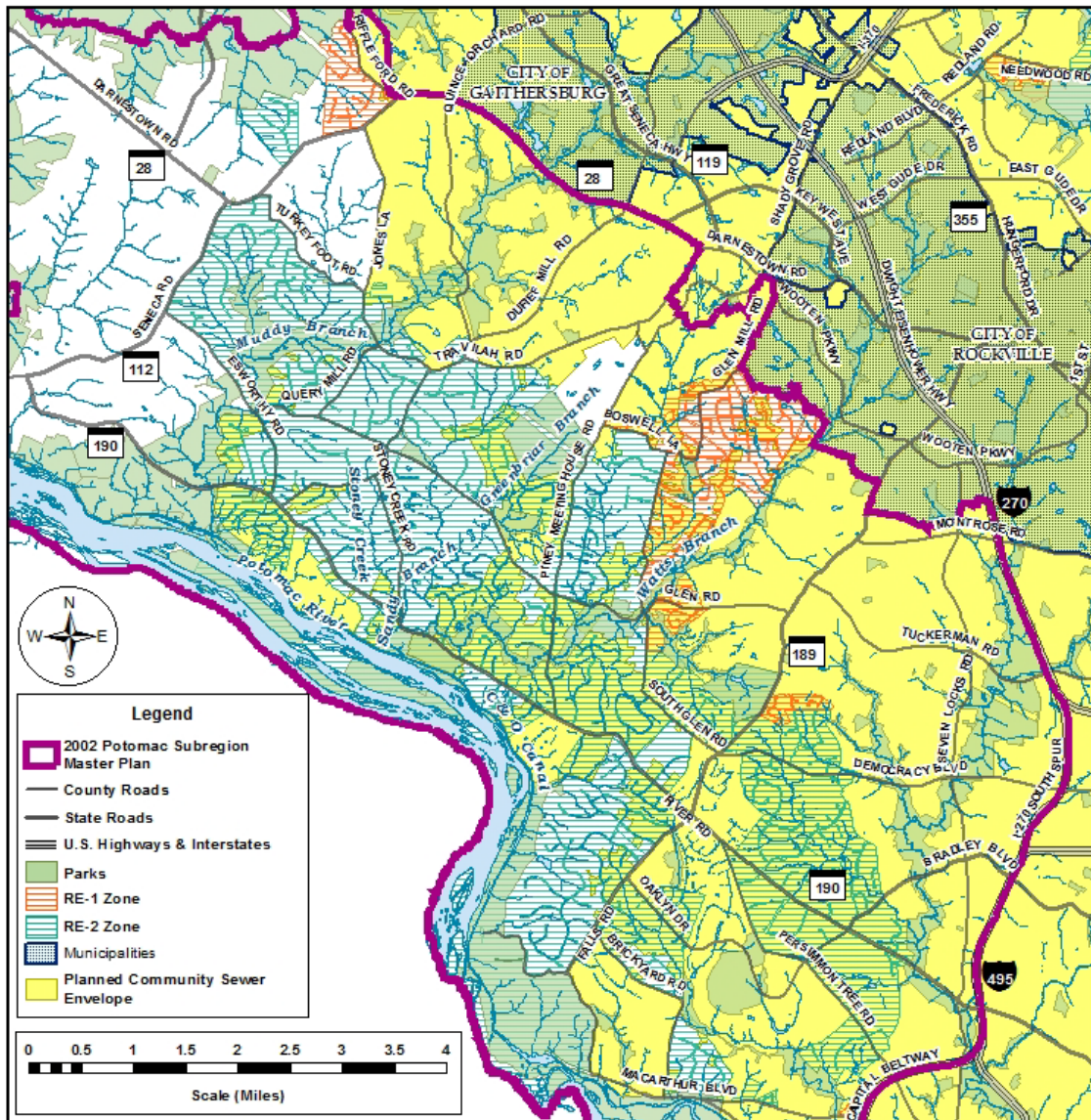
- The Piney Branch subwatershed
- The Palatine of Potomac neighborhood
- The Greenbriar Estates neighborhoods.

The preceding exclusion areas previously included the Glen Hills neighborhoods. The 2002 master plan recommended reconsideration of this exclusion following the completion of the Glen Hills Area Sanitary Study. However, the recommendations provided with the study did not address this policy. The 2017 Water and Sewer Plan update removes the Glen Hills area exclusion, except for those properties at the periphery of the planned sewer envelope within the Piney Brach watershed.

Also excluded from using this policy are properties that would abut or confront the planned community sewer service envelope within the City of Rockville.

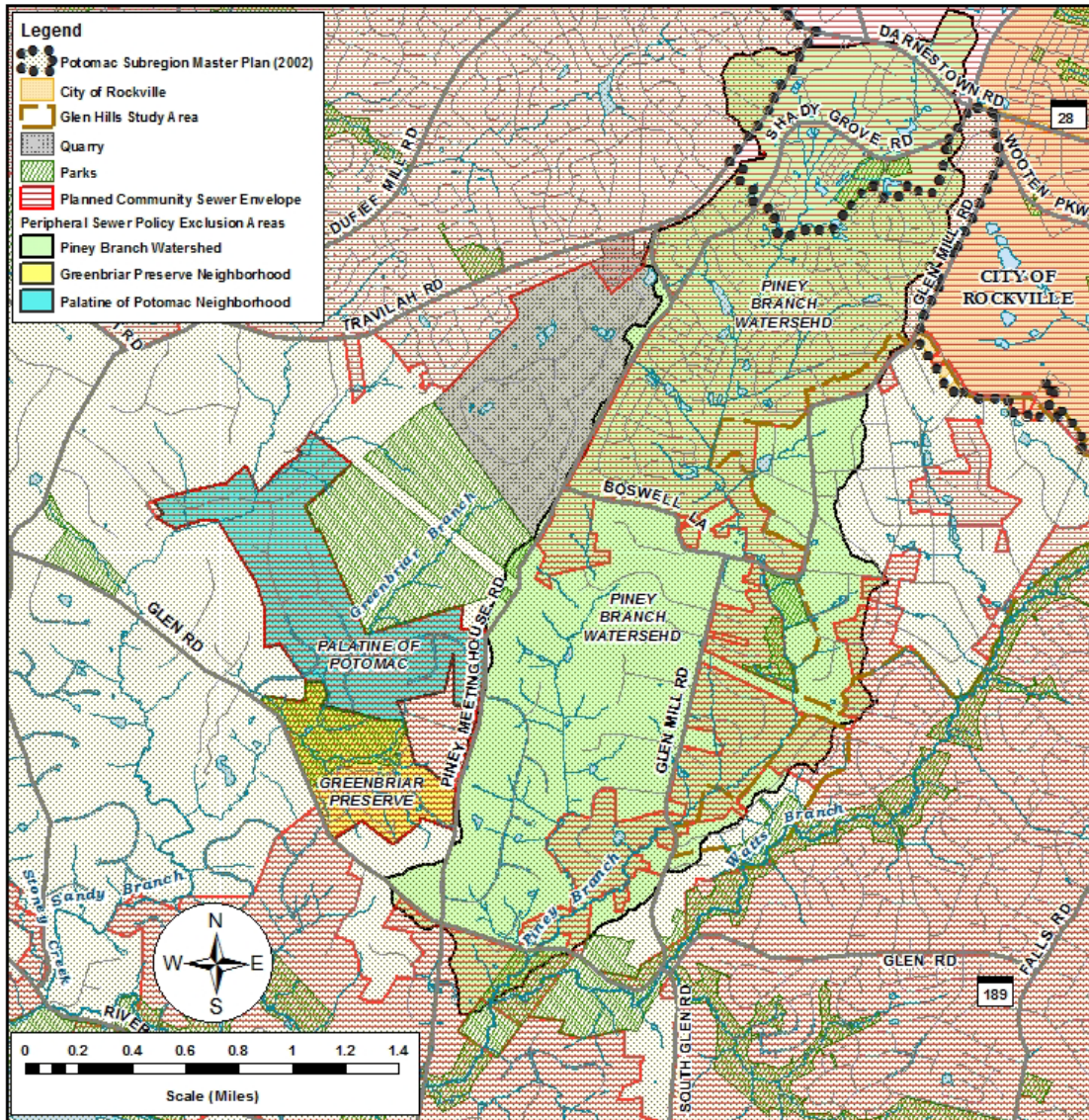
Appendix C, Section II.M: Potomac Area RE-1 and RE-2-Zoned Properties (Peripheral Sewer Service Policy)

Figure C-F12: Potomac Area Community Sewer Envelope and RE-1 and RE-1 Zones



Appendix C, Section II.M: Potomac Area RE-1 and RE-2-Zoned Properties (Peripheral Sewer Service Policy)

Figure C-F13: Potomac Area Peripheral Sewer Service Policy Exclusion Areas





MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

October 7, 2024

TO: Artie Harris, Chair
Montgomery County Planning Board

Kishia Powell, General Manager/CEO
Washington Suburban Sanitary Commission

FROM: Andrew Friedson, President 
Montgomery County Council

SUBJECT: Notice of Public Hearing on Amendments to the Comprehensive Water Supply and Sewerage Systems Plan: Water and Sewer Category Change Requests

On October 3, 2024, the County Council received recommendations from the County Executive regarding three category change requests. The Council will formally introduce this package of requests on October 15, 2024.

State law requires that the County Council formally notify both WSSC Water and the Maryland-National Capital Park and Planning Commission at least 30 days in advance of a public hearing regarding any revisions or amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan. A public hearing is scheduled for November 12, 2024, at 1:30 p.m.

Your staffs have provided comments to Department of Environmental Protection staff, and these comments are noted in the attached Executive Staff report. Any additional comments you may have should be forwarded to the County Council as soon as possible. The Council expects that the Planning Board will provide a formal recommendation to the Council on the amendment package.

If you have any questions, please contact Keith Levchenko of Council Staff by phone at (240) 777 7944 or by e-mail at keith.levchenko@montgomerycountymd.gov.

cc: Rebecca L. Flora, Secretary, Maryland Department of Planning
D. Lee Currey, Director, Water Management Administration, Maryland Department of the Environment (MDE)
Nicolai Francis-Lau, Maryland Department of the Environment
Alan Soukup, Montgomery County Department of Environmental Protection

AF:kml
Attachment