



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Marc Elrich  
County Executive

Jon Monger  
Director

MEMORANDUM

September 13th, 2024

TO: D. Lee Currey, Director, Water and Science Administration  
Maryland Department of the Environment

FROM: Tim Williamson, Planning Specialist III, Water Supply and Wastewater Unit  
Watershed Restoration Division  
Department of Environmental Protection

SUBJECT: Approval of Comprehensive Water and Sewer Plan Category Map Amendments

This is to notify you that the Director of the Department of Environmental Protection (DEP) has acted to approve four amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan (CWSP) under the authority delegated by the County Council in that Plan. Attached for your consideration and distribution are two copies of the approval document addressing the following category map amendments:

<b>Action</b>	<b>Amendment Approved</b>
AD 2024-1&2 (8/23/2024)	WSSCCR 24-PAX-01A: Brian Yong
AD 2024-1&2 (8/23/2024)	WSSCCR 23-POT-04A: Kirsten & Brett Quigley
AD 2024-1&2 (8/23/2024)	WSSCCR 24-POT-01A: PUFNZ Revocable Living Trust
AD 2024-1&2 (8/23/2024)	WSSCCR 24-TRV-02A: Joshua & Lynda Levine

You may also review and download this document from DEP's Service Area Category Changes webpage at [www.montgomerycountymd.gov/waterworks](http://www.montgomerycountymd.gov/waterworks); refer to the "Completed Actions" tab on that page.

Once MDE has concurred with this action, DEP will revise the water and sewer category map database in the County's geographic information system (GIS), MC:MAPS, to include these amendments, and they will be shown as part of the next Water and Sewer Category Map update.

If you have any questions concerning this action, please do not hesitate to contact either me at either 202-579-3116 or [timothy.williamson@montgomerycountymd.gov](mailto:timothy.williamson@montgomerycountymd.gov).

GDJ/gjd/

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cc: See "DISTRIBUTION" Section of the Attached Approval Document

Attachments



MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Comprehensive Water Supply and Sewerage Systems Plan Amendments
Administrative Delegation [Action] (AD) 2024-1 & -2 – Statement of Action
Water/Sewer Service Area Category Change Requests

CHRONOLOGY

Interagency Notices of Public Hearing: May 24, 2024
Published Notice of Public Hearing: June 12, 2024
Public Hearing: June 26, 2024
Public Hearing Record Closed: August 7, 2024
DEP Administrative Approval Action: August 23, 2024

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.

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.

Proposed Plan Amendments: DEP staff considered four proposed amendments for approval by the administrative delegation process. All four amendments were for service area category changes.

PUBLIC HEARING PROCESS

Public Hearing Notification: In accordance with State regulations, on May 24th, 2024, DEP notified M-NCPPC of an administrative public hearing, scheduled for June 26, 2024, and provided the staff recommendations for the proposed amendments.

Public Hearing Testimony and Interagency Recommendations: DEP staff scheduled a remote public hearing for the date and time included in the hearing notices.

On Wednesday, June 26, 2024, DEP conducted a public hearing regarding the four water/sewer category change requests included in this administrative delegation group.

- Suzanne Lee (12900 Circle Dr.)
Ken Bawer (8 Cleveland Ct.)
Jeff Mittelman (7 Cleveland Ct),
Ralph Richter (3 Cleveland Ct).

Testimony was provided by all four speakers only for WSCCR 24-TRV-01A (Levine). This request seeks approval of a change from S-6 to S-1, to allow for the extension of public sewer service due to a failing pit septic system, including a leaking septic tank. A low-pressure sewer (LPS) extension must be constructed to serve the property at the cost to the subject property owner. Once built, abutting properties will be able to access the new LPS and connect to community sewer service following a sewer category change request for S-1.

The main question from the community regarded whether a sewer category change to S-3 to allow an LPS extension was warranted, rather than septic system repair/replacement. Ken Bawer questioned the DPS assessment of the soil suitability because no formal soil percolation testing had been done on the property. Jared Sluzalis from DPS explained that repairs to the pit septic system were unlikely to prevent negative environmental effects because the receiving soil was inappropriate for septic treatment. No soil testing had been requested by the subject property owner, which is required before testing can be done. Instead, the poor suitability of the soil was determined by a hydraulic loading test of the septic tank leak by Jared Sluzalis and the septic contractor. Furthermore, Mr. Sluzalis explained that there are site constraints for heavy equipment needed for repairs and for siting new replacement systems.

Ralph Richter and Jeff Mittelman, both residents adjacent to the subject property, expressed concerns about the sewer construction work disrupting their property, such as driveways and street trees. Mr. Soukup explained that the work would be done within the public right-of-way and any disruptions would be restored by the contractor (such as replacing driveway sections).

Suzanne Lee had questions regarding the owner's expense of the sewer extension and whether the owners have a choice between constructing the LPS extension or replacing the septic system. Mr. Soukup responded that the owners may still make their own decision and are not forced into either option. DPS however will have to enforce permitting standards for new septic systems.

Mr. Soukup explained the administrative delegation process and how the residents can submit comment to DEP, the Council, and/or the Planning Board. The hearing concluded at 10:55 a.m.

Ms. Lee and Mr. Bawer subsequently provided written testimony on WSCCR 24-TRV-02A. They reiterated much of their testimony from the public hearing held on June 26th. The letter cited sections of Chapter 1 from the Water and Sewer Plan addressing public service policies for properties with public health concerns. The letter also called for denial of the sewer category change request. A copy of this letter is on file with DEP.

Jeff Mittelman expressed support for the category change in an email message sent to DEP on July 16th. Mr. Mittelman stated "I wanted to ensure you understand that I have no opposition to the Levine's request for sewer on Cleveland Ct. In fact, I fully support it, as this sewer line would offer me and my neighbors an option in the event our septic systems would fail in the future." A copy of this message is on file with DEP and included in the hearing record.

On June 27, 2024, the Planning Board met to consider M-NCPPC staff recommendations for the amendment included in the AD 2024-1 administrative delegation packet. The Board concurred with the M-NCPPC staff recommendations for the included amendments, which generally agreed with DEP's staff recommendations. On July 1, 2024, DEP received formal notification of the Board's action in a letter dated July 1, 2024.

On July 8, 2024, 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 August 6, the property owner for WSCCR 24-TRV-02A, Joshua Levine, submitted written testimony to DEP in support of the category change. He addressed testimony and written comments opposing the approval of sewer category S-3 based on the public health concern, inappropriate soils for septic systems and challenges involved with a septic system replacement. The testimony requested approval for the category change and sewer main extension to serve the property.

**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:

**Patuxent Watershed Conservation Planning Area**

**WSSCR 24-PAX-01A: Brian Yong**

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> <li>16406 Batson Rd. Spencerville</li> <li>Parcel P597, Colesville Dist (acct. no. 00262086)</li> <li>Map tile: WSSC –222NE03; MD –KS33</li> <li>West side of Batson Rd., 0.6 mile north of Spencerville Rd.</li> <li>RC Zone; 6.10 ac.</li> <li>Patuxent Watershed Conservation Planning Area Cloverly Master Plan (1997)</li> <li>Lower Patuxent R. Watershed (MDE Use I)</li> <li><u>Existing use</u>: unimproved</li> <li><u>Proposed use</u>: one new single-family house</li> </ul>	Service Area Categories: <table border="0"> <tr> <td><u>Existing</u></td> <td><b><u>Requested</u></b></td> </tr> <tr> <td>W-6</td> <td><b>W-1</b></td> </tr> <tr> <td>S-6</td> <td>S-6 (no change)</td> </tr> </table> <p><i>Outside the planned public water service envelope.</i></p> Administrative Action <b>Approve W-1</b> , for one water connection only. Administrative policy V.D.2.a.: Consistent with Existing Plans. (Mapping on pg. 7) The property can connect to an existing water main in Batson Road via an easement across the intervening property.	<u>Existing</u>	<b><u>Requested</u></b>	W-6	<b>W-1</b>	S-6	S-6 (no change)
<u>Existing</u>	<b><u>Requested</u></b>						
W-6	<b>W-1</b>						
S-6	S-6 (no change)						

**Potomac – Cabin John Planning Area**

**WSSCR 23-POT-04A: Kirsten & Brett Quigley**

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> <li>9736 The Corral Dr., Potomac</li> <li>Lot 8, Block E, Potomac Manors Sect. 2 (acct. no. 00881986)</li> <li>Map tile: WSSC –212NW11; MD –FP22</li> <li>South side of The Corral Dr. west of the intersection with Bit and Spur Ln.</li> <li>RE-2 Zone; 2.06 ac.</li> <li>Potomac – Cabin John Planning Area Potomac Subregion Master Plan (2002)</li> <li>Potomac R. Direct Watershed (MDE Use I)</li> <li><u>Existing use</u>: Single-family house</li> <li><u>Proposed use</u>: expansion of the existing house</li> </ul>	Service Area Categories: <table border="0"> <tr> <td><u>Existing</u></td> <td><b><u>Requested</u></b></td> </tr> <tr> <td>W-1</td> <td>(no change)</td> </tr> <tr> <td>S-6</td> <td><b>S-1</b></td> </tr> </table> <p><i>Outside the planned public sewer envelope, but within The Corral Drive special sewer service area.</i></p> Administrative Action <b>Approve S-1</b> , for one sewer service connection only. Administrative policy V.D.2.a.: Community Service for Properties Abutting Community Mains <i>DEP Note: On July 7, 2023, DEP granted an advance approval for public sewer service for this request based on compliance with the Water and Sewer Plan's abutting mains policy.</i>	<u>Existing</u>	<b><u>Requested</u></b>	W-1	(no change)	S-6	<b>S-1</b>
<u>Existing</u>	<b><u>Requested</u></b>						
W-1	(no change)						
S-6	<b>S-1</b>						

**Travilah Planning Area**

**WSSCR 24-POT-01A: PUFNZ Revocable Living Trust**

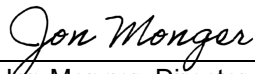
Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification
<ul style="list-style-type: none"> <li>• 8300 Kingsgate Rd., Potomac</li> <li>• Lot 1, Schultz Tract (acct. no. 00861705)</li> <li>• Map tile: WSSC –210NW11; MD –FN23</li> <li>• West side of Kingsgate Rd., south of Rock Run Dr.</li> <li>• R-200 Zone; 47,133 sq.ft. (1.08 ac.)</li> <li>• Potomac – Cabin John Planning Area Potomac Subregion Master Plan (2002)</li> <li>• Potomac R. Direct Watershed (MDE Use I)</li> <li>• <u>Existing use</u>: Single-family house</li> <li>• <u>Proposed use</u>: Sewer service for the existing house</li> </ul>	Service Area Categories: <u>Existing</u> <b>Requested</b> W-1            W-1(no change) S-6 <b>S-3</b>  Within the planned public sewer envelope.  Administrative Action <b>Approve S-3</b> , Administrative policy V.D.2.a.: Consistent with Existing Plans. (Mapping on pg.9)

**WSSCR 24-TRV-02A: Joshua & Lynda Levine**

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification
<ul style="list-style-type: none"> <li>• 5 Cleveland Ct., Rockville</li> <li>• Lot 3, Block 11, North Glen Hills (acct. no.00077390)</li> <li>• Map tile: WSSC – 217NW09; MD –FR51</li> <li>• West side , south end of Cleveland Ct. cul-de-sac</li> <li>• RE-1 Zone; 40,026 sq.ft. (0.92 ac.)</li> <li>• Travilah Planning Area Potomac Subregion Master Plan (2002)</li> <li>• Watts Branch Watershed (MDE Use I)</li> <li>• <u>Existing use</u>: Single Family Home</li> <li>• <u>Proposed use</u>: Public Sewer Service for the relief of a failed septic system.</li> </ul>	Service Area Categories: <u>Existing</u> <b>Requested</b> W-1            W-1 (no change) S-6 <b>S-3</b>  Outside the planned public sewer envelope  Administrative Action <b>Approve S-3</b> , Administrative policy II.G.2.: Community Service to Relieve Onsite System Concerns. (Mapping on pg. 10)  <i>DEP notes:</i> <i>On Dec. 21, 2023, DEP issued an expedite sewer request to WSSC Water based on the septic system failure issued by DPS.</i> <i>Public sewer service for this property will require the installation and use of an onsite grinder pump.</i>

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

  
\_\_\_\_\_  
Jon Monger, Director  
Montgomery County Department of Environmental Protection

9/4/24  
\_\_\_\_\_  
Date

**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

Andrew Friedson, President, Montgomery County Council  
Keith Levchenko, Senior Legislative Analyst, County Council  
Linda Kobylski, Heidi Benham, Jason Flemming & Megan Wilhelm, DPS  
Artie Harris, Chairperson, Montgomery County Planning Board  
Patrick Butler, Donnell Zeigler, and Jamey Pratt, Upper County Planning Team, M NCPPC  
Mark Symborski, Functional Planning, M-NCPPC  
Christina Sorrento, Chief, Intake and Regulatory Coordination Division, M-NCPPC  
Geoffrey Mason, Parks Planning and Stewardship Division, M-NCPPC  
Ray Chicca, Development Services Division, WSSC  
Luis Tapia, Permit Services Section, WSSC  
D. Lee Currey, Director, Water and Science Admin., Maryland Dept. of the Environment  
Robin Pellicano, Division Chief, Water and Science Admin., Maryland Dept. of the Environment  
Dinorah Dalmasy, Program Manager, Water and Science Admin., Maryland Dept. of the Environment  
Susan Llareus, Secretary, Maryland Department of Planning

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

23-POT-04A..... Kirsten & Brett Quigley  
24-PAX-01A..... Brian Yong  
24-POT-01A..... PUFNZ Revocable Living Trust  
24-TRV-02A..... Joshua & Lynda Levine

Glen Hills Civic Association  
Glen Hills Community Coalition  
Glen Preservation Foundation  
Greater Glen Mill Community Association  
Greater Glen Hills Coalition LLC  
Montgomery County Civic Federation  
Montgomery Coalition to Stop Sewer Sprawl  
Nature Forward  
Northern Montgomery County Alliance  
Patuxent Watershed Protective Association  
Potomac Highlands Citizens Association  
West Montgomery County Citizens Association  
Suzanne Lee, 12900 Circle Dr.  
Ken Bawer, 8 Cleveland Ct.  
Jeff Mittelman, 7 Cleveland Ct.  
Ralph Richter, 3 Cleveland Ct.

Attachments

Service Area Category Designations (see page 5)  
Amendment Service Area Category Mapping (see pages 6 - 9-)

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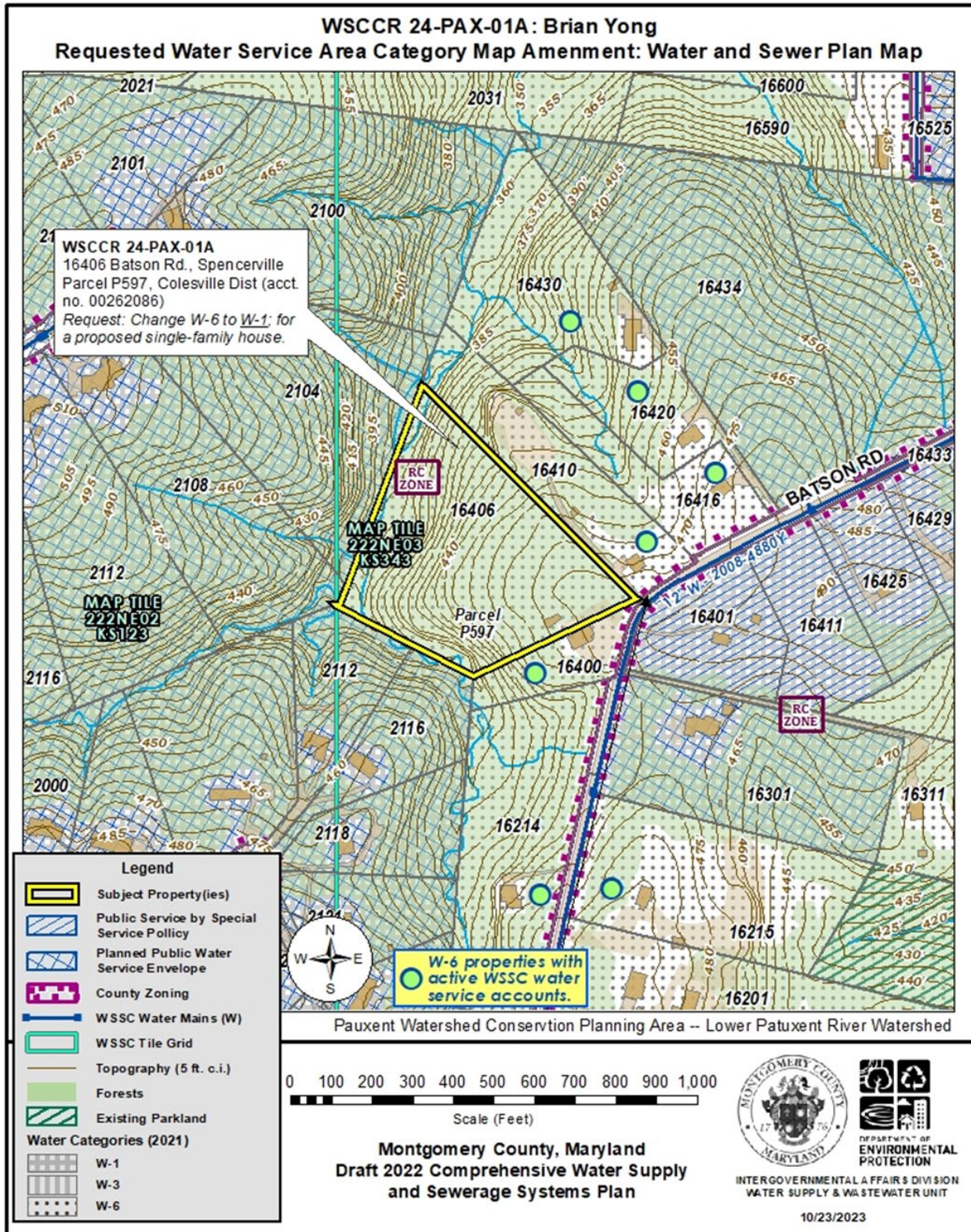
**WATER/SEWER SERVICE AREA CATEGORIES INFORMATION**

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**

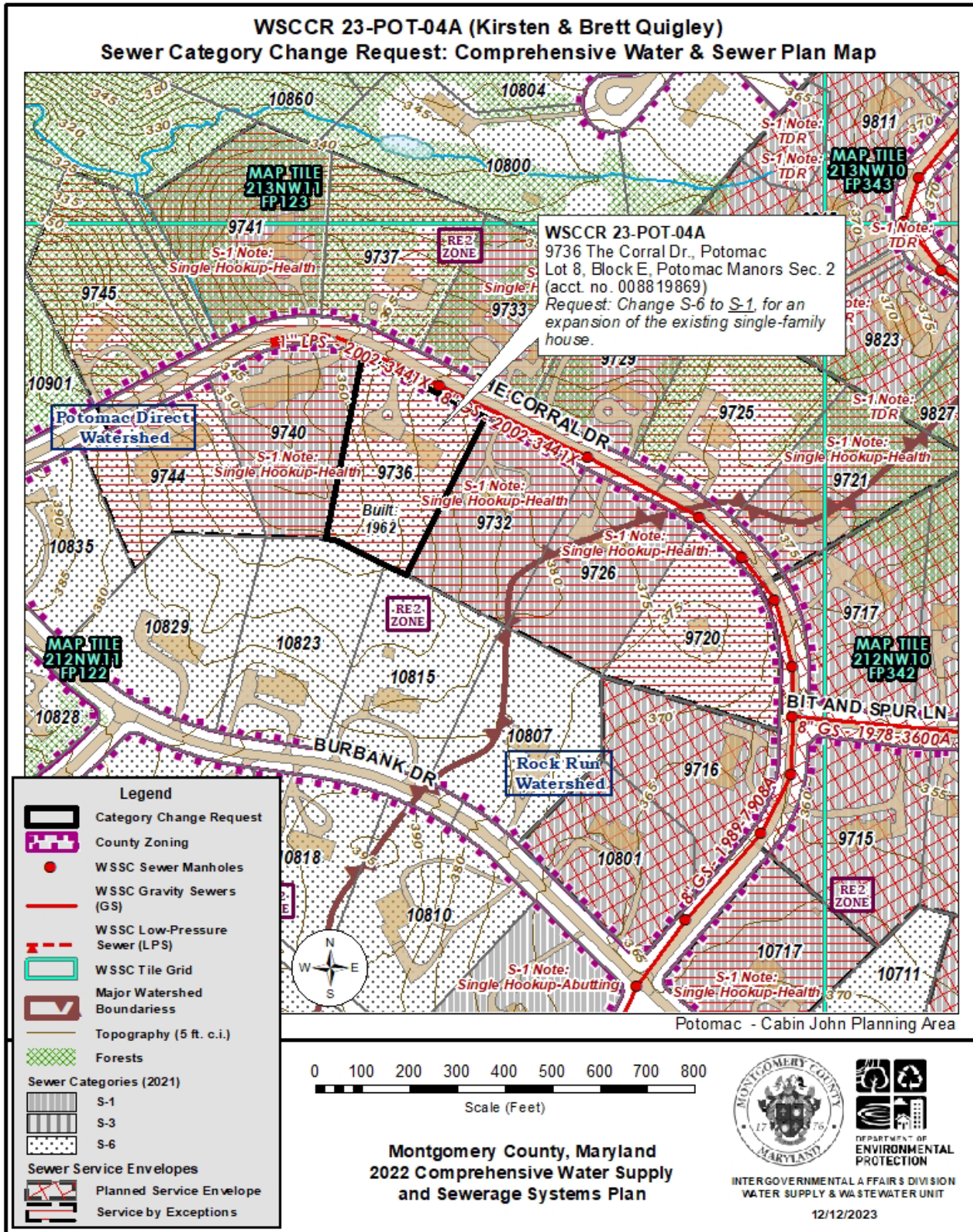
Service Area Categories	Category Definition and General Description	Service Comments
W-1 and S-1	Areas served by community (public) systems which are either existing or under construction. <ul style="list-style-type: none"> <li>This may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service.</li> </ul>	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><b>Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan.</b>                      (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"> <li>This includes areas generally requiring the approval of CIP projects before service can be provided.</li> </ul>	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"> <li>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.</li> </ul>	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"> <li>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.</li> </ul>	

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.

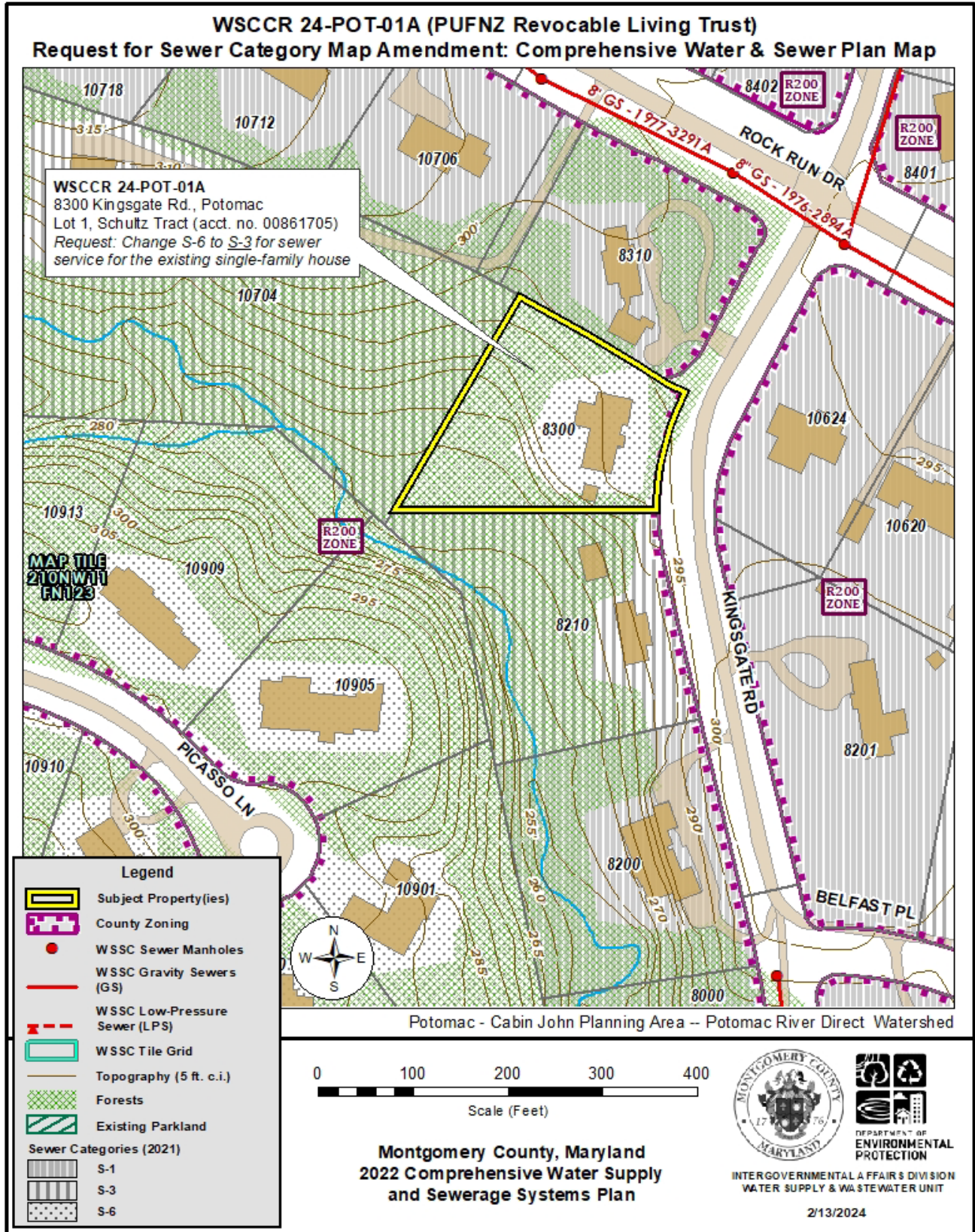


Description: Water category map showing WSSCR 24-PAX-01A, planned public service envelope, existing water mains, and other base map information. The property is approved for water category W-1 (see page 3).

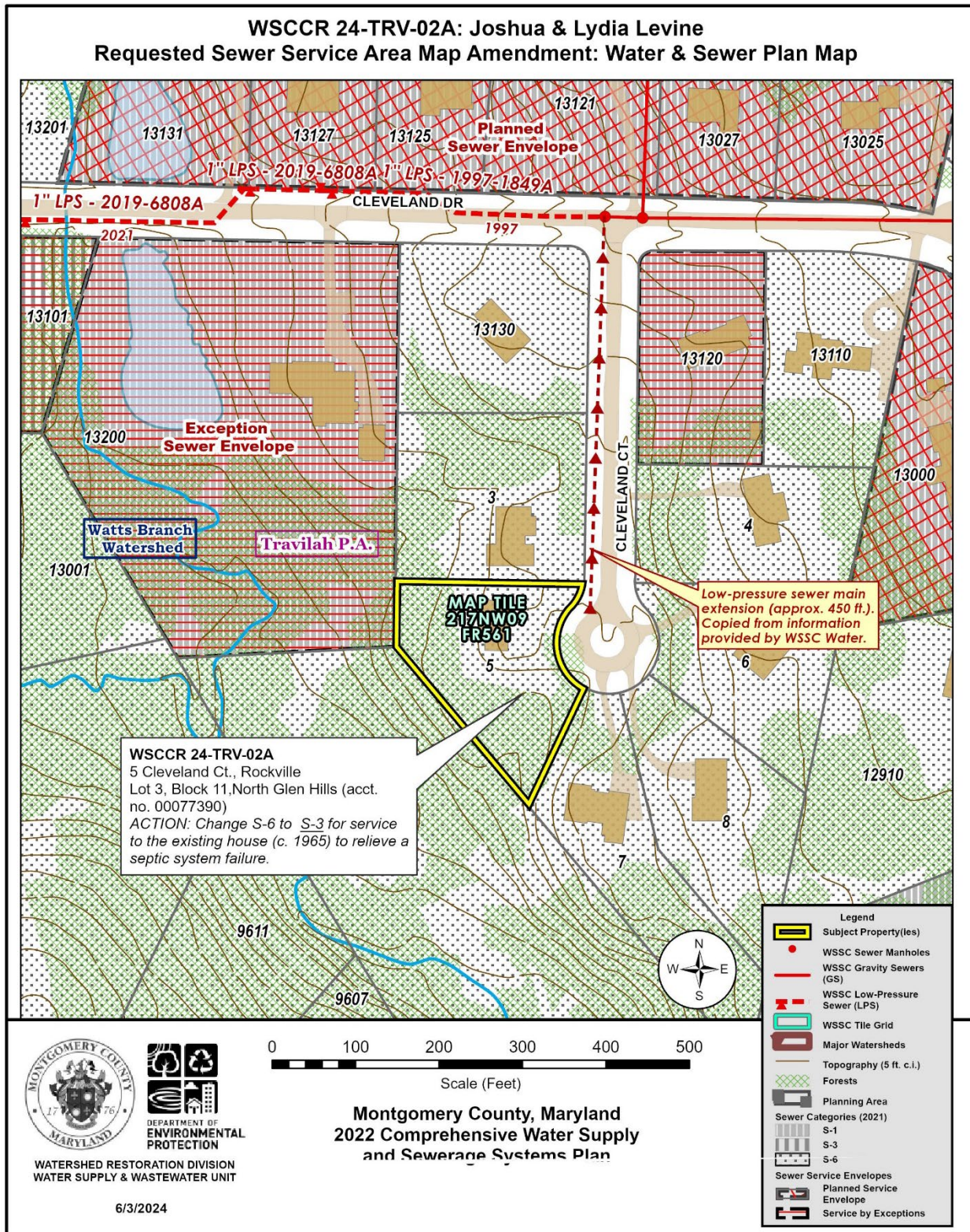




Description: A map showing the location of WSSCR 23-POT-04A (9736 The Corral Dr., Potomac), an abutting sewer main, planned public service envelope, and other mapping details. The property is approved for sewer category S-1 (see page 3).



Description: Sewer category map showing WSSCR 24-POT-01A, existing sewer mains and other base map information. The property is approved for sewer category S-3 (see page 4).



Description: Map showing the location of WSSCR 24-TRV-02A (5 Cleveland Ct., Rockville) with a proposed low-pressure main extension, nearby sewer mains, and other mapping details. The property is approved for sewer category S-3 (see page 4).