



MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Comprehensive Water Supply and Sewerage Systems Plan Amendments
Administrative Delegation Action 2024-3 - Statement of Action
Water/Sewer Service Area Category Change Requests

CHRONOLOGY

Table with 2 columns: Event and Date. Includes Interagency Notices of Public Hearing (July 22, 2024), Published Notice of Public Hearing (August 7th, 2024), Public Hearing (August 21, 2024), Public Hearing Record Closed (September 19, 2024), and DEP Administrative Approval Action (September 30, 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 July 22, 2024, DEP notified the appropriate County and State agencies of an administrative public hearing, scheduled for August 21, 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. The hearing notices specified that anyone wanting to provide testimony needed to contact DEP staff to receive information on how to do so.

On September 9, 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 September 19, 2024, the Planning Board met to consider M-NCPPC staff recommendations for the amendment included in the AD 2024-3 administrative delegation packet. The Board concurred with the M-NCPPC staff recommendations for the included amendments, which generally agreed with DEP's staff recommendations.

**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:

**Bennet & Little Bennet Planning Area**

**WSSCR 24-BEN-01A, Brinklow-Blocktown, LLC**

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> <li>• 25201 Peach Tree Road, Clarksburg</li> <li>• Parcel: P666, Res on Wildcat Adventure, (tax acct. 03584436)</li> <li>• Map tile: WSSC –236NW15; MD - DX562</li> <li>• Agricultural Property along I-270 and Peach Tree Road.</li> <li>• AR Zone; 243.9 acres</li> <li>• Bennet &amp; Little Bennet Planning Area Preservation of Agriculture and Rural Open Space Master Plan (1980)</li> <li>• Little Bennet Creek Watershed; MDE Use III-P</li> <li>• <u>Existing use</u>: Agricultural</li> <li>• <u>Proposed use</u>: Agricultural / Winery &amp; Tasting Room (According to M-NCPPC staff, as an allowed agricultural use, a subdivision plan for the proposed use will not be required.)</li> </ul>	Service Area Categories: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><u>Existing</u></td> <td style="width: 50%;"><b><u>Requested</u></b></td> </tr> <tr> <td>W-6</td> <td><b>W-6 with approval for multiuse system</b></td> </tr> <tr> <td>S-6</td> <td><b>S-6 with approval for multiuse system (4,999 gpd)</b></td> </tr> </table> Outside planned water & sewer envelopes  Administrative Action <b>Maintain existing W-6 and S-6, with advancement for approval of multiuse water supply and sewerage systems conditioned on DPS permitting of the proposed onsite systems.</b> Revise Appendix B as shown. Policy V.D.2.a: Administrative Delegation Policies – Multiuse Onsite Systems.	<u>Existing</u>	<b><u>Requested</u></b>	W-6	<b>W-6 with approval for multiuse system</b>	S-6	<b>S-6 with approval for multiuse system (4,999 gpd)</b>
<u>Existing</u>	<b><u>Requested</u></b>						
W-6	<b>W-6 with approval for multiuse system</b>						
S-6	<b>S-6 with approval for multiuse system (4,999 gpd)</b>						

**Olney Planning Area**

**WSSCR 24-OLN-01A: Godwin Real Estate LLC**

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> <li>• 5910 Sundown Rd., Gaithersburg</li> <li>• Lot 33, Block A of Fairhill, (acct. no. 02949928)</li> <li>• Map tile: WSSC –230NW06; MD –GV562</li> <li>• Southside of Sundown Rd.</li> <li>• AR Zone; 6.8 acres</li> <li>• Olney Planning Area Olney Master Plan (2005)</li> <li>• Hawlings River Watershed (MDE Use IVP)</li> <li>• <u>Existing use</u>: Commercial/Residential (built 2000)</li> <li>• <u>Proposed use</u>: Commercial/Residential</li> </ul>	Service Area Categories: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><u>Existing</u></td> <td style="width: 50%;"><b><u>Requested</u></b></td> </tr> <tr> <td>W-6</td> <td><b>W-6 (Multiuse)*</b></td> </tr> <tr> <td>S-6</td> <td><b>S-6 (Multiuse)*</b></td> </tr> </table> *For expansion of existing onsite multiuse well and septic systems  Administrative Action <b>Maintain existing W-6 and S-6, with advancement for approval of multiuse water supply and sewerage systems proposed expansion conditioned on DPS permitting of the proposed onsite systems.</b> Revise Appendix B as shown. Policy V.D.2.a: Administrative Delegation Policies – Multiuse Onsite Systems.  <i>On September 19, proceeding the Planning Board's approval of the actions presented in this document, DEP issued a statement of advance action requested by the property owner.</i>	<u>Existing</u>	<b><u>Requested</u></b>	W-6	<b>W-6 (Multiuse)*</b>	S-6	<b>S-6 (Multiuse)*</b>
<u>Existing</u>	<b><u>Requested</u></b>						
W-6	<b>W-6 (Multiuse)*</b>						
S-6	<b>S-6 (Multiuse)*</b>						

**Goshen – Woodfield – Cedar Grove Planning Area**

**WSSCR 24-GWC-01A: Gregory & Cara Lynagh**

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> <li>• 23700 Woodfield Rd., Gaithersburg</li> <li>• Parcel P649, Woodfield (acct. no. 00931923)*</li> <li>• Map tile: WSSC –233NW09; MD –FW62</li> <li>• Southwest side of Woodfield Rd. west of Magruder Knolls Ct.</li> <li>• RE-2 Zone; 0.5 acre.</li> <li>• Goshen – Woodfield – Cedar Grove Planning Area Damascus Master Plan (2006)</li> <li>• Upper Great Seneca Creek Watershed (MDE Use IP)</li> <li>• <u>Existing use</u>: single-family house (built 1935)</li> <li>• <u>Proposed use</u>: Provide public water service for the existing house.</li> </ul>	Service Area Categories: <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><u>Existing</u></td> <td style="width: 50%;"><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>Within the planned public water service envelope.</i></p> Administrative Action <b>Approve W-1 for one single family home.</b> Policy V.D.2.a.: Administrative Delegation - Community Service Consistent with Existing Plans.  <i>On Feb. 2, 2024, DEP requested that WSSC Water expedite the provision of public water service to this property. DEP directed to proceed with public service despite the existing W-6 water category. The DPS Well and Septic Section had notified DEP about a failed well at this location.</i>	<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)						


**WSSCR 24-GWC-02A: Deeper Life Bible Church**

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> <li>• 23841 Woodfield Rd., Gaithersburg, MD 20882</li> <li>• Parcel P289, Woodfield (acct. no. 00942664)</li> <li>• Map tile: WSSC 233NW09; MD –FW562</li> <li>• Northeast side of Woodfield Rd. east of Woodfield School Rd.</li> <li>• RE2C Zone; 0.9 acre.</li> <li>• Goshen – Woodfield – Cedar Grove Planning Area Damascus Master Plan (2006)]</li> <li>• Upper Great Seneca Creek Watershed (MDE Use IP)</li> <li>• <u>Existing use</u>: Unoccupied (built 1950)</li> <li>• <u>Proposed use</u>: Place of Worship</li> </ul>	Service Area Categories: <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><u>Existing</u></td> <td style="width: 50%;"><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><b>S-1</b></td> </tr> </table> <p><i>Within the planned public water and sewer service envelopes.</i></p> Administrative Action <b>Approve W-1 and S-1.</b> Policy V.D.2.a.: Administrative Delegation - Community Service Consistent with Existing Plans.  <i>On August 21<sup>st</sup>, DEP requested that WSSC Water expedite the provision of public water and sewer service to this property. DEP directed to proceed with public service despite the existing W-6 and S-6 categories.</i>	<u>Existing</u>	<b><u>Requested</u></b>	W-6	<b>W-1</b>	S-6	<b>S-1</b>
<u>Existing</u>	<b><u>Requested</u></b>						
W-6	<b>W-1</b>						
S-6	<b>S-1</b>						

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

 10/4/2024  
Jon Monger, Director Date  
Montgomery County Department of Environmental Protection

**NOTIFICATION OF DEP ACTION**

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

Distribution: Interagency

Andrew Friedson, President, Montgomery County Council  
Keith Levchenko, Senior Legislative Analyst, County Council  
Linda Kobylski, Heidi Benham, Jason Flemming & Megan Wilhelm, DPS  
Artie Harris, Chair, Montgomery County Planning Board  
Donnell Zeigler and Jamey Pratt, Upcounty Planning Division, M-NCPPC  
David Anspacher, Chief, Countywide Planning Division, 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

24-BEN-01A.....Ed Boyce, Brinklow-Blocktown, LLC  
.....David McKee, Benning & Associates  
24-GWC-01A....Gregory & Cara Lynagh  
24-GWC-02A....Deeper Life Bible Church  
.....Ike Okoye, Mikada Design Group  
24-OLN-01A.....Godwin Real Estate LLC  
.....David McKee, Benning & Associates

Nature Forward	Plantations II Community Association Inc
Greater Olney Civic Association	Montgomery Golf Estates Homeowners Association
Northern Montgomery County Alliance	Glen Hills Civic Association
Montgomery County Civic Federation	Greater Glen Mill Community Association
Montgomery Coalition to Stop Sewer Sprawl	Rural Alliance
West Montgomery County Citizens Association	Patuxent Watershed Protective Association.
Wards Overlook Homeowners Association	West Montgomery County Citizens Association

Attachments

Service Area Category Designations (see page 6)

Amendment Service Area Category Mapping (see pages 7 - 10-)

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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.

