



Maryland

Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

January 29, 2025

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

Dear Council President Stewart:

The Maryland Department of the Environment (MDE) has completed its review of **Montgomery County's WSCCR 17-GWC-03A (Amendment) to the 2022-2031 Comprehensive Water Supply and Sewerage Systems Plan (Plan)**. The Montgomery County Department of Environmental Protection (DEP) administratively approved the Amendment on November 21, 2024. The Amendment includes one (1) water and sewer category change for the following property:

WSCCR 17-GWC-03A: Tregoning Bypass Trust, 23700 block of Ridge Road, Germantown, Pt. original Parcel P600 (now P104), IMPS Cow Pasture, Account number: 03599951. Requesting a water category change from W-5 (7 to 10 Year Period) to W-3 (Immediate Priority), and a sewer category change from S-5 (7 to 10 Year Period) to S-3 (Immediate Priority), for forty-four (44) single-family and townhouse residential dwelling units (Preliminary / site plan numbers: 120230120 & 8202400080, Tregoning Property). The category change from S-5 to S-3 is restricted to a Residential Estate - 1 Zone (RE-1) cluster option development only. Sewer service will be provided by a main extension from Preakness Drive. This action includes only the approved development area on the 17.81 acres zoned RE-1 at the northern end of the site. The remaining RE-1 and RC-zoned areas retain categories W-5 and S-5. See enclosed maps.

Maryland Department of Planning Findings

The Maryland Department of Planning (MDP) has reviewed the amendment pursuant to its mandate to advise the Maryland Department of the Environment (MDE) on local comprehensive plan consistency and other appropriate matters as required by Environment Article Section 9-507 (b)(2). MDP followed the Land Use Article Sections 1-303 and 1-304 to guide the consistency analysis.

The final approval action, subject to County Council conditions, on the subject amendment to the 2022-2031 water/sewer category map update of the Water and Sewerage Systems Plan **appears to be consistent** with the respective governing 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 Review and Action

1. Water and Wastewater Capacity

- Water: These forty-four (44) new residential dwelling units will add approximately 0.011 million gallons per day (MGD) to the Potomac Filtration Plant increasing the plant's flow to 55% capacity. There is sufficient capacity at the Potomac Filtration Plant for this Amendment.
- Wastewater: These forty-four (44) new residential dwelling units will add approximately 0.011 million gallons per day (MGD) to the Seneca Wastewater Resource Recovery Facility (WRRF) increasing the plant's flow to 57% capacity. There is sufficient capacity at the Seneca WRRF for this Amendment.

2. MDE's Wetlands and Waterways Protection Program (WWPP) Comments

1. There are mapped/wetlands hydric soils or streams and 100-year floodplains in the vicinity of the property. The applicant is encouraged to consult with WWPP to verify the presence of wetlands, their buffers, stream, and its 100-year floodplain in relation to any activities which are planned for the property. Activities in these water resources may be subject to regulatory requirements from MDE's WWPP.
2. WWPP encourages a site design which avoids, or if avoidance is not practicable, minimization of impacts from activities in regulated stream or wetland resources.
3. WWPP also supports a cluster design for this project to conserve remaining forest land on site and avoid and/or minimize activities in the stream or potential wetlands.

WWPP had questions regarding the potential impacts and possible cluster design. Please see enclosed WWPP questions and comments and contact information.

3. Water Resources Element Guidance Update

There is an updated Water Resources Element (WRE) guidance. The 2022 update WRE guidance can be found at the following link:

<https://planning.maryland.gov/Pages/OurWork/RRP/envr-planning/water-resources-mg/2022/2022-guidance-update.aspx>

The 2022 guidance includes best practices for protecting receiving waters and for integrating climate change and equity considerations into local water resource planning. By updating the WRE, a required element of local comprehensive plans, jurisdictions will identify recommendations and strategies necessary for ensuring community resilience and sustainability, which can inform and be informed by, project and policy needs for county water and sewer plan updates.

In accordance with §9-507(a) of the Environment Article, Annotated Code of Maryland, the Department hereby **approves Montgomery County's WSCCR 17-GWC-03A Amendment** to the 2022-2031 Comprehensive Water Supply and Sewerage Systems Plan. See the enclosed table and maps below.

This completes MDE's review, as required by §9-507 of the Environment Article, Annotated Code of Maryland. If you need further assistance on these matters, please contact Matthew Rowe, Deputy Director, at (410) 537-3578, toll-free at (800) 633-6101, or by e-mail at matthew.rowe@maryland.gov.

Sincerely,

Matthew C. Rowe

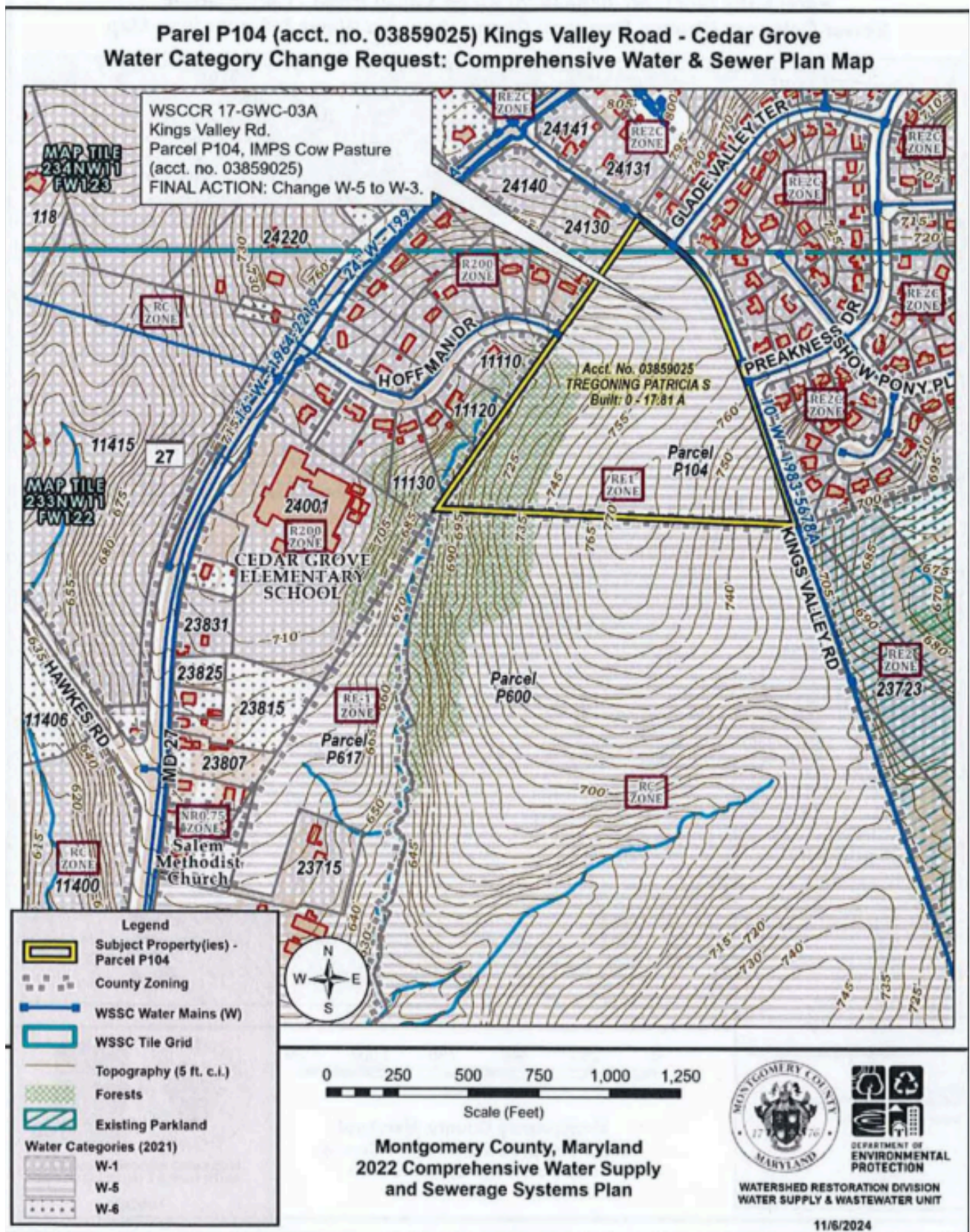
D. Lee Currey, Director
Water and Science Administration
Deputy Director,
Water and Science Administration

Enclosures

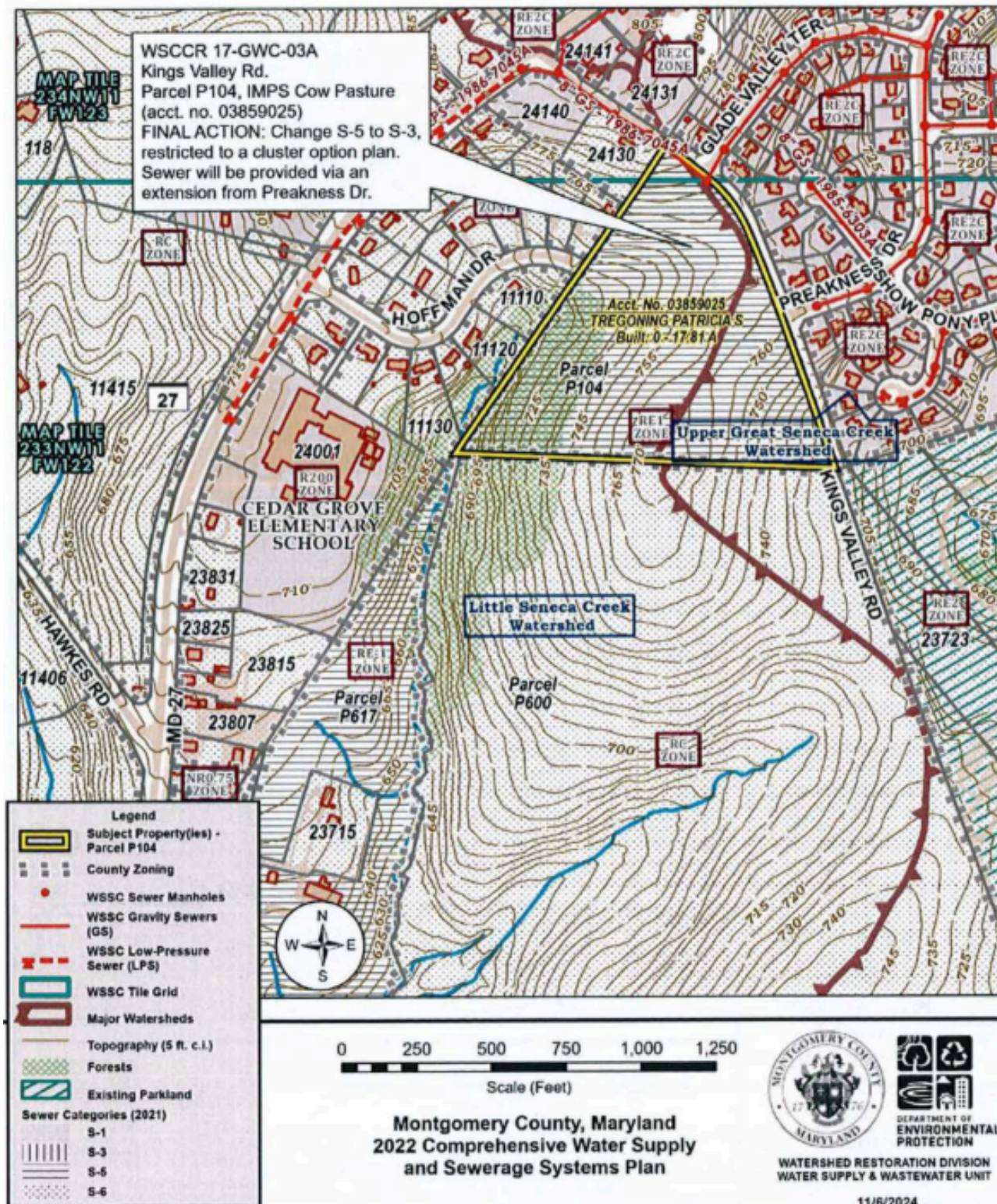
cc: Alan Soukup, Senior Planner, Montgomery County Department of Environmental Protection (DEP)
Timothy Williamson, Planning Specialist III, Montgomery County DEP
Kimberley Morris, Senior Executive Administrative Assistant, Montgomery County DEP
Vicky Wan, Division Chief, Montgomery County DEP
Jason Dubow, Director, Research, Review and Policy Division, MDP
Matthew C. Rowe, CC-P, Deputy Director, WSA, MDE

**Summary of Montgomery County WSCCR 17-GWC-03A Amendment to the 2022-2031
Montgomery County Water Supply and Sewerage Systems Plan**

Amendment	Location	Request	Administrative Action	MDE Action
WSCCR 17-GWC-03A: Tregoning Bypass Trust	23700 block of Ridge Road, Germantown, Pt. original Parcel P600 (now P104), IMPS Cow Pasture, Account number: 03599951	W-5/S-5 (7 to 10 Year Period) to W-3/S-3 (Immediate Priority)	Approve W-3/S-3 (Immediate Priority). The category change from S-5 to S-3 is restricted to a RE-1 cluster option development only. Sewer service will be provided by a main extension from Preakness Drive. This action includes only the approved development area on the 17.81 acres zoned RE-1 at the northern end of the site. The remaining RE-1 and RC-zoned areas retain categories W-5 and S-5.	Approve W-3/S-3 (Immediate Priority). The category change from S-5 to S-3 is restricted to a RE-1 cluster option development only. Sewer service will be provided by a main extension from Preakness Drive. This action includes only the approved development area on the 17.81 acres zoned RE-1 at the northern end of the site. The remaining RE-1 and RC-zoned areas retain categories W-5 and S-5.



Parel P104 (acct. no. 03859025) Kings Valley Road - Cedar Grove
Sewer Category Change Request: Comprehensive Water & Sewer Plan Map



DATE: January 13, 2025

TO: Steve Alfaro, Watershed Protection, Restoration, and Planning Program

FR: Denise Clearwater, Wetlands and Waterways Protection Program

RE: Water and Sewer Plan Amendment – Montgomery County 17-GWC-03A Resolution 18-1272: WSSCR 17-GWC-03A

Wetlands provide important socio-economic benefits and ecosystem services such as storing and conveying flood waters, recharging groundwater, improving water quality by filtering and storing nutrients, and providing shoreline protection and critical habitat for a multitude of plant and animal species. The Maryland Department of the Environment's Wetlands and Waterways Program protects Maryland wetlands and waterways from loss and degradation. This protection is achieved through the regulation of the draining, dredging and filling of tidal and nontidal wetlands, the nontidal wetland buffer and waterways, including the nontidal 100-year floodplain through a permitting or authorization process implemented in close coordination with the federal government (specifically, the Army Corps of Engineers).

Persons proposing activities in tidal wetlands, nontidal wetlands and their 25- or 100-foot buffers, or nontidal waterways and their 100-year floodplain must submit a Joint Permit Application and supporting information to the Wetlands and Waterways Program. Early coordination with the Program is encouraged to discuss regulatory requirements and minimization of adverse impacts to the regulated resources.

Contact: Wetlands and Waterways Protection Program Office (410) 537-3837
Regulatory Services Section / Application Processing (410) 537-3752

Tidal Wetlands. Activities in tidal wetlands to construct or reconstruct structures, or to dredge or fill a State or private tidal wetland, shall obtain a license from the Board of Public Works or a permit from Maryland Department of the Environment. The construction, reconstruction, alteration, or addition to any conduit, cable, pipeline, intake or discharge pipe, trestle, or other similar device, structure, or apparatus, over, on, in, or under tidal wetlands or waters of the State requires an applicant to submit a Joint Permit Application and supporting information to MDE's Wetlands and Waterways Program. The Program will review the application and supporting information to make a determination which will be provided in a Report and Recommendation to the Board for their use in making a decision to grant or deny a license for proposed work over, on, in, or under **State tidal wetlands**. The Program will review the application and supporting information to make a determination to issue or deny a permit for proposed work over, on, in, or under **private tidal wetlands**.

A person submitting a Joint Permit Application to obtain a license or permit shall be the riparian landowner of upland adjoining the affected area of State or private tidal wetlands, an agent of the riparian landowner, the State, any unit of the State, a public service company, a municipality, or a political subdivision.

Contact: Tidal Wetlands Division (410) 537-3571

Nontidal Wetlands. MDE regulates the following activities in nontidal wetlands and their 25-foot or expanded 100-foot buffers: (i) Removal, excavation, or dredging of soil, sand, gravel, minerals, organic matter, or materials of any kind; (ii) Changing existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics; (iii) Disturbance of the water level or water table by drainage, impoundment, or other means; (iv) Dumping, discharging of material, or filling with material, including the driving of piles, and placing of obstructions; (v) Grading or removal of material that would alter existing topography, and (vi) Destruction or removal of plant life that would alter the character of a nontidal wetland.

Contact: Nontidal Wetlands Division (410) 537-3837

Nontidal Waterways and 100-year Floodplain. MDE regulates construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction or any change of the course, current, or cross section of a stream or body of water within the State including any changes to the 100-year frequency floodplain of free-flowing waters.

Contact: Waterway Construction Division (410) 537-3837

Dam Safety Permits Division (410) 537-3552

Climate Change Resiliency and Flooding. In addition, consideration of measures to address climate change are highly encouraged. This may include designing stormwater management facilities to treat storm events beyond generating more than 1" of runoff in 24 hours, and instead treat more frequent, higher intensity, shorter duration events. Roads crossings over waters may need to be designed to different standards to pass storm flows without infrastructure damage or discharges to aquatic life. Retention or re-establishment of forests is also highly desirable.

The County or applicant is advised to contact Dave Guignet, State NFIP Coordinator, of MDE's Stormwater, Dam Safety, and Flood Management Program, at (410) 537-3775 for additional information regarding the regulatory requirements for Floodplains and Storm Surges.

The County or applicant is advised to contact Matthew C. Rowe, CC-P, Assistant Director of MDE's Water and Science Administration, at (410) 537-3578 for additional information regarding Climate Change and Resiliency

I have reviewed the proposed amendment for the Wetlands and Waterways Protection Program and have the following comments:

- ☒ 1) There are mapped/wetlands hydric soils or streams and 100-year floodplains in the vicinity of the property. The applicant is encouraged to consult with the Wetlands and Waterways Program to verify the presence of wetlands, their buffers, stream and its 100-year floodplain in relation to any activities which are planned for the property. Activities in these water resources may be subject to regulatory requirements from the MDE's Wetlands and Waterways Program.
- ☐ 2) Early coordination with the Wetlands and Waterways Protection Program for new major or replacement lines is recommended in advance of submitting applications

and to discuss any new requirements related to restoration of wetlands after temporary impacts.

How will the applicant address the coordination and restoration of wetlands/waters after temporary impacts?

- ☐ 3) Early coordination with the Program during planning stages for the project is strongly encouraged to avoid or minimize adverse impacts from regulated activities. If there are activities proposed for new sewer or water projects in regulated resources, the County is encouraged to contact the Wetlands and Waterways Program.

How will the applicant address the coordination and early planning to avoid or minimize impacts to regulated resources?

- ☐ 4) The plan mentions new extensions for water and sewer lines, storage facilities, and/or treatment plants. Where practicable, locations of the utility lines and facilities should support protection measures from future development in wetlands, waterways, or floodplains, as well as avoiding and minimizing impacts from the line, treatment facility, and supporting utility infrastructure. Suggested for consideration include:

- a) a prohibition on new subdivision lots in wetlands;
- b) avoidance and minimization requirements;
- c) site plan considerations over multiple parcels that provide for contiguous wetland and stream corridors to be maintained, with minimum fragmentation from roads, buildings, or other structures; and
- d) location of new or replacement lines in existing utility or road rights-of-way.

What protection measures will the applicant use to avoid and minimize impacts to regulated resources?

- ☐ 5) Compensatory mitigation may be required for permanent wetland losses, including conversion of forested wetlands to other wetland types and permanent access roads, and other structures.
- ☐ 6) Wetland estimates in the county should use estimates from the National Wetlands Inventory and DNR Wetlands layers. Sensitive resources may be preliminarily identified using the Watershed Resources Registry at:
<https://watershedresourcesregistry.org/states/maryland.html>.
- ☐ 7) An evaluation of the site and its vicinity using the Watershed Resources Registry shows the presence of sensitive resources. These may include: sensitive species project review areas, Targeted Ecological Areas, Biodiversity Conservation Network, Nontidal Wetlands of Special State Concern, Tier II watershed, Stronghold Watershed, and/or Forest Interior Species. Contact MDE or the

Maryland Department of Natural Resources for recommendations or requirements to avoid or minimize adverse impacts to these resources.

What action has the applicant taken to further identify and minimize adverse impacts to sensitive resources?

☐ 8) There may be wetland or waterway impacts associated with the project. Impacts will be reviewed by MDE during application review. Pre-application meetings are also available to discuss avoidance, minimization, and restoration after temporary impacts.

☒ 9) The Wetlands and Waterways Protection Program (Program) encourages a site design which avoids, or if avoidance is not practicable, minimization of impacts from activities in regulated stream or wetland resources.

How has or will the applicant consider a site design which will avoid or minimize impacts to wetland or water resources?

☒ 10) The Program also supports a cluster design for this project to conserve remaining forest land on site and avoid and/or minimize activities in the stream or potential wetlands.

Has or will the applicant consider use of a cluster design to conserve forest land and avoid or minimize impacts to wetlands, stream, or floodplains?

☐ 11) The plan/project includes activities in Tier II watershed(s). Tier II streams are high-quality waters that require, under regulation, additional consideration to protect their water quality. Water quality and their associated aquatic resources in Tier II streams require healthy contributing watersheds and riparian areas, including adjacent floodplains and wetlands. Tier II waters may also be associated with other sensitive species and nontidal wetlands of special State concern.

All possible considerations should be implemented to protect high-quality waters and their associated wetlands and floodplains from activities which may result in water quality degradation. This primarily consists of rigorous watershed planning, with consideration of the extra provisions necessary to protect high-quality waters; site design, and construction practices; and compensatory offsets for adverse impacts.

What actions are being considered to protect high quality waters and associated wetlands and floodplains in this Tier II watershed?

☐ 12) No comments

☐ 13) Additional specific comments



Maryland DEPARTMENT OF PLANNING

January 14, 2025

Jeff White, Deputy Program Manager, Watershed Protection, Restoration and Planning Program
Maryland Department of the Environment
Water and Science Administration
1800 Washington Boulevard
Baltimore, Maryland 21230

RE: Revised - Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
Administrative Delegation Action WSSCR 17-GLW-03A
One Water and Sewer Service Area Category Amendment

Dear Mr. White:

The Maryland Department of Planning (MDP) has reviewed the above-referenced water and sewerage amendment pursuant to our mandate to advise the Maryland Department of the Environment (MDE) on local comprehensive plan consistency and other appropriate matters as required by Environment Article Section 9-507 (b)(2). MDP followed the Land Use Article Sections 1-303 and 1-304 to guide our consistency analysis. Montgomery County's Department of Environmental Protection (DEP) Director Jon Monger administratively approved Conditional Approval Action WCCSR 17-GLW-03A on November 21, 2024. MDP offers the following comments for your consideration.

Amendments and Comprehensive Plan Consistency

The final approval action, subject to County Council conditions, on the subject amendment to the 2022-2027 water/sewer category map update of the Water and Sewerage Systems Plan (WSP) appears to be **consistent** with the respective governing master plan. MDE should contact MDP if it needs additional comprehensive plan consistency analysis for the amendment.

If you have any questions regarding this review, please contact Susan Llareus at susan.llareus@maryland.gov.

Sincerely,

Jason Dubow, CC-P, Director
Research, Review and Policy Division

Mr. Jeff White
Montgomery Co. WSP Amendment
Administrative Delegation Action AD 2024-04

January 14, 2025
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cc: Robin Pellicano; Nicholai Francis-Lau; Steve Alfaro; and Shania Hyatt, Maryland Department of the Environment
Tony Redman, Maryland Department of Natural Resources
Dwight Dotterer, Maryland Department of Agriculture
Jason Dubow; Susan Llareus; and Cassandra Malloy, Maryland Department of Planning