



Maryland

Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary
Adam Ortiz, Deputy Secretary

April 7, 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 the **Montgomery County Adopted Resolution AD 2025-1 (Amendment)** to the Montgomery County 2022-2031 Comprehensive Water Supply and Sewerage Systems Plan. The Amendment includes one water category change from “W-6” (no planned service) to “W-1” (community service) for one property located at Sandy Spring Rd., Ashton. The Amendment also includes one water and sewer category change from W-6/S-6 to W-3/S-3 (service within two years) for one property located at 17639 Charity Lane, Germantown. The Amendment was administratively approved by the Montgomery County Department of Environmental Protection (DEP) on February 4, 2025. See enclosed water and sewer changes in the table and maps below.

- **WSSCR 25-PAT-01A:** Carl Cimino, 211 Olney Sandy Spring Rd, Ashton Parcel N331, Furrs Subdivision (acct. no. 00707255). Service area category change from W-6 to W-1 for 1 Equivalent Dwelling Unit (EDU).
- **WSSCR 25-GMT-01A:** Ali Shahrezaei Mirbagheri, 17639 Charity Lane, Germantown Block A, Lot P1. Cedar Creek Estates (acct. no. 02326087). Service area category change from W-6 to W-3 and from S-6 to S-3.

Maryland Department of Planning (MDP) Findings

The Maryland Department of Planning (MDP) has reviewed this 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) and the Land Use Article Section 1-303 and 1-304.

MDP has advised MDE the following:

1. The final action on the first subject amendment approved a category change for WSSCR 25-PAT-01A Carl Cimino, to the Water and Sewerage Systems Plan (WSP) 2018-2027 water category map. MDP finds this consistent with the 2021 Ashton Village Center Sector Plan.

2. The final action on the second amendment approved a category change for WSCCR: 25-GMT-01A Ali Shahrezaei Mirbagheri. MDP finds the proposal consistent with the Germantown Master Plan (1989) in accordance with findings of The Maryland–National Capital Park and Planning Commission, Department of Planning (M-NCPPC). Further, MDP recommends that the approval should be modified in case of lot subdivision, conditioned on protecting the stream buffer as demonstrated through the approval of a preliminary plan of subdivision, as noted in the M-NCPPC Planning Department staff comments submitted with this amendment. Finally, MDP notes that the DEP Administrative Approval Action dated January 29, 2025, indicates that the property is outside of the public water and sewer envelope. This contradicts the M-NCPPC findings included with the amendment submission and should be corrected. MDE should contact MDP if it needs additional comprehensive plan consistency analysis for any of the amendments.

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

MDE has reviewed the proposed amendment in accordance with §9-507 of the Environment Article, Annotated Code of Maryland and its findings are listed below. These findings and any actions required by the county, or recommended to the County, have been included and taken into consideration in MDE's final decision.

1. Water Treatment Plant Capacity: WSCCR 25-PAT-01A
The property will add 1 EDU of flow to the Patuxent Water Filtration Plant (WTP) which currently has a design capacity of 72 million gallon per day (MGD) and a production of 51 MGD (70% capacity). The Patuxent WTP can accommodate the additional demand from 1 EDU.
2. Water Treatment Plant Capacity: WSCCR 25-GMT-01A
The property is located in the Germantown High Zone which is served by both Potomac and Patuxent WTPs. The Potomac WTP has a design capacity of 288 MGD and an average production of 112 MGD. The Patuxent WTP currently has a design capacity of 72 MGD and a production of 51 MGD (70% capacity). The Potomac and Patuxent WTPs can accommodate the additional demand.
3. Wastewater Treatment Plant Capacity: WSCCR 25-GMT-01A
The property will be served by the Blue Plains Wastewater Treatment Plant (WWTP) which has a WSSC Allocated Treatment Capacity of approximately 170 MGD and a current annual average flow of approximately 139 MGD (81% of capacity). The Blue Plains WWTP can accommodate the additional load.
4. Tier II High Quality Waters

For case 25-PAT-01A, The Department notes that the property located at 211 Olney Sandy Spring Rd, Ashton, Parcel N331, is located within the watershed of Patuxent River 1, identified as a Tier II stream pursuant to COMAR 26.08.02.04-2. Tier II streams are high quality waters that require, under regulation, “that the Department shall review proposed updates or amendments to County Plans for any new or major modifications to discharges to a Tier II watershed”. Any new or expanded discharge to these Tier II watersheds would require an Anti-degradation Review. All possible considerations should be implemented to protect high quality waters from water quality degradation. This primarily consists of rigorous watershed planning, with consideration of the extra provisions necessary to protect high quality waters.

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The Department recommends that the County consider the following measures in an effort to maintain these high-quality waters when approving new growth in the watersheds of these stream segments:

- a) Implement restrictive zoning or ordinances to protect environmental features;
- b) Re-direct planned growth out of the watersheds of these stream segments;
- c) Retrofit existing stormwater infrastructure;
- d) Incorporate environmental site design (ESD) and other low-impact development (LID) practices into new development;
- e) Maintain and expand existing forest cover; and
- f) Provide riparian buffers of 100-230 feet (depending upon soil types and slopes).

The County should be aware that future plans or modifications facilitated by this Amendment may incur an additional Tier II Antidegradation Review including an SEJ at later stages, on a project-by-project basis. For additional information about Maryland’s Tier II high-quality waters please visit:

https://mde.maryland.gov/programs/water/tmdl/waterqualitystandards/pages/antidegradation_policy.aspx

The County is advised to contact Matthew Stover, Standards, Assessment and Antidegradation Section, Watershed Protection, Restoration, and Planning Program, Water and Science Administration (WSA)/MDE, at (410) 537-3611 for additional information regarding the regulatory requirements for Tier II waters.

5. Wetlands and Waterways Protection Program (WWPP) Comments

For case 25-GMT-01A, although there appears to be an absence of regulated resources, the amendment provided does show a stream. If a stream, floodplain, and any associated wetlands are present, the County and applicant may need to avoid or minimize impacts to these resources from new proposed subdivided lots and construction of additional residences.

Please see enclosed WWPP comments and contact information.

6. Water Resources Element

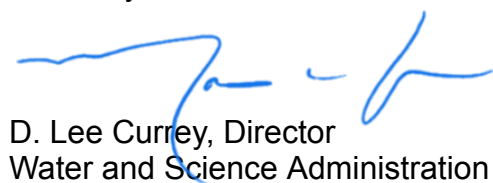
There is an updated Water Resources Element (WRE) guidance. The 2022 update WRE guidance can be found at the following link:
<https://planning.maryland.gov/Pages/OurWork/RRP/envr-planning/water-resources-mg/2022/2022-guidance-update.aspx>

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 Resolution AD 2025-1 (Amendment) to the 2022-2031 Montgomery County Comprehensive Water Supply and Sewerage Systems Plan.** See the enclosed 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,



D. Lee Currey, 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 Co. DEP

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Jason Dubow, Director, Research, Review and Policy Division, MDP
Matthew C. Rowe, CC-P, Deputy Director, WSA, MDE

**Summary of Montgomery County AD 2025-1 Amendment to the 2022-2031
Montgomery County Water Supply and Sewerage Systems Plan**

Amendment	Location	Request	Administrative Action	MDE Action
WSSCR 25 PAT-01A: Carl Cimino	211 Olney Sandy Spring Rd, Ashton Parcel N331, Furrs Subdivision (acct. no. 00707255).	Change water category W-6 to category W-1:	Approve W-1	Approve W-1
WSSCR 25-GMT-01A: Ali Shahrezaei Mirbagheri	17639 Charity Lane, Germantown Block A, Lot P1. Cedar Creek Estates (acct. no. 02326087).	Change water category W-6 to category W-3 and sewer category S-6 to S-3	Approve W-3/ S-3	Approve W-3/ S-3

Montgomery County Resolution AD 2025-1 Map Changes

