



## MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Comprehensive Water Supply and Sewerage Systems Plan Amendments Administrative Delegation (AD) 2025-1 – Statement of Action Water/Sewer Service Area Category Change Requests

#### CHRONOLOGY

Interagency Notices of Public Hearing: ..... November 29, 2024  
Published Notice of Public Hearing: ..... December 18, 2024  
Public Hearing: ..... January 8, 2025  
Public Hearing Record Closed: ..... January 16, 2025  
**DEP Administrative Approval Action: ..... January 29, 2025**

#### 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. As part of the staging element of the *Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan* (CWSP), the Council has designated water and sewer service area categories for all properties within the county. Requests to change the water and/or sewer service area categories designated in the Plan constitute proposed amendments to that Plan.

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. To qualify for administrative consideration, Plan amendments must satisfy the specific requirements of the policies established by the Council in the CWSP, Chapter 1, Section V.D.2.a Administrative Delegation Policies.

**Proposed Plan Amendments:** DEP staff considered two proposed amendments for approval by the administrative delegation process. Both amendments were for service area category changes. The proposed amendments reviewed by the following agencies, as appropriate: the Washington Suburban Sanitary Commission (WSSC), the Maryland - National Park and Planning Commission (M-NCPPC), and the Montgomery County Department of Permitting Services (DPS) - Well and Septic Section. The amendments were also referred to the County Councilmembers for their review and concurrence.

#### PUBLIC HEARING PROCESS

**Public Hearing Notification:** In accordance with State regulations, on November 29, 2024 DEP notified the appropriate County and State agencies of an administrative public hearing, scheduled for January 8, 2025, and provided the staff recommendations for the proposed amendments. The County provided a published notice of the administrative hearing on December 18, 2024, in *The Washington Times*, a newspaper of general, local circulation, satisfying the State's public notification requirements. This notice provided a link to the DEP website on which all pertinent documents were placed prior to that date. DEP also provided a mailed or e-mailed notice for the public hearing to the following: each property owner/applicant, local civic association leaders, attorneys, or engineers (as requested by the property owners), and adjacent and confronting property owners.

**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. The public hearing was attended by Mark Verna, Bill Morrison and Nazanin Shahrezaei. Mark Verna provided comments on 25-GMT-01A, regarding the impact of bringing sewer lines through the neighborhood. He expressed concerns about the loss of cedar trees and the impact that sewer lines might have on the creek and natural drainage on the property. He asked that alternative routes be selected to avoid land and tree disturbances. Bill Morrison did not provide comments. Nazanin Shahrezaei asked questions about 25-GMT-01A regarding the category change process.

On December 17, 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 January 16<sup>th</sup>, 2025 the Planning Board met to consider M-NCPPC staff recommendations for the amendment included in the AD 2025-1 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 January 28, 2025, DEP received formal notification of the Board's action in a letter dated January 27, 2025.

### 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

##### WSCCR 25-PAT-01A: Carl Cimino

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification
<ul style="list-style-type: none"><li>211 Olney Sandy Spring Rd, Ashton Parcel N331, Furrs Sub (acct. no. 00707255) Map tile: WSSC – 224NW01; MD – JT42 Northside of Olney Sandy Spring Rd, 500 feet west of Hidden Garden Lane.</li><li>RC Zone; 3.1 acres</li><li>Patuxent Watershed Conservation Planning Area, Ashton Village Center Sector Plan (2021)</li><li>Hawlings River Watershed (MDE Use IV/IV-P)</li><li>Existing use: Single-Family Home</li><li>Proposed use: No change; provide public water service to the existing house.</li></ul>	<p>Service Area Categories: <u>Existing</u>      <b><u>Requested</u></b></p> <p>W-6      <b>W-1</b> S-6      S-6 (no change)</p> <p>Within planned public water and sewer service envelope.</p> <p>Administrative Action</p> <p><b>Approve W-1.</b> Administrative policy V.D.2.a: Consistent with Existing Plans.</p>

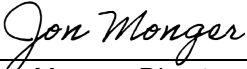
#### Germantown Planning Area

##### WSCCR: 25-GMT-01A: Ali Shahrezaei Mirbagheri

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification
<ul style="list-style-type: none"><li>17639 Charity Lane, Germantown Block A, Lot P1. Cedar Creek Estates Map tile: WSSC - 224NW14; MD - ET22 East side of Charity Ln, 170 ft north of Charity Ct.</li><li>R200 Zone; 4.45 acres (acct # 02326087)</li><li>Germantown Planning Area Germantown Master Plan (1989)</li><li>Lower Great Seneca Creek Watershed ( IVP)</li><li>Existing use: Single-family home (built 1934)</li><li>Proposed use: Proposed residential subdivision</li></ul>	<p>Service Area Categories: <u>Existing</u>      <b><u>Requested</u></b></p> <p>W-6      <b>W-3</b> S-6      <b>S-3</b></p> <p>Outside planned public water and sewer service envelope.</p> <p>Administrative Action</p> <p><b>Approve W-3 and S-3.</b> Administrative policy V.D.2.a: Consistent with Existing Plans.</p>

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

 2/4/2025  
\_\_\_\_\_  
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

Kate Stewart, 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

25-GMT-01A...Ali Shahrezaei Mirbagheri  
25-PAT-01A....Carl Cimino

Sandy Spring Ashton Rural Preservation  
Sandy Spring Civic Association  
Ashton Alliance  
Patuxent Watershed Protective Association  
East County Citizens Advisory Board  
Greater Olney Civic Association  
Southeast Rural Olney Civic Association  
Northern Montgomery County Alliance  
Montgomery County Civic Federation  
Montgomery's Coalition to Stop Sewer Sprawl  
West Montgomery Citizens Association  
Nature Forward  
Kingsview Village HOA Inc

Attachments

Service Area Category Designations (see page 5)

Amendment Service Area Category Mapping (see pages 6 – 8)

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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
<b>W-1 and S-1</b>	Areas served by community (public) systems which are either existing or under construction. • 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.
<b>W-2 and S-2</b>	<b><i>Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan.</i></b> (State's definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.)	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.
<b>W-3 and S-3</b>	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.	
<b>W-4 and S-4</b>	Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. • This includes areas generally requiring the approval of CIP projects before service can be provided.	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.
<b>W-5 and S-5</b>	Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period. • 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.	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.
<b>W-6 and S-6</b>	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. • 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.	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.

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.

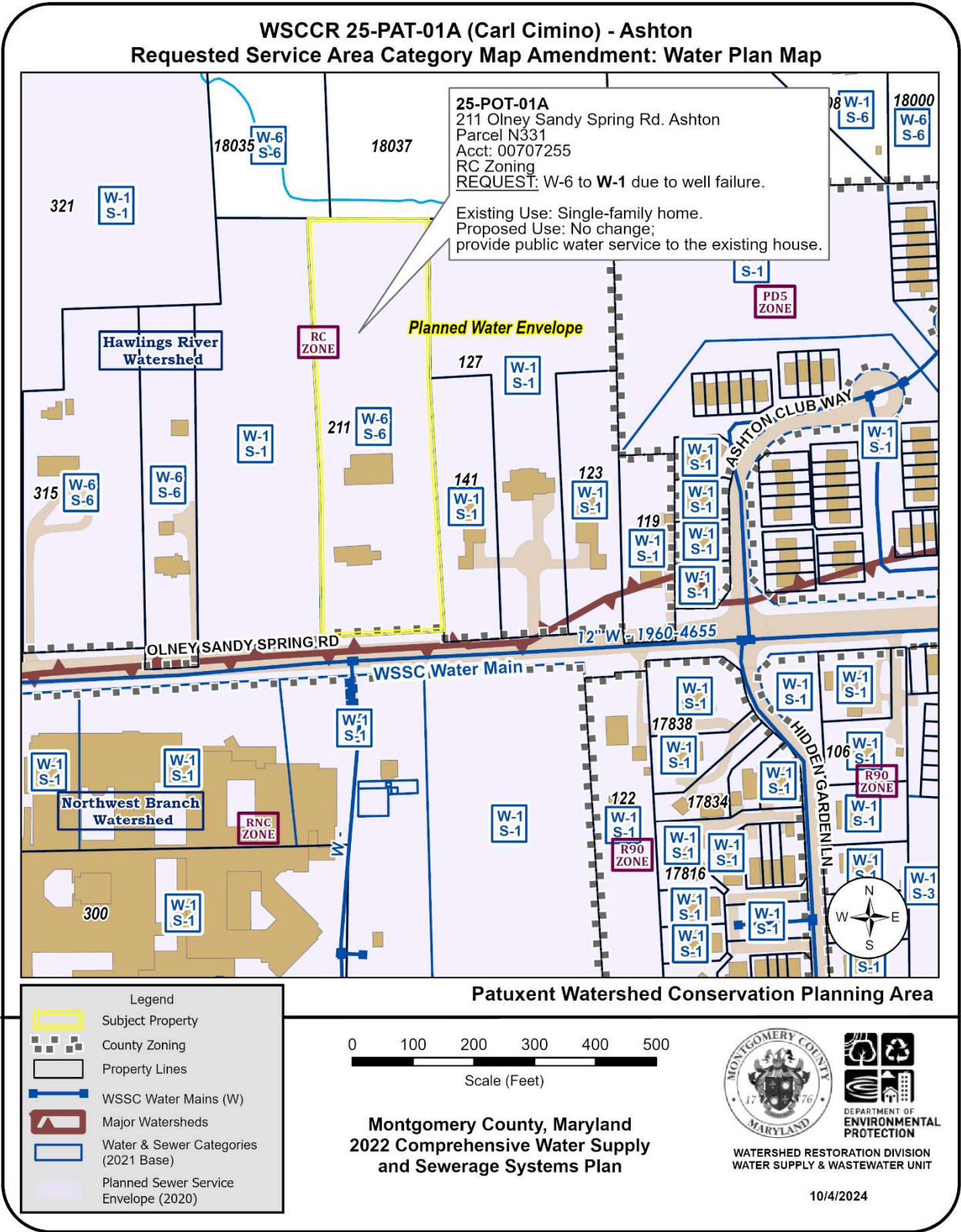
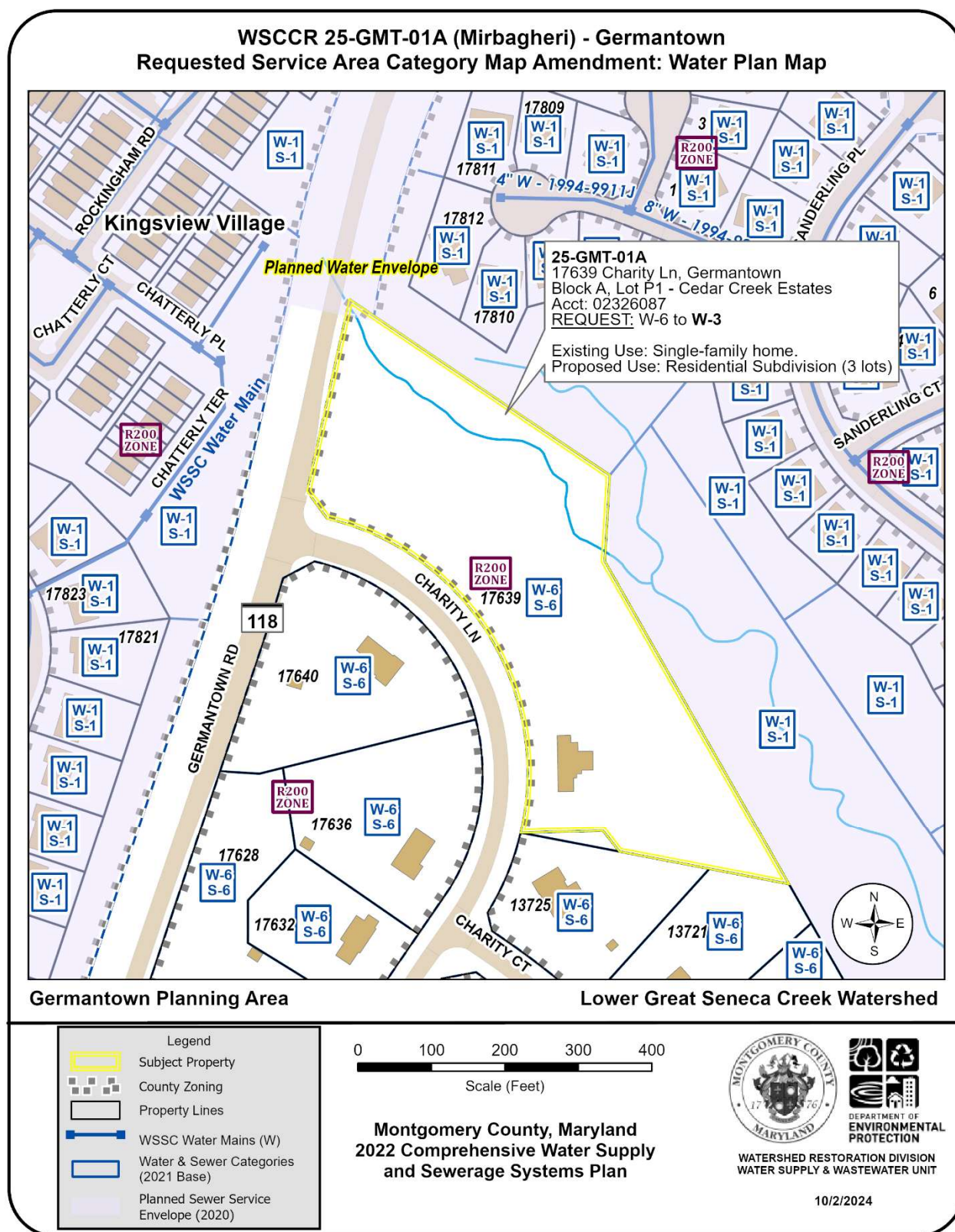
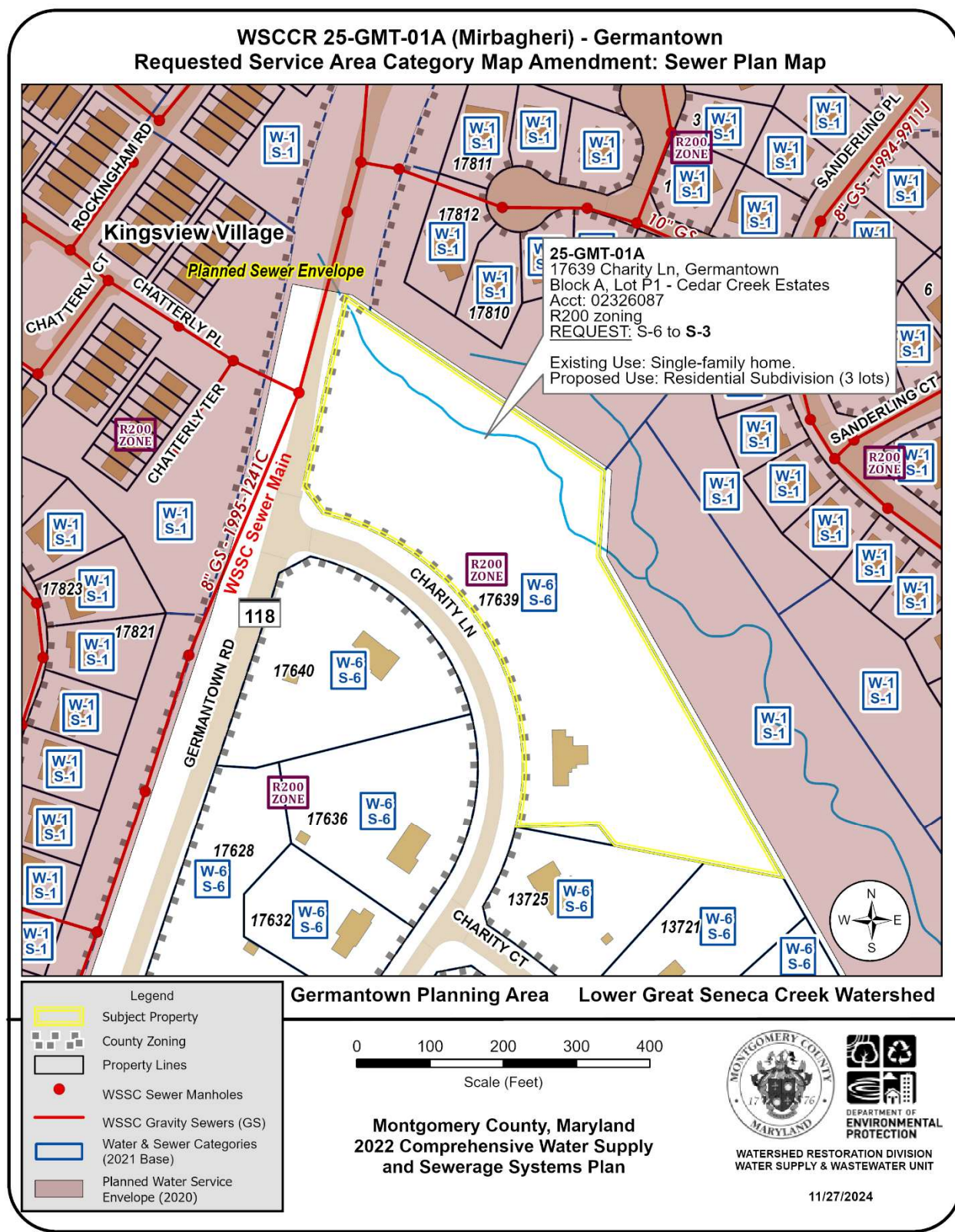


Figure 1: Water Plan Map for 25-PAT-01A including closest WSSC water mains.





**Figure 2: Water Plan Map for 25-GMT-01A including closest mains and surrounding water categories.**



**Figure 3: Sewer Plan Map for 25-GMT-01A including closest mains and surrounding sewer categories.**