

September 23, 2024



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Marc Elrich  
*County Executive*

Jon Monger  
*Director*

September 23, 2024

**NOTICE OF ADMINISTRATIVE DELEGATION (AD) 2024-4 PUBLIC HEARING**

TO: Keith Levchenko, Senior Legislative Analyst  
County Council  
  
Patrick Butler, Upper County Planning Team, M-NCPPC  
Maryland - National Capital Park and Planning Commission  
  
Ray Chicca, Manager, Development Services Division  
Washington Suburban Sanitary Commission  
  
Heidi Benham, Manager, Well and Septic Section  
Department of Permitting Services  
  
Wade Yost, Town Manager, Town of Poolesville  
Category Change Request Property Owners and Applicants

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

SUBJECT: **Administrative Public Hearing AD 2024-4 for Water and Sewer Plan Amendments**

DATE & TIME: **Wednesday, October 23rd, 2024, at 10:00 a.m.**

LOCATION: **Telephone Conference**  
Please contact me at [timothy.williamson@montgomerycountymd.gov](mailto:timothy.williamson@montgomerycountymd.gov) for instructions on joining the teleconference, or if you wish to submit written testimony.

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Please be advised that the Montgomery County Department of Environmental Protection (DEP) will hold an administrative public hearing as specified above on the following requested water/sewer category map amendments (WSCCR) to the County's 2018 Comprehensive Water Supply and Sewerage Systems Plan:

24-PVL-01A... Gary J & J L Hartz  
24-OLN-02A... Calix Mario Antonio & Sanchez Dora Garcia  
24-TRV-05A... Rima Saliba & Ralph Chami

To assist with your review of this proposed action, DEP has created and posted a PDF to the "Service Area Category Changes" webpage at [www.montgomerycountymd.gov/water/supply/category-changes.html](http://www.montgomerycountymd.gov/water/supply/category-changes.html). Select the blue "Application Hearing Schedule" tab to expand the section, then scroll down to the "Current Administrative Review Packet" heading. The hearing notice PDF includes the following information for the proposed amendments:

- Information summaries
- Staff reports and recommendations
- Mapping
- Supporting documents, as appropriate

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We ask that Council staff provide the posted materials to the Councilmembers for their review. If Council staff members or their aides would like to meet with DEP regarding the proposed amendments, call me to arrange a date and time to review the cases before the public hearing. We request that the Council staff submit Councilmembers' comments to DEP no later than the hearing record closing date (see below). Please note that DEP cannot complete the administrative action without receiving this notice from Council staff.

We understand that the Montgomery County Planning Board will include this administrative packet for consideration on its agenda.

Attendance at DEP's administrative public hearing is optional for agency staff, applicants, and others. These requests will be considered at the time specified on page 1. If you wish to comment on a referenced amendment or on the staff recommendations, you may testify at the public hearing, or you may submit written testimony to:

Jon Monger, Director, DEP; 2425 Reedy Drive, 4<sup>th</sup> Floor, Wheaton, MD 20902;  
or to [timothy.williamson@montgomerycountymd.gov](mailto:timothy.williamson@montgomerycountymd.gov).

**DEP will close the record on October 30th, 2024.** Following the closing, DEP staff will prepare Statement of Action and provide it to the DEP director for approval. DEP will then send the action to the Maryland Dept. of the Environment (MDE) for review and concurrence.

Please do not hesitate to contact me at [timothy.williamson@montgomerycountymd.gov](mailto:timothy.williamson@montgomerycountymd.gov) or at 202-579-3116 if you have any questions concerning these category change requests or on the schedule provided.

ADS/ads/R:\Programs\Water\_and\_Sewer\actions-AD\2024\AD2024-1\ad-hearing-notice-2024-1-final.docx

cc: Andrew Friedson, President, Montgomery County Council  
Linda Kobylski, 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  
Geoffrey Mason, Parks Planning and Stewardship Division, M-NCPPC  
Fred Mejias, 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  
Rebecca L. Flora, Secretary, Maryland Department of Planning

Category Change Applicants & Interested Parties

24-PVL-01A... Gary J & J L Hartz  
24-OLN-02A... Calix Mario Antonio & Sanchez Dora Garcia  
24-TRV-05A... Rima Saliba & Ralph Chami

Civic Organizations and Other Public Interest Groups

Brickyard Coalition Inc.	Allanwood Gayfields Willson Hills Civic
North Potomac Citizens Association Inc	Laughlin Lane Civic Association
Northern Montgomery County Alliance	Layhill Civic Association
North Potomac Citizens Association Inc	Greater Olney Civic Association
Avenel Community Association Inc	Montgomery County Civic Federation
Birnam Wood Community Association	Montgomery Coalition to Stop Sewer Sprawl
Country Place Citizens Association	Nature Forward
Montgomery Square Citizens Association	Northern Montgomery County Alliance
Newbridge Citizens Association	Potomac Highlands Citizens Association
Potomac Chamber of Commerce	West Montgomery County Citizens Association

Adjacent and Confronting Property Owners

DEP will send a hearing notice to each owner of properties adjacent to and confronting these category change request sites.

**WSSCR 24-PVL-01A: Gary J & J L Hartz**

**DEP Staff Recommendation: Approve W-3, S-3. Administrative policy V.D.2.a: Consistent with Existing Plans.**

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> <li>• Fisher Ave, 19000 Block, Poolesville</li> <li>• P915, Pt Friendship Aix La Chapelle acct. no.: 00036344)</li> <li>• Map tile: WSSC - 223NW19; MD - CT341</li> <li>• South side of Fisher Ave. opposite Hersperger Ln.</li> <li>• PTR 2+ Zone; 18 ac.</li> <li>• Poolesville Master Plan (2024 draft?) Russel Branch Watershed (Dry Seneca Cr. Watershed) MDE Use IP</li> <li>• <u>Existing use</u>: Vacant land, Zoned 2 acre residential.</li> <li>• <u>Proposed use</u>: Res Subdivision 8 2+-acre lots w/ Public W/S Prelim Plan conditionally approved.</li> </ul>	<p>Applicant's Request: Service Area Categories &amp; Justification</p> <p><u>Existing – Requested – Service Area Categories</u></p> <p>W-6      <b>W-3</b> S-6      <b>S-3</b></p> <p><i>Within the Town of Poolesville, outside the Washington Suburban Sanitary District. Outside the planned public water and sewer service envelopes. (These envelopes may need adjustment based on changes to the Town's master plan and zoning.)</i></p> <p><u>Applicant's Explanation</u></p> <p><i>"I was just informed this administrative requirement must be cleared. The [rezoning] changed on this property (p915) in 2014 from RDT to 2 Acre. EVERY property contiguous to this parcel identified as W-6 and S-6 on the Montgomery County Water/Sewer Area Category map within the corporate limits of Poolesville have had public water and sewer for probably over 20 years."</i></p>
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**DEP Staff Report:**

The applicant has requested approval of water and sewer categories W-3 and S-3 to allow for public sewer service for a subdivision into 8 lots for future single-family homes. These lots would be approximately 2 acres each in a PTR 2+ zone with community water and sewer service provided by the Town of Poolesville.

The Town of Poolesville has stated that the properties have been identified in the Town's annual water and wastewater capacity management plans. Water and sewer service will be provided by mains on Fisher Avenue. Analysis by Maryland's Department of the Environment (MDE) confirms that the Town has sufficient capacity for the additional water demand. The Town has provided documentation of water and sewer main extensions that will be available to serve the project.

DEP Staff recommendation is to approve the category change from W-6 and S-6 to W-3 and S-3 for the subdivision, under administrative policy V.D.2.a: Consistent with Existing Plans.

**Agency Review Comments**

The Town of Poolesville has jurisdiction over its own Planning, Zoning, and water supply and wastewater systems. DPS and M-NCPPC did not supply comments on this request.

**Town of Poolesville:**

On March 3, 2014 the Town re-zoned several non-conforming parcels, including the subject property from RDT-25 to PTR+2. All of the rezoned lots were smaller than the 25-acre for 1-unit RDT.

The Town has had this property identified for water and sewer service for several years now. The Poolesville Planning Commission has also reviewed and approved a preliminary plan for this location. This property has been identified for the past several years in the Town's annual water and wastewater capacity management plans for allocation.

The Preliminary Plan shows the connection to the existing water and sewer lines directly across the street from the subject property.

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**MDE's Water Resources Planning Division Comments:**

Water and Wastewater Treatment Plant Capacity

Water: These eight (8) new residential lots will add approximately 2,000 GPD to the Town of Poolesville's Water Treatment Plant (WTP) increasing the plant's flow to 71.6% capacity. There is sufficient capacity at the Town of Poolesville's WTP for this Amendment.

Wastewater: Please see MDE's Compliance Program comment below.

**MDE's Compliance Program Comments**

The project has eight (8) new residential lots to be connected to the Town of Poolesville's water and sewer services. The Town is required by the discharge permit for its WWTP to submit a Wastewater Capacity Management Plan due to large fluctuations in flow caused by I&I and flow above or near 80% of the plant's capacity in previous years. They have exceeded annual concentration-based total nitrogen loading limits several times over the years due to excessive flow. The Amendment to the W&S Plan appears to match the Town's Wastewater Capacity Report submitted in January 2024, which states eight residential lots are on approved plats but without building permit applications. The Town needs to confirm these lots are approved and they have capacity at the WWTP and continue to update and submit Wastewater Capacity Management Plans and Municipal Sewage Flow Capacity Reports

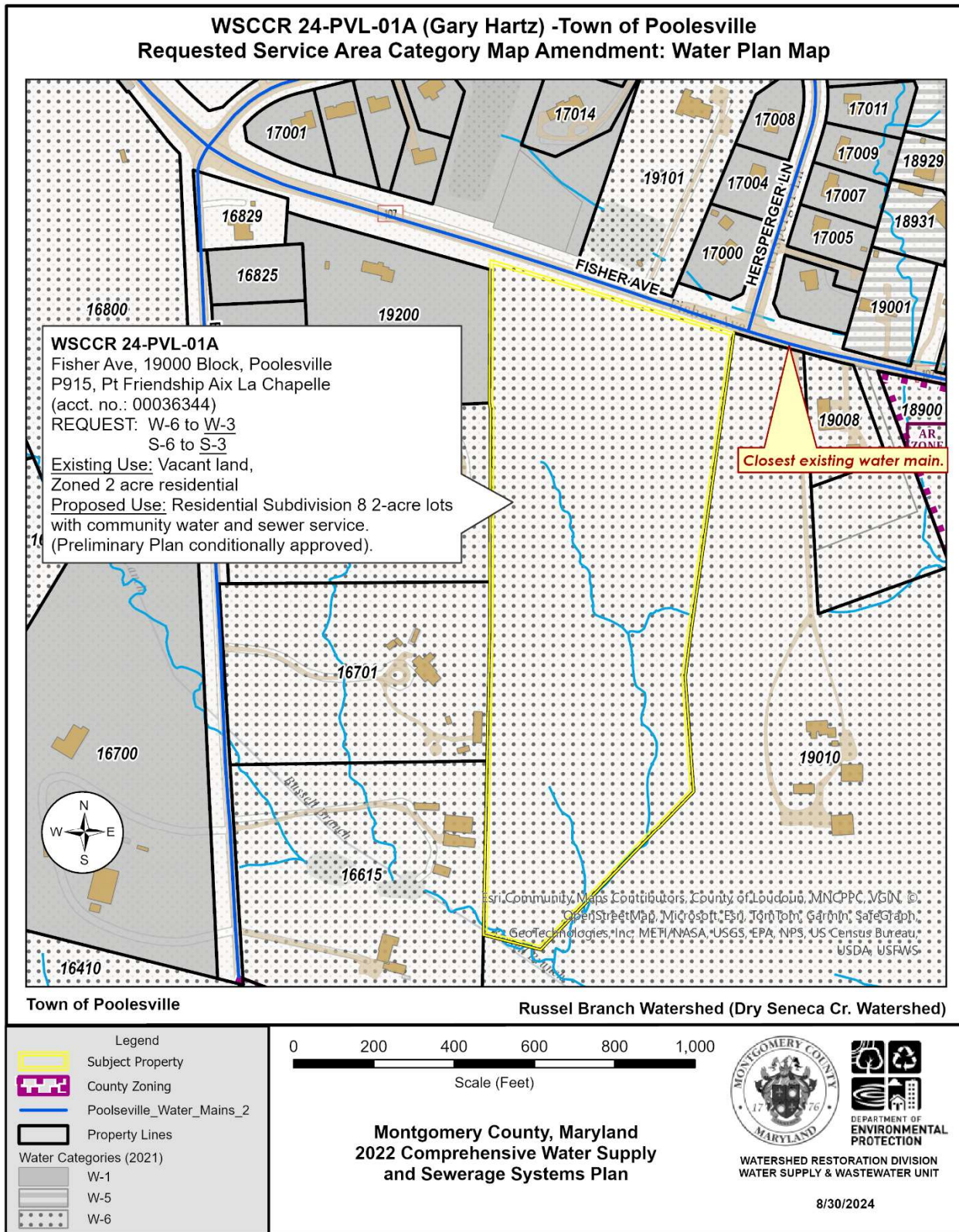


Figure 1: Water Plan Map for 24-PVL-01A including closest Poolesville Water Mains. Note that the above map shows the general position of water and sewer lines, not exact positions.

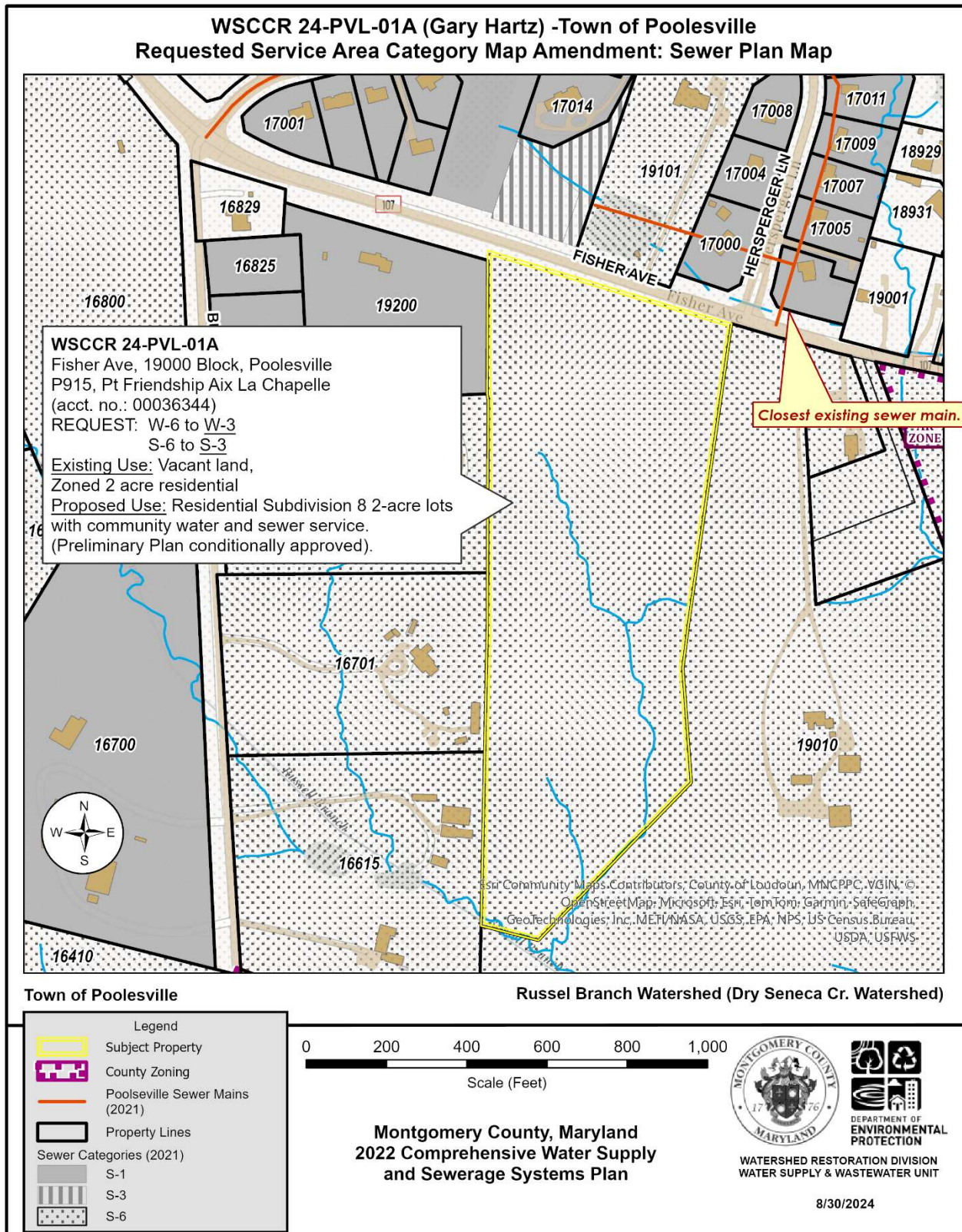


Figure 2: Sewer Plan Map for 24-PVL-01A including closest Poolesville Sewer Mains. Note that the above map shows the general position of water and sewer lines, not exact positions.

**24-OLN-02A: Calix Mario Antonio & Sanchez Dora Garcia**

**DEP Staff Recommendation: Approve W-1 and S-1, restricted to single water and sewer service connections only. Administrative policy II.G.3.: community service for properties abutting mains.**

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
<ul style="list-style-type: none"> <li>• 2649 Norbeck Rd., Silver Spring</li> <li>• P525, Bradfords Rest (acct no.: 00703350)</li> <li>• Map tile: WSSC - 221NW03; MD - HS562</li> <li>• North side of Norbeck Rd., east of Mt. Everest Ln.</li> <li>• RE-2 Zone; 2.2 acres</li> <li>• Olney Planning Area Olney Master Plan (2005)</li> <li>• Northwest Branch Watershed (MDE Use IVP)</li> <li>• <u>Existing use</u>: Single-family home (built 1934)</li> <li>• <u>Proposed use</u>: Water and sewer service for single-family home.</li> </ul>	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-6     <b>W-1</b></p> <p>S-6     <b>S-1</b></p> <p><i>Outside the planned public water and sewer envelopes.</i></p> <p><u>Applicant's Explanation</u></p> <p><i>None provided by applicant.</i></p> <p> </p> <p><i>DEP Note: The primary structure was built in 1934, prior to the installation of the abutting water and sewer mains in 1968.</i></p>

**DEP Staff Report:**

The applicant has requested approval of water category W-1 and sewer category S-1 to allow for public water and sewer service for an existing single-family home. The property is 2.2 acres in size, and zoned RE-2.

M-NCPPC staff concur that the limited provision of water and sewer service is consistent with the administrative policy II.G.3., community service for properties abutting mains. M-NCPPC Parks have concluded that there are no park impacts.

WSSC confirmed that there is sufficient capacity in both the water and sewer mains to provide service to this property. Water service can be provided by a 10-inch water line abutting the property on Norbeck Rd. Likewise, sewer service can be provided by an 8-inch sewer on Norbeck Rd. There are no extensions for either water or sewer lines needed to serve the property. This was confirmed by MDE's analysis.

DEP recommends the category change from W-6 and S-6 to W-1 and S-1 so that community service can be provided, as per the applicant's request. Approval will be limited to single water and sewer service connections only, consistent with the "Community Service for Properties Abutting Community System Mains" policy, Section V.D.2.a.

**Agency Review Comments**

**DPS:** There are no well and septic permit records or documentation on file for this property.

**M-NCPPC – Planning Dept.:** The applicants request changes from W-6 and S-6 to W-1 and S-1 to allow public water and sewer service for a property currently improved with a single-family detached house. The address is 2649 Norbeck Road south of Olney. The property is within the 2005 *Olney Master Plan* area and falls within the Southeast Quadrant analysis area in the master plan. It is within the Batchellors Forest Tributary of the Northwest Branch watershed. The property is not within the proposed sewer service area in the master plan. The property is in the RE-2 zone.

The master plan recommends that public water service be provided in conformance with the county's *Ten-Year Water and Sewer Plan*. There is a water main in front of the property along Norbeck Road, so the property qualifies for a public water connection under the *Water and Sewer Plan's* "abutting mains" policy (II.G.3.: Community Service for Properties Abutting Community System Mains).

The master plan recommends that public sewer service generally be provided in conformance with the *Ten-Year Water and Sewer Plan*, which typically excludes areas zoned for low-density development, such as the property's RE-2 zone, that are not already approved for service from further extensions of sewer mains. There is a sewer

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main in front of the property along Norbeck Road, so the property qualifies for a public sewer connection under the Water and Sewer Plan's abutting mains policy.

**M-NCPPC – Parks Planning:** No parks impact.

**WSSC - Water -Water:**

- Water pressure zone: 660A
- A 10-inch water line, Contract no. 1965-3185 and 42-inch Pre-stressed Concrete Pipe (PCCP), Contract 1968-3347A within Norbeck Road abut the property.
- Local service is adequate.
- Program-sized water main extensions (16 inches in diameter or greater) are not required to serve the property.

**WSSC Water -- Sewer:**

- Basin: Northwest Branch
- An 8-inch sewer line, in Norbeck Road, abuts the property (contract no.1965-3185).
- Average wastewater flow from the proposed development: 280 gpd.
- Program-sized sewer mains are not required to serve the property.
- Interceptor capacity is adequate.
- Treatment capacity is adequate.

**MDE's Water Resources Planning Division Comments:**

Water and Wastewater Treatment Plant Capacity

Water: This single-family home will add approximately 250 gallons per day (GPD) to the Potomac Filtration Plant increasing the plant's flow to 54.2% capacity. There is sufficient capacity at the Potomac Filtration Plant for this Amendment.

Wastewater: This single-family home will add approximately 250 GPD to the Blue Plains Wastewater Treatment Plant (WWTP) increasing the plant's flow to 81.5% capacity. There is sufficient capacity at the Blue Plains WWTP for this Amendment but a Wastewater Capacity Management Plan may be required.



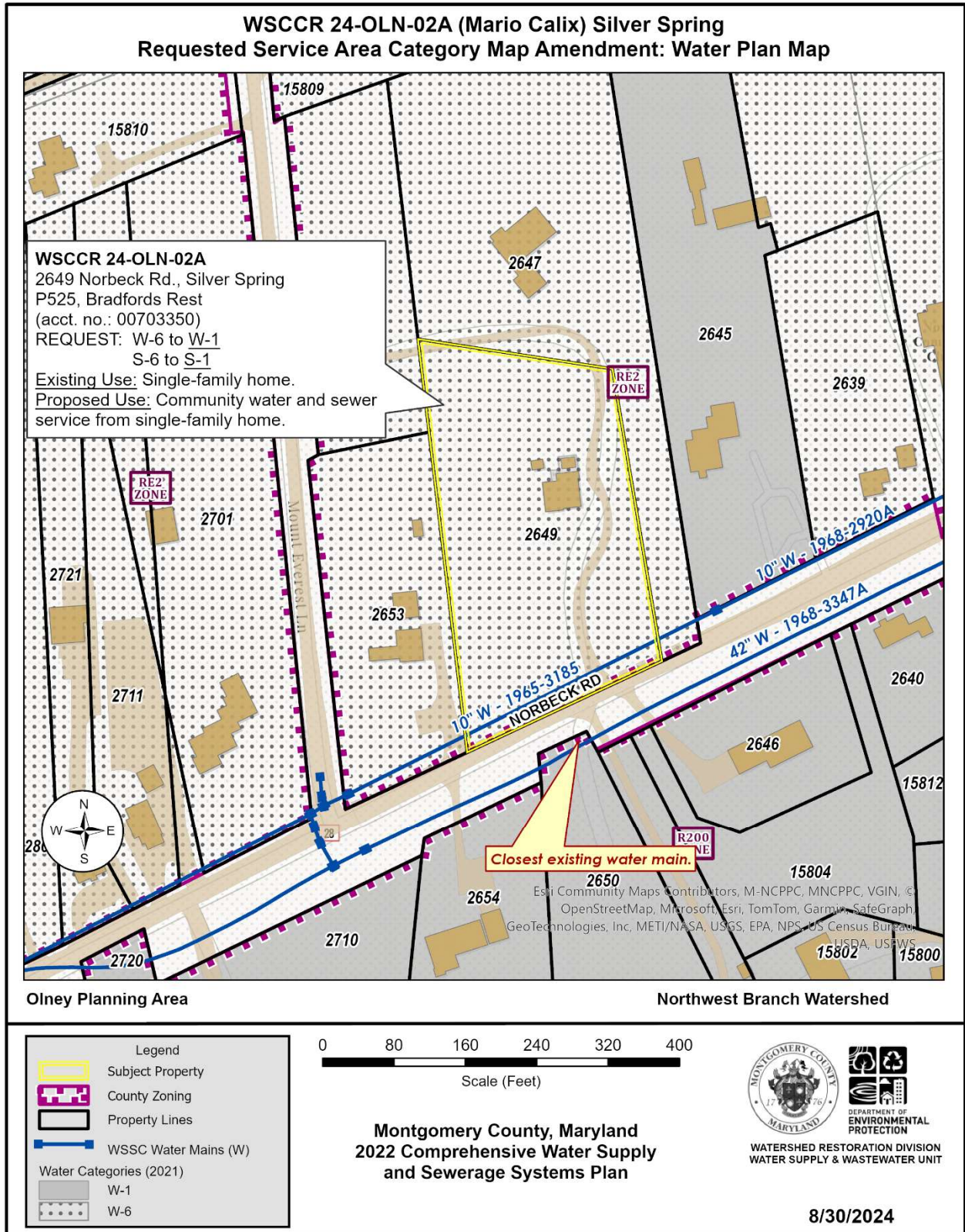


Figure 3: Water Plan Map for 24-OLN-02A including closest mains and surrounding water categories

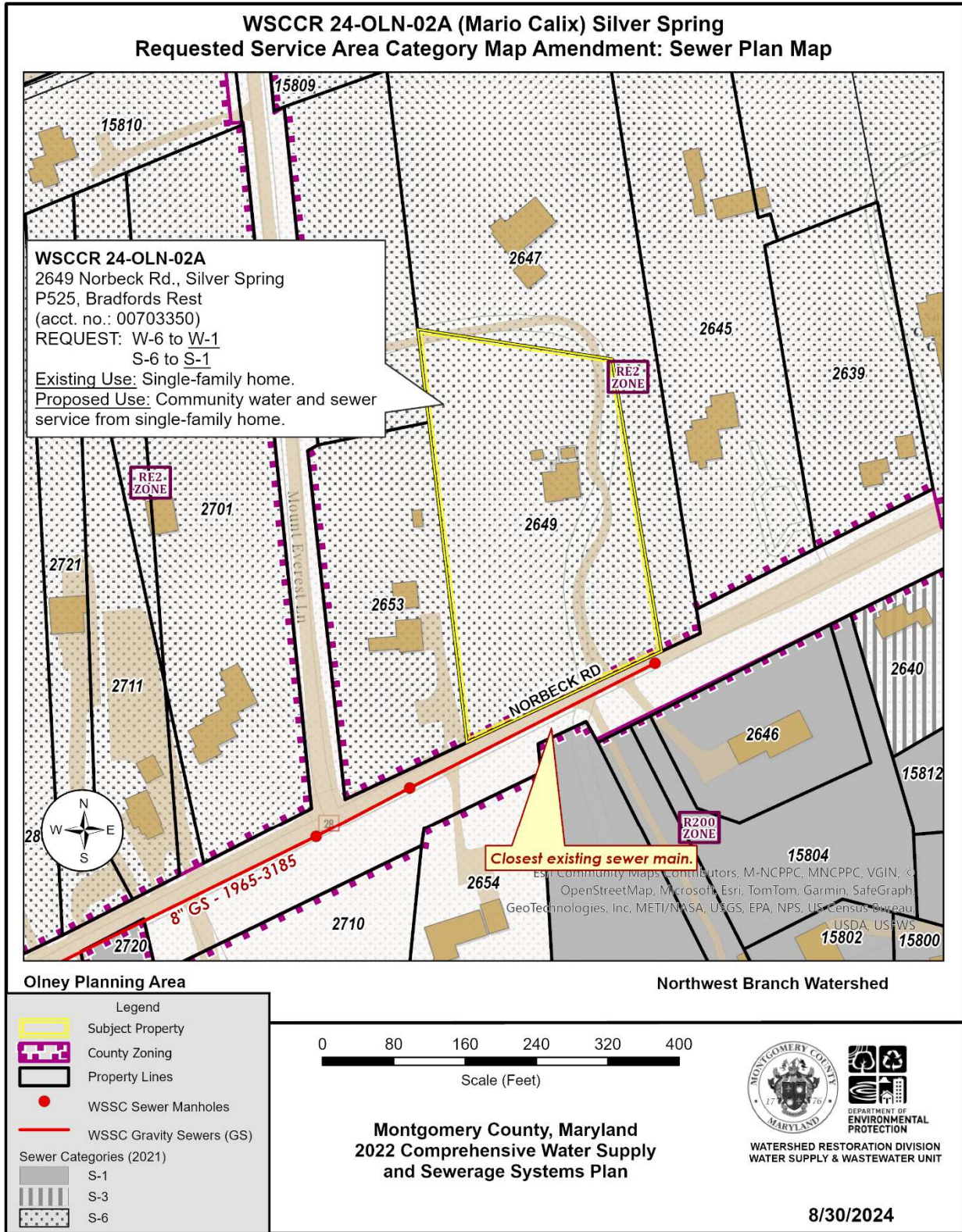


Figure 4: Sewer Plan Map for 24-OLN-02A including closest mains and surrounding sewer categories.

**24-TRV-05A: Rima Saliba and Ralph Chami**

**DEP Staff Recommendation: Approve W-1 and S-1. Administrative policy II.G.3.: community service for properties abutting mains and Potomac Peripheral Sewer Policy (II.M.: Potomac Area RE-1 and RE-2-Zone Properties).**

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> <li>• 12704 Travilah Rd., Potomac</li> <li>• Parcel N110, Lot 1, Travilah Hills (acct no.: 00401938)</li> <li>• Map tile: WSSC – 216NW13; MD - EQ43</li> <li>• North side of Travilah Rd between Bacall Ln and Bissel Ln.</li> <li>• RE-2 Zone; 2 ac.</li> <li>• Travilah Planning Area Potomac Subregion Master Plan (2002)</li> <li>• Watts Branch Watershed (MDE Use I/I-P)</li> <li>• <u>Existing use:</u> Single-Family Home (built 1978)</li> </ul> <p><u>Proposed use:</u> Community Water and Sewer Service for Single- family Home</p>	<p>Applicant’s Request: Service Area Categories &amp; Justification</p> <p><u>Existing – Requested – Service Area Categories</u></p> <p>W-6      <b>W-1</b> S-6      <b>S-1</b></p> <p><i>Outside planned water &amp; sewer envelope</i></p> <p><u>Applicant’s Explanation</u></p> <p><i>“Currently on septic. Development to be constructed at 12700 Travilah Road which will be engineered to connect to county sewer system. We wish to change from septic to connect to county &lt;sewer&gt; as the digging/connections will be made during construction of new development. Thank you.”</i></p> <p><i>DEP note: This property was established in 1978 prior to the installation of the abutting low-pressure sewer main in 1997.</i></p>
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**DEP Staff Report:**

The applicant requests approval of a water and sewer categories W-1 and S-1 to allow for public water and sewer service for an existing single-family home. The property is 2 acres in size in the RE-2 zone. The property is located at the periphery of the planned public sewer service envelope.

To qualify for the Consistent with Existing Plans, Potomac Peripheral Service Policy, the property must at a minimum abut or confront the planned sewer envelope. The property confronts the planned sewer envelope across Travilah Road. M-NCPPC staff concur that the property confronts the Potomac sewer service envelope, and the provision of sewer service is consistent with the 2002 Potomac Subregion Master plan. This action is also consistent with the administrative policy II.G.3., community service for properties abutting mains.

M-NCPPC Parks have concluded that there are no park impacts.

WSSC confirmed that there is sufficient capacity to provide water service by an existing 16-inch water line along Travilah Road. There is also sufficient capacity to provide sewer service by an existing 1.5-inch low pressure sewer (LPS) system along Travilah Road. This was confirmed by MDE’s analysis.

A pressure sewer house connection including a grinder pump specified by WSSC would be required to the serve the property. Both the on-site water and sewer utilities may require the removal of trees.

DEP recommends the category change from W-6 and S-6 to W-1 and S-1 so that community service can be provided, as per the applicant’s request. Approval will be limited to single water and sewer service connections only, consistent with the Potomac Peripheral Service Policy and the “Community Service for Properties Abutting Community System Mains” policy, Section V.D.2.a..

**Agency Review Comments**

**DPS:** Existing well and septic system installed in 1977. There is no approved septic reserve are for the property–.

**M-NCPPC – Planning Dept.:** The applicants request water and sewer category changes from W-6 and S-6 to

W-1 and S-1 to allow public water and sewer service for an existing single-family detached home at 12704 Travilah Road in Potomac. The property is within the 2002 Potomac Subregion Master Plan area and is outside the planned public sewer service envelope. The applicants hope to take advantage of new construction on the adjacent property, which includes public water and sewer service. The property confronts the public sewer envelope across Travilah Road. The property is in the RE-2 zone.

The master plan recommends that public water service be provided in conformance with the county's Ten-Year Water and Sewer Plan. There is a water main in front of the property along Travilah Road, so the property qualifies for a public water connection under the Water and Sewer Plan's abutting mains policy (II.G.3.: Community Service for Properties Abutting Community System Mains).

The master plan recommends public sewer service in the RE-2 zone within and at the periphery of the planned sewer service envelope and when allowed by policies in the Water and Sewer Plan. The Water and Sewer Plan's abutting mains policy allows connections for properties abutting existing or approved mains. There is a sewer main in front of the property along Travilah Road, so the property qualifies for a public sewer connection under the Water and Sewer Plan's abutting mains policy. The property additionally qualifies for public sewer system under the Potomac Peripheral Sewer Policy (II.M.: Potomac Area RE-1 and RE-2-Zone Properties), which allows public sewer service on properties that abut or confront another property within the master plan's designated sewer service envelope and not within certain excluded areas. The properties across Travilah Road from the subject property are within the planned sewer service envelope and the property is not within one of the areas excluded from this policy.

**M-NCPPC – Parks Planning:** No parks impact.

**WSSC Water - Water:**

- Water pressure zone: 480A.
- A 16-inch water line in Travilah Road abuts the property (contract no. 1989-8406A). Existing Parcel won't be subdivided, and a water connection with a private water main will be required to serve the existing property. This water connection would connect to the existing 16 inch water main (contract no. 1989-840A). Easements might be required. Construction of the private water main may involve the removal of trees.
- Local service is adequate.
- Program-sized water main extensions (16 inches in diameter or greater) are not required to serve the property

**WSSC Water - - Sewer:**

- Basin: Dulles Interceptor Drainage Basin (20-014) 2. An existing 1.5-inch Low Pressure sewer (LPS) system (contract no. 1989-8406A) Travilah Road abuts the property. A Pressure Sewer House Connection (PSH) is required to serve the property. Easements might be required. Construction of the private Low Pressure sewer (LPS) may involve the removal of trees. Per WSSC records, the existing LPS system has been designed using Environment One (E/One) Grinder Pumps. So, at the time of sewer service request applicant needs to prepare design plans for their private LPS system using the same manufacturer (E/One) for the grinder pump and submit to WSSC Development Services Division (DSD) for review and approval.
- Average wastewater flow from the proposed development: 280 GPD
- Program-sized sewer mains are not required to serve the property.
- Interceptor capacity is adequate.
- Treatment capacity is adequate.

**MDE's Water Resources Planning Division Comments:**

Water and Wastewater Treatment Plant Capacity

**Water:** This single-family home will add approximately 250 gallons per day (GPD) to the Potomac Filtration Plant increasing the plant's flow to 54.2% capacity. There is sufficient capacity at the Potomac Filtration Plant for this Amendment.

**Wastewater:** This single-family home will add approximately 250 GPD to the Blue Plains Wastewater Treatment Plant (WWTP) increasing the plant's flow to 81.5% capacity. There is sufficient capacity at the Blue Plains WWTP for this Amendment, but a Wastewater Capacity Management Plan may be required.

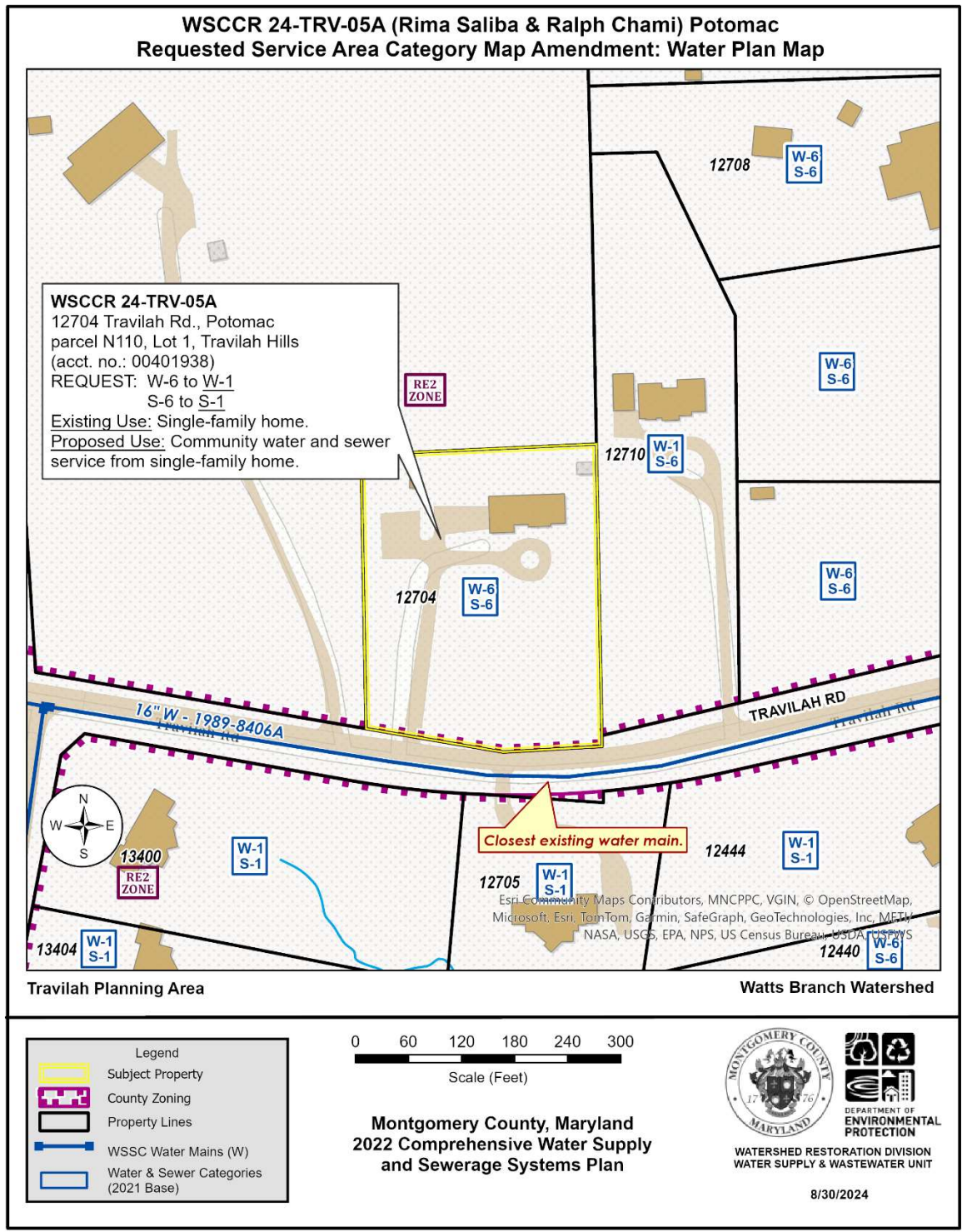


Figure 5: Water Plan Map for 24-TRV-05A including closest mains and surrounding water & sewer categories. The subject property is in the RE2 zone.

