

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Douglas M. Duncan
County Executive

James A. Caldwell
Director


MEMORANDUM

May 20, 2005

TO: Jeff Zyontz, Chief, County-Wide Planning Division
Maryland - National Capital Park and Planning Commission

Joe Mantua, Group Leader, Development Services Group
Washington Suburban Sanitary Commission

Jay Beatty, Manager, Well and Septic Section
Department of Permitting Services

FROM:  Alan Soukup, Senior Environmental Planner, Water and Wastewater Policy Group
Department of Environmental Protection

SUBJECT: Public Hearing for Administrative Delegation Group AD 2005-1

This is to advise you that the Montgomery County Department of Environmental Protection (DEP) has scheduled an administrative public hearing for the following twenty-two proposed Comprehensive Water Supply and Sewerage Systems Plan amendments as authorized under the Administrative Delegation policies included in Chapter 1, Section V.F.:

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|-------------------|-------------------|------------------|-------------------|
| WSSCR 05A-APH-01 | WSSCR 04A-CLO-09 | WSSCR 04A-GMT-03 | WSSCR 04A-POT-02 |
| WSSCR 05A-APH-02* | WSSCR 04A-CLO-11 | GWSMA 05A-GMT-01 | WSSCR 04A-POT-07 |
| WSSCR 03A-BRK-01* | GWSMA 05A-CLO-01* | WSSCR 03A-GWC-01 | WSSCR 04A-TRV-09 |
| WSSCR 04A-BRK-01 | WSSCR 03A-DAM-05 | WSSCR 04A-OLN-01 | WSSCR 04A-URC-01* |
| WSSCR 04A-CLO-07 | WSSCR 05A-DAM-01 | WSSCR 04A-PAX-02 | WSSCR 04A-URC-02 |
| WSSCR 04A-CLO-08 | WSSCR 04A-FAL-04 | | |

* These amendments are starting the interagency review process with this notification. Given their circumstances, they should not present any difficulty or controversy with regard to the category changes requested.

The hearing will be held on Monday, June 20, 2005, at 2:30 p.m. in the DHHS Licensing and Regulation conference room on the second floor of the Rockville Center, 255 Rockville Pike, Rockville. As in the past, I invite members of your staff to attend and participate in this hearing. A packet containing copies of the summary information table (which includes the staff recommendations) and the proposed amendments is enclosed for your review. DEP will close the hearing record on Tuesday, July 5, 2005.

If you have any questions concerning the upcoming public hearing, or on any of the amendments identified above, please contact either me at 240-777-7716 or Shelley Janashek at 240-777-7735.



Office of the Director

Jeff Zyontz, Joe Mantua, and Jay Beatty

May 20, 2005

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ADS:ads/r:\programs\water_and_sewer\projects\cwsp-amend\ad\2000s\2005\2005-1\3agency-phntc.doc

Attachment

cc: Derick Berlage, Chairman, Montgomery County Planning Board
Katherine Nelson and Nazir Baig, Environmental Planning Unit, M-NCPPC

in this plan. The conditions as applied to a particular site may be general in nature and it is advisable to research specific conditions or restrictions with the Department of Environmental Protection.

- Conditional approval has been granted to change the service area category for this property.
- Community service existed prior to the establishment of the Water and Sewer Plan and the service envelope.
- Community service was committed prior to master plan recommendations and/or policy determinations to exclude the general area from community service.
- Community service was extended in order to relieve a public health problem.
- Community service was extended to serve a public facility or a private institutional facility.
- Community service was extended to lots which were previously approved for individual systems but which are unable to utilize those systems due to changes in individual systems regulations.
- Community service is limited to specific development options only such as cluster-option development or development using transferrable development rights (TDRs).
- Community service was provided to properties which abut an existing water or sewer main.
- Community service is restricted to a single water and/or sewer hookup only. (This usually occurs in connection with another special service condition.)
- Multi-use systems are approved for this site.
- Interim on-site systems are approved for this site.

C. Policies for Water and Sewer Service -- The water and sewer service area categories designated in this plan serve two functions: 1) they identify those areas of the county approved or planned for community water and/or sewer service and those areas intended for service by individual systems; and 2) for those areas planned for community service, they identify a mechanism for staging community service consisting of the application of the service categories 1 through 5 described above to the properties within the county. The County Executive, through the Department of Environmental Protection, recommends service area categories based on the following policies addressing water and sewer service, land use, staging, and infrastructure policies included in this plan.

1. General Policies for Community Water Service -- Land zoned for moderate to high development densities of two or more units per acre (R-60, R-90, R-200, etc.) is intended for water service from community water supply systems. This plan recognizes that some rural areas of the county with moderate-density zoning (R-200, RMH-200, etc.) may be beyond the logical and economical reach of existing or planned community service. These areas will be served by individual systems.

In addition, the provision of community water service to areas zoned for lower-density development (RE-1, RE-2, etc.) may be considered under the following circumstances, provided that development with community water is consistent with the protection of surface and ground waters:

a. The provision of water service to areas zoned for "large lot" residential and rural development should be generally limited to those areas zoned RE-1, RE-2 and RE-2C/non-cluster option, and Rural Cluster (RC)/cluster-option; areas with other zones may be considered upon the recommendation of the Planning Board. For sites within the RC zone, the provision of public water service shall generally require approval of a subdivision plan which uses the cluster-option for the development; water service may also be approved in cases where zoning or subdivision regulations dictate that a given site has insufficient acreage to use the RC zone cluster option.

b. The provision of community water service must conform to the land use policies of the applicable master plan. In order to ensure consistency with the master plans, all category change requests for community water service to large lot areas will be submitted to M-NCPPC for review and comment on a case-by-case basis. The policy of providing community water service to large lot areas was first adopted in the Water and Sewer Plan in June 1990 (under CR 11-1953); the Council reviewed and approved many

of the local area master plans currently in effect prior to the introduction of this policy. The decision to extend or restrict water service should focus on conformance with master plan land-use and development recommendations, rather than on generalized water service areas identified in these older master plans. Where the provision of water service to large lot areas promotes the land-use and development envisioned by the master plan and meets other economic and environmental standards, the approval of service and/or timing of service is appropriately handled by the adoption of water category changes as part of this plan. Requests for water service to large lot areas may be considered for administrative approval under the "Consistent with Existing Plans" policy in cases where the Planning Board concurs that the extension of service is consistent with the land-use and development policies of the master plan.

c. Extensions should generally be from existing or authorized water mains to allow orderly and logical extensions of the water system.

d. All costs associated with community water service to large lots will be paid by those directly benefitting from the extension of service. To ensure this goal is achieved, the following two conditions will apply to extension of water service to large lots:

i. Where intervening lots are subject to assessment, the approving authority may condition a category change request to require the applicant to pay all line extension costs. An applicant and/or developer can finance the cost of main extensions through a memorandum of understanding (MOU) with the WSSC (see Section VII.A.6.). The intervening lots would therefore not be assessed front foot benefit charges until such time as they request community water service. This policy will prevent intervening lots from subsidizing line extensions benefitting new development.

ii. Funding for large-diameter water lines (16 inches or greater) and/or other improvements to local service line extensions cannot be provided through water and sewerage bonds financed by general water and sewer rates. These improvements must be funded either through the general bond program (with all costs retrievable through front foot benefit assessments associated with the proposed development and developer contributions), or under a memorandum of understanding in the WSSC Capital Improvements Program with developer contributions covering 100 percent of the capital costs (as is now required for CIP projects which support only new growth). These policies will prevent extensions to large lot areas from impacting intervening lots and general user rates.

e. The provision of community water service to lower density areas can occur without the provision of community sewer service, requiring the use of individual septic systems. Development with only community water must be consistent with the protection of surface and ground waters. To assure this goal is achieved, DEP may require hydrogeologic studies of proposed development to assess potential impacts to ground and surface water quality from the use of individual sewerage systems. In order to address concerns about the clustering of septic systems in areas where zoning permits lot sizes of less than 40,000 square feet, DEP may, upon consultation with DPS and M-NCPPC, recommend minimum or average minimum lot sizes of 40,000 square feet for new development using community water service and individual sewerage systems. (This lot size is the minimum required for RE-1 zone/non-cluster development.)

Local area master and sector plans may recommend exceptions to the general policies contained in this Section.

This plan intends that community water service shall be extended in concert with community sewerage service, unless specific limitations of the community water system make it unreasonable to provide such service. The provision of community water service without community sewer service to areas zoned for two or more units per acre (R-200) density is discouraged wherever possible; in cases where such service is approved, the development plan must provide adequate protection for ground and surface waters as discussed in Subsection 7.e. of this policy.

2. General Policies for Community Sewer Service -- Land zoned for moderate to high development densities of two or more units per acre (R-60, R-90, R-200, etc.) is intended for sewer service from community sewerage systems. This plan recognizes that some rural areas of the County with moderate-density zoning (R-200, RMH-200, etc.) may be beyond the logical and economical reach of existing or planned community service. These areas will be served by individual systems. Areas zoned for lower-density residential development (RE-1, RE-2, etc.) are also intended to be served by individual systems. Where cluster-option development is recommended (i.e., RE-1 or RE-2C Zones), and where clustered lot sizes are generally comparable to those in moderate and high-density zones, community sewer service is consistent with the provision of this plan.

Local area master and sector plans may recommend exceptions to the general policies contained in this Section.

3. Water and Sewer Service Policies for Non-Residential Zoned Areas -- The preceding sections focused on policies related to residential zoning and development densities. For areas zoned for commercial and industrial development, the provision of community water and sewer service or the use of individual on-site systems is generally consistent with the type of service used for adjacent or nearby residential development. Areas zoned for rural development, the five-acre (Rural or RC/non-cluster) and twenty-five acre (Rural Density Transfer (RDT)) zones, are generally not intended to be served by community systems. However, case-by-case exceptions can be considered where community service is logical, economical, environmentally acceptable, and does not risk extending service to non-eligible properties. Subsequent policies included in this section of the plan identify the conditions under which these exceptions can be considered.

4. Consistency with Comprehensive Planning Policy -- Water and/or sewer service should be extended systematically in concert with other public facilities along the corridors as defined in the General Plan, to accommodate growth only in areas covered by adopted local area master or sector plans. Guidance for the type, amount, location and sequence of growth is contained in the comprehensive planning policies of the County as adopted by the County Council. These policies are expressed in detail in the General Plan and the various master and sector plans which constitute amendments to the General Plan. Various functional plans, such as the Water and Sewer Plan, should be consistent with these comprehensive planning policies. In addition, the Water and Sewer Plan should consider other adopted or proposed policies of various agencies affecting land use, including guidelines for the administration of the Adequate Public Facilities Ordinance.

Recommendations for service area categories that are inconsistent with the policies described in the comprehensive planning policies or any other policies listed in this plan will be accompanied by explanations showing what factors have changed significantly since the adoption of the original policies, and/or what elements of the comprehensive planning policies should be amended to more appropriately reflect current conditions or concerns. Such explanations will identify what specific considerations are relevant to the individual recommendations, including as appropriate: economic and fiscal concerns; population estimates; planning; zoning and subdivision requirements; Federal, State, regional, County, and municipal planning efforts; residential commercial and industrial needs; availability and adequacy of public facilities; energy conservation; water and sewage treatment capacity; engineering constraints; environmental protection; and the alleviation of public health problems.

DEP staff participate in the master plan development, review and approval process, to address water and sewer service issues. Master plans make recommendations concerning the use of community and individual water supply and sewerage systems to support zoning recommendations and to implement specific development proposals. These recommendations are made with an understanding of the County's general water and sewer service policies, as adopted in this plan. Where master plans make water and/or sewer service recommendations which are not in agreement with the general policies of this plan, an

explanation and justification of those recommendations must be provided in the master plan and incorporated in future Water and Sewer Plan updates.

Individual service area category change requests which DEP finds to be consistent with the general community water and sewer service policies of this plan and with master plan recommendations may be considered for approval under administrative delegation policy, Section V.F.2.d: Consistent with Existing Plans.

5. Community Service to Relieve Public Health Problems -- Community water and/or sewer service may be extended to existing structures to alleviate or eliminate existing or anticipated public health problems, upon certification of such by the Director of the Department of Permitting Service (DPS) or his or her designee. DEP, in coordination with WSSC, shall evaluate whether the provision of community service is reasonable. If appropriate, DEP will direct WSSC to expedite the provision of community water and/or sewer service either by a connection to existing mains or by the extension of new mains in order to relieve the public health problem. Under these circumstances, community service will be provided regardless of the existing service area category, and WSSC need not wait for a service area change approval in order to plan, design, or implement the service. DEP may act to approve related service area changes through the administrative delegation process, Section V.F.1.a.: Public Health Problems. In such cases, community service will generally be limited to a single water and/or sewer hookup. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems. In addition, DEP will coordinate with DPS to identify, as necessary, larger-scale, chronic public health problem areas and recommended solutions for those problems in this plan.

6. Community Service for Properties Abutting Existing Mains -- Community water and/or sewer service may be provided to properties which abut an existing or authorized water and/or sewer main. The provision of community service requires that the property, or a structure on the property, must have been established prior to the extension of the abutting main. This policy may be used in cases where a property is not otherwise eligible for such service under the general policies of this plan. Under this policy, the provision of community service is allowed under the following circumstances:

a. Single Hookups Only -- A single water and/or sewer hookup only is allowed for an individual property or for a structure which abuts an existing or authorized water and/or sewer main. The subject property or structure must predate the abutting main. A change in the property configuration due to the dedication of land for a public use such as a road right-of-way or park land does not invalidate this allowed single hookup. DEP may grant approval for this single hookup under the administrative delegation policies included in this chapter (Section V.F.1.b.: Properties Abutting Existing Mains).

b. Single Hookups for Residual Properties -- The allowed single-hookup may be assigned to a remainder or residual of a property provided that the following conditions are satisfied:

i. the original property would have qualified for a single hookup under Section 6.a. above, and the residual site still abuts the existing main; and

ii. that the allowed hookup has not been used elsewhere on the property; community service provided elsewhere on the subject property consistent with both Water and Sewer Plan policies and master plan recommendations shall not be considered to have used this one allowed hookup.

c. Multiple Sewer Hookups -- In order to protect and preserve sensitive environmental features on the site (*e.g.* stands of trees/forest, wetlands, etc.) that would be harmed by the installation of a septic system(s), while also limiting the effects of sewer-supported development, public sewer service may be provided to a property abutting an existing sewer main provided all the following conditions are satisfied:

- i. The site would qualify for a single sewer hookup under section 6.a. above;
- ii. The site contains sensitive environmental features that would be preserved to a greater extent by the provision of public sewer service rather than the construction of septic systems;
- iii. The number of sewer hookups allowed shall not exceed the number of lots which could have been approved for septic systems, based on a review of the site conditions (soils, groundwater conditions, local history, etc.) by DEP in consultation with DPS and M-NCPPC, and assuming that at least one sewer hookup is allowed;
- iv. That all the proposed sewer hookups can be provided from the abutting mains: no on-site main extensions are required, no off-site main extensions or hookups (special connections) are required, and no rights-of-way from other properties are required.

This policy cannot be applied in cases where the County Council has expressly restricted access to the abutting main as specified under the Limited Access Mains policy (see Section VII.A.2.: Limited Access Water and Sewer Mains). The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

7. Community Service for Private Institutional Facilities -- Private institutional facilities are defined by this Water and Sewer Plan as buildings constructed for an organization which is qualified for an exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service). The provision of community water and/or sewer service to such facilities shall be addressed on a case-by-case basis by the following policies:

- a. For private institutional facilities located within the acknowledged water and/or sewer envelopes, service area category changes may be approved by DEP through the administrative delegation process (Section V.F.1.d.: Consistent with Existing Plans). For a specific site, the acknowledged water and sewer service envelopes may differ due to the "General Policies for Community Water Service" policy included in this plan (Section III.C.1.).
- b. For existing or proposed facilities located outside the acknowledged water and/or sewer envelopes, service area changes may be approved by the Council County according to the following criteria:
 - i. Existing water and/or sewer mains abut the site, requiring only water/sewer connections and hookups for service, or
 - ii. Water and/or sewer main extensions are required for service, but the main extensions will abut only properties which are otherwise eligible for community service under the general policies of this plan, or
- c. For existing facilities only located outside the acknowledged water and/or sewer envelopes, service area changes may be approved by the Council County where water and/or sewer main extensions are required for service, but the service extensions do not threaten to open undeveloped land to development contrary to the master plan.
- d. Main extensions, where required, shall be designated "Limited Access" consistent with the Limited Access Mains policy (see Section VII.A.2). The Council may require that all main extension costs be paid by the institution seeking the service. These facilities may receive service from limited access water or sewer mains where the Council has specifically approved access to those mains. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

e. For facilities located outside the acknowledged water and/or sewer envelope, service area changes may be denied by the County Council where the facility site does not satisfy any of the preceding criteria for community service. This shall also include cases where main extensions are required (see preceding Sections 7.b.ii. and 7.c.) for private institutional facilities seeking community service for existing residential structures.

8. Community Service for Public Facilities -- Public facilities are defined as government-owned buildings or facilities; this includes municipal, county, state, and federal governments. Community water and sewer service may be provided to serve existing public facilities and to support the development of approved new public facilities, including those facilities which are located outside of the acknowledged community water and/or sewer service areas. In addition, community water and sewer service may be extended to privately-owned buildings where the construction of public facilities such as roads will result the partial or total loss of individual (private) water supply and/or sewerage systems. DEP may act to approve service area changes for public facilities through the administrative delegation process, Section V.F.a.: Public Facilities. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

9. Community Service for Community Development Projects -- Community water and sewer may be provided in support of community development projects which have previously been approved following a public hearing. Such projects may include officially designated renewal and redevelopment areas, neighborhood and community improvement programs, projects approved for productivity housing, rural village programs, historic preservation projects, and housing subsidized by Federal, State or local government, upon the recommendation of the Director of the County Department of Housing and Community Affairs. DEP may act to approve service area changes in these cases through the administrative delegation process, Section V.F.c: Community Development. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

10. Community Service for Transferable Development Right Receiving Areas -- Given the development densities proposed, the provision of community water and sewer service is generally required for areas zoned as transferable development right (TDR) receiving areas. In cases where the base zoning of the property is **not** suitable for the provision of community water and/or sewer service (RE-1, RE-2, etc.), the provision of community service shall require Planning Board approval of a preliminary subdivision plan which uses the TDR-development option. DEP may act to approve service area changes in these cases through the administrative delegation process, Section V.F.2.d.: Consistent with Existing Plans. That policy includes an option for holding a joint public hearing for the service area change and the TDR-option preliminary plan. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

11. Community Water Service for Child Lots -- Community water service may be provided to support the subdivision of lots for the children of the owners of qualifying properties. Montgomery County's zoning and subdivision regulations make special provisions for the creation of these lots which are generally located in the more rural areas of the county, primarily in the Rural Cluster, Rural and Rural Density Transfer Zones. The size of the lots to be considered for service under this policy is intended to be in the range of those included in the water service for large lot provisions in Section IV.C.1.a: between 1 acre and 5 acres. Approval of a service area change to allow community water service must be dependent on Planning Board approval of a preliminary plan for the proposed child lot. In areas zoned RDT, child lot cases are handled as minor subdivisions, without the preparation of a preliminary plan; in these cases, service area changes will depend on an M-NCPPC notice to DEP that the subdivision plat is ready for Planning Board approval. DEP may act to approve service area changes in these cases through the administrative delegation process, Section V.F.2.e: Child Lots.

Water service in these cases is generally intended to be provided from abutting water mains, although water main extensions can be considered where those extensions are consistent with the requirements for large lot development, as previously cited. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

12. Community Service Due to Changes to Individual On-Site Systems Regulations -- Community water and/or sewer service, restricted to a single water and/or sewer hookup, may be provided to a parcel or a recorded lot that meets both of the following conditions:

- a. The applicant must demonstrate that the lot was recorded by plat on the basis of successful sewage percolation or water supply tests, but due to change in regulation, the lot can no longer satisfy State and County regulations for individual, on-site systems; and
- b. Community service can be provided in a cost-effective and environmentally-acceptable manner.

DEP may act to approve service area changes for public facilities through the administrative delegation process, Section V.F.2.b.: Changes to Individual On-Site Systems. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

13. Reverse Category Changes -- Changes from water and sewerage service area categories 1, 3, or 4 to categories 5 or 6 for the purpose of avoiding the assessment of front-foot benefit charges (see Chapter 4) shall not be approved unless the property has a well or septic system certified by the Montgomery County Department of Permitting Services to be properly functioning. Then applications for reverse category changes will be addressed on a case-by-case basis by the County Council. Changes in WSSC's assessment procedures now allow for a hiatus on assessments for properties with functioning individual systems which abut mains authorized starting in 1995 regardless of their service area category.

14. Special Community Service Areas -- In addition to the preceding policies, the County may also designate specific areas for or restrict specific areas from community water and/or sewer service in order to achieve specific development goals, to promote environmental protection, or to address other special concerns.

a. Oaks Landfill Water Service Area -- The County approved the extension of community water service to the vicinity of the Oaks Landfill, located between Mt. Zion and Laytonsville, in 1995. The extension of community water service provides public water for approximately 155 existing eligible dwellings in the community surrounding the landfill site. DEP investigated low-level groundwater contamination in the northwestern area of the Oaks Landfill starting in spring 1992. While the level of contamination is less than the Maximum Contaminant Limits established by the U.S. Environmental Protection Agency under the Safe Drinking Water Act, it also remains persistent. Community water service is provided to this vicinity to relieve anxiety in the community and to avoid potential long-term costs due to an extensive domestic well sampling program in the community. The County's actions are in accordance with provisions of the 1983 Oaks Landfill Mediated Agreement, an agreement between the County and the community near the landfill.

The water system consists primarily of a main extending east along Fieldcrest Road from Manor View Drive to Olney - Laytonsville Road (Route 108), and a loop main following Route 108, Riggs Road, Zion Road, Brookeville Road, and Route 108 back to Fieldcrest Road. Branch mains feeding off the loop are installed along parts of Route 108, Zion Road, Brookeville Road, Muncaster Road, Meredith Drive, and Stanbrook Drive. The mains located along Fieldcrest and Muncaster Roads and Route 108 are capital size. Water main construction was completed in 1998.

The special water service area envelope, which encompasses parts of the Olney and Upper Rock Creek Planning Areas, includes the potential service area from the 1983 mediated agreement, plus other properties in the vicinity that can logically be served by the community water system. The potential service area described in the agreement is based on the Oaks Landfill potential groundwater influence area, which is the "boundary that establishes the maximum potential water service area to be considered for an alternative water supply system," according to a 1981 consultant's hydrogeologic report of the landfill vicinity. Part of the special service area within the Olney Planning Area is zoned Rural Density Transfer (RDT), which is not normally recommended for community water service in this plan. The provision of water service to these RDT-zoned areas does not establish a precedent for community water service for similarly-zoned properties outside of the special water service area.

Water service is provided to the Mt. Zion community at the intersection of Zion and Brookeville Roads, which is located partly within the landfill's potential groundwater influence area. Many of the homes in this community have substandard, hand-dug wells which will be relieved by the provision of community water service. The County is also extending water service along Meredith Drive east of Muncaster Road where groundwater contamination unrelated to the Oaks Landfill affected homes using wells.

The solid waste disposal fund financed all of the capital costs for design and construction of the water mains, as well as the costs for connections to existing homes that elect this service. Incurred costs include those for the construction of water mains, connections, and hookups; for plumbing repairs inside structures to assure adequate water pressure, for WSSC inspection fees, for domestic well abandonment, and for payment of quarterly water bills. New houses and other structures built after 1995 within the service area are also eligible for water service, but generally must connect to the community water system at their own cost and receive no County subsidy of quarterly water bills. Homes along the eastern half of Meredith Drive will also receive no County water bill subsidy.

b. Piney Branch Restricted Sewer Service Area -- In 1991, the County Council established a policy to restrict the availability of community sewer service in the Piney Branch Watershed, which is designated as one of the county's Special Protection Area watersheds. Through the Piney Branch Sewer Restricted Access Policy, the Council sought to limit the growth of public sewer-dependent development within and near this environmentally-sensitive watershed, particularly within the areas of the watershed zoned for one- and two-acre development. The specific requirements of the restricted access policy are included in Chapter 1, Section VII.A.2.a. This policy will be reexamined in the context of interrelated land use, zoning, and sewer service recommendations in the pending update of the Potomac Subregion Master Plan.

c. Riverwood Drive Restricted Sewer Service Area -- In 1998, the County Council approved the extension of community sewer service to properties located along Riverwood Drive south of River Road in Potomac. In approving this service, the Council restricted the number of sewer hookups allowed for the Kitchen Property located at the southern end of the street, and further restricted the sewer main extension from serving properties in nearby neighborhoods in order to limit the extension of sewer service in the areas zoned for two-acre development south of River Road. The specific restricted access policy is included in Chapter 1, Section VII.A.2.b.

d. Redland Park Special Sewer Service Area -- In 1998, the County Council approved the provision of community sewer service for this site zoned for one-acre density development in order to facilitate a residential cluster subdivision plan. The site is located along Airpark Road east of Route 124 in the Upper Rock Creek Watershed. The Council granted this approval as a limited exception to the general sewer service recommendations of the 1985 Upper Rock Creek Master Plan which did not anticipate RE-1 cluster development in this area. The developer proposed a cluster plan for the Redland Park site as a solution to an impasse created in the development review process by the County's failure to specify necessary improvements to Airpark Road during the review of the original non-cluster, septic-based subdivision plan (The Ellison Property).

In allowing the increased development density made possible by the cluster-option development plan, the Council specified that sewer service would depend on the approval of a subdivision plan which provided water quality protection for the Rock Creek Watershed equivalent to, or better than, that which would have been required to implement the previously-approved, non-cluster plan. The Council further specified that the provision of sewer service to Redland Park does not set a precedent for other properties in either the Upper Rock Creek Master Plan or any other master planning area. There will be no additional changes to the sewer categories for RE-1 and RE-2 zoned properties in the Upper Rock Creek Master Plan other than those which are addressed by specific Water and Sewer Plan policies for cases such as single hookups from abutting mains, public health problems, and private institutional facilities. In order to avoid the effects of sewer main construction along Rock Creek and its tributaries, Redland Park will be served by a developer-financed wastewater pumping station and force main which will convey sewage flows to the Great Seneca Creek sewerage system west of Route 124.

V. PROCEDURES FOR ADOPTING AND AMENDING THE WATER AND SEWER PLAN

Under State law, the authority to adopt and amend the Comprehensive Water Supply and Sewerage Systems Plan resides with the County Council. State law requires that the Executive recommend, and the Council adopt, a comprehensive update of the Water and Sewer Plan at least once every three years. In between these triennial updates, the Executive's goal is to transmit proposed Plan amendments to the Council semiannually in May and November, with corresponding final actions by the Council generally occurring in July and February, respectively. Plan amendments may be considered outside the preceding schedule, upon the discretion and agreement of the County Council, for those cases involving exceptional circumstances such as severe hardships, public or quasi-public facilities, and other projects of critical public interest.

Following the submission of the plan or plan amendments from the Executive, the Council schedules a public hearing, providing State and local agencies thirty days notice of the hearing. A public notice of the hearing must appear once at least ten days in advance of the hearing date in a newspaper of general circulation in the county. Following the hearing, the Council holds a committee worksession on the plan or plan amendments. The full Council then considers the committee recommendations and adopts a resolution acting on the plan or plan amendments. The Executive has ten days following adoption of the resolution to comment on the Council's action before the action is final.

The Maryland Department of the Environment reviews the County's amendments to the Water and Sewer Plan and coordinates a review by the Maryland Office of Planning. MDE may approve, approve with modifications, or disapprove the plan or any plan amendment submitted by the County. MDE has 90 days to review and take action on the plan or plan amendments, a period that may be formally extended by MDE, if necessary, for a second 90 days. MDE must act within this maximum period of 180 days; otherwise, the plan or the plan amendments become automatically approved as submitted.

The Department of Environmental Protection may also amend both the plan text and maps under a limited delegation of authority from the Council, as specified under Section V.F.: Administrative Delegation. These actions generally occur on a quarterly schedule, although certain cases, especially those not requiring a public hearing, can be handled on an as-needed basis at the discretion of DEP. Public hearing notification requirements for this administrative process are the same as for the Council's public hearings (see: Section G, Public Outreach.)

A. Plan Amendment Actions -- County Council and administrative actions on plan amendments generally fall into one of the following types:

1. Approval -- Action on development plans and authorization of water and sewer mains may proceed based on the County's approval of a category change. The County Council or DEP provides the

appropriate agencies and the applicants with copies of the final approval documents; however, the action is not formally adopted until the MDE notifies the County of the amendments approval. The applicant can proceed with development approvals, at the applicant's risk, during the State's review period.

2. Conditional Approval -- In order to appropriately implement the policies included in this plan, the approval of plan amendments (including category changes) may be conditioned on some other action, on the use of a particular development option, or on any other requirement appropriate to the provision of water and sewer service. The condition(s) shall be clearly stated in the action amending the plan. It is incumbent upon the applicant to notify DEP that the conditions for final approval have been satisfied. Once the conditions have been satisfied, the DEP Director shall grant final approval of the amendment in accord with the original action and notify the applicant and all appropriate agencies of the change.

3. Deferral -- The County Council may elect to defer action on a specific plan amendment rather than approve or deny it. A deferral may result from the need for additional information which is not readily available to properly evaluate an amendment. A deferral can also occur to allow another process to proceed before making a decision on the amendment. Often the other process involves a land use or zoning decision which is relevant to the decision on water and sewer service, or which could be potentially influenced by the action of the Council on the issue of water and sewer service.

Actions which include deferred amendments shall clearly state the reason for deferral. Generally, the deferral period is intended to last no more than one year before an action on the amendment is anticipated. Upon resolution of the reason for deferral, an amendment may be brought back for further consideration by the Council. This can be scheduled at any time at the discretion of the Council. The amendment can be taken up by the Transportation and Environment Committee or go directly to the full Council for consideration; a new public hearing is not required unless one is desired by the Council. Often, to promote an orderly public process, a deferred amendment may be submitted to the Council as part of a semiannual amendment packet from the County Executive. In such cases, the deferred amendment may proceed through the public hearing process with the other amendments in the packet.

Amendments initially recommended for administrative delegation actions may be deferred because they lack appropriate interagency concurrence for administrative approval, because they have been identified for deferral by one or more Councilmembers, or because the DEP Director has determined that issues involved with the amendment require consideration by the full Council. Generally, amendments deferred from administrative actions are included with the next regular semi-annual transmittal of amendments from the County Executive to the County Council, and are subject to the Council's public review process, including a public hearing.

4. Denial -- As detailed under Section V.E., applicants may file a new amendment request following a denial, but not within one year of the date of the denial action. In rare cases, a Councilmember who had voted to deny an amendment may request reconsideration of that amendment by the Council. At this time, DEP cannot deny amendments through the administrative delegation process; if DEP can not approve an application through the administrative process, it must be forwarded to the Council for consideration and final action.

B. Water and Sewer Category Map Updates -- DEP is responsible for preparing interim updates of the plan's service area category maps. Improvements in mapping technology resulting from the use of the County's computer-based geographic information system (GIS), MC:MAPS, now allow for the preparation of more up-to-date maps than the triennial updates required by the State. These interim updates are based on category change actions, map revisions and corrections, and informational updates approved since the last interim or triennial update. The interim update maps, which do not require approval by the Council, represent the County's official record for water and sewer service area categories pending the triennial updates approved by the County Council.