

Section 1: Definitions

Approving Authority - the County Governing Body, which is defined below.

Capital Improvement Program (CIP) - the Frederick County CIP that is reviewed and adopted each year by the County Governing Body and contains specific proposed water and sewer infrastructure improvements for which funding is programmed for design or construction by the County within the current six-year time frame.

Community Sewerage System - any system serving two or more lots, for the collection and disposal of sewerage or industrial wastes of a liquid nature, including various devices for the treatment of such sewage and industrial wastes.

Community Water System - a source of water and a distribution system, including treatment and storage facilities, serving two or more lots.

County Comprehensive Plan or Comprehensive Plan - a composite of maps and written text, the purpose of which is to guide the physical development of the County, and adopted by the County Governing Body under the provisions of the Land Use Article of the Annotated Code of Maryland. The Comprehensive Plan includes a Countywide Plan map and text, and individual community and corridor plans. The municipal plan designation will be used for properties within a municipal boundary.

County Governing Body - the County Council and the County Executive for Frederick County.

County Water and Sewerage Plan or Water and Sewerage Plan - this Water and Sewerage Plan which is a comprehensive plan for the provision of adequate water supply systems and sewerage systems throughout the County and includes all amendments and revisions thereto.

Denied Access Water or Sewer Line - a water or sewer line, which is designated and intended to function as part of a regional distribution and/or collection system and which passes through areas generally outside of Community Growth Areas as designated on the County Comprehensive Plan and are generally not intended to be provided with public water or sewer service. Denied Access lines shall be specifically identified on the County Water and Sewerage Plan Maps. Access to Denied Access lines will not be permitted, except as specified in the policies and procedures stated as part of this Plan.

Department - the Maryland Department of the Environment (MDE).

DWSU - Frederick County's Division of Water and Sewer Utilities.

Existing Service Area - that area which is currently served by either a publicly-owned community sewerage system or publicly-owned community water system.

GPD or gpd - gallons per day.

Individual Sewerage System - a single system of sewers, piping, treatment tanks, or other facilities serving only a single lot, and which has treatment discharge capacity of 5,000 gpd treatment or less.

Individual Water System - a system of piping, pumps, tanks, or other facilities utilizing a source of ground or surface water to supply only a single lot, and which has the capacity to supply less than 5,000 gpd.

Interim Plant - a sewage or water treatment plant that is designed to temporarily serve a portion of a designated Regional Service Area established in the Frederick County Water and Sewerage Plan.

Lot - a contiguous area of land separated from other areas of land by separate description including a recorded deed, a subdivision plat of record or survey map, or by metes and bounds, for purpose of sale, lease, transfer or ownership or separate use, including separation of legal ownership by a condominium regime.

MGD or mgd – Gallons per day (in millions).

Multi Use Sewerage System - a system serving a single lot or institution with a treatment discharge capacity in excess of 5,000 GPD. A Multi-Use Sewerage System involves the collection, treatment and discharge of sewage or industrial wastes of a liquid nature and various devices for the pumping, storage and treatment of such wastes. A Multi-Use Sewerage system is not publicly owned or operated.

Multi Use Water System - a system serving a single lot or institution with the capacity to provide in excess of 5,000 GPD utilizing a source of ground or surface water. The Multi-Use Water System includes the piping, pumps, tanks, or other facilities utilizing a source of ground or surface water. A Multi-Use Water system is not publicly owned or operated.

Nonpoint Source - pollution originating from land run off where no specific outfall can be identified.

Public Service Facilities (or Facility) - structures and properties owned or operated by Frederick County and related to the public health, safety and welfare, including but not limited to water and sewerage facilities, public schools, public maintenance facilities, public parks, and law enforcement facilities. Public Service Facilities also include community fire and rescue service facilities.

Publicly Owned - owned and operated by a State or local government.

Regional Treatment Plant - is an existing or planned water or sewage treatment facility, which has been located on the County Water and Sewerage Plan Map and designated to serve an entire regional service area or Community Growth Area defined in the County Comprehensive Plan.

Sewerage Service Area - is that area served by, or planned to be served by, a public sewage system.

Water and Sewerage Plan - the “County Water and Sewerage Plan” as defined above.

Water and Sewer Regulations - refer to the Rules and Regulations established by the Division of Water and Sewer Utilities (DWSU).

Water Service Area - that area served by or planned to be served by a public water system.

Section 2: Goals and Policies for Water and Sewer Planning

A. Introduction

Title 9 (Environment Article), Subtitle 5 (County Water and Sewerage Plans) of the Annotated Code of Maryland requires each County to develop a plan for water supply and sewerage systems in accordance with the County Comprehensive Plan. The extent, adequacy, sizing, staging, and other characteristics of such water and sewerage systems must be in compliance with all applicable Federal, State and local jurisdictional laws relating to water quality, environmental protection and land use. The Water and Sewerage Plan contains information about proposed water and sewerage projects. This information has been provided by the County's Division of Water and Sewer Utilities or municipal staff. While not all information has been prepared and reviewed for adequacy by a registered professional engineer licensed in the State, the projects will be reviewed by a licensed professional engineer as they are designed.

The Maryland Code further specifies that the extension and expansion of water supply and sewerage systems shall be consistent with the County's adopted land use plan. The Maryland Code establishes the authority for the Water and Sewerage Plan and delegates that authority to the Counties. It also establishes the procedures by which the Counties prepare, adopt, and amend the water and sewerage Plans. This County Water and Sewerage Plan fulfills this legal requirement.

The County's Division of Water and Sewer Utilities (DWSU) is the primary regulating authority that provides public water and sewer service to County residents and businesses within designated water/sewer service areas. In addition to these areas, DWSU is the water and/or sewer utility provider to the municipalities of New Market, Walkersville (sewer only), and portions of the City of Frederick.

This Plan has been developed in cooperation with the municipalities that own and operate their own public water and sewer systems in the County. The municipalities including Emmitsburg, Frederick, Thurmont, Woodsboro, Mount Airy, Middletown, Myersville, and Brunswick own and operate their own water supply and sewer systems. The Town of Walkersville only operates its public water system. The Village of Rosmont has a public water system that is connected to and managed by the City of Brunswick. Remaining areas in the County outside of municipalities and Community Growth Areas are generally served by privately owned wells and individual septic systems, in addition to several small community systems as described in Chapters 3 and 4.

Located within the City of Frederick is Fort Detrick, which supports several federal agencies as well as Department of Defense functions and owns and operates its water and sewer facilities. Both the water treatment plant and wastewater treatment plant are located on the Monocacy River and referred to as Area C.

The County also submitted a draft of this plan to the required comprehensive planning agencies (coordinated by the Maryland Department of the Environment) as required by COMAR 26.03.01.02. A finding of consistency with the County comprehensive plan was made by the Frederick County Planning Commission on December 18, 2024. The Frederick County Council adopted the Water and Sewerage Plan on February 18, 2025.

B. Planning Framework

Water and Sewer Planning

In the first water and sewerage plan, adopted in 1969, Frederick County was divided into 32 drainage basins for water and sewerage planning purposes. The engineering consultant who worked on the first Plan proposed a sewage treatment plant site for each drainage basin, regardless of whether or not the particular basin was planned to have community sewer service within the 20-year time frame of the Plan. Potential surface water impoundments were also located on tributaries to the Monocacy River and Catoctin Creek throughout the County. An impoundment of the Monocacy River at Sixes Bridge was studied as part of a series of back-up water sources for the greater Washington, DC metropolitan area. The designation of the Monocacy River as a State Scenic River in 1974 was the result of major citizen opposition to the proposed dam and virtually eliminated all possibilities of a future impoundment on the Monocacy River.

The 1992 Water and Sewerage Plan marked the departure from drainage basin planning to a discussion of water and sewerage organized by systems and service areas. Over the years, the Central Frederick Service Area has expanded beyond the original drainage basin boundaries so that it no longer makes sense to discuss service to this area in terms of the original 32 drainage basins. At the other extreme, there are existing municipal systems that only provide water and sewer service in a single drainage basin. Many municipal systems were not planned to expand to serve areas outside the municipal boundaries or sized to encompass their entire drainage basins.

1997 Priority Funding Areas Act

The Maryland General Assembly passed the Neighborhood Conservation and Smart Growth initiatives in 1997 (1997 Act). This legislation enhanced the *1992 Planning Act* that established the seven visions to guide growth and development throughout the State (in 2009, the State replaced the existing visions with 12 new visions through HB 294 and SB 273). The Smart Growth initiatives go further than the *1992 Planning Act* by establishing a variety of State programs and fiscal tools in an effort to protect sensitive areas, plan for better growth, and direct resources. The State's Smart Growth toolbox includes a wide range of policies and programs that address land preservation, economic development, neighborhood revitalization, transportation, environmental protection, historic preservation and other initiatives.

The 1997 Act established Priority Funding Areas (PFA), which are designated geographical areas within each county where the State wants to target its programmatic efforts and infrastructure funding to support economic development and new growth. Existing or new development located outside of a State-certified PFA would not be eligible to receive State funding for infrastructure improvements such as roads, water or sewer. Generally, the PFA criteria require a property to be within a designated growth area, have appropriate zoning, and be included in a 10-year water/sewer service area designation.

County Comprehensive Plan

The County adopted the Livable Frederick Master Plan (LFMP) on September 3, 2019, which replaces the 2010 County Comprehensive Plan document. The Land Use Plan and Zoning maps that were amended in 2012 are still in place. The LFMP generally maintains the concept of designated Community Growth Areas (CGAs) where residential, commercial and employment uses will be concentrated. Ten of the CGAs are municipalities and their future annexation areas; the remaining 12 are Unincorporated Growth Areas (UGA), where the planning and zoning is under the County's jurisdiction. The intent of the land use plan is to direct development to the designated CGAs while protecting the County's green infrastructure and agricultural/rural resources. CGAs will be targeted for publicly owned facilities and infrastructure financing and improvements. A higher level of available community services is to be expected within a CGA. Public water and sewer service is provided or planned for all CGAs whereas areas outside CGAs will be served by future individual well and septic systems. The only exception to this policy is possible reconciliation of a public health emergency, where public water or sewerage service could be used outside of a Community Growth Area to maintain public health and safety.

- Municipal Growth Areas (MGA) - Most of the County's municipalities continue to provide a logical location for managed growth both within their existing municipal borders and in surrounding lands which are subject to possible future annexation. The General Plan highlights the existing municipal boundary and the future growth area that would be controlled by the municipality through the annexation process. The limits of a MGA on the County Plan may be different from a growth area identified on a respective municipal plan. The MGAs in the County Plan represent those areas the county has recognized as appropriate for future growth given the limitations and constraints on County public facilities and services during the timeframe of the Comprehensive Plan.
- Unincorporated Growth Area (UGA) – There are several existing communities under the County's jurisdiction that have served as a foundation for growth. These communities have an historic "downtown" core, schools, and water/sewer infrastructure to support additional growth. Several of the UGAs delineate newer communities, which focuses on an older historic core.

Water Resources Element

On May 2, 2006, the State of Maryland adopted legislation (HB 1141, *Land Use—Local Government Planning*) requiring local jurisdictions to include a Water Resources Element (WRE) in their comprehensive land use plans. The Water Resources Element is divided into three components:

- Drinking Water Assessment
- Wastewater Assessment
- Managing Stormwater and Non-point Source Pollution

The purpose of the WRE is to coordinate growth management and water resources planning efforts in Frederick County. The WRE primarily addresses the County owned and operated water and wastewater systems, although data is included for municipal systems and Municipal Growth Areas. Included within these three components of the WRE are discussions of the watershed resources of the County; the quality and quantity of drinking water supplies with respect to planned growth; the treatment capacity of wastewater facilities and disposal of treated effluent; and a review of the County's stormwater management and non-point source pollution programs. Recommendations for sound land and water

resource management practices that contribute towards the health and sustainability of our major watershed systems and human communities are included in the form of goals, policies and action items. Frederick County adopted its WRE on September 23, 2010 with the adoption of the County Comprehensive Plan. The adoption of the Livable Frederick Master Plan on September 3, 2019 incorporated the 2010 WRE document. A new WRE was adopted on January 21, 2025.

County Government Organization Relationship to the Management of Water Supply and Sewerage Facilities

The Department of Planning within the Division of Planning and Permitting administers and manages the Frederick County Water and Sewerage Plan. Close coordination with Environmental Health Services (Health Services Division), the County Attorney's Office, and the Division of Water and Sewer Utilities occurs with all Plan text amendments, category reclassifications, category & infrastructure mapping, as well as the Triennial Update. The Department of Planning also has close relationships with all 12 municipalities within Frederick County, as the County's Water and Sewerage Plan includes all municipalities; there are no separate, distinct municipal Water and Sewerage Plans within Frederick County.

[org chart]

C. Goals for Water Quality and Water and Sewerage Planning

1. To improve the water quality of Frederick County streams by meeting or exceeding the assigned effluent discharge requirements and by identifying and seeking to reduce other sources of pollution, e.g., failing septic systems).
2. To assure a dependable supply of water for drinking, irrigation, recreation, and stream augmentation for present and future generations, recognizing other legitimate uses for streams.
3. To assist in correcting sanitary and water supply problems in existing problem areas that may be located outside of a designated Community Growth Area. The best available and most economical water and sewer technologies and methods, whether publicly-owned or individual in nature, shall be utilized in a manner which will protect the health, safety and welfare of the public.
4. To promote the use of publicly owned and operated regional community water and sewer systems for new development in a manner consistent with the County Comprehensive Plan.

D. Livable Frederick Master Plan Goals and Initiatives

Goal: Water Quality

Improve and protect water quality for human and environmental health by eliminating impairing levels of pollution to local waterways and by adequately funding and implementing water quality restoration and protection efforts.

Initiative: Best Practices

Implement best management practices (BMPS) in all land use sectors and activities to improve water quality, in-stream and riparian (streamside) habitat.

Supporting Initiatives

- Promote enhanced pre-treatment systems and soil based BMPs for new or replacement on-site sewage disposal systems (septic systems) within wellhead protection areas, area of karst geology, and other sensitive areas in Frederick County.
- Require regular pump out and maintenance of septic systems.

Goal: Supply and Treatment Infrastructure

Ensure groundwater and surface water remain safe, reliable, and sustainable sources of public consumption.

Initiative: Water and Sewer Adequacy

Ensure that wastewater and water supply infrastructure is adequate, sound, and efficient to provide for current and future populations.

Supporting Initiatives

- Identify and implement protection strategies for lands critical to the quality of public water supplies, including easements, fee-simple acquisition, and transfer of development rights, and changes to County Code or operational policy.

- Thoroughly evaluate the location and size of area designated for growth and development based on the adequacy of and impacts to driving water supplies and wastewater treatment and conveyance capacities.
- Promote practices to reuse and recycle greywater, rainwater, and stormwater in order to conserve raw water resources and lessen overall water usage.
- Ensure that wastewater treatment and water treatment plants have appropriate technology to remove algal toxins, priority pollutants, microplastics, and endocrine disrupting compounds.

E. General Policies

The following policies will be used to accomplish the stated goals in the Water and Sewerage Plan and guide the implementation of the Water and Sewerage Plan:

1. Water Quality and Supply:

- a. Existing treatment plants will continue to be improved and meet or exceed Maryland Water Quality Standards.
- b. The County will cooperate with Federal, State, and private efforts to reduce sources of stream pollution.
- c. The citizens of the County will be informed of pollution problems and their advice and cooperation solicited.
- d. The utilization of nitrogen-reducing septic systems as a means to reduce ground and surface water enrichment will be encouraged. Alternatives to the conventional septic system will be used to correct existing problems.
- e. In the event that existing individual private water supply or sewerage systems prove inadequate or unsafe, the County will attempt to provide connection to a public system.
- f. The nature and extent of all existing water and sewer problems will be investigated and solutions sought. The County will seek to identify potential public health problems and potential solutions.
- g. In planning for publicly owned water and sewer facility construction programs, the following shall be considered:
 - i. Areas experiencing public health hazards needing immediate solution.
 - ii. Existing systems in need of upgrading.
 - iii. Developing areas.
 - iv. Goals and policies of the Comprehensive Plan.
 - v. Determination of physical and financial feasibility.
- h. All water storage (impoundment) projects shall meet State and Federal requirements and shall consider recreation use and riparian rights of downstream owners.

2. Interjurisdictional Coordination:

- a. All branches of the County government and municipalities will be expected to comply with the Water and Sewerage Plan and their activities will be expected to be in conformance with the policies of the Plan.
- b. The County government shall aid and encourage river basin cooperation with all adjoining jurisdictions, including support of efforts and activities of the Interstate Commission on the Potomac River Basin (ICPRB).
- c. In adopting this Plan, it is not the intent of the County Governing Body to usurp the basic powers and responsibilities of the municipalities as now existing under present laws and regulations.
- d. Nothing in this Plan should be construed as relaxing any existing regulations, rules, agreements, decisions or other acts of any municipality or any branch of the County or State governments; in cases of conflict, the more restrictive provisions shall apply.

3. Ownership, County Operation and Financing of Water and Sewer facilities:

- a. All new community water and sewerage systems shall be publicly owned.
- b. The County with guidance from the Division of Water and Sewer Utilities (DWSU) will continue to seek alternative methods to serve properties which may not be adequately served by the remaining privately owned community water and sewer systems. Acquisition of privately owned systems, when appropriate, shall be done through the adoption of the Capital Improvement Plan (CIP) with consideration of the effects upon existing water and sewer user fees and capacity charges.
- c. With respect to any County owned water or sewerage system, DWSU shall determine the feasibility of a proposed sewer or water improvement or extension project, the manner in which service may be obtained, and may require a developer to provide information necessary to determine the estimated cost of such service.
- d. If a proposed project is to receive public funding in addition to private funding, a public works agreement or public improvements agreement between the County and the developer must be signed before the project can become part of the County Capital Improvements Program (CIP).
- e. If a project is constructed from private or a combination of public and private funds, all necessary funds (other than grants and County supplied funds) shall be guaranteed to the County Governing Body prior to the initiation of each phase of a project.
- f. All water and sewerage systems (excluding systems and facilities owned and operated by the municipalities) shall be designed and built in accordance with Frederick County Design Manual and General Conditions and Standard Specifications. All designs shall conform to applicable Federal, State, and local regulations and recognized industry standards, including but not limited to, *American Water Works Association, Recommended Standards for Water Works (or Sewage Works) "Ten States Standards"*, etc., and shall be

reviewed and approved by the Maryland Department of the Environment, when required, and/or the County, prior to construction.

- g. Publicly owned community water and sewerage systems will be designed based on the population designated, or the equivalent dwelling units (EDU) for the comprehensively planned or zoned properties on an acreage basis within the Comprehensive Plan for the area. Designs must be reviewed and approved by the DWSU.
- h. All public water and sewerage projects (excluding systems and facilities owned by incorporated municipalities) shall be inspected by a representative designated by and on behalf of DWSU.

4. Sub-Regional Water and Wastewater Plants:

- a. The construction of new sub-regional water or sewerage treatment plants shall not be permitted.

5. Plant Size Service Area:

- a. The County will be served by regional plants. Publicly owned Community water and sewerage service will not be extended to serve properties in areas designated Agricultural/Rural or Natural Resource on the County's Comprehensive Plan, unless applicable criteria in Section 2 (E) (8) are satisfied.
- b. Extension of existing water or sewerage systems, as anticipated in the County Comprehensive Plan, shall be considered the preferred method of serving future residential development. The capacities of water transmission mains and/or sewer interceptors, along with a recommended alignment(s), after approval by DWSU (or the County Governing Body) shall be incorporated into the Frederick County Water and Sewerage Plan via the amendment process.
- c. An interim treatment plant is acceptable in principle and may be approved, provided it is an interim step in a long-range regional plan. The Regional permanent facility and its ultimate service area must be defined in the County Water and Sewerage Plan prior to consideration of an interim plant.
 - i. If approved, interim plants shall be located in growth areas that are planned for regional systems as identified in the County Comprehensive Plan. Interim plants shall not be used in areas outside of Community Growth Areas designated for well and septic development.
 - ii. An interim plant may only be approved by an amendment to the County's Water and Sewerage Plan. Approval will be given only if it is compatible with appropriate regional plans for such water or sewerage service.
 - iii. An interim plant shall not be considered a justification to increase the density of zoning from what was previously granted or is identified in the Comprehensive Plan.
 - iv. An interim plant and appurtenances must be publicly owned and operated.
 - v. An interim plant will be designed to meet all applicable health and water quality requirements as established by DWSU and subject to the appropriate Federal, State, and local regulations and pursuant to recognized industry standards.

- vi. Any request to consider the establishment of an interim plant shall be reviewed by DWSU. The applicant shall provide sufficient data to allow DWSU to make a preliminary determination as to the financial feasibility of the proposal, including future operating expenses. Whether a project or system can be self-supporting will be evaluated as well as the projected impact on the consolidated rate system. Separate determinations will be made of the feasibility of a water system and sewerage system.
- vii. The minimum size of an interim plant will be determined by DWSU based on, but not limited to, anticipated operating costs, the maximum number of equivalent dwelling units as determined by the County or another permitting authority, life expectancy of the interim plant, proximity or feasibility of connections to interceptors (transmission mains), anticipated time that permanent regional facilities will be ready for use, etc.
- viii. The County will not be responsible for the cost of oversizing any interim plant or interim facility. Oversizing, in this case, means construction of an interim system providing capacity in excess of what is needed to serve the applicant's property. The County may require that the developer establish an escrow account to cover an interim system's maintenance and operating expenses until there are sufficient connections to provide operating revenue to meet expenses. The County may pay for oversizing of lines provided that the criteria in DWSU Water and Sewer Rules and Regulations are followed (see also § 2-13-6(b) (5) of the Public Local Laws). The County is solely responsible for determining if the lines or plant and appurtenances should be oversized or an escrow account set up for operating expenses.
- ix. When an interim plant has been approved, transmission mains and interceptors will be designed to facilitate connection with permanent lines or plant(s) and according to DWSU specifications, and easements reserved to provide access to the system (and Regional facilities) by adjoining properties.
- x. All interim water systems shall be required to meet minimum standards for fire flow volume/rate and pressure as determined by DWSU design criteria. The water systems shall be designed to be interconnected with adjacent properties within the respective pressure zone, but each subdivision may be required to expand the facilities, e.g., booster pumping station, water storage tank, etc., necessary to accommodate the interconnection.
- xi. A standard connection charge will be assessed against all equivalent units (including those owned by the County) utilizing the interim plant and be accumulated toward the establishment of the permanent regional treatment system. There shall be no credits or reimbursements for expenses incurred in the development of the interim treatment plant or interim offsite facilities.
- xii. If a developer cannot qualify for an interim plant, or is proposing a minor subdivision, with the approval of the County, the developer may develop on well and septic if the developer installs "dry" lines and complies with DWSU design criteria and plans for the future lines.
- xiii. Interim plants may be used to serve areas considered as having a health problem as identified and documented by the Health Department.

d. Environmental Considerations:

- i. The applicant for an interim water service area shall provide the County with appropriate hydrogeologic studies which assess the environmental impact of the system on surrounding development. No new systems will be approved which negatively impact the well yields of surrounding properties or surface waters, as determined by the Maryland Department of the Environment, Water Management Administration. The water system must not exceed the natural recharge available for their service area. These studies will be submitted to the State to support approval (or denial) of the necessary Water Appropriation and Use Permit (WAUP) from MDE.
- ii. Interim sewage treatment plants cannot be so located that they would cause more stringent effluent NPDES limitations to be placed on existing or proposed sewage treatment plants. State agencies will be requested to comment on any proposal and validate that NPDES limitations will not be affected. The applicant shall employ qualified registered professionals who will be required to calculate the 7Q10 low flow of the receiving stream at the point of discharge in conjunction with the assimilative capacity of the stream.
- e. The use of gravity flow collectors and interceptors are the preferred method of serving all service areas. In the rare instances where a portion of the service area (or sub drainage area) cannot be served via gravity, regional pumping station alternatives must be studied, sized, properly located, etc., and approved by DWSU (see Policy 5 (b) above) prior to County approval of a pump station symbol on the Water and Sewerage Plan Map.

6. Capacity ("Tap") Allocations

See the DWSU Water and Sewer Rules and Regulations for the criteria necessary to secure water and/or wastewater capacity allocations.

7. Denied Access Lines

In order to properly regulate development and direct growth to appropriate locations in accordance with the Frederick County Comprehensive Plan, properties designated Agricultural/Rural, Institutional, or Natural Resource and located outside of a Community Growth Area on the County Comprehensive Plan will not be permitted to access lines identified as "Denied Access" on the official Water and Sewerage Plan Map except under one of the following conditions:

- a. To provide service to areas planned for water and sewer service on the Water and Sewerage Plan Maps and County Comprehensive Plan.
- b. To provide service to properties where a written agreement with the County, executed prior to the creation of the Denied Access designation, obligated the County to permit access to the particular line to provide service to a specific property.
- c. To provide service to areas where the Health Department determines access is necessary to solve an existing Health related problem and the County Governing Body agree to permit access to the line.
- d. To provide service to Public Service Facilities.

- e. To provide public sewer service to existing structures or facilities and any future accessory structures¹ to parcels with Institutional Zoning (Euclidean) as of December 31, 2018, in order to reduce the level of nutrient pollution discharged to groundwater and surface waters, where an Individual Sewerage System would have the potential to discharge more than 200 pounds of nutrients (total nitrogen) per year, provided that:
 - i. The Institutional Zoned parcel also connects to public water to avoid recharge imbalance, unless the Applicant can demonstrate to DWSU's satisfaction that connection to public water is not economically feasible; and
 - ii. The Applicant relinquishes and assigns to the County, if allowed by the issuing authority, all discharge or appropriation permits issued by federal, state or local governments; and
 - iii. All existing and future accessory structures² or facilities located in the parcel must connect to public sewer and water unless the connection to public water is not required pursuant to (e)(i) above.

Any change to the status of all or a portion of a Denied Access line will require consistency with the County Comprehensive Plan and an amendment to the Water and Sewerage Plan as described in the Review and Amendment Procedures of this Plan. No connections will be allowed if there is no capacity in the Denied Access Line.

Properties and uses that are eligible to be served by a Denied Access line shall apply for an appropriate Water and Sewerage Plan classification amendment as described in Section 3 Review and Amendment Procedures. These procedures include submission of the amendment to the Maryland Department of the Environment for the Department's review.

8. Service to a Property Zoned Agricultural

Publicly owned community water and sewer service is generally not planned for properties zoned Agricultural. Agriculturally zoned properties may be located within or outside of Community Growth Areas. Applications to amend the Water and Sewerage Plan classification for Agriculturally zoned properties to a classification other than "NPS" (No Planned Service) will not be accepted, except as provided below. The amendment procedures include submission of the amendment to the Maryland Department of the Environment for the Department's review.

Agricultural zoned properties may apply for reclassification to allow connection to publicly owned community water and sewer service if at least one of the following conditions listed in (a), (b), (c), or (d) below are met:

- a. The property is within a Community Growth Area, in an area planned for publicly owned community water and sewer service on the Comprehensive Plan and;

¹ Accessory structures are those structures that provide support to existing structures or facilities. A subordinate use or structure which is located on the same lot as the principal use or building except as outlined in 1-19-8.250.1(F) [guardhouses] and serves a purpose customarily incidental to the principal use or building. For example, athletic fields, including stadium-style seating, concession and associated restrooms, and other types of buildings and activities typical of day-to-day functions for a school.

- i. Adequate capacity exists in lines and/or treatment facilities; and
- ii. Service is restricted to uses allowed in the Agricultural zone.
- b. The property designation on the Comprehensive Plan is a category other than Agricultural/Rural or Natural Resource; and
 - i. Adequate capacity exists in lines and/or treatment facilities; and
 - ii. Service is restricted to uses allowed in the Agricultural zone.
- c. The property is used or proposed for use as a Public Service Facility, and adequate capacity exists in lines and/or treatment facilities.
- d. The property meets one of the conditions in 7. Denied Access Lines allowing access to a Denied Access water or sewer line. No connections will be allowed if there is no capacity in the Denied Access Line.

9. Partial Classification on the Water & Sewerage Plan Maps

In order to properly regulate the timing of development and direct growth to appropriate locations in accordance with the Frederick County Comprehensive Plan, it may be necessary to limit connection to the community system to only a portion of a parcel or lot of record.

Therefore, only the real property covered by the footprint of the structure(s) authorized to connect to the community system by the Division of Water and Sewer Utilities (DWSU) will be illustrated on the water and/or sewer classification map if (a) or (b) apply:

- a. A property is being reclassified under
 - i. 7. Denied Access Lines; or
 - ii. 8. Service to a Property Zoned Agricultural.
- b. For all other reclassification requests, county staff may recommend only a portion of a lot be reclassified to the County Governing Body if County staff determine there is limited water and/or wastewater system capacity and (i) or (ii) apply:
 - i. The property has remaining subdivision potential as determined by the Department Director of Development Review & Planning; or
 - ii. A property within any non-residential zoning district has remaining development potential which could result in a 50% increase in square footage as determined by the Zoning Administrator.

The partial classification shall be illustrated as part of the piecemeal amendment request. The amendment procedures include submission of the amendment to the Maryland Department of the Environment for the Department's review.

10. Individual Wells and Septic Systems

- a. Individual well and septic systems will be allowed in areas classified NPS, PS, as well as in areas with categories of W-5/Dev., and S-5/Dev.

- i. Properties classified S-5/W-5 are not required to connect to the community system.
- ii. Properties classified S-4/W-4 shall connect to the public system when service lines abut the property and adequate capacity exists to serve the property.
- iii. Properties classified S-3/W-3 shall connect to the public system when service lines abut the property and adequate capacity exists to serve the property.
- b. The installation of individual water supply or individual, private septic systems must comply with all State of Maryland and Frederick County Health Department regulations and policies regarding percolation testing, well drilling, water appropriation, and lot size. An individual water supply or individual, private septic system may not be permitted when adequate water and sewer service lines abut a property having a classification of W-4 Dev, S-4 Dev., W-3 Dev., S-3 Dev., or W-1/S-1 and when the adequate water and sewer lines that abut a property are located within a public right-of-way or a public water/sewer easement.
- c. A treatment system utilizing best available technology (BAT) to reduce nitrogen discharges may be required:
 - i. Where the septic system is installed within a Well-Head Protection area: or
 - ii. When analysis shows that a septic system may cause nitrogen concentrations in the groundwater to exceed acceptable levels affecting a well on the subject property or a well on a neighboring property.
- d. For septic systems with sewage design flows or a maximum daily flow greater than 1,500 gallons/day, and where nitrogen discharge is identified by the Health Department to be a problem requiring treatment an individually engineered treatment system is required.
- e. If an existing, publicly owned community water or sewerage system is inadequate or is not available, an interim individual water and/or sewerage system may be used provided that:
 - i. Pertinent State and local regulations including minimum lot size are complied with,
 - ii. Permits for such systems bear a notice regarding the interim nature of the permit and stating that connection to a future regional community system shall be made within 1 year or less after such system becomes available, and
 - iii. If individual interim systems are used, provision shall be made, whenever possible, to locate such systems to permit connection to the public facilities in a most economical and convenient manner, including the installation of dry lines [see Policy 5 (c)]

11. Multi-Use Systems

- a. If required, sewerage construction permits, groundwater appropriation permits, and discharge permits must be obtained from the State of Maryland for any Multi-Use Water or Multi-Use Sewerage System approved by Frederick County.

- b. Decisions relating to Multi-Use systems must conform to the land use policies contained in the Comprehensive Plan. Consistency with the Comprehensive Plan shall consider the physical and environmental impacts, impacts to agriculture, rural landscapes, natural resource areas, as well as an evaluation of the scale and intensity of the proposed development of the land for which the multi-use systems are sought to be used in light of the uses proposed, envisioned and articulated in the Comprehensive Plan for that area.

12. Response to Sanitary and Water Supply Problems

The Secretary of the Maryland Department of the Environment has the statutory power to direct that action be taken to correct a health emergency caused by failed septic systems or private well contamination. Recognizing this, the following policies and procedures have been established. They address how the County (jointly with a municipality, if applicable) will respond to health emergencies which may arise. In addition, they establish standards for planning extension of water and sewer services to unserved areas adjoining municipalities which are not emergencies, but which may need such service in the future.

- a. Applicability: The following policies apply if the number of septic failures or well contaminations determined by a Health Department Sanitary Survey exceeds 25% of the properties surveyed.
- b. Problem Area Response Procedures
 - i. When notified by the local Health Department of a well contamination or septic failure area, the County will initiate a meeting among appropriate county departments, the Frederick County Health Officer, and municipal representatives, if applicable, to discuss the problem and potential solutions.
 - ii. An informational meeting with affected landowners will be held by the County following the meeting referenced in (2) (a) above.
 - iii. If both capacity and funding are available, a municipality or the County system will serve the area of need.
 - iv. Establishment of a community sub-regional system that may be located outside of a Community Growth Area may be used to serve a problem area if all other applicable criteria in the Water and Sewerage Plan and DWSU's Rules and Regulations are met.
 - v. The County will support and assist in the annexation of the area to be served when possible.
 - vi. If annexation is not favored by the municipality, the County will require, assuming that a municipality will authorize service outside of their municipal boundary, all properties in the area of need to connect to any municipal line that abuts the property when service becomes available and the property owner is able to fund a connection.
 - vii. The County will initiate the appropriate change in the County Water and Sewerage Plan to facilitate service to the area of need.

- c. Connection and Financing Costs
 - i. The owners of developed and undeveloped buildable lots in the area of need shall be responsible for the cost of extension of services to their properties.³
 - ii. The property owners in the area of need shall be responsible for the cost of the tap (capacity) fees and the lateral connections from the sewer line to the house or the waterline to the house, and the closure of septic field or well.
 - iii. The County or municipality may consider financing mechanisms to assist property owners in the area of need with the costs for service.
 - iv. The municipality or County may adopt property tax abatement to property owners in the area of need for a specified number of years.

13. Requirements for Individual On-Site Sewage Systems

The following pertinent information is excerpted from the Health Department regulations (consult the Frederick County Health Department for further details):

- a. Sewage percolation tests for individual on-site sewage systems will be performed only during the period from February 1st through April 15th, if there is one or more of the following soil series present as described in the Soil Survey for Frederick County, Maryland, 2002:

Adamstown (AdA,AdB), Airmont(ArB,ArD), Bagtown (BaB,BaC,BaD,BbD,BbE), Baile-Glenville (BcB), Benevola (BdB*,BdC*), Birdsboro (BgA,BgB), Blocktown (BhE*), Brinklow-Blocktown (BkD*), Braddock (BnB,BnC,BoB), Croton-Abbottstown (CrA,CrB), Dekalb-Bagtown (DbF), Dryrun (DqA), Glenelg (GeB*,GfB*,GgB*,GgC*), Glenelg-Blocktown (GhB*,GhC*), Glenelg-Mt.Airy (GmB*,GnB*), Glenville (GoB,GoC), Glenville-Baile (GuB), Hyattstown (HtF*) Hyattstown-Linganore (HyD*), Klinesville (KeB,KeC,KeD,KnB,KnC), Lehigh (LqB), Linganore-Hyattstown (LyB*,LyC*), Morven (MbA,MbB), Mt.Airy (MeB*,MeC*,MeD*,MeF*), Mt.Zion (MmA,MmB,MmC), Mt.Zion-Rohrersville (MnA,MnB), Murrill-Dryrun (MtB), Norton (NoA,NoB,NoC), Penn (PaB,PeB,PeC,PnB,PnC), Penn-Reaville (PqB,PrA,PrB), Ravenrock (RaD), Ravenrock-Highfield (ReB,ReC,ReD,ReF), Ravenrock-Rohrersville (RfC), Readington (RgA,RgB), Reaville(RmA), Springwood (SpA,SpB,SpC,SqB), Springwood-Morven(SrB), Stumptown-agtown (SuD,SuF), Thurmont (TaB,TaC,ThB), Trego (ToA,ToB,TqB,TrB), Watchung (WcB), Weaverton-Hazel (WeC*,WeD*,WeE*).

The Frederick County Health Department, with the guidance of the Maryland Department of the Environment, may modify these wet season percolation dates based on soil conditions.

*These soils are classified as Lower 1/3 Landscape Position Restricted Soils.

- b. If one or more of these soil series is present in only a portion of a subdivision, the preliminary plan for that subdivision may be modified to exclude the areas containing these soils; percolation on the excluded portion will be performed only during the period February 1st through April 15th on a resubmitted plan.

³ The Water and Sewer Rules and Regulations, effective October 1, 2022, Section 6, Failing Water or Septic Systems, stipulates the applicable cost-sharing criterion, which may include possible funding from local, state, or federal government sources to offset/reduce costs.

- c. The following floodplain soils are unsuitable for sewage disposal and will not be subject to percolation:

Adamstown-Funkstown (AfB), Bermudian (BfA), Bowmansville-Rowland (BmA,BmB), Codorus & Hatboro (CgA), Combs (CmA,CnA), Foxville (FoB), Foxville-Hatboro (FxA), Glenville-Codorus (GvA,GvB), Hatboro-Codorus (HdA), Lantz-Rohrersville (LaB), Lindside (LsA), Melvin-Lindside (MaA), Mt.Zion-Codorus (MoB), Rohrersville-Lantz (RoB), Rowland (RwA), Trego-Foxville (TxR), Wheeling (WhB) and Wiltshire-Funkstown (WtB).

Section 3: Review and Amendment Procedures

A. Triennial Review

State Law Title 9, Subtitle 5 of the Environment Article of the Annotated Code of Maryland requires the governing body of the County, after reasonable opportunity for public hearing, review at least triennially the County Water and Sewerage Plan.

B. Amendment Procedures

The governing body of the County may amend the County Water and Sewerage Plan when necessary or when Maryland Department of Environment requires it.

1. **CIP Process:** To the extent that the currently adopted six-year CIP contains projects not already included in the Water and Sewerage Plan, the infrastructure listed in the six-year CIP will be added to the Water and Sewerage Plan. The current CIP is forwarded in its entirety to the Maryland Department of the Environment following its adoption, as Appendix A of the Water and Sewerage Plan.
2. **Comprehensive Plan Update Process:** The County Governing Body may, as part of the Comprehensive Plan Hearing and Adoption Process, concurrently make revisions to the Water and Sewerage Plan. These revisions may include the addition or removal of proposed infrastructure or facilities, as well as placing properties into or out of the Planned Service Areas. As required under State law and the County Comprehensive Plan, notice will be provided prior to the Comprehensive Plan hearings when these revisions to planned water and sewer service areas or infrastructure will be discussed. All Water and Sewerage Plan classification and/or infrastructure revisions made during the Comprehensive Plan update process shall be forwarded to the Maryland Department of the Environment as currently required.

3. Piecemeal Application Process

- a. Applications for amendments to the Water and Sewerage Plan for Frederick County, including its incorporated municipalities, may be submitted at any time. Applications received are processed in three cycles, Spring (deadline March 31st), Summer (deadline July 31st), and Fall (deadline November 30th).

The County Governing Body may at their discretion initiate amendments to the Water and Sewerage Plan outside of the tri-annual review sequence when necessary; (i) To allow service to an existing structure from an existing system when a potential health hazard has been declared by the Health Department, or (ii) To allow requests submitted by a government agency or for capital projects to proceed.

- b. Applications for proposed amendments to the County Water and Sewerage Plan and supporting documents, shall be submitted to the Frederick County Division of Planning & Permitting, 30 North Market Street, Frederick, Maryland, 21701 through the online application system.

- c. Requests for amendments to provide service to properties with a land use plan designation of Agricultural/Rural, or Natural Resource on the County Comprehensive Plan are not in conformance with the County Comprehensive Plan and will not be accepted, unless service is permitted pursuant to Section 2. e. 7. Denied Access Lines.
- d. Requests for amendments to provide service to properties zoned Agricultural will not be accepted unless service is permitted pursuant to Section 2. e. 8. Service to Properties Zoned Agricultural.
- e. Requests to amend the water and sewer classification of a particular property may be made by the property owner, their agent or a contract purchaser with consent of the owner. A municipality may initiate an application with regard to municipally owned infrastructure and property, or to revise its planned service area to be consistent with the comprehensive plan for the municipality.

The County Staff may initiate an application with regard to location of infrastructure generally or reclassification of properties to implement the Comprehensive Plan, or if the property no longer meets the requirements of its current classification.

- f. It shall be the responsibility of the Frederick County Division of Planning & Permitting to coordinate the review of amendments to the Water and Sewerage Plan in cooperation with the staff of the Division of Water and Sewer Utilities, the County Attorney's Office, and the staff of the County Health Department.

The above-mentioned staffs shall review the proposed amendments and submit their recommendations which may be in the form of text, maps, tables, charts or other information necessary to explain the proposed amendments.

- g. Amendments proposed within a municipality must be proposed by that municipality or be accompanied by a letter from the Mayor or Burgess or a designated municipal official certifying the amount of excess water supply system and wastewater system capacities and the intent to provide the available capacity to the property that is the subject of the amendment. When certifying the amount of excess water supply system and wastewater system capacities, a methodology not less stringent than that provided in the Maryland Department of the Environment, Water and Wastewater Supply Capacity Management Plans, as amended from time to time, will be utilized. In the event that excess water supply system and wastewater system capacity do not exist, the application shall include detailed information proposing how sufficient capacity will be provided to serve the property and a letter from a municipal official indicating that the municipality agrees to the proposal.
- h. The proposed amendments will be submitted to the County Planning Commission, which will determine whether the Plan amendment is consistent with the County Comprehensive Plan.

The municipal plan designation will be used for properties within a municipal boundary.

A property or development project is only required to obtain a finding of consistency once.

- i. Before the County Governing Body adopts any amendment to the Water and Sewerage Plan, the following steps must take place:
 - i. The County Council must conduct a public hearing, and
 - ii. The County Council must give notice of the Plan amendment to the principal elected official of each affected municipal corporation at least 14 days before the hearing, and
 - iii. Notice of the time and place of the public hearing, with a summary of the amendment(s) must be published in at least one newspaper of general circulation, once each week for two successive weeks with the first notification appearing at least 14 days prior to the hearing.
 - iv. The County Council must prepare a written Resolution approving or denying the amendment(s), which must be transmitted to the County Executive within ten (10) days for approval or veto.
 - v. For good cause, the County Council may continue a proposed amendment for further study and information until a date certain as determined by the Council, but in no event longer than six (6) months after the public hearing in which the decision to continue the proposed amendment was made, except as provided by law. If the County Council takes no action or makes no decision on the proposed amendment within six (6) months of its public hearing, the application shall be deemed null and void, and the applicant must reapply for a Water and Sewerage Plan amendment. If the lack of action or a decision by the County Council is not the fault of the applicant, then the applicant will not be charged fees for the reapplication.
- j. Following the decision of the County Council and approval or veto by the County Executive, the amendment shall then be sent to the Maryland Department of the Environment for its review and final approval. The State has at least 60 days and may extend its review period.
- k. Unless an amendment to the County Water and Sewerage Plan expressly provides otherwise, an amendment to the County Water and Sewerage Plan shall take effect: upon approval by the Maryland Department of the Environment (MDE) or upon the failure of MDE to disapprove, in whole or in part, the proposed amendment or revisions within the review period specified in the Annotated Code of Maryland, Environment Article §9-507.

4. **Water and Sewer Plan Classification After Connection Process:** When the requirements of the Water and Sewerage Plan have been met and a property connects to the community water and/or sewer system (whether publicly owned or private), County staff will update the Water and Sewerage Plan maps to reflect the property as W-1 and/or S-1. This will not require a public hearing or approval by the County Governing Body or notification of property owner(s). A list of properties reclassified as W-1 or S-1 by staff will be included for informational purposes with the next piecemeal amendment cycle.

C. Fees

The fee schedule established by the County Governing Body applies to all applications to amend the Water and Sewerage Plan, including developer funded projects that will ultimately be owned by a government entity.

Fees for amendments filed by a government entity for property or infrastructure owned by the government entity, or amendments resulting from changes to a local government's comprehensive plan, shall be waived.

Fees must be paid at the time of application and are not refundable.

D. Severability

The requirements of this Water and Sewerage Plan are severable, and if any of its requirements are held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining sections.

Section 4: County Water and Sewerage Plan Classification System

A. General

A classification system has been established for properties that will be served by publicly owned community water and sewer systems. The classification system reflects a progression toward the attainment of public water and sewer service so as to implement the County Water and Sewerage Plan, as well as County or municipal Comprehensive Plans.

The classification system is designed to show need and intent of the County, its municipalities and the private developer for establishing or extending publicly-owned community water and sewer systems.

Classifications which indicate anticipated improvements within the next six (6) years should be part of an action plan to be implemented within the constraints of funding and various required agreements and approvals. The classification system is not intended to prevent development of publicly owned community water and/or sewerage systems or facilities prior to or later than the time periods indicated; rather it is the best estimate at the time of adoption as to when such development may be expected to occur. Every effort should be made by the County, municipalities, and developers to progress with water and sewer projects to the point that construction may occur in accordance with the Plan. However, after having achieved one level, there is no guarantee that the next level classification will be granted.

B. Water and Sewerage Plan Classifications

Tracts of land where publicly owned community water and/or sewer facilities are proposed to be extended by developers or where the County or municipalities anticipate that development may occur within 20 years may be assigned a classification with the suffix "Development" or "Dev.". A "Dev." designation means that the extension or construction of publicly owned community systems or facilities is dependent upon developer or landowner action and funding.

The year of adoption of a piecemeal Water and Sewerage Plan amendment is noted within the water and sewer classification designations for properties in 4 and 3 categories, (e.g. 90 S-3 means the sewer priority classification of S-3 was approved by the County in 1990).

NPS – No Planned Service

A classification assigned during the Comprehensive Planning Process to land which is not planned or projected to be served by publicly owned community water or sewer systems within the timeframe of the County Comprehensive Plan. This classification may also be assigned by a staff-initiated piecemeal amendment application if a property no longer meets the requirements of its current classification.

PS – Planned Service

A classification assigned during the Comprehensive Planning Process to an area or property shown on the Comprehensive Plan for growth utilizing publicly-owned community water and/or sewer systems, or within a Community Growth Area of a community to be served by public water and sewer in the County Comprehensive Plan, within the 11–20-year time frame. Properties within this classification have designations other than Agricultural/Rural, Natural Resource, or the Open Space Form Designation on the

County Comprehensive Plan. This classification may also be assigned through the piecemeal application process by a staff-initiated application with regard to location of infrastructure generally or reclassification of properties to implement the Comprehensive Plan, or if the property no longer meets the requirements of its current classification. Additionally, this classification may be assigned through the piecemeal application process to provide service to areas where the Health Department determines access is necessary to solve an existing health related problem.

S-5/W-5 – Mid-Range Plan Phase

A classification assigned through the Comprehensive Planning Process where improvements to, or construction of, publicly owned community sewerage or water systems are planned within the 7-10-year time period.. Except as provided below, properties requesting this classification shall meet the following criteria:

1. Have a land use plan designation other than Agricultural/Rural, Natural Resource, or the Open Space Form Designation on the County Comprehensive Plan. As per the policy for PS-Planned Service, this classification may be assigned through the piecemeal application process to provide service to areas where the Health Department determines access is necessary to solve an existing health related problem.
2. Have zoning other than Agricultural or Resource Conservation.
3. If located within a municipality where the municipality provides community water and sewer, the property shall be designated in the municipal plan to be provided services in the 7-10-year time frame.
4. Be located within a Community Growth Area as shown on the Frederick County Comprehensive Plan.
5. Demonstrate that there is sufficient capacity planned in the systems serving the property within the 7-10-year period.

In addition, this classification may be assigned through the piecemeal application process to property:

1. Annexed into a municipal corporation, if the property is located within a municipal growth area and described in an adopted Municipal Growth Element (MGE); or
2. Granted a Planned Unit Development (PUD) or Mixed-Use Development (MXD) or Open Space Recreation (OSR), or Institutional (I) floating zone classification; or
3. Zoned Agricultural, if all the criteria set forth in Section 2, General Policies 8. Service to a Property Zoned Agricultural or, if applicable, Section 2, General Policies 7. Denied Access Lines are satisfied; or
4. To provide public water and/or sewer service to Public Service Facilities if the applicable criteria in Section 2, General Policies 8. Service to a Property Zoned Agricultural are satisfied.

S-4/W-4 – Concept Evaluation Phase

A classification assigned through the piecemeal application process to properties designated residential, commercial, or industrial, or in general, a category other than Agricultural/Rural, Natural Resource, or the Open Space Form Designation on the County Comprehensive Plan, and where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 4–6-year time period. As per the policy for PS-Planned Service and S-5/W-5, this classification may also be assigned through the piecemeal application process to provide service to areas where the Health Department determines access is necessary to solve an existing health-related problem. Properties requesting this classification shall meet the following criteria:

1. The criteria required for the S-5/W-5 classification have been complied with.
2. The application shall include documents that show conceptually how the applicant plans extensions of water and sewer lines to serve the property, including topographic information from appropriate sources and an estimate of construction costs.

Water concept submissions shall consider the County's water pressure zones to develop the concept, e.g., water booster pumping stations or pressure reducing valves.

Sewerage concepts shall consider gravity service as the preferred method (see Section 2, General Policies 5. Plant Size Service Area, paragraph (e)). All concept plans shall distinguish between County planned and developer provided facilities and be complete and accurate as determined by the Division of Water and Sewer Utilities (DWSU).

3. Adequate capacity shall exist or be programmed within the County or a municipal CIP for the system, which will serve the site. If adequate capacity does not exist, the property owner/applicant must identify and propose needed improvements (as approved by DWSU) to provide adequate capacity.

After an S-4/W-4 classification has been granted, an application may be submitted to the Maryland Department of the Environment for Water and/or Sewerage construction permits, as applicable.

S-3/W-3 – Preliminary Design Phase

A classification assigned through the piecemeal application process to properties where improvements to, or construction of, publicly owned community sewer or water systems are planned to be completed and operational within 3 years. Properties requesting this classification shall meet the following criteria:

1. Criteria required for the S-4/W-4 classification have been complied with.
2. Applicant shall provide a study of the components of the existing water and wastewater system and identify inadequacies that may result from the development of the property. This study may be performed in conjunction with the Adequate Public Facilities Ordinance (APFO) studies.
3. A preliminary plan of subdivision, or equivalent plan in a municipality, has been approved by the Planning Commission, or equivalent body within a municipality.

- a. If the County provides water and/or wastewater services to a municipality through a water or sewer service agreement, then the preliminary plan of subdivision or equivalent plan must be deemed acceptable by the Division of Water and Sewer Utilities.
- 4. If there is no preliminary plan of subdivision, and the property is not intended to be subdivided, and the property is a legal lot of record, a site plan (if required), or an equivalent plan in a municipality, has been approved by the Planning Commission, or equivalent body within a municipality.
 - a. If the County provides water and/or wastewater services to a municipality through a water or sewer service agreement, the site plan (if required) or equivalent plan must be deemed acceptable by the Division of Water and Sewer Utilities.
- 5. A discharge permit, where appropriate, has been approved by all appropriate State agencies.
- 6. A hydrogeologic study, where appropriate, supports the establishment of a community water system, which will not be detrimental to adjoining wells or surface waters. The hydrogeologic study is typically required to appropriate both ground (well) or surface waters. A Water Appropriation and Use Permit, where appropriate, has been approved by all appropriate State agencies.
- 7. If County funded CIP project(s) are needed to provide service, then construction funds for each project must be contained in the first or second year of the County's approved CIP.
- 8. Off-site water/sewer improvement plans, construction cost proposals, and easements (if applicable) that are needed to provide service to the site must be approved and signed. This criteria is considered met if a water/sewer line abuts the project site within a public right-of-way or a recorded public water/sewer easement.

Within this criteria, "project site" means the entire area included in an approved preliminary plan or site plan. "Off-site improvement" means a required water/sewer project that is not located within the project site.

Satisfaction of Items 7 and 8 will create a rebuttable presumption in favor of the applicant that service will be available within 3 years. If a property does not obtain onsite water and sewer improvement plan approval and the Adequate Public Facilities Ordinance (APFO) letter of understanding (LOU) for the project expires, County staff may initiate a piecemeal amendment to recommend reclassification to a "5" or "4." If there is not an APFO LOU for the project, County staff may initiate a piecemeal amendment to recommend reclassification to a "5" or "4" five years after approval of the reclassification by the Maryland Department of the Environment (MDE). Before initiating a piecemeal amendment, county staff will make a good faith effort to consult the applicant and/or owner of record.

S-2/W-2 – Engineering Phase

This classification is not mapped. Properties are assigned this category by County staff and do not require a public hearing or approval by the County Governing Body. Properties shall meet the following criteria:

1. All criteria required for the S-3/W-3 classification have been complied with.

2. Improvement plans for water and sewer lines and preliminary design of treatment plants and other infrastructure, as appropriate, have been approved.
3. Location of facilities, i.e., tanks, pumping stations, treatment plants have been located on the Water and Sewerage Map by prior amendment.
4. Properties classified S-2/W-2 shall connect to the publicly owned system when service lines abut the property.

During the S-2/W-2 phase, final construction design drawings and documents are prepared, rights-of-way are determined and the necessary acquisitions are pursued, various construction related permits are applied for and obtained, a public works agreement, allocation of taps and improvement guarantees are approved. Final plats may then be recorded, where appropriate.⁴

S-1/W-1 – Existing Service

A classification assigned by County staff to properties where publicly-owned community sewer or water systems or private community systems are existing and are connected to and serving a structure(s) on the property. County staff will update the Water and Sewerage Plan maps to reflect the property as W-1 or S-1. This will not require a public hearing or approval by the County Governing Body or notification of property owner(s). A list of properties reclassified as W-1 or S-1 by staff will be included for informational purposes with the next piecemeal amendment cycle.

Multi-Use Water System

A classification assigned during the piecemeal application process to a single parcel, or lot, or institution serving a number of individuals with the capacity to provide in excess of 5,000 GPD utilizing a source of ground or surface water. The Multi-Use Water system includes the piping, pumps, tanks, or other facilities utilizing a source of ground or surface water. A Multi-Use Water system is not publicly owned or operated.

Applications to amend the Water and Sewerage Plan to obtain approval to use a Multi-Use Water system on a specific property will be accepted and processed in the same manner as requests for water and sewer category changes. Properties approved to use Multi-Use Water systems will be identified in the Plan text in Chapter 3 and on the Water Plan Map.

Multi-Use Sewerage System

A classification assigned during the piecemeal application process to a single parcel or lot or institution serving a number of individuals with a treatment discharge capacity in excess of 5,000 GPD. A Multi-Use Sewerage system is not publicly owned or operated. A Multi-Use Sewerage system involves the collection and discharge of sewage or industrial wastes of a liquid nature and various devices for the storage, pumping and treatment of such wastes.

Applications to amend the Water and Sewerage Plan to obtain approval to use a Multi-Use Sewerage system on a specific property will be accepted and processed in the same manner as requests for water and sewer category changes. Properties approved to use Multi-Use Sewerage systems will be identified in the Plan text in Chapter 4 and on the Sewer Plan Map.

⁴ See Sec. 1-16-106 of the County Code for additional requirements.

Applications for Multi-Use Sewerage Systems that propose to utilize a surface application and/or underground drain field system shall include, but not be limited to the following:

1. Analysis of groundwater mounding impacts of the system.
2. Nitrogen balance analysis to show that nitrogen concentrations at a property line or at any watercourse on the property do not exceed 10 mg/l.
3. Identify a suitable replacement area for the discharge/drain field.
4. Determination of treatment system requirements and discharge methods.