

**RESOLUTION OF THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND**

**RESOLUTION NO. 23-12**

**RE: FALL 2022 WATER AND SEWER AMENDMENTS – CASE WS-22-14**

Applicant: Division of Planning and Permitting

**RECITALS**

Pursuant to the authority contained in §9-503 of the Environment Article of the Maryland Code, the governing body of Frederick County, Maryland has the authority to approve or deny amendments to the Frederick County Water and Sewerage Plan (“W/S Plan”) after a duly advertised public hearing.

Case WS-22-14 proposes a text amendment for the addition of a water problem area to Chapter 3 and a septic problem area to Chapter 4 of the Water and Sewerage Plan, regarding the area known as Crows Nest, which occupies a 32-acre parcel on the banks of Hunting Creek, adjacent to the Town of Thurmont. Approximately 5.2 acres of the property is within the municipal boundary of Thurmont and is designated Natural Resource Conservation on the Town’s 2022 Master Plan. The parcel is also designated Natural Resource on the County’s land use plan.

A groundwater appropriation and use permit [FR2003G009(01)] was issued by MDE for the 32-acre parcel in March 2003 for 1,000 gpd (average) and up to 2,500 gpd (maximum day) but has expired. During groundwater testing in September 2022, Escherichia coli (E.coli) was detected in the water supply from the well. Subsequent inspections of the property by MDE revealed inadequate and non-functional on-site sewage disposal and dispersal, and pollution to ground and surface waters. Septage overflows to the ground through exposed septic service lines, plus incomplete and deficient connections to septic tanks, seepage pits, or drainfields have been documented. Investigations into all of the on-site sewage disposal system components that serve the property are ongoing, as well as the historic and current activities on the property.

The requested text amendments, as reflected in attached Exhibit A, provide for the addition of this water and septic problem area to the Water and Sewerage Plan.

The County Council of Frederick County, Maryland, held a duly advertised public hearing on the proposed Water and Sewer Plan amendments on June 20, 2023, at which time the public had the opportunity to comment.

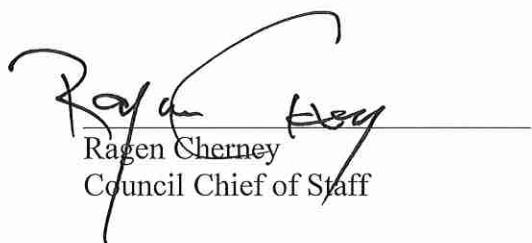
NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND that the following W/S Plan amendment requested in Case WS-22-14 is necessary and hereby approved: text amendments for the addition of a water problem area to Chapter 3

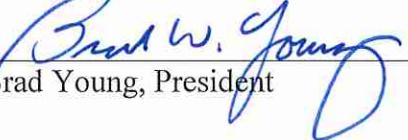
and a septic problem area to Chapter 4 of the Water and Sewerage Plan, regarding the area known as Crows Nest, which occupies a 32-acre parcel on the banks of Hunting Creek, adjacent to the Town of Thurmont, as shown in Exhibit A.

There undersigned hereby certifies that the amendment described in this Resolution was approved and adopted (by a vote of 6-0-1) on June 20, 2023.

ATTEST:

COUNTY COUNCIL OF  
FREDERICK COUNTY, MARYLAND

  
Ragen Cherney  
Council Chief of Staff

By:   
Brad Young, President

Received by the County Executive on June 27, 2023

COUNTY EXECUTIVE ACTION:  Approved  Vetoed  No Action

  
Jessica Fitzwater, County Executive  
Frederick County, Maryland

Date 6/27/2023

## Exhibit A

### VI. WATER PROBLEM AREAS

Areas within Frederick County where the Frederick County Health Department **OR THE STATE OF MARYLAND** has conducted sanitary surveys **OR COLLECTED DATA** to determine the location, extent, and severity of problems and issues with both individual groundwater wells and on-site sewage disposal systems include the community of Lewistown, the municipality of Burkittsville, **AND AN AREA KNOWN AS “CROWS NEST.”** The two (2) communities **OF LEWISTOWN AND BURKITTSVILLE** are older communities with concentrated populations on small lots served by private **GROUNDWATER** wells. and individual septic systems. **ALL THREE OF THESE AREAS,** communities, along with others are also included **BELOW** in the County's list of **WATER PROBLEM AREAS, AND ON THE LIST OF** Septic Problem Areas (Table 4.09, Chapter 4, Frederick County Water and Sewerage Plan)

Community	Estimated Population	Survey Dates	Problem
Lewistown	240	1994, 2013	Ecoli and Fecal Coliform Bacteria discovered in 29 wells during 2013 survey. This community contains soils with shallow depth to groundwater
Burkittsville	163	2016	Ecoli and Fecal Coliform Bacteria discovered in 21 wells during 2016 survey.
<b>CROWS NEST (335 W. Main Street, Thurmont)</b>	<b>50</b>	<b>2022</b>	<b>ECOLI DETECTED IN COMMUNITY GROUNDWATER WELL; EXPIRATION OF GROUNDWATER APPROPRIATION AND USE PERMIT</b>

## VII. SEPTIC PROBLEM AREAS

Table 4.09 Septic Problem Areas

Subdivision/Community	Problem Description	Existing Dwelling Units	Population	Sewage Treatment Demand	Possible Remedy
Bartonsville	Failing individual septic	100	270	25,000 gpd	Is in a planned sewer service area
Braddock Heights	Failing individual septic		735		connect portion of community to the Fountaintdale system
Broadview Acres	Failing individual septic	48	130	12,000 gpd	connect to Frederick City or County system
Buckeystown	Failing individual septic. Businesses w/holding tanks		1,021		Is in a planned sewer service area
Burkittsville	Non-conforming septic systems; Use of holding tanks; Well contamination	69	163	17,250 gpd	Undetermined
Crestview Estates	Part of subdivision on septic w/ problems	54	146	13,500 gpd	Has an existing system but without capacity for 54 lots still on septic
Lewistown	Failing individual septic	90	155	22,500 gpd	Public sewer service area established in 2015
Lockwood Heights/Pete Wiles Estates	Failing individual septic	60	162	15,000 gpd	Undetermined
Lori Lane/Willis Acres	Failing individual septic	35	95	8,750 gpd	Connect to Crestview system
Mountain View/Orchard Road area	Failing individual septic	4	11	1,000 gpd	Majority of lots already connected to public sewer system in Emmitsburg
Mt. Pleasant	Failing individual septic	30	81	7,500 gpd	Undetermined
New London	Failing individual septic	10	35	2,500 gpd	Undetermined
Old Mill Bottom Rd.	Failing individual septic	20	54	5,000 gpd	Possible connection to Mt. Airy municipal sewer system
Rangers Woods	Failing individual septic	25	100	6,250 gpd	Connect to Urbana service area
Riffle Road area	Failing individual septic	10	27	2,500 gpd	Undetermined
Rock Hall	Failing individual septic	13	55	3,250 gpd	Connect to Point of Rocks system
Rosemont	Failing individual septic	100	318	25,000 gpd	connect to City of Brunswick system
Sabillasville	Failing individual septic		354		Undetermined
<b>CROWS NEST (335 W. Main Street, Thurmont)</b>	<b>INADEQUATE AND NON-FUNCTIONAL ON-SITE SEWAGE DISPOSAL AND DISPERSAL</b>	<b>50</b>	<b>50</b>	<b>12,000 gpd</b>	<b>CORRECT AND ADDRESS DEFICIENCIES IN SYSTEM</b>