

HOUSE BILL 974

L5

4lr0599

By: **Prince George's County Delegation and Montgomery County Delegation**

Introduced and read first time: February 6, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – System Development Charge –**
3 **Upgrade of Facilities**

4 **PG/MC 108–14**

5 FOR the purpose of authorizing the Washington Suburban Sanitary Commission to
6 allow a developer to upgrade an existing facility for a certain use necessary for
7 the developer's project under certain circumstances; requiring that a certain
8 upgraded facility be designed, constructed, and inspected in accordance with
9 certain standards, laws, regulations, and written policies; requiring the
10 Commission to accept a certain facility as part of the Commission system and
11 grant the developer a certain credit under certain circumstances; requiring the
12 Commission to explain in writing to the developer the reasons for rejecting the
13 developer's request to upgrade a certain facility under certain circumstances;
14 and generally relating to the upgrading of facilities and credits against charges
15 by the Washington Suburban Sanitary Commission.

16 BY repealing and reenacting, with amendments,
17 Article – Public Utilities
18 Section 25–405
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2013 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Public Utilities**

24 25–405.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) The Commission may allow a developer to design and construct any
2 on-site or off-site facility necessary for the developer's project **OR UPGRADE AN**
3 **EXISTING FACILITY FOR A NEW USE NECESSARY FOR THE DEVELOPER'S**
4 **PROJECT** if the **NEW OR UPGRADED** facility is:

5 (1) in the Commission Capital Improvement Program and the 10-year
6 Comprehensive Water Supply and Sewerage System Plan adopted by one of the county
7 councils;

8 (2) a major project included in the Commission Capital Improvement
9 Program; or

10 (3) a project that includes a sewer main or water main that:

11 (i) provides only local service;

12 (ii) is 2,000 feet or less;

13 (iii) has a diameter of:

14 1. 15 inches or more if it is a sewer main; or

15 2. 16 inches or more if it is a water main; and

16 (iv) is built to avoid unnecessary and uneconomical duplication
17 when a major project is constructed.

18 (b) A facility constructed **OR UPGRADED** under this section shall be
19 designed, constructed, and inspected in accordance with:

20 (1) the standards used by the Commission; and

21 (2) all applicable laws, regulations, and written policies of the
22 Commission.

23 (c) After the Commission approves a facility constructed **OR UPGRADED** by
24 a developer under this section, the Commission shall:

25 (1) accept the facility as part of the Commission system; and

26 (2) subject to subsection (d) of this section, grant the developer a credit
27 against any charge imposed under this subtitle in an amount equal to the cost of
28 constructing **OR UPGRADING** the facility.

29 (d) The Commission's internal auditor shall review and approve the costs
30 incurred by the developer.

1 (e) The Commission and the developer shall enter into an agreement that
2 incorporates the provisions of this section.

3 (f) If the Commission rejects a developer's request to design and construct
4 **NEW OR UPGRADED** facilities under this section, the Commission shall explain in
5 writing to the developer the reasons for the rejection.

6 (g) (1) The Commission shall submit a report at the end of each fiscal
7 year to the Montgomery County and Prince George's County Delegations to the
8 General Assembly and to the county councils of Montgomery County and Prince
9 George's County.

10 (2) The report shall state the number of requests made by developers
11 under this section, including:

12 (i) the number of acceptances and rejections by the
13 Commission; and

14 (ii) the justification for any rejections.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2014.