

SENATE BILL 1040

M3

7lr1833

By: **Senators Ready, Bates, Eckardt, Edwards, and Salling**

Introduced and read first time: February 13, 2017

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Water and Sewer Plan Approval**

3 FOR the purpose of reducing the number of days that the Department of the Environment
4 has to take certain actions on a certain proposed plan or a proposed revision or
5 amendment to a certain plan; reducing the number of days of a certain extension of
6 a certain review period; authorizing an additional extension of time for a certain
7 review period, subject to certain notice requirements; requiring a certain notice to
8 include certain information; requiring the Department to provide certain notice to a
9 county of a certain approval under certain circumstances; and generally relating to
10 approval of county water and sewer plans by the Department of the Environment.

11 BY repealing and reenacting, with amendments,
12 Article – Environment
13 Section 9–507
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2016 Supplement)

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

18 **Article – Environment**

19 9–507.

20 (a) When a county governing body submits its proposed county plan or a proposed
21 revision or amendment of its county plan to the Department, the Department may:

22 (1) Approve the proposal;

23 (2) Disapprove the proposal;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) If the part approved includes all of the required elements of a county
2 plan, approve the proposal in part and disapprove it in part; or

3 (4) Modify or take other appropriate action on the proposal.

4 (b) Before the Department approves or disapproves, in whole or in part, a
5 proposed county plan or a proposed revision or amendment of a county plan, the
6 Department shall submit the proposal:

7 (1) To the Department of Natural Resources for advice on natural
8 resources matters;

9 (2) To the Department of Planning for advice on the consistency of the
10 proposal with the local master plan and other appropriate matters; and

11 (3) To the Department of Agriculture for advice on the impact of water and
12 sewerage service and solid waste facilities on productive or potentially productive
13 agricultural land.

14 (c) (1) Except as otherwise provided in this subsection, the Department shall
15 approve, disapprove, or partially approve and partially disapprove each proposed county
16 plan or proposed revision or amendment to a county plan within [90] 60 days after the
17 proposal is submitted to the Department.

18 (2) For good cause and after notice to the county involved, the Department
19 may extend the [90-day] 60-DAY review period of paragraph (1) of this subsection for an
20 additional [90] 30 days.

21 **(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF**
22 **THE DEPARTMENT REQUIRES ADDITIONAL TIME FOR REVIEW BEYOND WHAT IS**
23 **PROVIDED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, A SUPPLEMENTAL**
24 **60-DAY REVIEW PERIOD MAY BE ADDED AT THE EXPIRATION OF THE 30-DAY**
25 **EXTENSION AUTHORIZED IN PARAGRAPH (2) OF THIS SUBSECTION.**

26 **(II) 1. IF THE DEPARTMENT ADDS THE SUPPLEMENTAL**
27 **60-DAY REVIEW PERIOD AUTHORIZED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH,**
28 **THEY MUST PROVIDE WRITTEN NOTICE TO THE AFFECTED COUNTY, THE COUNTY**
29 **DELEGATION MEMBERS OF THE GENERAL ASSEMBLY, AND THE GOVERNOR NOT**
30 **LESS THAN 10 DAYS BEFORE THE EXPIRATION OF THE 30-DAY EXTENSION**
31 **AUTHORIZED IN PARAGRAPH (2) OF THIS SUBSECTION.**

32 **2. THE WRITTEN NOTICE REQUIRED BY**
33 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL INCLUDE ALL ADDITIONAL**
34 **REVIEW TIME REQUESTED BY THE DEPARTMENT, INCLUDING THE REASONS FOR**

1 **FAILING TO COMPLETE THE REVIEW WITHIN THE TIME PERIODS PROVIDED IN THIS**
2 **SECTION.**

3 (d) (1) If the Department does not disapprove, in whole or in part, a proposed
4 county plan or a proposed revision or amendment of a county plan within the review period
5 provided in subsection (c) of this section, the proposal is approved.

6 (2) **THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE OF**
7 **APPROVAL, WITHOUT CONDITIONS OR RESERVATIONS, TO THE COUNTY IN THE**
8 **EVENT THAT A LOCAL PLAN, REVISION, OR AMENDMENT RECEIVES APPROVAL IN**
9 **ACCORDANCE WITH THIS SECTION.**

10 (e) (1) Before the Department takes any action under subsection (a) of this
11 section, a county may use its proposed county plan or proposed revision or amendment of
12 its county plan at the county's own risk, if the county governing body has adopted the
13 proposed county plan, revision, or amendment.

14 (2) After the county governing body adopts the proposed county plan, a
15 person shall follow the provisions of that plan except to the extent that the Department
16 modifies or disapproves that plan.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2017.