

Chapter 403

(House Bill 901)

AN ACT concerning

Washington Suburban Sanitary Commission – High Performance Buildings

PG/MC 110–12

FOR the purpose of requiring certain buildings owned by the Washington Suburban Sanitary Commission to be high performance buildings under certain circumstances; exempting certain building types from certain high performance building standards; authorizing the Commission to request a certain waiver from certain high performance building standards from a certain county; authorizing a certain county council, with approval of the county executive, to issue a certain waiver under certain circumstances; expressing a certain intent of the General Assembly; defining certain terms; and generally relating to the Washington Suburban Sanitary Commission and high performance buildings.

BY adding to

Article – Public Utilities

Section 21–104

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

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

Article – Public Utilities

21–104.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “HIGH PERFORMANCE BUILDING” MEANS A BUILDING THAT:

(I) MEETS OR EXCEEDS THE CURRENT VERSION OF THE U.S. GREEN BUILDING COUNCIL’S LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) GREEN BUILDING RATING SYSTEM SILVER RATING; OR

(II) ACHIEVES AT LEAST A COMPARABLE NUMERIC RATING ACCORDING TO A NATIONALLY RECOGNIZED, ACCEPTED, AND APPROPRIATE NUMERIC SUSTAINABLE DEVELOPMENT RATING SYSTEM, GUIDELINE, OR STANDARD APPROVED BY THE SECRETARY OF BUDGET AND MANAGEMENT AND THE SECRETARY OF GENERAL SERVICES.

(3) “MAJOR RENOVATION” MEANS THE RENOVATION OF A BUILDING WHERE:

(I) THE BUILDING SHELL IS TO BE REUSED FOR THE NEW CONSTRUCTION;

(II) THE HEATING, VENTILATING, AND AIR-CONDITIONING (HVAC), ELECTRICAL, AND PLUMBING SYSTEMS ARE TO BE REPLACED; AND

(III) THE SCOPE OF THE RENOVATION IS 7,500 SQUARE FEET OR GREATER.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, TO THE EXTENT PRACTICABLE:

(1) THE COMMISSION SHALL EMPLOY GREEN BUILDING TECHNOLOGIES WHEN CONSTRUCTING OR RENOVATING A COMMISSION-OWNED BUILDING NOT SUBJECT TO THIS SECTION; AND

(2) HIGH PERFORMANCE BUILDINGS SHALL MEET THE CRITERIA AND STANDARDS ESTABLISHED UNDER THE “HIGH EFFICIENCY GREEN BUILDING PROGRAM” ADOPTED BY THE MARYLAND GREEN BUILDING COUNCIL.

(C) EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS SECTION, IF A CAPITAL PROJECT INCLUDES THE CONSTRUCTION OR MAJOR RENOVATION OF A BUILDING THAT IS 7,500 SQUARE FEET OR GREATER, THE BUILDING SHALL BE CONSTRUCTED OR RENOVATED TO BE A HIGH PERFORMANCE BUILDING.

(D) THE FOLLOWING TYPES OF UNOCCUPIED BUILDINGS ARE NOT REQUIRED TO BE CONSTRUCTED OR RENOVATED TO BE HIGH PERFORMANCE BUILDINGS:

(1) WAREHOUSE AND STORAGE FACILITIES;

- (2) GARAGES;**
- (3) MAINTENANCE FACILITIES;**
- (4) TRANSMITTER BUILDINGS;**
- (5) PUMPING STATIONS; AND**
- (6) OTHER SIMILAR TYPES OF BUILDINGS, AS DETERMINED BY THE COMMISSION.**

(E) (1) THE COMMISSION MAY REQUEST FROM THE COUNTY WHERE THE PROPOSED CAPITAL PROJECT IS LOCATED A WAIVER FROM COMPLYING WITH SUBSECTION (C) OF THIS SECTION.

(2) ON RECEIPT OF A WRITTEN REQUEST OF A WAIVER UNDER THIS SUBSECTION, WITH APPROVAL OF THE COUNTY EXECUTIVE, THE COUNTY COUNCIL OF THE COUNTY WHERE THE PROPOSED CAPITAL PROJECT IS LOCATED MAY ISSUE A WAIVER UNDER THIS SUBSECTION IF THE COUNTY COUNCIL DETERMINES THAT THE USE OF A HIGH PERFORMANCE BUILDING IN A PROPOSED CAPITAL PROJECT IS NOT PRACTICABLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 2, 2012.