

# SENATE BILL 1040

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7lr1833

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

Introduced and read first time: February 13, 2017

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 15, 2017

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2017

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## CHAPTER \_\_\_\_\_

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.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 (1) Approve the proposal;

4 (2) Disapprove the proposal;

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

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

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

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

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

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

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

22 (2) For good cause and after notice to the county involved, the Department  
23 may extend the [90-day] 60-DAY review period of paragraph (1) of this subsection for an  
24 additional [90] ~~30~~ 45 days.

25 **(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF**  
26 **THE DEPARTMENT REQUIRES ADDITIONAL TIME FOR REVIEW BEYOND WHAT IS**  
27 **PROVIDED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, A SUPPLEMENTAL**  
28 **~~60-DAY~~ 45-DAY REVIEW PERIOD MAY BE ADDED AT THE EXPIRATION OF THE ~~30-DAY~~**  
29 **45-DAY EXTENSION AUTHORIZED IN PARAGRAPH (2) OF THIS SUBSECTION.**

30 **(II) 1. IF THE DEPARTMENT ADDS THE SUPPLEMENTAL**  
31 **~~60-DAY~~ 45-DAY REVIEW PERIOD AUTHORIZED IN SUBPARAGRAPH (I) OF THIS**  
32 **PARAGRAPH, THEY MUST PROVIDE WRITTEN NOTICE TO THE AFFECTED COUNTY,**  
33 **THE COUNTY DELEGATION MEMBERS OF THE GENERAL ASSEMBLY, AND THE**

1 GOVERNOR NOT LESS THAN 10 DAYS BEFORE THE EXPIRATION OF THE ~~30-DAY~~  
2 45-DAY EXTENSION AUTHORIZED IN PARAGRAPH (2) OF THIS SUBSECTION.

3                                   2. THE WRITTEN NOTICE REQUIRED BY  
4 SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL INCLUDE ALL ADDITIONAL  
5 REVIEW TIME REQUESTED BY THE DEPARTMENT, INCLUDING THE REASONS FOR  
6 FAILING TO COMPLETE THE REVIEW WITHIN THE TIME PERIODS PROVIDED IN THIS  
7 SECTION.

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

11                                   (2) THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE OF  
12 APPROVAL, ~~WITHOUT CONDITIONS OR RESERVATIONS,~~ TO THE COUNTY IN THE  
13 EVENT THAT A LOCAL PLAN, REVISION, OR AMENDMENT RECEIVES APPROVAL IN  
14 ACCORDANCE WITH ~~THIS SECTION~~ PARAGRAPH (1) OF THIS SUBSECTION.

15           (e)   (1) Before the Department takes any action under subsection (a) of this  
16 section, a county may use its proposed county plan or proposed revision or amendment of  
17 its county plan at the county’s own risk, if the county governing body has adopted the  
18 proposed county plan, revision, or amendment.

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.