

Privileged and Confidential

Amendment No. 1 to Resolution No. 328

Proposed by: Staff
Introduced by: Mr. Callahan, Mr. Divilio, Mr. Leshner, Ms. Price
Date: May 10, 2022

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO REVISE CHAPTER THREE – AMENDMENT PROCEDURES

KEY

Boldface.....Heading or defined term

Underlining.....Added to CWSP by Resolution

Double Underlining.....Added by amendment by amendment

~~Double Strikethrough~~.....Deleted by amendment

* * *Existing resolution unaffected

Proposed Amendments: The amendments proposed to the text of the Resolution are as follows:

* * *

WHEREAS, the County Council is desirous of amending the CWSP for the purposes of providing that ~~the application procedures set forth in Chapter 3 shall not apply to~~ CWSP amendments initiated by the County, ~~which~~ may be introduced by resolution of the County Council on any legislative day; and

* * *

CHAPTER THREE AMENDMENT PROCEDURES

I. PROCEDURES (Changes also include new Sections and Section changes)

All applications shall be received by Talbot County at least sixty (60) calendar days prior to the date of introduction to avoid deferment to the next amendment period. Applications shall include completion of the Request for Amendment schedules and forms, included herein, a cover letter or email forwarding the request, and any available information adding or clarifying information pertinent to the project. Applications for amendment of the priority classification of water and sewer service and planning areas, for extension or installation of water and/or sewer utilities, shall be submitted to the Controlling Authority of the publicly-owned treatment works for processing prior to being received for introduction by resolution of the County Council on the first convening legislative day of December, March, June or September. Comprehensive Water and Sewer Plan amendments initiated by the County may be introduced by resolution of the County Council on any legislative day.

In the unincorporated areas of Talbot County, all applications for amendment of the priority classification of water and/or sewer service and planning areas, for extension or installation of water and/or sewer utilities shall be submitted to the Controlling Authority, the Talbot County Department of Public Works, for processing. All applications for amendment priority classification of sewer service and planning areas, for extension or installation of sanitary sewer utilities within the incorporated limits of the Town of St. Michaels shall also be submitted to the Controlling Authority, the Department of Public Works, for processing.

In the incorporated municipalities of Easton, Oxford, and Trappe, applications for amendment of the priority classifications of water and sewer service and planning areas, for extension or installation of water and sewer utilities, shall be submitted to the Controlling Authority, either the Town Office or the Department of Public Works for the incorporated Town, for processing. In the incorporated municipality of St. Michaels, applications for amendment of the priority classifications of water service and planning areas, for extension and installation of water utilities, shall be submitted to the Controlling Authority, the Town of St. Michaels, for processing. The Towns shall submit to the Talbot County Department of Public Works applications for amendment of the priority classifications of water and/or sewer service and planning areas, for extension or installation of water and/or sewer utilities at least sixty (60) calendar days prior to the date of introduction, to avoid deferment to the next amendment period.

The available remaining capacity of a wastewater treatment facility is equal to the permitted flow as defined on the State Discharge Permit for the facility less the most recent two (2) year average of reported flow rates. When the available remaining capacity is equal to or less than five (5) percent of the permitted flow, the controlling authority must certify that the wastewater treatment system has enough capacity to serve the area being reclassified as part of the amendment application to immediate priority status for sewer (S-1). As part of the certification, the controlling authority shall provide a summary of wastewater flows previously allocated to existing lots and/or subdivisions within the sewer service areas and proposed subdivisions having immediate priority status for sewer service.

~~The application procedures set forth herein shall not apply to any Comprehensive Water and Sewer Plan amendment initiated by the County, which may be introduced on any legislative day.~~

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Purpose: This new language is intended to delete proposed language in Resolution No. 328 as introduced expressly stating that the application procedures set forth in Chapter Three of the CWSP do not apply to amendments initiated by the County.

Amendment not substantive: The amendments proposed herein are non-substantive, as they do not enlarge or narrow the scope of Resolution No. 328 as introduced to such an extent that Resolution No. 328, if adopted with the foregoing amendments, could be said to be misleading in a substantial manner. Furthermore, such amendments do not defeat the original purpose of Resolution No. 328 as introduced. *See Ajamian v. Montgomery County*, 99 Md. App. 665, 684-685 (1994).