

**COUNTY COUNCIL**

**OF**

**TALBOT COUNTY**

2022 Legislative Session, Legislative Day No.: March 8, 2022

Resolution No.: 328

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, Ms. Price

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

By the Council: March 8, 2022

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, April 12, 2022 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order:



Susan W. Moran, Secretary

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

**WHEREAS**, Chapter Three (Amendment Procedures) of the Talbot County Comprehensive Water and Sewer Plan (the “CWSP”) sets forth the procedures for amendments to the CWSP; and

**WHEREAS**, pursuant to Md. Code Ann., Envir. § 9-503(c)(1), the County Council of Talbot County (the “County Council”) is authorized to adopt a revision to the CWSP if it considers such an amendment necessary; and

**WHEREAS**, pursuant to Chapter Three of the CWSP as amended by Resolution No. 304, effective October 12, 2021, 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; and

**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 on any legislative day; and

**WHEREAS**, in accordance with the requirements of Md. Code Ann., Envir. § 9-506(a)(1)(i), the proposed CWSP amendment set forth herein has been submitted to the Talbot County Planning Commission (the “Planning Commission”), as well as to the Talbot County Public Works Advisory Board, for review for consistency with planning programs for the area; and

**WHEREAS**, on \_\_\_\_\_, 2022, the Planning Commission certified that the proposed CWSP amendment set forth herein is consistent with the Comprehensive Plan as required by Md. Code Ann., Envir. § 9-506(a)(1)(ii);

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND**, that the Talbot County Comprehensive Water and Sewer Plan shall be and is hereby amended as follows:

**SECTION ONE:** The above recitals are hereby incorporated as if fully set forth herein.

**SECTION TWO:** Adoption of this amendment by the County Council shall authorize the Department of Public Works to replace Chapter Three (Amendment Procedures) of the Talbot County Comprehensive Water and Sewer Plan, pages 1 through 2, with the revised section of the same title attached hereto as Exhibit A, effective from the date of adoption.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately upon the date of its adoption.

**EXHIBIT A**  
**AMENDMENT TO CHAPTER THREE, PP. 1-2, OF THE TALBOT COUNTY**  
**COMPREHENSIVE WATER AND SEWER PLAN**

<b>KEY</b>	
<b>Boldface</b> .....	Heading or defined term
<u>Underlining</u> .....	Added to CWSP by Resolution
<del>Strikethrough</del> .....	Deleted from CWSP by Resolution
* * * .....	Existing CWSP unaffected

\* \* \*

**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.

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.

## **II. REVIEW PROCESS**

Amendment applications will be reviewed by the local Planning and Zoning, Public Works, and Health Departments and the Maryland Department of the Environment for compatibility with use and planning policies and facility permit restrictions in effect. Sanitary construction permits and public works agreements for facility extension and/or installation will not be issued or executed without an enacted Comprehensive Water and Sewer Plan amendment process for the requested scope of new service.

## **III. DENIAL OF AN APPLICATION (added by Resolution 77)**

Following the denial of an application either in whole or in part, no application for that property shall be accepted for filing within two (2) years from the date of the decision. After the two (2) year period, the applicant may choose to submit an application consistent with the procedures of the Comprehensive Water and Sewer Plan in effect at the time of reapplication.

## **IV. AMENDMENT SCHEDULE**

A schedule of effective amendments to the Comprehensive Water and Sewer Plan is maintained herein. All changes shall be forwarded to the Maryland Department of the Environment for updating of their copies of the Talbot County Comprehensive Water and Sewer Plan.

## **V. APPLICATION AND FORMS**

1. Request for an Amendment to the Talbot County Comprehensive Water and Sewer Plan for Change of Priority Status
2. Additions Proposed to Table No. 17 – Water Form
3. Additions Proposed to Table No. 27 – Sewer Form

#### 4. Project Description – Unit Schedule

\* \* \*

**PUBLIC HEARING**

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. \_\_\_ having been published, a public hearing was held on Tuesday, \_\_, 2022 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

**BY THE COUNCIL**

Read the second time:

Adopted: \_\_\_\_\_

By Order: \_\_\_\_\_  
Susan W. Moran, Secretary

Callahan -

Divilio -

Leshner -

Price -

Pack -

Effective: \_\_\_\_\_