COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2010 Legislative Session, Legislative Day No.: September 28, 2010

Resolution No.: 175

Introduced by: Mr. Bartlett and Mr. Pack

A RESOLUTION TO ESTABLISH SEWER SERVICE CONNECTION POLICIES FROM THE UNIONVILLE, TUNIS MILLS AND COPPERVILLE SEWER SERVICE AREA LOW-PRESSURE FORCE MAIN COLLECTION SYSTEM TO THE ROYAL OAK PUMP STATION

By the Council: September 28, 2010

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, October 12, 2010 at 2:00 p.m. at the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order Susan W. Moran

Susan W. Moran, Secretary

WHEREAS, in 1993, the County approved extension of public sewer to the Unionville, Tunis Mills, and Copperville "S-1" Sewer Service Area (the "SSA") to address serious pre-existing public health problems from numerous failing on-site septic systems that could not be repaired or replaced with new, replacement, or alternative on-site systems; and,

WHEREAS, since then the Talbot County Comprehensive Plan has twice been updated and re-adopted, in 1997 and 2005, the Comprehensive Water and Sewer Plan ("CWSP") has been reviewed and updated, and it is now appropriate for the County to re-visit, and clarify the original sewer service connection policies; and,

WHEREAS, the Office of the Maryland Attorney General (90 Md. Op. Atty. Gen. 60 (April 13, 2005), has indicated there is no legal requirement to provide sewer service outside defined service areas, that placement of an interceptor line necessary to connect a service area to a treatment facility does not make properties that abut that line outside the service area eligible for sewer service; and,

WHEREAS, the force main was constructed exclusively as an interceptor line to transport sewage from the service area to the treatment plant, and was not funded or intended to provide sewer service to properties abutting the force main; and,

WHEREAS, the County Council desires to clarify and re-establish a formal, updated policy for connection to the low-pressure collection system force main from the SSA to the Royal Oak Pumping Station consistent with the original purposes for extension of public sewer.

NOW, THEREFORE, BE IT RESOLVED, by the Talbot County Council that:

1. The above recitals are incorporated by reference herein. All applications for connection to the force main shall be subject to the following policies, provisions, and requirements.

2. Connection to the force main from property outside the SSA shall be permitted only from:

   (a) Improved property with an existing on-site septic system that is failing. An on-site septic system is considered to be failing only if it: (1) was legally permitted and properly constructed and inspected when installed; (2) is incapable of adequately disposing of sewage; (3) is creating an immediate and substantial public health

problem; and (4) cannot be repaired or replaced at reasonable cost to adequately dispose of sewage on-site using best available technologies or alternative systems.

(b) All best available technologies and alternative systems for on-site sewage disposal must be evaluated by the Talbot County Health Department and found to be too expensive, incapable of handling existing wastewater flows, or impractical before consideration may be given to connect the property to the force main.

(c) The following conditions apply to connection of any property outside the SSA:

(i) The property must have been an existing lot of record as of November 30, 1993, with the same boundaries except as permitted by Section (iv), below.

(ii) The property must have a single-family residence in existence or a commercial use in operation as of the date of adoption of this Resolution.

(iii) Eligible properties include only those: (1) through which the force main passes; and, (2) those which are contiguous to such property, including that portion of a public or private road directly contiguous to such property.

(iv) No property may be connected through any other lot, parcel, or property, except that separate lots or parcels in common ownership as of the date of adoption of this Resolution may be combined, or re-configured by lot line revision, to comply with the requirements in (iii) above.

(v) Connection to the force main shall not be used to enlarge, expand, or intensify structures or uses existing as of the date of approval of extension of service, without amendment of the CWSP duly approved by the County Council.

3. The property owner shall be responsible for contracting and paying for all required permits, easements, construction work, and all benefit and connection charges in accordance with a Public Works Agreement ("PWA") approved by the County. The PWA shall run with and bind the property, and shall be filed among the land records of Talbot County, Maryland within 60 days after approval of the resolution authorizing connection to the force main.

4. No sewer service shall be available to any area beyond the existing boundaries of the property to be served. No other property, lot, or parcel, including any future reconfiguration or recombination of the Property, shall be entitled to service or capacity.

5. The property owner shall be solely responsible for all costs incurred for design, engineering, construction, inspection, and testing that may be reasonably required, as determined by the County Engineer, to connect the property to the force main, including, without limitation, any material, pumps, saddles, or other equipment, and for all costs incurred for ongoing maintenance and repair.

6. The design shall be consistent with reasonable design standards for similar projects, shall be subject to review and approval by the County Engineer, and shall include design features, components, and materials as the County Engineer or his designee may reasonably require, including the ability to isolate the connection and a duplex pumping operation.

7. The property owner shall be solely responsible for all remediation, mitigation, damages, charges, fines, penalties, or other costs imposed, levied, or assessed at any time by any federal, State, or local enforcement agency for any environmental damage or violation of law caused by or resulting from the connection to the force main. The property owner shall indemnify and hold the County harmless from and against all such claims, actions, suits, damages, losses, or expenses, of any kind, nature, or description whatsoever.

8. This Resolution shall not modify, excuse, or supersede any other requirements for ongoing compliance with all applicable federal, State, and local statutes, ordinances, rules, or regulations, including without limitation all conditions and requirements of all permits and approvals necessary for connection to the force main.

9. Approval of any connection to the force main shall be by amendment to the CWSP that re-maps the property proposed for service to "S-1". Such amendment may include other or additional conditions, restrictions, or requirements that the County Council may consider necessary or expedient to promote public health, safety, or welfare.

10. Compliance with all terms and conditions of this Resolution permits, but does not require, the County to approve any connection to the force main. Subject to requirements of law, the County retains full discretion to evaluate each proposal individually based on public health, safety, and welfare and reserves complete authority to impose appropriate restrictions, conditions, or limitations upon any approval of any such connection.

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 in the Bradley Meeting Room, Courthouse, 11 North Washington Street, Easton, Maryland on _____.

BY THE COUNCIL

Read the second time:

Enacted: _____

By Order: _____
Secretary

Harrison	-
Pack	-
Duncan	-
Foster	-
Bartlett	-