

Subject: Sewer Service in the Sewer Service Area of the Expanded St. Clements Shores Wastewater Treatment Plant

RESOLUTION

PROVIDING PUBLIC SEWER SERVICE TO PROPERTIES WITHIN THE SEWER SERVICE AREA OF THE EXPANDED ST. CLEMENTS SHORES WASTEWATER TREATMENT PLANT WITHIN THE PERMITTED CAPACITY OF 200,000 GALLONS PER DAY AS ALLOWED IN THE PLANT'S 2007 PERMIT

Whereas, the proper collection, treatment, and disposal of sewage is essential to the protection of public health and the environment in St. Mary's County; and

Whereas, the primary purpose for the construction of the St. Clements Shores Wastewater Treatment Plant, which began operating in 1982, was to relieve health hazard conditions due to failing onsite sewage treatment systems (OSDS) in the Saint Clement Shores Subdivision; and

Whereas, properties outside the Saint Clement Shores Subdivision were allowed to connect to the St. Clements Shores Wastewater Treatment Plant which resulted in some properties in the Saint Clement Shores Subdivision being unable to connect due to insufficient treatment capacity at the St. Clements Shores Wastewater Treatment Plant; and

Whereas, additional treatment capacity was added to the St. Clements Shores Wastewater Treatment Plant in 2000, this additional treatment capacity has been utilized, and there are still approximately two dwelling units in the Saint Clement Shores Subdivision that are on OSDS; and

Whereas, there are 140 existing houses in the vicinity of the St. Clements Shores Wastewater Treatment Plant that utilize onsite sewage disposal systems and these systems cannot be replaced when they fail due to high water table, poor soils, and small lots; and

Whereas, a publicly owned sewage treatment plant that utilizes Biological Nutrient Removal technologies provides significant removal of nitrogen and phosphorous, therefore providing enhanced protection to the environment; and

Whereas, the Commissioners of St. Mary's County, the St. Mary's County Health Department (Health Department), the St. Mary's County Metropolitan Commission (MetCom), and the Maryland Department of the Environment (MDE) have cooperatively designated a St. Clements Shores Wastewater Treatment Plant Sewer Service Area that includes the Saint Clement Shores Subdivision and properties outside the Saint Clement Shores Subdivision; and

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Whereas, within the SCS Sewer Service Area a Priority Funding Area (PFA) exception area has been designated for developed properties that are not connected to the St. Clements Shores Wastewater Treatment Plant; and

Whereas, Resolution 84-22, the St. Clements Shores Wastewater Treatment Plant Allocation Policy, is hereby rescinded and replaced by this Resolution;

Now, Therefore, it is resolved and ordained by the Commissioners of St. Mary's County that this Resolution which contains the rules by which the properties in the Sewer Service Area and the PFA exception area may be connected to the expanded St. Clements Shores Wastewater Treatment Plant is hereby adopted.

Section I:

A. This Resolution is effective when the expansion to the St. Clements Shores Wastewater Treatment Plant Expansion Phase B is operationally accepted by the Metropolitan Commission and the Maryland Department of the Environment.

B. When this Resolution becomes effective the sewer service category of all properties within the Sewer Service Area will become S-1, except those within the Breton Bay Planned Unit Development. The rules governing the connection of properties within the Breton Bay Planned Unit Development to the expanded St. Clements Shores Wastewater Treatment Plant are in Section VII.

1. The properties within the Sewer Service Area are those shown in Exhibit A. Exhibit A is for reference and is not a part of this Resolution.
2. The official map of the properties in the Sewer Service Area is the map on the St. Mary's County GIS Map. <http://arcg.is/yWqGq>
3. Exhibit B is an inventory of the properties in the Sewer Service Area based on SDAT records. Exhibit B is for reference and is not a part of this Resolution.

C. The amount of the sewage produced at residential and nonresidential uses within the Sewer Service Area that is treated at the St. Clements Shores Wastewater Treatment Plant is measured by Equivalent Dwelling Units (EDUs). Single-family dwellings may be allocated one EDU each. Nonresidential uses within the Sewer Service Area that may connect to the St. Clements Shores Wastewater Treatment Plant may be allocated EDUs according to the current Table 4-4

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Equivalent Dwelling Units, pages 4-20 – 4-22, in the Comprehensive Water and Sewerage Plan, 2017 Update.

D. Connections will be subject to the adequate public facilities provisions of the Comprehensive Zoning Ordinance and the State approved Wastewater Capacity Management Plan (WWCMP) for the St. Clements Shores Wastewater Treatment Plant expansion.

E. Properties within the PFA exception area, which is a subset of the Sewer Service Area comprised of developed properties on OSDSs, may be eligible for financial assistance through the Bay Restoration Fund administered by the Health Department and may apply to MetCom for incentive loan funding.

Section II:

A. The reservation of EDUs for existing lots of record in the Sewer Service Area except for the Breton Bay Planned Unit Development, shall be according to the following:

1. Reservation of EDUs for developed properties within the PFA exception area:

a. For each legally established dwelling that is not connected to the St. Clements Shores Wastewater Treatment Plant and does not have an allocated EDU, one EDU of capacity is reserved.

(1) System improvement and ready to serve charges will not be assessed by MetCom until such time that an EDU is allocated by the St. Mary's County Department of Land Use and Growth Management.

(2) Capital contribution charges will not be assessed by MetCom until the time of connection.

(3) The reserved EDU may not be assigned or transferred to any other property.

(4) The reserved EDU is indicated on the Property Information screen accessed through the St. Mary's County GIS Map as follows: CWSP Sewer: S-1 Reserved.

(5) When the reserved EDU is allocated the wording on the Property Information screen changes to: CWSP Sewer S-1 Existing Service.

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b. Converting an existing legally established residential dwelling to a nonresidential use that is not connected to the St. Clements Shores Wastewater Treatment Plant and has a reserved or allocated EDU:

- (1) A legally established dwelling that is converted to a nonresidential use, retains the reserved EDU provided in a. above.
- (2) The reserved EDU may not be assigned or transferred to any other property.
- (3) The reserved EDU is indicated on the Property Information screen accessed through the St. Mary's County GIS Map as follows: CWSP Sewer: S-1 Reserved.
- (4) When the reserved EDU is allocated the wording on the Property Information screen changes to: CWSP Sewer S-1 Existing Service.
- (5) Expansion of the nonresidential use may be accommodated by the allocation of additional EDUs upon site plan approval if the treatment capacity is available at the St. Clements Shores Wastewater Treatment Plant.
- (6) System improvement and ready to serve charges will not be assessed by MetCom until such time that an EDU is allocated by the St. Mary's County Department of Land Use and Growth Management.
- (7) Capital contribution charges will not be assessed by MetCom until the time of connection.

2. Reservation of EDUs for undeveloped properties within the Sewer Service Area:

a. For each undeveloped individual lot of record that does not have an allocated EDU, one EDU of capacity is reserved to enable owners of these undeveloped lots to utilize their property.

- (1) System improvement and ready to serve charges will not be assessed by MetCom until such time that an EDU is allocated by the St. Mary's County Department of Land Use and Growth Management.

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(2) Capital contribution charges will not be assessed by MetCom until the time of connection.

(3) The reserved EDU may not be assigned or transferred to any other property.

(4) The reserved EDU is indicated on the Property Information screen accessed through the St. Mary's County GIS Map as follows: CWSP Sewer: S-1 Reserved.

(5) When the reserved EDU is allocated by the St. Mary's County Department of Land Use and Growth Management the wording on the Property Information screen changes to: CWSP Sewer S-1 Existing Service.

b. For each group of two or more undeveloped lots of record in the Saint Clements Shores Subdivision that are under common ownership as of August 14, 1983, that do not have an allocated EDU, one EDU of capacity is reserved.

(1) System improvement and ready to serve charges will not be assessed by MetCom until such time that an EDU is allocated by the St. Mary's County Department of Land Use and Growth Management.

(2) Capital contribution charges will not be assessed by MetCom until the time of connection.

(3) The reserved EDU may not be assigned or transferred to any other property.

(4) The reserved EDU is indicated on the Property Information screen accessed through the St. Mary's County GIS Map as follows: CWSP Sewer: S-1 Reserved.

(5) When the reserved EDU is allocated the wording on the Property Information screen changes to: CWSP Sewer S-1 Existing Service.

Section III: When EDUs have not been reserved:

A. Properties within the Sewer Service Area, including properties in the PFA exception area, that require more than one EDU as determined by MetCom may request additional

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EDUs which may be allocated by the St. Mary's County Department of Land Use and Growth Management provided MetCom determines there is capacity at the St. Clements Shores Wastewater Treatment Plant.

B. Expansion of a residential or nonresidential use may be accommodated by the allocation of additional EDUs upon site plan approval if treatment capacity is available at the St. Clements Shores Wastewater Treatment Plant.

C. Existing nonresidential structures connected to the St. Clements Shores Wastewater Treatment Plant may be expanded or replaced provided all zoning regulations are met.

1. The expanded or new nonresidential structure retains the EDU allocation of the nonresidential structure that is being replaced.

2. If the new nonresidential use requires more EDUs than the number required by the previous nonresidential use, as determined by MetCom, the additional EDUs may only be allocated if the treatment capacity is available at the St. Clements Shores Wastewater Treatment Plant.

3. If the new nonresidential use requires fewer EDUs than the previous nonresidential use, as verified by MetCom, the excess EDU capacity will be added to the total remaining capacity available to properties within the Sewer Service Area or properties outside the Sewer Service Area with a failing OSDS as certified by the Health Department.

4. When a change of use is approved for an existing nonresidential use or structure which results in a reduction in the number of EDUs required, as verified by MetCom, the excess EDUs will be added to the total remaining capacity available to properties within the Sewer Service Area or properties outside the Sewer Service Area with a failing OSDS as certified by the Health Department.

Section IV:

A. Subdivision within the Sewer Service Area or PFA exception area:

1. Re-subdivision through a boundary line adjustment plat which will enable development requiring an increase in EDUs must be approved by the Planning Commission prior to allocation of EDU(s) by the St. Mary's County Department of Land

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Use and Growth Management of any remaining EDUs after EDUs have been allocated or reserved for all properties in Section II.

2. Subdivision to create lots of record must be approved by the Planning Commission prior to allocation of EDU(s) by the St. Mary's County Department of Land Use and Growth Management of any remaining EDUs after EDUs have been allocated or reserved for all properties in Section II.

Section V: EDUs may be allocated to properties within the Sewer Service Area and the PFA exception area, and properties with a failing OSDS as certified by the Health Department, outside the Sewer Service Area, in accordance with the provisions of this Resolution without amending this Resolution.

Section VI:

A. Waivers.

1. A property within the Sewer Service Area, including those in the PFA exception area, in the S-1 sewer category may apply for a waiver under Comprehensive Zoning Ordinance § 70.8.

Section VII:

A. Breton Bay Planned Unit Development.

1. The property within the Breton Bay PUD that is classified RS-1 shall become S-1 upon the effective date of this Resolution.

2. The property within the Breton Bay PUD that is classified as No Planned Service (NPS) shall remain NPS.

3. Connection to the St. Clements Shores Wastewater Treatment Plant is governed by the December 6, 1978, Breton Bay Memorandum of Understanding. This Memorandum of Understanding is Attachment 1 and is a part of this Resolution.

Section VIII: The capacity remaining after all reservations are made in accordance with Section II may be allocated to properties outside the Sewer Service Area that have a failing OSDS as certified by the Health Department. The infrastructure necessary for the property with the failing OSDS to be connected to the WWTP may not be used by any other property.

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Section IX: This Resolution shall be effective upon the date the expanded St. Clements Shores Wastewater Treatment Plant is operationally accepted by the St. Mary's County Metropolitan Commission and the Maryland Department of the Environment.

Those voting Aye: 5
Those voting Nay: 0
Those Abstaining: 0
Date of Adoption: January 5, 2021
Effective Date: January 19, 2021

COMMISSIONERS OF ST. MARY'S COUNTY

ATTEST:

Signature of Dr. Rebecca Bridgett
Dr. Rebecca Bridgett
County Administrator

Signature of James R. Guy
James R. Guy, Commissioner President

Signature of Eric Colvin
Eric Colvin, Commissioner

Signature of Michael L. Hewitt
Michael L. Hewitt, Commissioner

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Signature of David A. Weiskopf
David A. Weiskopf,
County Attorney

Signature of Todd B. Morgan
Todd B. Morgan, Commissioner

Signature of John E. O'Connor
John E. O'Connor, Commissioner

