

CHAPTER 1

PLANNING FRAMEWORK

Chapter 1 provides information on the planning framework under which water supply and sewer planning is conducted in Charles County. State laws and regulations require that each county adopt, and update on a triennial basis, plans detailing guidelines for the provision of water and sewer services and facilities. Further, these plans are required to be consistent with the county's adopted comprehensive land use plan.

This Comprehensive Water and Sewer Plan is Charles County's approach to this State directive. This Water and Sewer Plan also considers the unique conditions of Charles County in drafting and implementing an appropriate plan that meets the needs of the County. Toward that end, the Charles County Government adopts the following goals, in regard to comprehensive water supply and sewer services, and the objectives and policies necessary to achieve these goals.

This Chapter also provides information on applicable Federal, State and local plans, laws, and regulations which must be considered, as well as information on the administrative structure of County government as it relates to water and sewer planning.

1.1 GOALS

Goals are long-range, generalized statements which represent the ultimate desires of the County in terms of water and sewer planning. Conditions called for in the goal statements can be achieved through a sustained series of actions over a considerable period of time. Goals are meant to be sufficiently broad to remain valid over time. The five stated goals of the Comprehensive Water and Sewer Plan are listed below:

1. To provide ample supply of safe drinking water that may be collected, treated, and delivered to points of use;
2. To provide for the proper collection and delivery of waste water to points best suited for waste treatment, disposal, or reuse;
3. To implement the Comprehensive Water and Sewer Plan in such a manner as to be consistent with the Comprehensive Plan of Charles County, which implements the Maryland Economic Growth, Resource Protection and Planning Act of 1992 and incorporates Maryland's "Smart Growth" objectives, and to be consistent with the objectives of the 2000 Chesapeake Bay Agreement;
4. To conduct public facilities planning in a coordinated and cost-effective manner so as to meet current and future needs; and

5. To conduct water and sewer planning in an open and accessible manner, and to afford the public a full opportunity to provide input through a coordinated public participation process for amendments to the Water and Sewer Plan.

1.1.1 2000 CHESAPEAKE BAY AGREEMENT/ MARYLAND ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING ACT OF 1992

State agencies are increasingly requiring that County water supply and sewer plans conform to the seven visions of the Maryland Economic Growth Management, Resource Protection and Planning Act of 1992, which were developed in the wake of the 1987 Chesapeake Bay Agreement. Further, the policies expressed in the Water and Sewer Plan should promote the visions. The Seven Visions are:

- (1) Development is concentrated in suitable areas;
- (2) Sensitive areas are protected;
- (3) In rural areas, growth is directed to existing population centers and resource areas are protected;
- (4) Stewardship of the Chesapeake Bay and the land is a universal ethic;
- (5) Conservation of resources including a reduction in resource consumption, is practiced;
- (6) Economic growth is encouraged and regulatory mechanisms are streamlined; and
- (7) Funding mechanisms are addressed to achieve these visions.

1.2 OBJECTIVES AND GENERAL POLICIES

The goal statements of the Water and Sewer Plan are accomplished through the following objectives and general policy statements. Objectives are more specific and immediate in nature and are intended to be intermediate steps toward achieving the goals. General policies are specific guidelines intended to implement the goals of this Water and Sewer Plan and the policies and intent of the Comprehensive Plan. In order to be sufficiently comprehensive, these objectives are broken down into several sections, including: water quality and supply; growth management; public facilities and services; individual water supply and sewer systems; public participation; funding; and implementation. The following are not listed in order of priority.

1.2.1 WATER QUALITY AND SUPPLY OBJECTIVES

The Annotated Code of Maryland establishes State policies to improve, conserve, and manage the quality of waters of the State and protect, maintain, and improve the domestic, agricultural, industrial, recreational, and other beneficial uses. State public policy provides for the legitimate, beneficial uses of this State's waters, and to provide for prevention, abatement, and control of new

or existing water pollution. In addition to these State policies, the Charles County Water and Sewer Plan establishes several water quality and supply objectives and policies. The water quality and supply objectives of the Comprehensive Water and Sewer Plan are:

- 1) To improve the water quality of Charles County streams by meeting assigned effluent discharge requirements and by identifying and seeking to reduce other sources of pollution.
- 2) To coordinate with State and Federal agencies and to work cooperatively in improving the quality of waters of the State.
- 3) To encourage the wise use of groundwater, explore alternative sources for future water supply, and to coordinate with State agencies on water use issues.
- 4) To assure a dependable supply of water for residential, institutional, commercial, and industrial uses, as well as irrigation, fire suppression, and stream assimilation for present and future generations.
- 5) To correct sanitary and water supply problems in existing problem areas through coordinated planning with County, State, and Federal agencies.
- 6) To implement a water interconnection policy that would require the joining of water systems and ultimately create a unified central water system.

The following general policies will be used to accomplish the stated objectives, and to implement the Water and Sewer Plan:

- a) The use of groundwater as the primary source of drinking water will be continued, while alternative sources are evaluated for potable water supply. Efforts will be concentrated in areas that experience the greatest groundwater supply problems.
- b) Land application of wastewater effluent and/or advanced wastewater treatment, where practical and environmentally safe, will be encouraged over traditional point-source treatment and discharge into waters of the County or State.
- c) Significant stream bodies will be protected by prohibiting future point-source points of sewage effluent into natural drainage basins.
- d) The County will coordinate with the Maryland Department of the Environment (MDE), the Department of Natural Resources (DNR), and the Health Department to ensure that marine pump-out facilities are available at all existing and future marinas.

- e) Conservation of potable water sources will be encouraged through the implementation of water conservation techniques and programs.
- f) River basin coordination with adjoining jurisdictions and State and Federal agencies will be encouraged.
- g) The reuse of effluent, where practical and environmentally safe, as a method of reducing effluent volume and permitted discharge amounts into waters of the State, will be encouraged to the extent it is available.

1.2.2 GROWTH MANAGEMENT OBJECTIVES

This section provides guidance for water supply and sewer planning activities in relation to the County's land use and growth management policies as expressed in the Charles County Comprehensive Plan. This Water and Sewer Plan is an important means of implementing the Comprehensive Plan and provides specific direction for water supply and sewer facilities. The following objectives of the Water and Sewer Plan thus reinforce and strengthen the Comprehensive Plan:

- 1) To coordinate the provision of public water supply and sewer systems in areas already served or proposed to be served by public water supply and sewer systems.
- 2) To provide a framework for scheduling and prioritization of water and sewer projects based on an evaluation of existing facilities usage, public health considerations, and desired growth patterns.
- 3) To achieve planned densities within the Development District as adopted in the Comprehensive Plan through coordinated extension of public water supply and sewer systems.
- 4) To meet public water and sewer infrastructure needs in existing developed areas, particularly in the Comprehensive Plan's Urban Core.
- 5) To assure that the required public infrastructure and facility improvements are planned and provided for in an effective and efficient manner, and to encourage new development to emanate from the urban core and town centers.
- 6) To amend the Rural Conservation Deferred Development District [RC(d)], as adopted by Ordinance No. 2000-93 and the Deferred Development District, as mandated in the 2006 Comprehensive Plan update. This will be accomplished by amending the water and sewer category change procedure to prevent leapfrog development in locations where water and sewer facilities are not currently planned or available.
- 7) Based on the findings of the Patuxent Aquifer Study, the County will develop a long-

term water supply and distribution plan which will address aquifer management strategy and expansion of the WSSC water supply system in Charles County.

The following general policies will be used to accomplish the stated objectives and to implement the Water and Sewer Plan.

- a) The Mattawoman Sewer Treatment Facility shall continue to be the primary central sewer facility serving unincorporated Charles County.
- b) Satellite treatment facilities serving new residential development are prohibited outside the Mattawoman Sewer Service Area and the established water and sewer service areas associated with Rural Village areas. Satellite treatment facilities may be approved at the discretion of the Charles County Commissioners, as is consistent with the Charles County Comprehensive Plan and permitted only in the following cases:
 - i) To address environmental or public health problems created by existing development.
 - ii) To serve commercial or industrial projects which are approved by the County Commissioners.
 - iii) The County Commissioners of Charles County may, at their discretion, in the event that an affordable housing need can be satisfied in conjunction with the development of a Planned Employment Park (PEP) floating zone application, amend the Charles County Zoning Ordinance to allow an affordable housing component in the PEP floating zone which may also use the satellite treatment facilities provided for the PEP. The affordable housing project shall meet the following criteria:
 - 1) the project will replace or upgrade existing low-income housing;
 - 2) the project will serve low-income residents only with priority emphasis given to Charles County citizens;
 - 3) the County will restrict these satellite facilities to substandard housing areas as identified in the Charles County Community Development Housing Plan;
 - 4) an appropriate amendment to the Zoning Ordinance will be prepared; and
 - 5) the project will comply with policies limiting point

source discharge of effluent into stream bodies as found in this Comprehensive Water and Sewer Plan.

- c) The County shall minimize pump stations and maximize the usage of gravity systems to serve new development within the Mattawoman Sewer Service Area.
- d) The County Commissioners shall continue to consider priority classification amendments for both water supply and sewer systems in accordance with established amendment procedures, and may, according to criteria established as part of this Plan, grant water supply and sewer treatment capacity as is consistent with the best interests of the County.
- e) The County shall limit the provision of water and sewer facilities or service in rural areas of the County which do not permit the efficient investment of services or which might encourage growth in currently unserved areas of the County outside the Development District or Rural Villages.
- f) Extensions of water and sewer will be coordinated so that land development does not exceed the County's ability to finance needed services and capital construction.
- g) The County shall continue to utilize a water supply and sewer allocation policy as a means to maintain the target growth rate identified in the Comprehensive Plan.
- h) The Mattawoman Sewer Service Area shall not be extended beyond its present limits, unless such expansion is consistent with the Comprehensive Plan, land use, and zoning.
- i) Interconnection of water supply systems located within the Waldorf, Bensville, and Bryans Road water interconnection zones as designated on the Water and Sewer Plan maps, shall be required. The County shall continue to implement infrastructure extensions for the ultimate interconnection of the County's water interconnection zones.
- j) In conjunction with the Zoning Ordinance's Development Guidance System, a fund for the correction of failing septs shall be initiated and maintained.

1.2.3 PUBLIC FACILITIES AND SERVICES OBJECTIVES

The following provides a framework for the provision of community and public water supply and sewer facilities, and guidance for the County's operations and maintenance activities. Charles County, like many rapidly growing jurisdictions, faces two major challenges regarding the provision

of these facilities. The County needs to provide the facilities and services required to meet the needs generated by the rapid growth of recent years. Secondly, the County needs to conduct pro-active planning to assure that facilities are coordinated in advance of need. The objectives to meet these challenges include:

- 1) To assure that water and sewer service is provided in a cost-effective and efficient manner.
- 2) To coordinate the extension of public water supply and sewer systems in areas presently served or proposed to be served by these services.
- 3) To assure that the County Commissioners operate water supply and/or sewer facilities within their ownership as a responsible and fiscally sound public utility.

The following general policies will be used to accomplish the stated objectives:

- a) The County will continue to operate and maintain all existing systems within its ownership.
- b) The County will encourage the dedication of privately owned facilities to County ownership and maintenance. The private community water and/or sewer systems desiring system conversion shall be brought into compliance with Federal, State and County standards at the time of dedication.
- c) All new community water supply and sewer systems shall be publicly owned.
- d) All new facilities must be inspected to assure compliance with Charles County construction and operational specifications.
- e) An equitable method shall be established by the County Commissioners to pay for interconnections. Interconnection of water systems will not require property owners to tie into private systems or municipalities.
- f) The County will maintain and enhance the fire protection plan, especially focusing on the needs of the rural areas.
- g) The County will maintain and update the design criteria for the construction of water and sewer facilities contained in the Water and Sewer Ordinance.
- h) The County will develop and maintain an infrastructure capacity and pressure monitoring model.
- i) Interim water supply and sewer facilities may be allowed, at the discretion of the County Commissioners, within the Development District, subject to the following conditions:

- 1) The Comprehensive Water and Sewer Plan maps indicate the location of the infrastructure which is proposed as the general location of the facility to provide service;
 - 2) The applicant has consented to participate in the program to implement the permanent infrastructure solution;
 - 3) The applicant, or subsequent property owners, shall enter into an agreement with the County Commissioners. This agreement shall specify the timing of construction of permanent infrastructure, financing programs to be used to implement proposed permanent infrastructure, as well as other issues, as determined appropriate by the County Commissioners. This agreement must be executed prior to preliminary subdivision approval; and
 - 4) The applicant is required to discontinue use of such facilities within one year of the availability of public water supply and sewer systems.
- j) The extension of water service shall be considered at the same time as sewer service is extended into an area.
 - k) Central water system interconnection is encouraged as a method to correct failing water supply systems.
 - l) In coordination with the Maryland Department of the Environment, the County shall continue efforts to meet requirements for nutrient reduction in its sewer treatment program through the implementation of the Biological Nutrient Removal (BNR) and/or the Enhanced Nutrient Removal (ENR) processes.
 - m) The County will continue to oversee sludge stabilization and distribution from the Mattawoman Sewage Treatment Plant.
 - n) The County will continue to implement Enhanced Nutrient Removal (ENR) technology at the Mattawoman Sewage Treatment Plant.
 - o) The County will continue to pursue the capacity expansion of the Mattawoman Sewage Treatment Plant.
 - p) The hydraulic water supply and sewer model shall be utilized as a growth simulation and infrastructure impact tool. The model shall be revised and updated on a regular basis.
 - q) The petition process for the orderly and efficient transition of water and/or sewer facilities from private to public ownership, which went into effect on October 1,

1997, shall be utilized.

- r) Interconnection with the County's major sewer interceptors at existing stub-outs shall be required, wherever possible.
- s) Sewer mini-basin planning shall be encouraged. Sub-interceptors and trunk lines shall be sized for the entire mini-basin or service area at full build-out according to the densities as allowed in the Zoning Ordinance.
- t) A mechanism whereby allocations are voided under certain circumstances shall be maintained. These circumstances include the following:
 - 1) The preliminary plan of subdivision has expired;
 - 2) The Planning Commission chooses not to extend the preliminary plan of subdivision or the County Commissioners choose not to extend the allocation;
 - 3) The applicant has failed to pay the necessary fees for the allocation within the specified period; or
 - 4) A developer forfeits on conditions of title examiner for final plat.
- u) The County Commissioners will evaluate the Middletown Road Interceptor and other sewer system alternatives to provide capacity to serve commercial and industrial properties as described in the report entitled "White Plains Sewer Route Alternatives" (November 17, 1992). The chosen alternative will serve only commercial and industrial zoned properties as well as failing septic areas as identified in the Water and Sewer Plan maps. By providing sewer service in such a manner, the Commissioners are encouraging economic development in an area that is currently affected by an inadequate sewer system.

1.2.4 INDIVIDUAL WATER SUPPLY AND SEWER SYSTEMS OBJECTIVES

Charles County is characterized by a variety of land uses. Formerly rural, the County retains significant concentrations of agricultural land. In an effort to preserve this rural character, the Comprehensive Plan excludes the agricultural lands from the Development District. This section of Chapter One provides guidelines for those agricultural lands outside of the Development District which are to be served by individual and community water supply and sewer systems. Specific objectives include:

- 1) To provide guidance to homeowners utilizing individual well and septic systems within areas of the County not planned for public service.

- 2) To provide opportunities for residents in identified failing septic areas or with failing wells to correct existing supply, health, and environmental problems.
- 3) To encourage residents of identified failing well systems to interconnect with community water supply systems, if available.
- 4) To educate the users of septic systems regarding the proper maintenance of home septic systems.
- 5) Where possible, to make provisions for financial assistance or grant opportunities, to homeowners in areas of failing septic systems or wells.

The following general policies will be used to accomplish the stated objectives, and to implement the Water and Sewer Plan:

- a) New individual water supply or individual septic system, for domestic or non-domestic use, shall not be permitted to be installed where an adequate community or public water or sewer facility is available or will be available (Map Categories 1 and 3) within a reasonable time frame, as determined by the Director of Planning and Growth Management and the Director of Environmental Health, Charles County Health Department.¹
- b) The Charles County Health Department shall continue to regulate individual water supply systems, individual sewer systems, the holding tank program, the innovative and alternative septic program and the marina pump-out facility program.
- c) In areas where sanitary sewage and/or water supply problems exist, the best and most economical technologies and methods shall be used to correct sanitary sewage and water supply problems.
- d) In order to protect the public health, as is determined by the Director of Environmental Health of Charles County Health Department, the County shall be allowed to convert private-owned community water supply and sewer systems to public ownership.
- e) No new independent community water and/or sewer systems will be permitted within the Development District.
- f) Innovative and Alternative Wastewater Systems are only to be used for the replacement of failing septic systems. Undeveloped lots of record prior to

¹

Unless as specifically permitted under a separate policy or amendment.

September 28, 1994, that will not pass conventional percolation tests, may be eligible to use Alternative wastewater systems. (See Section 4.2.3.3 for details).

1.2.5 PUBLIC PARTICIPATION OBJECTIVES

Public participation in the water and sewer planning process is of primary importance to Charles County Government. The County's mission statement emphasizes openness and accessibility in governance. Toward that end, this Comprehensive Water and Sewer Plan puts forward the following in relation to the review and amendment of the Plan. State regulations require that the Water and Sewer Plan be reviewed on a triennial basis. Additionally, the County Commissioners have established policies for more frequent amendments of the Plan. The objectives for public participation are:

- 1) To provide the public with an opportunity for review and comment of the Water and Sewer Plan through public participation processes which are open and accessible.
- 2) To provide, through amendments of the Water and Sewer Plan, an opportunity for public input.

The following general policies will be used to accomplish the stated objectives:

- a) Charles County staff will prepare appropriate materials for public review and will make these publicly available in accordance with the administrative procedures to amend the Water and Sewer Plan.
- b) Public meetings will be publicly advertised in newspapers of general circulation in accordance with the administrative procedures to amend the Water and Sewer Plan.
- c) The County Commissioners may direct staff to provide additional information to the public as necessary.

1.2.6 FUNDING AND IMPLEMENTATION OBJECTIVES

The following objectives will be used to implement the Comprehensive Water and Sewer Plan by assuring that water and sewer service is provided in an efficient and cost effective manner. The funding and implementation objectives are:

- 1) To coordinate public water supply and sewer infrastructure needs with the County's Capital Improvements Program (CIP).
- 2) To actively seek State and Federal funding for water supply and sewer projects, where appropriate.

3) To encourage private-public partnerships as a means to implement water supply and sewer needs and seek private contributions through the adequate public facilities ordinance, the development guidance system and other programs as described in the Charles County Zoning Ordinance.

4) To provide sources of local funding for water and sewer capital projects.

The following general policies will be used to accomplish the stated objectives:

- a) Staff recommendations for water and sewer projects to be included in the County Capital Improvements Program shall be provided to the Director of Development and Capital Services on an annual basis. If approved for inclusion in Planning and Growth Management's funding requests, these projects are submitted to the Charles County Commissioners for consideration.
- b) The rate structure utilized in the public water supply and sewer program shall be periodically re-evaluated to assure that the water and sewer enterprise fund operates in an efficient and cost effective manner.
- c) Developer participation in the County's water supply and sewer capital projects program shall be encouraged.
- d) New development will pay for new infrastructure improvements.
- e) In order to prevent leapfrog development and minimize the costs associated with development, water and sewer facilities shall extend outward from the existing urban core. Water and sewer extensions shall be planned so that land development does not exceed the County's ability to finance needed services and capital construction.
- f) Developers shall enter into a Development Agreement with the County to ensure the provision of water and sewer service to the development. These agreements shall include provisions for funding, acquisition, rebates, operations, and maintenance for the benefit of the County and the property owner.
- g) A rebate program shall be administered to reimburse, through third-party connection fees, developers who size facilities appropriately for the use of adjoining properties. The agreement between the County and the original developer shall be codified in the form of a developer agreement.
- h) User fees, based on water and sewer service areas, shall be utilized wherever possible so that costs are born by those receiving the service.

- i) The creation of special taxing districts for water and sewer improvements shall be investigated.

1.3 ADOPTED IMPLEMENTATION POLICIES

The following policies have been adopted by the County Commissioners and are official policies for implementation.

1.3.1 POLICY ON INDIVIDUAL WELL AND SEPTIC SYSTEMS WITHIN THE DEVELOPMENT DISTRICT

WATER AND SEWER PLAN / ADOPTION DATE: 10/1/92, 6/28/94
AMENDED BY RESOLUTION 2000-56 ON AUGUST 1, 2000

Properties within the County's designated Development District that have a sewer category of S5 or a water category of W5 may develop an individual lot with a well and a septic system. No new community or shared wells, nor community or shared septic systems are permitted within the Charles County Development District. Properties with a water and/or sewer category of W3/S3 must develop on public water and sewer systems.

Individual well and septic systems are permissible in the RL (Residential-Low Density) zone, within the area corresponding to the Comprehensive Plan's Development District. Septic systems are permitted in subdivisions of twenty-five (25) lots or less, provided that the 5-year Charles County Capital Improvement Program does not include any water and/or sewer projects that will serve the area, and the property is not adjacent to an existing S1/W1 or S3/W3 service area. Further, the applicant will be required to sign an interim water and sewer agreement to connect to the public system within one year of public water and/or sewer service availability, and construct dry water and sewer stub-out facilities from each dwelling unit to the roadway for future connection to the public system.

1.3.2 POLICY ON WATER AND SEWER COMMITMENTS

WATER AND SEWER PLAN / RE-ADOPTED: 6/28/94

The County Commissioners are allocating sewer capacity for residential projects within the Mattawoman Sewer Service Area (as defined on the Water and Sewer Plan maps) in accordance with applicable water and sewer allocation policies contained in this plan. Projects receiving preliminary subdivision approval are available for allocation and are granted allocations in the order of the date approved by the Planning Commission. These projects must be designated as an "S-3" or "W-3" service category. If the property does not have the W3 and/or S3 service category, the property owner or representative must apply for the necessary category change during the next available allocation cycle (see Section 1.4.2) prior to receiving water or sewer allocations.

Commercial and industrial projects are granted allocation on a first-come, first served basis and are committed allocations. It is the County's intention to promote a balanced tax base by allocating as

much sewer capacity as necessary for commercial and industrial projects up to a point of a higher percentage than is presently the case.

New proposed development shall be evaluated taking into consideration matters of residential, commercial, industrial and other land use needs; planning, zoning and subdivision control requirements; population projections; engineering constraints; economic justification and fiscal concerns, federal, state, regional, county, municipal, and sub-area land use related plans; availability and adequacy of public facilities to include water supply and sewer systems; availability and adequacy of storage and treatment capacity; and, the need to alleviate public health and safety problems. Water and/or sewer service should be extended systematically in concert with the capital programming of other public facilities, and in accordance with the County Comprehensive Plan.

1.3.3 POLICY ON WATER OR SEWER COMMUNITY SYSTEM - PLANT OR LINE INSTALLATION IN AREAS WHERE SERVICES ARE NOT AVAILABLE

WATER AND SEWER PLAN / RE-ADOPTED: 6/28/94

Within existing designated water and sewer service areas, it is desirable to provide and utilize public/central water and/or sewer systems. However, community systems may be approved contingent upon a finding by the Department of Planning and Growth Management that a connection to existing public/central facilities is not feasible. If no facilities exist, the property owner/developer may enter into an official agreement with the Department of Planning and Growth Management to provide a community system for water and/or sewer service for the proposed development. If the appeal is granted and the system found satisfactory by the County, then an exception may be granted.

Any property owner/developer seeking a variance with the Plan has the right to appeal to the County Commissioners. Such appeal shall be made in a form similar to a request for an amendment to this Plan and shall be considered in the same manner. Also, appeals to the Maryland Department of the Environment and to the courts are provided for under the law.

In the plan approval/building permit process, there must be an assurance for any subdivision plat and/or building application that it is in conformance with the Water and Sewer Plan, and further that any and all development proposals are in accordance with the Charles County Comprehensive Plan, the County Zoning Ordinance, the County capital improvements planning efforts, the Housing Plan, and other adopted planning criteria. Information is required to be assembled in the form of amendment request forms, written statements, public testimony, plans, maps and any other material relevant to such a case for appeal.

Generally, outside of the limits of proposed service areas, individual wells and individual septic tank/drain field systems will be permitted where approved by the Health Department of Charles County. Any new community system, treatment plant, or major improvement must be located in or near growth areas as identified in the Charles County Comprehensive Plan. They may be used to serve areas deemed a health problem as established and documented by the Charles County Health Department.

Any purchase of future reserve capacity in an existing or proposed public water and/or sewer system shall be on a lump sum or a per annum basis, in order to contribute towards the capital, operating and maintenance costs for the duration of time the project development takes from planning to occupancy and use.

1.3.4 REBATE POLICY

WATER AND SEWER PLAN / ADOPTION DATE: 12/18/92

A developer, within a fifteen year period from the date of dedication of the off-site improvement, shall be entitled to a payment or credit for constructing a water and/or sewer line which has capacity available to serve other off-site County customers.

The official rebate policy can be found in the Charles County Commissioners Resolution 92-91 and in the Water and Sewer Ordinance, Section 5.7.

1.3.5 POLICY ON THE ALLOCATION OF WATER SUPPLY AND SEWER TREATMENT CAPACITY

WATER AND SEWER PLAN / ADOPTION DATE: 6/28/94

In accordance with Title 9-505 of the Annotated Code of Maryland (Environmental Article), the County Commissioners have adopted a Water and Sewer Allocation Policy. The Allocation Policy has been developed to ensure that water and sewage treatment capacity is wisely managed to prevent the depletion of underlying water-bearing aquifers or the over-commitment of available sewage treatment capacity. Allocation amounts may not exceed the allocation targets as established as 'Schedule A' of this policy (See Table 1-1). In addition, the policy provides for a reasonable, fair, and equitable administrative procedure for the allocation of water and sewage treatment capacity. The complete policy is fully contained in the Water and Sewer Ordinance, Section 6.0.

1.3.6 CLARIFICATION OF THE POLICY REGARDING CLIFTON ON THE POTOMAC

POLICY ADOPTED BY THE CHARLES COUNTY COMMISSIONERS ON OCTOBER 16, 2000, AMENDED OCTOBER 21, 2003

The Charles County Commissioners have determined it to be in the best interest of the County to allow lots of record in Clifton as of October 16, 2000, to perform percolation tests. If the property is approved for on-site sewage disposal, an on-site sewage disposal system (OSDS) can be installed on the lot, thereby allowing the development of the lot. The Commissioners are requiring lots with approved OSDS to complete an Interim Sewer agreement. An interim sewer agreement states that the OSDS will be used on an interim basis and when capacity becomes available in the sewage treatment plant, the lots will be required to connect to the sewer system and abandon the OSDS.

Any newly developed lots will be required to connect to the public water system and will need to obtain allocations. Lot owners will be responsible for connecting to the public water system and providing any necessary road improvements. If the lots front a road that is not owned by the county,

there will need to be a signed agreement stating that the road is unimproved and not in the County's Transportation Plan for improvements. All other county, state, and federal regulations still apply to the building permit process.

1.3.7 ADMINISTRATIVE EXEMPTION TO THE PRIORITY CLASSIFICATION SYSTEM REQUIREMENTS FOR NEW SINGLE FAMILY DWELLINGS ON SINGLE LOTS

POLICY ADOPTED BY CHARLES COUNTY COMMISSIONERS JULY 20, 1995 BY RESOLUTION 95-56

The Charles County Commissioners may administratively amend water and sewer service categories for new single family lot properties, if certain criteria and conditions are met. These include:

- 1) The amendment will be consistent with the Comprehensive Plan;
- 2) The lot is designated as W5,S5 on the Comprehensive Water and Sewer Plan maps;
- 3) The applicant is the owner of, and intends to reside upon, the property for which service is sought;
- 4) The water and sewer category amendment fee has been paid;
- 5) The subject property is a legally-recorded lot of five acres or less, as of the effective date of this amendment;
- 6) The applicant will conform to County policies regarding the sizing of collection and distribution systems, and will submit the design drawings for the systems to be installed to the County for their review. These design drawings will also be submitted to the Maryland Department of the Environment, for their review, as is consistent with State regulations; and
- 7) Staff has determined that said improvement of the lot will not have an adverse impact on water and sewer capacity (in collection lines, distribution lines, and pump stations) or an adverse impact on water and sewer infrastructure in the area.

TABLE 1-1

Schedule A

Part I Water Supply and Distribution Systems (all Units MGD)

System Name	Rated Capacity (1) or Appropriation Permit	Current Pumpage (3)	Current Commitments	Available Capacity Target
Waldorf (4)	7.2000(1)	5.2211	0.7538	0.2950
Bryans Road (4)	0.513(2)	0.2696	0.1101	0.0531
Eutaw Forest (7)	0.0800(2)	0.0590	0	None (6)
Strawberry Hills	0.0120(2)	0.0919	0.0190	0.0055
Bensville	0.2994(2)	0.1309	0.1056	0.0627
Benedict	0.0560(2)	0.0222	0.0135	0.0202
Dutton's Addition (7)	0.0080(2)	0.0076	0	None (6)
Bel Alton	0.0290(2)	0.0244	0	None (6)
Avon Crest	0.0091(2)	0.0059	0	None (6)
Ellenwood	0.0346(2)	0.0262	0.0013	0.0070
Mariellen Park	0.0180(2)	0.0163	0	None (6)
Newtown Village	0.0147(2)	0.0112	0	None (6)
Mt. Carmel Woods	0.0150(2)	0.0132	0	0.0068
Chapel Point Woods	0.0240(2)	0.0230	0.0013	0.0000
Oakwood	0.0050(2)	0.0024	0	None (6)
Spring Valley	0.0096(2)	0.0067	0	None (6)
Clifton-on-the-Potomac	0.0850(2)	0.0459	0	None (6)
Swan Point	0.0600(2)	0.0441	0.0665	None (5)

Source: Charles County Department of Planning and Growth Management, Department of Utilities, 2006 and Maryland Department of the Environment, 2006.

- NOTE: 1,2,3) A quarterly report which supplements this Schedule A is available from the Charles County Department of Planning and Growth Management.
- 4) A supplemental policy applies to this system.
- 5) Where current pumpage and commitments exceed the Ground Water Appropriation Permit.
- 6) Subdivision served by this system is built out.
- 7) Eutaw Forest and Duttons Addition have interconnected to the Bensville Water System.

TABLE 1-2

Schedule A

Part II Sewerage Collection and Treatment Systems (all units are MGD)

System Name	Rated Capacity (1)	Current Flows (1)	Current Commitments	Available Capacity Target
Mattawoman (2)	15.00	9.4813	3.5395	1.9790
Mt. Carmel Woods (3)	0.0210	0.0180	0	0.0030
Clifton-on-the-Potomac (2)(4)	0.0700	0.0441	0.0700	Moratorium
Cobb Island (2)	0.1580	0.0655	0.0025	0.0898
Swan Point (2)	0.600	0.032	0.0778	Moratorium

Source: Charles County Department of Planning and Growth Management, and Department of Utilities, 2006.

- NOTE:
- 1) A quarterly report which supplements this Schedule A is available from the Charles County Department of Planning and Growth Management.
 - 2) A supplemental policy applies to this system.
 - 3) NPDES permit is 0.018 mgd.
 - 4) Upon approval of a perc test by the Charles County Health Department, lots of 30,000 square feet or greater may develop on a private septic system.

1.3.8 POLICY ON WELL AND SEPTIC SYSTEMS WITHIN THE RC(D) ZONE

WATER AND SEWER PLAN / ADOPTION DATE: 2/11/03

The Rural Conservation/(Deferred Development District) [RC(D)] zone was created by the Charles County Commissioners in 2000 to maintain low-density residential development, preserve the rural environment and natural features, and established character of the area. In addition to rural preservation, the RC(D) zone will allow the County to reduce infrastructure costs, eliminate the creation of new independent water and sewer systems, and have growth emanate from the urban core and town centers.

The RC(D) zone is a residential zone restricted to a minimum lot size of 10 acres. Properties within the RC(D) area have a water and sewer priority classification of W5/S5, respectfully, until a category change is approved by the Charles County Commissioners. Therefore, properties within the RC(D) must develop on an individual well and septic system, until a category change is approved. The County Commissioners will reconsider all RC(D) zoning on a not less than 5 year basis as part of, and concurrent with the update of the Comprehensive Plan, or sooner if deemed appropriate by the County Commissioners. At which time, the water and sewer priority classification will be changed to correspond with the development goals of the County Commissioners.

1.3.9 POLICY FOR SWAN POINT WATER AND SEWER ALLOCATIONS

WATER AND SEWER PLAN / ADOPTION DATE: 2/11/03
AMENDED OCTOBER 21, 2006

Through 2006, the Swan Point sewage treatment plant has been limited by a treatment capacity of 70,000 gallons per day (gpd). A bulk sewer allocation for the community was issued to the original developer based on the Docket 250 Developer Agreement to expand the treatment plant. In 2004, the NPDES Permit was expanded to accommodate proposed growth in the Swan Point Development, totaling 600,000 gpd. However, until the additional plant capacity has reached substantial completion of construction, no further sewer allocations shall be issued. Allocation of treatment capacity will be granted as a bulk sewer allocation for the residential and commercial units within the Swan Point Development up to 530,000 gpd of capacity. Allocations of up to 70,000 gpd will be granted to applicants outside of the Swan Point Development through the County's allocation procedures. A flow factor of 230 gpd has been designated for the swan point sewer system.

The Groundwater Appropriation Permit (GAP) for the Swan Point Community was amended in 2006 to state that the well may pump 600,000 GPD. However, a bulk water allocation was issued for the lots within the community, based on the approved expansion of the community water system. No water allocations shall be issued until the water system expansion has been substantially completed, as determined by the Charles County Department of Planning and Growth Management.

1.3.10 **POLICY FOR THE WHITE PLAINS ECONOMIC DEVELOPMENT SERVICE AREA**

WATER AND SEWER PLAN / ADOPTION DATE: 2/11/03

To further the economic development and growth management goals of the 1997 Charles County Comprehensive Plan, the Charles County Commissioners are undertaking the design and construction of sewer system upgrades in the White Plains economic Development Service Area to encourage and facilitate the growth and development targeted industries in the County. These target industries will provide employment and increase the commercial and industrial tax base of the County. This service area is being provided for economic development purposes only in order to protect and promote the health, safety, and general welfare of the residents of Charles County, Maryland. The infrastructure necessary to provide the limited service area will be financed by the expenditure of public funds to further the important governmental function and purpose.

1) *White Plains Economic Development Sewerage Service Area*

The White Plains Sewerage Area is shown on Sewerage Map #2. Service is available only for properties within the service area for economic development. An appropriate fee will be assessed for service connection that will offset the proportionate share of the cost of providing service.

2) *New Sewerage Connections*

As an incentive, the County Commissioners of Charles County, Maryland will consider a refund in full or in part, of the sewer connection fees associated with water and sewer in the designated White Plains Economic Development Service Area for any targeted industry or business in the Business Park (BP) zone that meets certain criteria as established by the County Commissioners in conjunction with the County's economic development objectives.

1.3.11 **POLICY FOR THE PISGAH WELL REIMBURSEMENT PROGRAM**

WATER AND SEWER PLAN / ADOPTION DATE: 2/11/03

Land owners within ½ mile of the former Pisgah landfill are eligible for partial reimbursement for the installation of a double-encased artesian well. If the applicant is approved by the Charles County Planning Office, the County will reimburse the applicant for costs over and above an amount, established by the County Commissioners, for the installation of the artesian well. Once the applicant is determined to be qualified, they must submit at least three bids from qualified well drillers to the Charles County Planning Office. An applicant must contact the County Planning Office to determine if their property qualifies for the program and to receive a copy of the "*Pisgah Well Reimbursement Program Procedures*." If the applicant does not follow the Reimbursement Program Procedures, the applicant will not be eligible for reimbursement.

1.3.12 POLICY ON INTERIM SEWER AGREEMENTS

WATER AND SEWER PLAN / ADOPTION DATE: 2/11/03

Charles County discourages the use of Interim Sewer Agreements (ISA). The County may enter into an ISA when a property with a water and sewer category of W1, W3, S1, or S3, can demonstrate a hardship due to the connection to public water or sewer facilities is not feasible. Under the ISA, the property would be required to connect into the County water and sewer system within one year of the facilities availability to the property line, and close and abandon the well and septic system. The property owner will be responsible for the cost, engineering, and installation of the water and sewer lines from the improvement to the public facility. The subject agreement will be recorded among the Land Records of Charles County in order to ensure that all subsequent property owners are made aware of the agreement upon land transfers.

1.4 ORGANIZATION AND ADMINISTRATIVE RESPONSIBILITIES OF COUNTY GOVERNMENT

State regulations, pursuant to Title 9, Subtitle 5 (Environment Article) of the Annotated Code of Maryland, require that County water and sewer plans provide a discussion of the organization of County government as it relates to the management of water supply and sewer services and facilities. The Charles County Government is involved in many aspects of water and sewer planning, including: administration, review, design, project management, construction, operations and maintenance, and financing of infrastructure and facilities. The following discusses the roles of various agencies involved in the management of water supply and sewer facilities.

The Department of Planning and Growth Management is the lead agency concerned with the administration and management of water and sewer services. The Department is also responsible for the maintenance of the Water and Sewer Plan and other related County plans and regulations. This includes both the triennial revisions to this Plan and category amendments, as needed.

Since 1996, the Department of Utilities operates and maintains public water supply and sewer facilities. Utilities operates the Mattawoman Wastewater Treatment Facility, as well as providing telemetry and monitoring systems at its facilities. The Department of Utilities also assists the Department of Planning and Growth Management with the maintenance of the Water and Sewer Plan and other special projects with its technical input.

The County Health Department, Environmental Health Division, regulates individual water supply and sewer facilities in areas of the County not served by public systems. The Health Department also maintains the County's holding tank program, the innovative and alternative septic systems program, and the marina pump-out facility program. The Health Department also assists the County with amendments to the Water and Sewer Plan and other special projects, as needed.

The Department of Fiscal Services maintains various funds ear-marked for public water supply and sewer services. These programs include the water and sewer enterprise fund, connection fee programs, and rebate programs. The Enterprise Fund is designed to be self-sufficient.

The County Commissioners are directed by the General Assembly to consider and adopt amendments to the Water and Sewer Plan and to initiate water supply and sewer projects in their capacity as the governing body of Charles County. The Commissioners are authorized to maintain County water and sewer programs to further the health, safety, welfare, and convenience of County residents.

1.4.1 PRIORITY CLASSIFICATION SYSTEM

The County Commissioners have established a priority classification system in accordance with State law. The priority system is designed to show a rational, timely means to obtain such facilities, while maintaining the integrity of both the County Comprehensive Water and Sewer Plan and the County Comprehensive Land Use Plan. The priority system is designed to show need and intent of the County, its municipalities, and the development community for establishing or extending public, community, or multi-use water and sewer systems. The County Commissioners of Charles County segregate their water and sewer priority classification system as there are fundamental differences in the interpretation of these categories, which affects their implementation. Each category change requires an amendment to the Comprehensive Water and Sewer Plan, as approved by the Charles County Commissioners, except for the change from Category 3 to Category 1. The change from Category 3 to Category 1 will be completed administratively by the Charles County Department of Planning and Growth Management as properties receive an approved Utility Permit and Use and Occupancy Permit. Table 1-3 and 1-4 further detail the interpretation of these priority classification categories.

1. Water Supply : Priority Classification System

- a. **W-6: Outside Designated Service Areas - No Planned Service.** This category is assigned to all properties outside municipalities and outside designated water service areas. The establishment of a new water service area or expansion of an existing service area requires amendments to both the Charles County Comprehensive Plan and the Comprehensive Water and Sewer Plan.
- b. **W-5: Water Service Areas or Water Interconnection Zones.** This category is assigned to all properties within designated water service areas or water interconnection zones, unless properties have attained a "W-3" or "W-1" category. Properties within water supply zones may be required to interconnect infrastructure systems in order to assure that adequate contingency water supply, storage and fire suppression capabilities exist. Lots in minor subdivisions or new residential construction on existing lots may be served by individual wells where public water is more than 500 feet away.

- c. **W-3: Planned Service.** Properties where improvements to, or construction of, new community water supply systems are planned or are under design. All subdivisions and new construction with this designation must be served by public/central water systems. A service category amendment to "W-3" shall precede the approval of preliminary plans of subdivision and site plans utilizing public water supply and sewer services by the Planning Commission.

Properties desiring such a re-classification shall submit an application for amendment to the County Department of Planning and Growth Management. Replacement wells are permitted for properties more than 500 feet from existing distribution lines within an area designated as "W-3" or "W-1". A "W-3" does not require further application, as elevation to a "W-1" is contingent upon developer action or infrastructure status. Priority "3" may be applied for provided that:

- (a) Infrastructure is in place or under design to serve the area; and
- (b) Rated capacities of facilities which could serve the project are adequate to accommodate the proposed project flows.

- d. **W-1: Existing Service.** Properties served by community or multi-use systems which are either existing or under construction. No private wells are permitted. Priority "1" applies to the following areas:

- (a) All requirements for Priority "3" have been met;
- (b) All required final approvals have been obtained from the Charles County Planning Commission;
- (c) Design drawings and plans for all water supply facilities or extensions to existing community, public or multi-use systems and facilities have received final approval and a construction permit (MDE) and a State groundwater appropriation permit (MDE) has been issued;
- (d) A grant of water supply allocation has been granted by the Director of the Department of Planning and Growth Management; and
- (e) All necessary financial agreements and/or developer agreements have been approved by the Charles County Commissioners.

2. Sewer Service : Priority Classification System

- a. **S-6: Outside Designated Service Areas - No Planned Service.** A category assigned to all properties outside municipalities and outside designated sewer service areas. The establishment of new sewer service areas to serve new development in these areas is not consistent with the Comprehensive Plan.
- b. **S-5: Future Planned Service.** This category applies to properties located within a designated sewer service area. It is the intention of the County Commissioners to ultimately provide sewer service to areas with said designations. This may be beyond the planning period of this document.
- c. **S-3: Planned Service.** Properties where improvements to, or construction of, new community or sewer systems are planned or under design. A service category amendment request for "S-3" may be concurrent with the submission of preliminary plans of subdivision and site plans utilizing public sewer services by the Planning Commission. Properties desiring an "S-3" reclassification shall submit an application for amendment to the County Department of Planning and Growth Management. A preliminary subdivision plan or site plan may be submitted and processed by staff, but not approved by the Charles County Planning Commission, until a "S-3" category is granted by the Commissioners. However, the approval of a Priority "3" classification does not obligate the County to approval of the preliminary subdivision plan or site plan by the Planning Commission; failure by the Planning Commission to approve a preliminary plan of subdivision or site plan constitutes a reversion of the "S-3" category to its original category. A "S-3" category does not require further application, as elevation to "S-1" is contingent on developer action or infrastructure status. Priority "3" may be applied for provided that:
 - (a) All requirements for Priority "5" have been met;
 - (b) The use, density, and location of the proposed development complies with the adopted Comprehensive Plan which is coordinated with sewer priorities; and
 - (c) Rated capacities of facilities which could serve the project are adequate to accommodate the proposed project flows.
- d. **S-1: Existing Service.** Properties served by centralized sewer systems which are either existing or under construction. Priority "1" applies to the following areas:

- (a) All requirements for Priority "3" have been met;
- (b) All required final approvals have been obtained from the Charles County Planning Commission;
- (c) Design drawings and plans for all sewer facilities or extensions to existing community, public or multi-use systems and facilities have received final approval and a construction permit (MDE);
- (d) A grant of sewer capacity allocation has been granted by the Director of the Department of Planning and Growth Management; and
- (e) All necessary financial agreements and/or developer agreements have been approved by the Charles County Commissioners.

The following sub-categories further refines the priority classification system. These may be applied to specified categories, and include:

- (1) **Conditional (COND)** - Service is conditional on Commissioner-enumerated conditions only. The County Commissioners or County staff may require that additional support materials be submitted to justify this sub-category. Failure by the applicant, or his successors, to meet these conditions reverts the priority classification to its original category. This sub-category may be applied to a "W-3" or "S-3" categories only.
- (2) **Require Evaluation (E)** - Identifies areas which are identified to be evaluated by the Charles County Health Department. These areas may be prone to failing well and septic systems and should be investigated throughout the planning period to determine the extent of the failing conditions. This sub-category may be applied to the "W-6", "S-6", "W-5", "S-5", "W-3", or "S-3" categories.

1.4.2 REVIEW AND AMENDMENT PROCEDURES

State regulations, pursuant to Title 9, Subtitle 5 of the Environment Article of the Annotated Code of Maryland, requires that the County Commissioners of Charles County review and adopt a revised County Water and Sewer Plan on a triennial basis. In addition, State regulations permit the County Commissioners to amend the Water and Sewer Plan.

1. Amendment Procedures

- (a) An application for amendment to the County Comprehensive Water and Sewer Plan may be submitted for review not more than once annually.
- (b) The County Commissioners will consider amendments to priority classification, text, and maps of the adopted Comprehensive Water and Sewer Plan. Requests for

proposed amendments to the County Water and Sewer Plan shall be submitted to the Charles County Department of Planning and Growth Management, P.O. Box 2150, La Plata, Maryland. The application form may be obtained from the Charles County Department of Planning and Growth Management. Requests for proposed amendments must be received by August 15. Should the County Government be closed on this date, applications will be due on the next business day.

- (1) Service category amendments should be submitted on an "Application for Amendment" form. These requests must be signed by the owners of the property for which service is requested, a qualified principal of a corporation or joint venture, or an agent qualified by a power of attorney. Properties requesting a service category change must be under the same ownership and contiguous to constitute a single application.
 - (2) Requests for amendment to the text or maps of the Plan should be made by letter addressed to the President of the County Commissioners. This letter should explicitly state the amendment request and identify an appropriate location in the document.
- (c) The County Commissioners may, at their discretion, begin a semi-annual amendment cycle as is in the best interest of the County. If so, the deadlines for two cycles per year would be February 15 and August 15.
 - (d) The County Commissioners may also initiate requests for administrative amendments to the Comprehensive Water and Sewer Plan as the governing body of Charles County, or at the written request of the Town of La Plata, the Town of Indian Head, the Town of Port Tobacco, the Tri-County Council for Southern Maryland, or the Maryland Department of the Environment or other State agencies. There is no fee for administrative amendments.
 - (e) It shall be the responsibility of the Charles County Department of Planning and Growth Management to coordinate the review of amendments to the Comprehensive Water and Sewer Plan.
 - (f) The Charles County Government shall submit copies of all materials received by the deadline for service category amendments, as well as all proposed text, map, and administrative amendments to planning agencies. For triennial amendments, the entire text and maps should be submitted to the local planning agencies.
 - (g) All materials received by the deadline are considered public record and are available for public review at the Department of Planning and Growth Management, Planning Division.
 - (h) The planning agencies shall review the proposed amendments to the Comprehensive Water and Sewer Plan and submit their comments to the Charles County Department of Planning and Growth Management.

- (i) A public hearing before the Charles County Commissioners will be held to provide an opportunity for the public to comment on the proposed amendments. The Commissioners will receive oral or written testimony at this public hearing.
- (j) Before the County Commissioners hold the public hearing, they must:
 - (1) Give local jurisdictions at least two weeks notice of the hearing;
 - (2) Publish a legal notice for the public hearing detailing, at a minimum the time and place of the hearing, as well as a summary of proposed amendments, in at least one newspaper of general circulation, once each week for two successive weeks with the first notification appearing at least 14 days prior to the hearing.
- (k) The County Commissioners will hold a public work session after the close of the public record. The County Commissioners may take action on the requests at this work session. The County Commissioners may approve, approve with conditions, disapprove, or defer requests. Requests for service category amendment must meet the criteria for priority re-classification established in this Comprehensive Water and Sewer Plan.
- (l) Following the decision of the County Commissioners, the amendment shall be sent to the Maryland Department of the Environment for its review and final approval. The State has 90 days from receipt of the County's amendment package to review the materials. If the letter informing the County of the results of the MDE review is not received after the 90-day review period, and the review period is not extended by letter, the County Commissioners' decisions are official. Until this time, the Plan will remain in effect as currently adopted.

Table 1-3

Water Service Categories

Category	Definition of Category	Requirements	Exceptions
W1	Existing Service	Systems operational or has final plat approval. Allocation granted.	N/A
W3	In Process or Under Design	Capacity available; hook-up to central or public systems required.	Public water required. <i>Replacement</i> wells more than 500 feet from distribution lines are permitted.
W5	Water Supply Zones and Water Service Areas	Individual wells permitted for single lots or minor subdivisions greater than 500 feet from distribution lines. Amendment for Water/Sewer Plan required to obtain capacity from the public water system.	New development on public water (Category change to W3 required).
W6	Outside Designated Service Area	No planned service at this time. Individual wells permitted.	Individual wells permitted.

Table 1-4
Sewer Service Categories

Category	Definition of Category	Requirements	Exceptions
S1	Existing Service	Systems operational or has final plat approval. Allocation granted.	<p>White Plains Economic Development Service Area: Sewer Service only available only within the designated White Plains Economic Development Service Area as depicted on Sewer Map #2.</p> <p>Clifton: Moratorium in place; Septics permitted with approval from Charles County Health Dept. and executed interim sewer agreement with Charles County Commissioners.</p> <p>Cobb Island: Moratorium in place; no available capacity.</p>
S3	In process or under design	Capacity available at Mattawoman or other county system; public systems appropriate in this area	White Plains Area: (See explanation under S1)
S5	Within the Mattawoman Sewer Service Area or other public sewer service area. No plans to connect property to public system.	Amendment to the Water and Sewer Plan required to obtain capacity except in the case of “Single Lot” administrative exception.	Dry sewer lines required for new subdivisions in RL Zone except for: minor residential subdivisions, subdivisions of 25 lots or less, and individual building permits.
S6	No planned service	No planned service without amendment to the Comprehensive Plan. Individual septic systems permitted.	Pending approval of a water and/or sewer category change to S3, package treatment plants may be permitted for existing failing septics in residential, commercial, and industrial development areas.

2. Fees

A fee schedule established by the County Commissioners is to be applied to all applicants - requesting revisions to the Water and Sewer Plan. These fees are not refundable, and must be paid at the time application is made by the applicant. The application cannot be processed without this fee.

3. Severability

If any section, subsection, sentence, phrase, or portion of this Plan is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and said holding shall not affect the validity of the remaining portion of these regulations; it being the intent of the County Commissioners of Charles County that these regulations shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion thereof.

1.5 LEGISLATIVE AND REGULATORY FRAMEWORK

This section covers Federal, State, and County agencies, laws, and regulations, under which the County must conduct water and sewer planning activities. The agencies, laws, and regulations include, but are not limited to, the following:

1.5.1 FEDERAL AGENCIES, LAWS, AND REGULATIONS

The Environmental Protection Agency (EPA) is the policy-making and enforcement agency at the Federal level. The EPA conducts and supports research, supports state and local water and wastewater plans, provides technical assistance, and supports projects demonstrating new and improved techniques. The EPA has delegated many programs under their authority to MDE.

In 1978, the EPA assisted Charles County and the Washington Suburban Sanitary Commission (WSSC) with a grant for the construction of the Mattawoman Wastewater Treatment Plant. Therefore, Charles County is subject to the rules and regulations which govern grant-funded facilities. These rules and regulations include, but are not limited to, the Federal Clean Water Act (codified as 33 United States Code § 1251 et seq.), the Federal Water Quality Act of 1987, as well as EPA rules and regulations (codified as Code of Federal Regulations, Title 40). In the late 1980's, Charles County again began working with the EPA and the Maryland Department of the Environment (MDE) to design and construct a wastewater treatment plant to serve Cobb Island.

1.5.2 STATE AGENCIES, LAWS AND REGULATIONS

The Maryland Department of the Environment (MDE) is responsible for the administration and regulation of the water and sewer comprehensive planning program. MDE is the State agency responsible for permitting water and wastewater facilities and regulating the State's water and sewer planning regulations under authority of the Annotated Code of Maryland, Article 9, Subtitle 5, Code of Maryland Regulations (COMAR) Title 26, Subtitle 03, and Title 26, Subtitle 08 (Water Pollution).

The Code of Maryland Regulations also includes rules regarding sewage disposal and certain water systems for homes and other establishments where a public sewer system is not available (COMAR 26.04.02). Charles County is also governed by COMAR 26.04.03, which details the requirements for water supply and sewer systems. COMAR 26.04.04 covers the construction of water supply wells. Shared water supplies and sewer disposal facilities are covered in COMAR 26.04.05. Regulations concerning water supply and appropriations are covered under COMAR Title 08 (Natural Resources), Subtitle 05, Chapter 03. These regulations enable MDE and the County Health Department to issue permits in accordance with State law. The County is obliged to follow the requirements and conditions as set forth in the permit. The County is not prohibited from passing more stringent regulations.

1.5.3 COUNTY LAWS AND REGULATIONS

The following is a listing of County laws and regulations which relate to land use and the management of water and sewer facilities:

- Comprehensive Plan establishes the framework for the provision of County services;
- Zoning Ordinance includes provisions for clustering, adequate utilities, and development guidance system;
- Associated Regulations and Ordinances - Subdivision, Stormwater Management, Grading and Sediment Control, Forest Conservation, Floodplain Management, and Roads.
- Water and Sewer Ordinance
- Standard Design and Construction Manual for Water and Sewer.

In addition, Charles County has entered into several legal agreements regarding the provision of utilities services and development within the County, including:

- Agreement with WSSC (dated October 22, 1980) related to the construction of the Mattawoman facility, shared cost with Prince Georges County, and a 20% reservation (3 million MGD) of the Mattawoman treatment capacity is guaranteed for Prince George's County.
- Agreement with St. Charles Associates (dated November 29, 1989) related to the allocation for water and sewer capacity for the property of the Interstate General Corporation.
- Agreement with Potomac Cliffs, Watson Limited Partnership, and Clifton Potomac Association (dated August 1, 1989) related to Clifton on the Potomac.
- Agreement with U.S. Steel (dated August 5, 1977, amended in 2005) related to the Swan Point wastewater treatment plant.
- Agreement with WSSC (dated March 10, 1987) related to the water supply interconnection at Sharpersville Road.

- Agreement with Panda-Brandywine L.P. (dated September 13, 1994) related to the use of 2.7 mgd of Mattawoman treated effluent for operation of cooling tower.
- Amendment to 1980 WSSC Agreement for leasing capacity of the Mattawoman Sewer Treatment Plant.

APPENDIX 1-A

COMAR Required Definitions

DEFINITIONS

Relative to COMAR Title 26, Subtitle 3, Chapter 1 Planning Water Supply and Sewer Systems, the following definitions are employed:

- (1) "County Plan" means a comprehensive plan for the provision of adequate water supply systems and sewer systems, whether publicly or privately owned, throughout Charles County and all amendments and revisions thereto.
- (2) "Approving Authority" means one or more officials, agents, or agencies of local government designated by the local governing body or specified by other provisions of Environmental Article to take certain actions as part of implementing this section.
- (3) "Department" means the State of Maryland Department of the Environment.
- (4) "A Sewer Service Area" is that area served by, or potentially served by, a single collection system under the control of a single utility, or, in a very large system, sub-areas as delineated by the County.
- (5) "A Water Service Area" means that area served by or potentially served by, a single distribution system under control of a single utility, or in a very large system, sub-areas as delineated by the County.
- (6) "Community Sewer System" means any system, whether publicly or privately owned, serving two or more individual lots, for the collection and disposal of sewer or industrial wastes of a liquid nature, including various devices for the treatment of such sewage and industrial wastes.
- (7) "Community Water Supply System" means a source of water and distribution system, including treatment and storage facilities, whether publicly or privately owned, serving two or more individual lots.
- (8) "Multi-Use Sewer System" means a sewer system that serves one lot and a number of individuals, has a treatment capacity of more than 5,000 gallons per day; and, is not publicly owner or operated.
- (9) "Multi-Use Water Supply System" means an individual water supply system that has the capacity to supply more than 5,000 gallons per day and serves a number of individuals.
- (10) "Individual Sewer system" means a single system of sewers and piping treatment tanks or other facilities serving only a single lot and disposing of sewage or individual wastes of liquid nature, in whole or in part, on or in the soil of the property, into any waters of this State, or by other methods.
- (11) "Individual Water Supply System" means a single system of piping, pumps, tanks, or other facilities utilizing a source of ground or surface water to supply only a single lot.

- (12) "Non-Point Source" means pollution originating from land run-off where no specific outfall can be identified.
- (13) "Existing Service Area" means that area which is currently served.
- (14) "Under Construction" means work or works of community sewer systems where actual work is progressing or where a notice to proceed with a contract for such has been let as the adoption date of this plan, its amendment, or revision.
- (15) "Final Planning Stages" means a work or works of community water supply and community sewer system for which contract plans and specifications have been completed.
- (16) "Immediate Priority" means a work or works of community water supply and community sewer system for which the beginning of construction is scheduled to start within 2 years following the date of adoption of the plan, its amendment and revision thereof.
- (17) "Five Year Period" means that period, depending upon the County's Capital Improvement Program, 5 years following the date of adoption of the plan, its amendment or revision by the County.
- (18) "Ten-Year Period" means that period of the 6 through 10 years following the date of adoption of the plan, its amendment or revision by the County.
- (19) "Marina" means a dock, wharf, or basin providing mooring for boats which contain on-board toilet facilities, operated under public or private ownership, either free or on a fee basis, for the convenience of the public or club membership.
- (20) "Lot" means a part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, that would not be further subdivided.
- (21) "Sewer System" means the channels by which sewage is collected and disposed of, together with the body of water into which it is directly discharged, and all structures and appurtenances, made use of in its collection and preparation for discharge in satisfactory condition into water of the State of Maryland or via land disposal.
- (22) "Subdivision" means the division of a single tract, tracts or other parcels of land, or a part of any of these into two (2) or more lots, for the purpose whether immediate or future, of sale or building development.
- (23) "Water Supply System" means the sources and their surroundings from which water is supplied for drinking or domestic purposes, together with all structures, channels, and appurtenances by which it is prepared for use and delivered to customers.

APPENDIX 1-B

Charles County Legal Agreements

(The Agreements referenced on Pg. 1-30 are available in Supplemental Appendix 1-B at the Charles County Planning Office)