

**“The Sustainable Growth and Agricultural Preservation Act of 2011”**  
**Senate Bill 846 and House Bill 1107**  
**Summary of Provisions**

- Continues to allow new residential minor subdivisions (4 or fewer lots) to use on-site systems with disposal of sewage effluent beneath the soil surface, but requires any such systems to use nitrogen removal technology.
- Prohibits new residential major subdivisions (5 or more lots) from using on-site systems with disposal of sewage effluent beneath the soil surface.
- Continues to allow new residential major subdivisions (5 or more lots) to use public, community, shared or multi-use sewerage systems with above ground discharge if the system is operated by a local government, a sanitary sewer district, or an intercounty agency (such as the WSSC) or a 3<sup>rd</sup> party under contract with one of those entities, but only under the following conditions:
  - (1) the system discharges to surface waters with a permit from MDE; or
  - (2) the system discharges by applying the treated effluent to the surface of land under a nutrient management plan that ensures that all the nitrogen and phosphorus will be taken up by vegetation.
- To close a loophole that might allow developers sequentially to create multiple minor subdivisions from the same parcel to avoid the requirements for major subdivisions, prohibits minor residential subdivisions from being resubdivided.
- Except for subdivisions grandfathered as described below, subdivisions cannot be approved or recorded unless they will use the permitted types of sewerage systems.
- Grandfathers those residential subdivisions that have applied for subdivision approval if they have applied prior to January 1, 2011 and the plat is recorded by July 1, 2012.
- Grandfathers those residential subdivision that have applied for subdivision approval if they have applied after January 1, 2011 and the plat is recorded by June 1, 2011.