

(C) (1) [No such] A WSSC capital improvements [program] PROJECT [shall be undertaken, in whole or in part, which] MAY NOT BEGIN IF THE PROJECT is not in conformity with that part of the program applicable to that FISCAL year unless the [same shall be] PROJECT IS included in the WSSC capital improvements program by [way of] an amendment [thereto,] TO THE PROGRAM. [initiated by a county governing body or proposed by the commission, with an amendment to be subject to public hearing by the county governing body upon reasonable advance notice thereof to the public and requiring final county governing body action, notice to the commission, and commission adoption as specified for the annual six-year capital improvements program.]

(2) THE AMENDMENT:

(I) MAY BE PROPOSED BY THE WSSC OR INITIATED BY THE MONTGOMERY COUNTY EXECUTIVE OR COUNTY COUNCIL OR THE PRINCE GEORGE'S COUNTY EXECUTIVE OR COUNTY COUNCIL;

(II) ON REASONABLE ADVANCE NOTICE TO THE PUBLIC, SHALL BE SUBJECT TO A PUBLIC HEARING BY THE COUNTY COUNCIL OF THE COUNTY THAT INITIATES THE AMENDMENT OR BY BOTH COUNTY COUNCILS IF THE AMENDMENT AFFECTS BOTH COUNTIES; AND

(III) REQUIRES FINAL ACTION BY THE MONTGOMERY COUNTY COUNCIL OF EACH--AFFECTED--COUNTY OR THE PRINCE GEORGE'S COUNTY GOVERNING BODY.

(3) THE COUNTY COUNCIL OF THE AFFECTED COUNTY SHALL NOTIFY THE WSSC OF THE FINAL ACTION PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION.

(4) THE WSSC SHALL ADOPT THE AMENDMENT AS SPECIFIED FOR THE WSSC CAPITAL IMPROVEMENTS PROGRAM.

(D) (1) IN THIS SUBSECTION, "MATERIAL CHANGE" DOES NOT INCLUDE THE FOLLOWING ITEMS IF SERVICE FROM THE PROJECT AS CONSTRUCTED DOES NOT EXTEND BEYOND THE AREA APPROVED FOR CONSTRUCTION OF SEWER PROJECTS:

(I) NORMAL DEVIATIONS FROM THE MOST RECENT ESTIMATED CONSTRUCTION COSTS;

(II) CHANGES IN LOCATION CAUSED BY RIGHT-OF-WAY ACQUISITION PROBLEMS;

(III) CONDITIONS FOUND IN THE FIELD WHEN ACTUAL CONSTRUCTION PLANS ARE PREPARED; OR

(IV) MODIFICATIONS OF ESTIMATED SIZES OR LENGTHS OF CONSTRUCTION ITEMS.