

3-127.

(a) Except as otherwise provided by this subtitle, [and subject to the provisions of § 1-104(g) of this article,] the Service may adopt, formulate, revise, and enforce rules and regulations necessary for the regulation of its internal affairs and for the use and operation of its projects, and of any other laws the administration of which is vested in the Service. A rule or regulation concerning the use or operation of a project may not conflict with any rule, regulation, permit, or hauler certificate of the [State] Department of the Environment. The Service may limit or regulate water supply or liquid waste service, refuse collection, disposal service, and storm and surface water drainage service, in any area or to any premises served by Service projects, as the exigencies of the occasion and the protection of its systems require. The Service may adopt lawful AND REASONABLE regulations it [deems] CONSIDERS necessary for the public's health and safety, comfort, and convenience in the construction, operation, maintenance, expansion, relocation, replacement, renovation, and repair of its water supply, wastewater purification and solid waste disposal projects.

(b) Rules and regulations shall be [promulgated] APPROVED BY THE BOARD AND ADOPTED under the provisions of the Administrative Procedure Act, except when necessary for the immediate preservation of the public health and safety and except for emergency provisions required to protect Service projects.

(c) Any regulation adopted by the Service under this section [, and approved by the Secretary of Natural Resources,] has the effect of law.

3-128.

(a) If the Service and a municipality or person fail to reach agreement on rates, fees, or other charges to be exacted by the Service, the Public Service Commission, on the petition of either party to the disagreement, shall assume jurisdiction for the purpose of arbitrating the disagreement. Its determination shall be final and binding on all parties concerned, subject to the right of any party to appeal the determination to the circuit court of any county within which the municipality or person is located, resides, or carries on business. In any appeal the decision of the Commission is prima facie correct and shall be affirmed unless clearly shown to be (1) in violation of constitutional provisions, or (2) made on unlawful procedure, or (3) arbitrary or capricious, or (4) affected by other error of law. It is the intention of this subtitle that judicial review in all instances includes the right to appeal to the Court of Special Appeals from the decision of the lower court. The provisions of this section and the jurisdiction of the Public Service Commission shall not apply to any rates, fees, or charges agreed to by contract between the Service and a municipality or person.

(b) The Service may not be deemed to be a public service company within the meaning of Article 78 of the Code, and, except as provided in this section, the jurisdiction and powers of the Public Service Commission do not extend to the Service.

3-129.