

# SENATE BILL 100

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(PRE-FILED)

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request  
– Departmental – Environment)**

Requested: October 31, 2017

Introduced and read first time: January 10, 2018

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Reservoir, Dam, or Waterway Obstruction Plans – Designation of Approval**  
3 **Authority**

4 FOR the purpose of authorizing the Department of the Environment to designate the  
5 authority to approve certain reservoir, dam, or waterway obstruction plans and  
6 specifications; requiring the Department's designee to notify the Department of the  
7 approval of certain ponds; making stylistic changes; and generally relating to  
8 reservoirs, dams, and waterway obstructions.

9 BY repealing and reenacting, with amendments,  
10 Article – Environment  
11 Section 5–503(a)(1), (b), (c), and (d)  
12 Annotated Code of Maryland  
13 (2013 Replacement Volume and 2017 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
15 That the Laws of Maryland read as follows:

16 **Article – Environment**

17 5–503.

18 (a) (1) A person shall obtain, **ON WRITTEN APPLICATION TO THE**  
19 **DEPARTMENT**, a permit from the Department to [construct]:

20 **(I) CONSTRUCT**, reconstruct, or repair any reservoir, dam, or  
21 waterway obstruction[, to make];

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   (II) **MAKE**, construct, or permit to be made or constructed any  
2 change or addition to any reservoir, dam, or waterway obstruction[, to make];

3                   (III) **MAKE** or permit to be made any change in, addition to, or repair  
4 of any existing waterway obstruction[,]; or [in any manner to change]

5                   (IV) **CHANGE, IN ANY MANNER**, in whole or part the course, current,  
6 or cross section of any stream or body of water within the State, except tidal waters. [The  
7 permit is obtained upon written application to the Department.]

8           (b)   (1)   A person is exempt from the requirement of obtaining a permit from the  
9 Department if:

10                   (i)   The plans and specifications are approved by the appropriate soil  
11 conservation district **OR THE DEPARTMENT'S DESIGNEE**;

12                   (ii)   The pond is not located within drainage of the Gwynns Falls,  
13 Jones Falls, or Herring Run streams situated in or adjacent to Baltimore City;

14                   (iii)   The pond meets minimum standards for safety set forth in  
15 Department rules and regulations;

16                   (iv)   The contributory drainage area is less than 1 square mile (640  
17 acres);

18                   (v)   The dam is not greater than 20 feet in height measured vertically  
19 from the lowest point on the top of the dam to the lowest point on the upstream toe of the  
20 dam;

21                   (vi)   The pond is a low hazard structure the failure of which is  
22 unlikely to cause loss of life or property damage; and

23                   (vii)   The pond is not a wastewater stabilization pond.

24           (2)   The soil conservation district **OR THE DEPARTMENT'S DESIGNEE**  
25 shall notify the Department of any pond approved under this subsection.

26           (3)   Nothing in this subsection is a limitation on the Department's authority  
27 under this subtitle.

28           (c)   (1)   The Department, by regulation, may designate interjurisdictional  
29 watersheds in which any impoundment proposal is subject to review and approval by the  
30 Department for standards relating to safety and flood control.

31           (2)   Gwynns Falls, Jones Falls, and Herring Run, situated in or adjacent to  
32 Baltimore City, are designated interjurisdictional watersheds.

1 (d) The provisions of this section do not restrict or limit the Department's  
2 jurisdiction over waste treatment structures, including [but not limited to] dams,  
3 impoundments, ponds, and lagoons or limit the applicability of any other laws administered  
4 by the Department.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2018.