

at any location in the pond other than within twenty-five (25) feet of the intersection of the established bottom and the heel of the embankment, provided the slope of such excavation is no steeper than the slope of the upstream face of the embankment. The drainage area contributory to or diverted to the pond shall not exceed one hundred fifty (150) acres. The dam or embankment shall have a minimum free board of one (1) foot above the water elevation in the reservoir under design storm conditions; a wave height analysis shall be made for ponds with a water surface area greater than 60,000 square feet and the minimum free board increased if necessary for safety. Any limitation on contributing watershed area, depth of water, and water surface shall not be construed to apply to impoundments created entirely by excavation below the existing ground level, these being known generally as dug-out ponds. The dam or embankment forming the pond shall not be closer than five hundred feet to a place for human habitation or public road so situated as to be endangered by the breaking or failure of the dam or embankment.

Any proposed construction or change which would increase the possible depth of water at the spillway level of an existing farm pond, or which would increase the water surface area of any existing farm pond, shall be subject to the procedures and requirements specified in this subsection. Notice of the proposed removal or destruction of any such dam or embankment shall be sent to the Department at least thirty days in advance thereof.】

*(b) Small ponds having a contributory drainage area of less than one (1) square mile (640 acres), a normal depth of water less than fifteen (15) feet above the original stream bed, and a normal surface area of less than twelve (12) acres, EXCEPTING ALL WASTE WATER STABILIZATION PONDS, shall be exempt from permit from the Department, provided the plans and specifications have been approved by the appropriate soil conservation district, AND PROVIDED THAT THE POND WILL NOT BE LOCATED WITHIN THE DRAINAGE OF THE GWYNN'S FALLS, JONES FALLS OR HERRING RUN STREAMS SITUATED IN OR ADJACENT TO BALTIMORE CITY, and provided they meet minimum standards for safety set forth in Regulations of the Department. The Department shall be notified by the soil conservation districts of all ponds approved under this subsection. Nothing within this paragraph may be considered a limitation on the Department's authority under this subtitle.*

【(c) In addition to, and not in substitution of, the foregoing provisions of this section, nothing in this section shall be construed to extend to or affect in any way "ponds" constructed as farm ponds except as in this subsection provided.

A pond constructed under the provisions of this subsection shall not have a normal water surface area in excess of twelve acres at the crest elevation of the mechanical spillway; nor shall it have a normal depth of water in excess of fifteen (15) feet at the crest of the mechanical spillway, the measurement to be upward from the original stream bed at the point of the dam or embankment. However, excavation for additional water capacity is permitted to any depth at any location in the pond, other than within twenty-five (25) feet of the intersection of the established bottom and heel of the embankment, provided the slope of such excavation is no steeper than the upstream face of the embankment.