

The contributory drainage area for an impoundment constructed across a waterway shall not be in excess of four hundred (400) acres in any portion of the State northerly and westerly from the main line tracks of the Baltimore and Ohio Railroad Company between the District of Columbia and the State of Delaware (en route to Wilmington, Delaware); and the contributory drainage area shall not be in excess of seven hundred (700) acres in any portion of the State southerly and easterly from such main line tracks. However, impoundments created by diverting water from an existing watercourse to an off-site storage or bypass pond may be constructed without regard to the watershed area of the stream from which water is diverted, except that the directly contributing watershed area shall not be in excess of one hundred (100) acres.

If a grass covered spillway is used, the maximum velocity of the flow of water over the spillway shall not be in excess of an amount that will produce scouring, as determined in each instance by the State Soil Conservation Committee. A spillway shall not be constructed on an artificial embankment or made-fill, but shall be cut only from natural and undisturbed earth, seeded or sodded and compacted by rolling.

The freeboard of the dam or embankment, measured upward from the water elevation in the reservoir under design storm conditions, shall be at least equal to frost depth plus one foot, or to wave height plus one foot, whichever is the greater, except that in no event shall it be less than thirty (30) inches.

Any limitation on contributing watershed area, depth of water, and water surface area shall not be construed to apply to impoundments created entirely by excavation below the existing ground level, these being known generally as dugout ponds. Also, ponds which exceed any of the limitations described in this subsection may be constructed in locations where there are no downstream hazards, if approved in each instance by the Department.

The plans and specifications for any proposed pond or embankment shall be submitted in advance to the Department for review, to ascertain that they conform to the provisions and requirements of this subsection. All construction work shall be under the continued supervisory authority of the State Soil Conservation Committee or of other persons satisfactory to the Department, to assure that it conforms to the provisions and requirements of this subsection. ]

*(C) THE DEPARTMENT, BY REGULATION, MAY DESIGNATE INTERJURISDICTIONAL WATERSHEDS IN WHICH ALL IMPOUNDMENT PROPOSALS SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE DEPARTMENT FOR STANDARDS RELATING TO SAFETY AND FLOOD CONTROL. GWYNNS FALLS, JONES FALLS AND HERRING RUN, SITUATED IN OR ADJACENT TO BALTIMORE CITY, ARE SO DESIGNATED.*

*(D) NOTHING WITHIN THIS SUBTITLE SHALL BE DEEMED A RESTRICTION OR LIMITATION UPON THE DEPARTMENT OF NATURAL RESOURCES JURISDICTION OVER WASTE TREATMENT STRUCTURES, INCLUDING BUT NOT LIMITED TO DAMS, IMPOUNDMENTS, PONDS AND LA-*