

change or addition to any reservoir, [dam] DAM, or waterway obstruction, [or] TO make[,] or permit to be made[,] any change in, addition to, or repair of[,] any existing waterway obstruction, or in any manner to change in whole or part the course, current, or cross section of any stream or body of water[,] within the [State] STATE, except tidal waters. The permit is obtained upon written application to the Department.

(2) (i) If by March 1, 1982[,] a flood management plan for Jones Falls is not prepared and approved and implementation begun under § 8-9A-03 of this [article] TITLE, the Department shall adopt regulations limiting construction, reconstruction, or changes in the course, current, or cross section of the channel and floodplain of the Jones Falls in the Patapsco River watershed until [such] A time as a flood management plan for Jones Falls is prepared, approved, and implemented under Subtitle 9A of this title.

(3) Due to variances in floodplain measurements, [no] A new residential permit for construction in the Jones Falls floodplain within 25 feet adjacent to the floodplain [may] MAY NOT be approved or issued until the flood management plan for the Jones Falls is prepared, [approved] APPROVED, and implemented under Subtitle 9A of this title.

(b) (1) A small pond, except a waste water stabilization pond, which has a contributory drainage area of less than one square mile (640 acres), a normal depth of water less than 15 feet above the original stream bed, and a normal surface area less than 12 acres is exempt from the requirement of obtaining a permit from the Department if:

[(1)] (I) The plans and specifications are approved by the appropriate soil conservation district;

[(2)] (II) The pond is not located within drainage of the Gwynns Falls, Jones Falls, or Herring Run streams situated in or adjacent to Baltimore City; and

[(3)] (III) The pond meets minimum standards for safety set forth in Department rules and regulations.

(2) The soil conservation district shall notify the Department of any pond approved under this subsection. Nothing in this subsection is a limitation on the Department's authority under this subtitle.

(c) The Department, by [rule or] regulation, may designate interjurisdictional watersheds in which any impoundment proposal is 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 designated interjurisdictional watersheds.

(f) Agricultural drainage systems, for the purpose of lowering the level of water in the soil, with a total drainage area of 2,500 acres or less are exempt from the requirement of obtaining a permit from the [Department] DEPARTMENT, except that drainage systems financed or managed by a public drainage association are exempt from this requirement only if plans for construction, operation, and maintenance have been