

CHAPTER 416

(Senate Bill 32)

AN ACT to repeal and re-enact, with amendments, ~~Section~~ SECTIONS 2(E), (G), 12(A) AND 15 of Article 96A of the Annotated Code of Maryland (1966 Supplement), title "Water Resources," ~~subtitle~~ SUBTITLES "GENERAL PROVISIONS" AND "Appropriation of Waters; Reservoirs and Dams," to CHANGE THE DEFINITION OF WATERS OF THE STATE, TO CHANGE THE DEFINITION OF POLLUTION, TO EXCEPT TIDAL WATERS OF THE STATE FROM THE PERMIT REQUIREMENTS OF SECTION 12(A), TO EXCLUDE CERTAIN DRAINAGE SYSTEMS FROM THE PERMIT REQUIREMENTS OF SECTION 12(A) AND TO require a public hearing on the application for a permit from the Department of Water Resources for a change in any manner or diminishing of the flow, current, or cross-section of any stream or body of water wholly or partly in the State, and to make such hearing subject to the same procedure as that for application for permit to use water in the State.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That ~~Section~~ SECTIONS 2(E), (G), 12(A) AND 15 of Article 96A of the Annotated Code of Maryland (1966 Supplement), title "Water Resources," ~~subtitle~~ SUBTITLES "GENERAL PROVISIONS" AND "Appropriation of Waters; Reservoirs and Dams," be and it is THEY ARE hereby repealed and re-enacted, with amendments, to read as follows:

2.

(E) "WATERS OF THE STATE" SHALL INCLUDE BOTH SURFACE AND UNDERGROUND WATERS WITHIN THE BOUNDARIES OF THE STATE OR SUBJECT TO ITS JURISDICTION, INCLUDING THAT PORTION OF THE ATLANTIC OCEAN WITHIN THE BOUNDARIES OF THE STATE, THE CHESAPEAKE BAY AND ITS TRIBUTARIES, AND ALL PONDS, LAKES, RIVERS, STREAMS, PUBLIC DITCHES, TAX DITCHES AND PUBLIC DRAINAGE SYSTEMS WITHIN THE STATE, OTHER THAN THOSE DESIGNED AND USED FOR THE PURPOSE OF COLLECTION, CONVEYANCE, OR DISPOSAL OF SANITARY SEWAGE. THE FLOOD PLAIN OF FREE-FLOWING WATERS AS DETERMINED BY THE DEPARTMENT ON THE BASIS OF THE 50 YEAR FLOOD FREQUENCY SHALL BE INCLUDED AS WATERS OF THE STATE.

(G) "POLLUTION" SHALL MEAN THE DISCHARGE OR DEPOSIT INTO ANY OF THE WATERS OF THE STATE OF ANY LIQUID, GASEOUS OR SOLID SUBSTANCE OR SUBSTANCES WHICH MAY CREATE A NUISANCE THEREIN OR RENDER