

CHAPTER 329

(House Bill 927)

AN ACT to repeal and re-enact, with amendments, Sections 2(e), 2(g), 15, 29F(b), 52 and 106(c) of Article 96A of the Annotated Code of Maryland (1964 Replacement Volume and 1972 Supplement), title "Water Resources," subtitles, respectively, "General Provisions," "Appropriation of Waters; Reservoirs and Dams," "Oil Discharge Containment, Control and Clean-up," "Other Powers and Functions," and "Sediment Control"; correcting errors in the laws relating generally to water resources.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Sections 2(e), 2(g), 15, 29F(b), 52 and 106(c) of Article 96A of the Annotated Code of Maryland (1964 Replacement Volume and 1972 Supplement), title "Water Resources," subtitles, respectively, "General Provisions," "Appropriation of Waters; Reservoirs and Dams," "Oil Discharge Containment, Control and Clean-up," "Other Powers and Functions," and "Sediment Control," be and they are hereby repealed and re-enacted, with amendments, to read as follows: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 [is] 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 such waters unclean or noxious so as to be detrimental to the propagation, cultivation or conservation of animals, fish or aquatic life, or unsuitable with reasonable treatment, for use as present or possible future source of public water supply or unsuitable for commercial, industrial, agricultural, recreational or other reasonable uses. It shall also include the discharge or deposit of any substance which, because of its temperature, is detrimental to or unsuitable for any of the ABOVE described uses of waters of the State.

15.

(a) Except as hereinafter provided, within one month after the filing with the Department of any application, the Department shall set a day for a public hearing upon the application for any of the following permits: (1) appropriation or use of any waters of the State; (2) construction or reconstruction of a reservoir, dam, or waterway obstruction; (3) construction in a waterway; and (4) dredging or filling or bulkheading or shoreline changes.

The applicant shall personally or by certified mail serve the adjacent property owners with notice of the application and shall certify the same to the [Department of] Water Resources ADMINISTRATION, and shall give notice to the public of the application and hearing by publication once in each week for two successive weeks prior to the hearing in a daily newspaper published in the city or cities, county or counties, and in more than one weekly newspaper of general circulation in the city or cities, county or counties, which the Department determines may be directly affected by the proposed appropriation or use, or