

(C) APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ASSOCIATED WITH POWER PLANT CONSTRUCTION SAME AS PERMIT APPLICATION. -NOT- WITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, APPLICATION TO THE PUBLIC SERVICE COMMISSION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ASSOCIATED WITH POWER PLANT CONSTRUCTION INVOLVING USE OR DIVERSION OF WATERS OF THE STATE, UNDER ARTICLE 78 OF THE CODE CONSTITUTES AN APPLICATION FOR THE PERMIT REQUIRED BY THIS SECTION AND IS HANDLED IN ACCORDANCE WITH § 3-306 OF THIS ARTICLE. IF AN APPLICATION IS MADE TO THE PUBLIC SERVICE COMMISSION, THE HEARING PROVIDED FOR BY THIS SUBTITLE SHALL BE REQUIRED. ANY PERTINENT EVIDENCE SHALL BE PRESENTED AT THE HEARING REQUIRED BY ARTICLE 78, § 54A. THE PERMIT REQUIRED BY THIS SUBTITLE IS INCLUDED IN THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED BY THE PUBLIC SERVICE COMMISSION.

REVISOR'S NOTE: This section presently appears as Article 96A, section 11 of the Code. In subsection (a), the first clause is proposed for deletion because it is obsolete.

The word "person" is used in light of its definition in section 8-101(h). The only other changes made are in style.

8-803. PERMIT TO CONSTRUCT OR REPAIR RESERVOIRS, DAMS, OR WATERWAY OBSTRUCTIONS.

(A) REQUIRED FROM DEPARTMENT. - A PERSON IS REQUIRED TO OBTAIN A PERMIT FROM THE DEPARTMENT TO CONSTRUCT, RECONSTRUCT, OR REPAIR ANY RESERVOIR, DAM, OR WATERWAY OBSTRUCTION OR MAKE, CONSTRUCT, OR PERMIT TO BE MADE OR CONSTRUCTED, ANY CHANGE OR ADDITION TO ANY RESERVOIR, DAM OR WATERWAY OBSTRUCTION, OR 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 EXCEPT TIDAL WATERS. THE PERMIT IS OBTAINED UPON WRITTEN APPLICATION TO THE DEPARTMENT.

(B) EXEMPTIONS; SMALL PONDS. - 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