

SURFACE AREA LESS THAN 12 ACRES IS EXEMPT FROM THE REQUIREMENT OF OBTAINING A PERMIT FROM THE DEPARTMENT IF:

(1) THE PLANS AND SPECIFICATIONS ARE APPROVED BY THE APPROPRIATE SOIL CONSERVATION DISTRICT;

(2) 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) THE PCND MEETS MINIMUM STANDARDS FOR SAFETY SET FORTH IN DEPARTMENT RULES AND REGULATIONS.

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) AUTHORITY TO DESIGNATE INTERJURISDICTIONAL WATERSHEDS FOR SAFETY AND FLOOD CONTROL. - 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.

(D) EFFECT ON DEPARTMENT'S JURISDICTION OVER CERTAIN STRUCTURES. - THE PROVISIONS OF THIS SECTION DO NOT RESTRICT OR LIMIT THE DEPARTMENT'S JURISDICTION OVER WASTE TREATMENT STRUCTURES, INCLUDING BUT NOT LIMITED TO DAMS, IMPOUNDMENTS, PONDS, AND LAGOONS.

(E) EFFECT ON JURISDICTION OF DEPARTMENT OF HEALTH AND MENTAL HYGIENE. - THE PROVISIONS OF THIS SECTION DO NOT RESTRICT THE JURISDICTION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

REVISOR'S NOTE: This section presently appears as Article 96A, section 12 of the Code, as amended by Chapter 521, Acts of 1972. For an explanation of the treatment of subsection (a), see the revisor's note to the preceding section. The language in subsection (a) "except tidal waters" is added by legislative amendment. The effect is to restore the scope and application of