

(2) Any person aggrieved by the decision of the Administration may appeal in accordance with the provisions of the Administrative Procedure Act.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1996.

Approved April 30, 1996.

CHAPTER 234

(House Bill 503)

AN ACT concerning

Small Pond Exemptions – Height Measurement

FOR the purpose of modifying the height measurement criteria of dams eligible for a certain exemption from a certain permit.

BY repealing and reenacting, with amendments,

Article – Environment

Section 5-503(b)

Annotated Code of Maryland

(1993 Replacement Volume and 1995 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Environment

5-503.

(b) (1) A person is exempt from the requirement of obtaining a permit from the Department if:

(i) The plans and specifications are approved by the appropriate soil conservation district;

(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;

(iii) The pond meets minimum standards for safety set forth in Department rules and regulations;

(iv) The contributory drainage area is less than 1 square mile (640 acres);

(v) The dam is not greater than 20 feet in height measured vertically from the lowest point on the top of the dam to the lowest point on the [downstream] UPSTREAM toe of the dam;