

Article - Natural Resources
Section 8-803(b)
Annotated Code of Maryland
(1990 Replacement Volume and 1991 Supplement)

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

Article - Natural Resources

8-803.

(b) (1) [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 surface area less than 12 acres] 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; [and]

(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 TOE OF THE DAM;

(VI) THE POND IS A LOW HAZARD STRUCTURE THE FAILURE OF WHICH IS UNLIKELY TO CAUSE LOSS OF LIFE OR PROPERTY DAMAGE; AND

(VII) THE POND IS NOT A WASTEWATER STABILIZATION POND.

(2) 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1992.

Approved May 5, 1992.