

HOUSE BILL 1264

M3

4lr2776

By: **Delegate Allen**

Introduced and read first time: February 8, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Reservoir, Dam, or Waterway Obstruction Construction Permits – Conditions**
3 **for Exemption**

4 FOR the purpose of altering the conditions under which a person is exempt from obtaining
5 a permit from the Department of the Environment to construct or repair a reservoir,
6 dam, or waterway obstruction; and generally relating to reservoir, dam, or waterway
7 obstruction construction permits.

8 BY repealing and reenacting, without amendments,

9 Article – Environment

10 Section 5–503(a)(1)

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Environment

15 Section 5–503(b)(1)

16 Annotated Code of Maryland

17 (2013 Replacement Volume and 2023 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Environment**

21 5–503.

22 (a) (1) A person shall obtain, on written application to the Department, a
23 permit from the Department to:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Construct, reconstruct, or repair any reservoir, dam, or
2 waterway obstruction;

3 (ii) Make, construct, or permit to be made or constructed any change
4 or addition to any reservoir, dam, or waterway obstruction;

5 (iii) Make or permit to be made any change in, addition to, or repair
6 of any existing waterway obstruction; or

7 (iv) Change, in any manner, in whole or part the course, current, or
8 cross section of any stream or body of water within the State, except tidal waters.

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

11 (i) The plans and specifications are approved by the appropriate soil
12 conservation district or the Department's designee;

13 (ii) [The pond is not located within drainage of the Gwynns Falls,
14 Jones Falls, or Herring Run streams situated in or adjacent to Baltimore City;

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

17 [(iv)] (III) The contributory drainage area is less than 1 square mile
18 (640 acres);

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

22 [(vi)] (V) The pond is a low hazard structure the failure of which is
23 unlikely to cause loss of life or property damage; and

24 [(vii)] (VI) The pond is not a wastewater stabilization pond.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2024.