



The Maryland Department of the Environment
Secretary Serena McIlwain

House Bill 1264
Reservoir, Dam, or Waterway Obstruction Construction Permits - Conditions for Exemption

Position: Support
Committee: Education, Energy, and the Environment
Date: April 2, 2024
From: Jeremy D. Baker

The Maryland Department of the Environment (MDE) **SUPPORTS** HB 1264.

Bill Summary

Section 5-503 of the Environment Article allows for work performed on certain small ponds to be exempt from a permit from MDE if that work meets certain criteria and is approved by the local Soil Conservation District or MDE's designee. Under current law, the exemption does not apply to small ponds located within the drainage of the Gwynns Falls, Jones Falls, or Herring Run streams situated in or adjacent to Baltimore City. The bill would remove this restriction.

Position Rationale

Section 5-503 does not require a local Soil Conservation to take on the review and approval of these projects. In instances where a local Soil Conservation District or MDE's designee declines to review and/or approve these small pond projects, the applicant would be required to apply for and obtain a permit from MDE. There are only two local governments affected by this proposed bill - Baltimore County and Baltimore City. Baltimore County has a Soil Conservation District and the bill would apply to the District and the County government. Baltimore City currently does not have a local Soil Conservation District and any small pond project located in Baltimore City would continue to go through the current approval process.

If the bill is enacted, for work on certain small ponds located in the Gwynns Falls, Jones Falls, or Herring Run streams, the local soil conservation district or MDE's designee could issue an approval, thereby reducing the need for MDE to review and issue those permits. In other soil conservation districts, MDE has given the authorization to approve such structures, and by removing the Gwynns Falls, Jones Falls, or Herring Run waterway language, the Baltimore County Soil Conservation District would have the same authorization as other MDE designees.

Additionally, MDE estimates this will impact a small number of permit applications all of which are for projects located in Baltimore County. This small reduction of permits could help MDE with increasing their current permit review processing times.

For the reasons detailed above, MDE asks for a **FAVORABLE** report for HB 1264.