

**BaltimoreCounty\_FAV\_HB1264.pdf**

Uploaded by: Lauren Buckler

Position: FAV

JOHN A. OLSZEWSKI, JR.  
*County Executive*



JENNIFER AIOSA  
*Director of Government Affairs*

AMANDA KONTZ CARR  
*Legislative Officer*

WILLIAM J. THORNE  
*Legislative Associate*

**BILL NO.: HB 1264**

**TITLE:** Reservoir, Dam, or Waterway Obstruction Construction  
Permits – Conditions for Exemption

**SPONSOR:** Delegate Allen

**COMMITTEE:** Environment and Transportation

**POSITION:** **SUPPORT**

**DATE:** March 6, 2024

Baltimore County **SUPPORTS** HB 1264 – Reservoir, Dam, or Waterway Obstruction Construction Permits – Conditions for Exemption.

Maryland law requires a State permit from the Maryland Department of the Environment (MDE) to construct a small pond or dam. The law currently provides exemption from the State permit if seven conditions are met. One of three conditions is that the pond is not located within drainage of one of the three interjurisdictional watersheds of Gwynns Falls, Jones Falls, or Herring Run in Baltimore County and Baltimore City. HB 1264 will remove this condition from the exemption.

The law provides exemptions from obtaining a State permit from the MDE as long as six technical exemption requirements are met, including the pond is designated as a small pond, the pond meets the minimum State safety standards, the design plan is approved by the local soil conservation district, the dam is not greater than 20 feet in height, the pond is considered a low hazard structure, and it is not a wastewater stabilization pond. With the Stormwater laws and the oversight of the federal permit, there is no added environmental value on these special designations as the design requirements will still be applicable.

Accordingly, Baltimore County requests a **FAVORABLE** report on HB 1264 from the House Environment and Transportation Committee. For more information, please contact Jenn Aiosa, Director of Government Affairs at [jaiosa@baltimorecountymd.gov](mailto:jaiosa@baltimorecountymd.gov).

# **HB 1264 MDE SUP.pdf**

Uploaded by: Les Knapp

Position: FAV



**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.

---

**Contact:** Les Knapp, Government Relations Director  
Cell: 410-453-2611 (cell), Email: [les.knapp@maryland.gov](mailto:les.knapp@maryland.gov)