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**By: Chairman, Environmental Matters Committee (Departmental - Environment)**

Introduced and read first time: January 31, 1996

Assigned to: Environmental Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 5, 1996

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Small Pond Exemptions - Height Measurement**

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

5 BY repealing and reenacting, with amendments,

6 Article - Environment

7 Section 5-503(b)

8 Annotated Code of Maryland

9 (1993 Replacement Volume and 1995 Supplement)

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

12 **Article - Environment**

13 5-503.

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

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

18 (ii) The pond is not located within drainage of the GwynnsFalls, Jones  
19 Falls, or Herring Run streams situated in or adjacent to Baltimore City;

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

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

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

6 (vi) The pond is a low hazard structure the failure of which is unlikely  
7 to cause loss of life or property damage; and

8 (vii) The pond is not a wastewater stabilization pond.

9 (2) The soil conservation district shall notify the Department of any pond  
10 approved under this subsection. Nothing in this subsection is a limitation on the  
11 Department's authority under this subtitle.

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