

Chapter 24

(Senate Bill 117)

AN ACT concerning

Environment – Water Appropriation Permits – Construction Dewatering Projects

FOR the purpose of authorizing the Department of the Environment to waive the notice and hearing requirements for water appropriation or use permit applications for construction dewatering projects; making certain stylistic changes; and generally relating to water appropriation or use permits for construction dewatering projects.

BY repealing and reenacting, with amendments,
Article – Environment
Section 5–506
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Article – Environment

5–506.

(a) Upon application for a permit under this subtitle, and except as otherwise provided in this section, the procedures in § 5–204 of this title shall apply.

(b) Under the following conditions, the Department may waive the notice requirements and the holding of a public informational hearing on a permit application:

(1) If there is an emergency or a request to make minor repairs, the Department, upon written or oral application, may grant an application to repair any reservoir, dam, or waterway obstruction without notice or hearing. Repair necessary to save life or property may be made without an application, but notice shall be given promptly to the Department;

(2) If plans of other projects which conform to water resources development plans accepted and adopted by the Department were subject to public hearing, and the Department's review finds no changed conditions in them since the last public review and comment to justify another hearing;

(3) If temporary structures constructed to provide access across streams during construction operations or to trap sediment or achieve another similar purpose meet minimum design standards the Department establishes, and are removed completely, in a manner acceptable to the Department, within 6 months after need for the structure is terminated;

(4) If the requested waterway construction permit is for temporary excavation, filling, or grading for the installation of utilities which meet minimum design standards acceptable to the Department and preconstruction contours which are to be reestablished upon installation of the utility;

(5) If the requested waterway construction permit is for clearing and grading activities disturbing less than 5,000 square feet of land area and disturbing less than 100 cubic yards of earth; or

(6) If the requested waterway construction permit is for livestock crossing of a stream.

(c) If contiguous property owners and interested persons who receive periodic reports are notified under § 5–204 of this title, the Department may waive the notice requirements of this section and the holding of a public informational hearing on a permit application for roads, bridges, or culverts if they meet minimum design standards acceptable to the Department and construction does not adversely affect known water resources projects.

(d) The Department shall waive notice requirements and the holding of a public hearing if the requested appropriation or use of waters of the State is for an agricultural use in effect prior to July 1, 1993.

(e) Notwithstanding any other requirement of this section:

(1) The Department may waive the notice **AND HEARING** requirements of this section [and the holding of a hearing] if the [requested] appropriation [or use of waters of the State] **REQUESTED** is for [an]:

(I) **AN** average annual water use of 10,000 gallons per day or less; **OR**

(II) **A CONSTRUCTION DEWATERING PROJECT;** and

(2) The Department may waive the holding of a public informational hearing if the requested appropriation or use of waters of the State is greater than an average annual water use of 10,000 gallons per day but less than an average annual water use of 50,000 gallons per day.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, April 10, 2012.