



The Maryland Department of the Environment
Secretary Serena McIlwain

SB 0196

Soil Conservation Districts - Small Ponds - Plan Review Fees

Position: Supports with Amendments
Committee: Education, Energy, and the Environment
Date: January 22, 2024
From: Les Knapp

The Maryland Department of the Environment (MDE or the Department) **SUPPORTS SB 196 WITH AMENDMENTS**. This bill would authorize a soil conservation district to recommend a fee system to cover the cost of reviewing plans for small ponds.

Soil Conservation Districts (SCDs) review and approve certain sediment and erosion control plans, as well as small pond plans. Currently, SCDs are able to enact a fee system to cover the cost and review of the sediment and erosion control plans. Senate Bill 196 would expand this to allow SCDs to enact a fee system to cover the cost of the review of small pond plans as well. Senate Bill 196 would also create a definition of “small pond”.

Overall, the Department supports the proposed bill. However, the Department is concerned about potential confusion related to the use of certain terms in the proposed definition of “small pond”, which may unnecessarily limit the scope of what is considered a small pond. The proposed definition includes terms such as “artificial,” “constructed,” and “pit or dugout.” These are non-technical terms that have not been defined by the Department. Additionally, the proposed definition would exclude “natural” impoundments that fit within the permit exemption for reservoirs, dams, or waterway obstructions under § 5-503(b) of the Environment Article, which the Department considers small ponds, but might not be “artificial,” “constructed,” or “excavated.” To avoid any potential confusion, it is recommended that the bill be amended to streamline the definition and more consistently track terms used in the Environment Article.

Additionally, the Department is concerned that as written the definition of “small pond” will render a small pond owner ineligible for funding under the Department’s proposed Private Dam Repair Fund (see HB0245). Consequently, the Department requests that the definition of “small pond” be modified using the language below. The Department has spoken with the sponsor, as well as the Maryland Association of Soil Conservation Districts, and they have agreed to incorporate the amendment. .

Senate Bill 196 would provide Soil Conservation Districts with the economic means to review small pond plans, thereby reducing the environmental risk associated with small pond design, construction, and maintenance. Accordingly, MDE urges a **FAVORABLE WITH AMENDMENTS** report for SB 196.

Bill Amendment:

On page 2, strike beginning with "AN" in line 26 down through "EXEMPT" in line 29 and substitute, "A DAM, RESERVOIR, OR WATERWAY OBSTRUCTION THAT IS EXEMPT".