

## 3.25 DAM SAFETY PERMIT/ WATERWAY CONSTRUCTION PERMIT

- ❑ *Question: Will I be building a dam?*

### Why do I need this approval?

The Maryland Dam Safety Division issues waterway construction permits for new dams and ponds, and permits for alterations to existing impoundment structures. The major goal of this permit is to ensure that dams are built and operated properly to protect public safety.

### What laws or regulations give MDE the legal authority to issue this approval?

STATE: Environment Article Title 5, Subtitle 05, COMAR 26.17.04.

### What is the process to get this approval?

- 1) Complete a "[Joint Federal/State Application for the Alteration of any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland](#)" application.
- 2) Mail the original plus four copies of the application, plans, vicinity maps, and any supporting documentation to: Regulatory Services Coordination Office (RSC)  
MDE, Water and Science Administration  
1800 Washington Boulevard  
Baltimore, Maryland 21230
- 3) Upon receipt of the application package, the RSC will determine what type of permit you need and will forward copies of the application to the appropriate permitting groups. The RSC receives applications for the following groups: Nontidal Wetlands and Waterways Division, Tidal Wetlands Division, and Dam Safety Division. The RSC also sends copies of the application to the U.S. Army Corps of Engineers (if applicable), who will process the application jointly with the State.
- 4) The Department reviews the project and responds with comments to be addressed if necessary. Applications for new dams are reviewed to ensure that the project provides for the greatest feasible utilization of waters of the State, and adequately preserves public safety and the general public welfare.
- 5) Upon acceptance of the completed application, a Public Notice is prepared for the project. The notice of opportunity for public hearing is mailed to the interested persons list and is published for one day in a local newspaper by the Department. The applicant is invoiced for the cost of publishing the notice.
- 6) A public informational hearing is scheduled if requested or if deemed appropriate by the Department. Appropriate public comments are considered in the decision on the proposed application.
- 7) The permit is drafted with all appropriate conditions and mailed to the applicant for review and signature accepting the permit conditions. The applicant must submit a completed Memorandum of Land Restrictions for Dam or Reservoir with the recording fee for the Department to record the document in the county land records.
- 8) A permit is issued with appropriate conditions and a copy of the permit is mailed to the applicant. A copy of

the basis for the permit decision is mailed to the interested persons list.

### Are there any other requirements?

Any person who proposes to construct, reconstruct, repair, or alter a dam, reservoir, or similar waterway obstruction must obtain a permit prior to beginning any work. Certain small ponds are exempted from this permit and are reviewed and approved by the local soil conservation district only. Such ponds must meet the following criteria:

- drainage area to the pond is less than 640 acres
- embankment height is less than 20 feet
- structure classified in "low hazard" category
- the pond is not located in natural trout waters

The applicant is responsible for notifying all contiguous property owners and local authorities of the proposed project. The dam must be designed and inspected during construction by a professional engineer, licensed in Maryland, and experienced in dam design and construction.

Typically, permits are reviewed and issued in two phases, which can be combined at the applicant's request. The phases are as follows:

Phase 1: The feasibility of the project is evaluated in this phase. If the project is acceptable, a Plan Development Permit is issued which authorizes the applicant to proceed with detailed design of the dam. During the review, environmental impacts are evaluated, and the hazard classification, dam height and reservoir size are established. The hazard classification, which defines the potential for downstream damage if the dam were to fail, establishes minimum design criteria that the dam and spillway must safely accommodate.

Phase 2: The Waterway Construction Permit is issued after a very detailed review of the design construction documents and specifications which authorizes construction of the dam. The dam construction must be inspected by a professional engineer, preferably the design engineer.

### How long should I expect it to take to get this approval once I submit a complete application?

6 months

### Once I get this approval, how long will it last?

Maximum of two years

### Who do I contact with additional questions?

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