

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 17 WATER MANAGEMENT

Chapter 04 Construction on Nontidal Waters and Floodplains

Authority: Environment Article, §§1-404, 5-501—514, Annotated Code of Maryland

.05 Dams and Reservoirs.

B. (5) Dams in Category IV. The designs, plans, and specifications for all dams classed in Category IV and not approved by either the soil conservation district *[or the Administration's designee,]* shall be reviewed by the Administration for technical compliance with the requirements in USDA, Natural Resource Conservation Service, Maryland Conservation Practice, Standard Pond Code 378 (January, 2000), which is incorporated by reference in COMAR 26.17.02.01-1B(2), *[and the Administration's policies and procedures]*.

26.17.04.05

G. Certain Small Ponds. ~~Except for those ponds which are to be located in natural trout waters or those which are temporary and which are intended solely to trap sediment during construction operations,~~ *[C]* certain small ponds may be exempt from the permit requirements cited here if the plans and specifications are approved by either the appropriate soil conservation district *[or the Administration's designee]*. The following shall apply to the approval of all ponds pursuant to Environment Article, §5-503(b), Annotated Code of Maryland:

(1) The designs, plans, and specifications shall be reviewed for technical compliance with the requirements in USDA, Natural Resource Conservation Service, Maryland Conservation Practice, Standard Pond Code 378 (January, 2000), which is incorporated by reference in COMAR 26.17.02.01-1B(2), *[and the Administration's policies and procedures]*.

(2) The soil conservation district *[, or the Administration's designee,]* shall notify the Administration of all ponds approved pursuant to this section. The notification shall include a copy of the pond approval and a pond summary sheet. The notification shall be submitted to the Administration within 30 days of the end of each quarter (September 30, December 31, March 31, and June 30) in which the approval was granted.

(3) The soil conservation district, *[or the Administration's designee,]* for all ponds approved pursuant to Environment Article, §5-503(b), Annotated Code of Maryland, shall submit a certification to the Administration within 90 days after the completion of construction. This certification shall state that the subject pond was constructed in conformance with the approved plans and specifications. A certification by a professional engineer, land surveyor, or landscape architect practicing in accordance with the laws of Maryland shall be acceptable to the

Administration instead of a certification by the soil conservation district [*or the Administration's designee.*]