MARYLAND COASTAL ZONE MANAGEMENT PROGRAM
ENFORCEABLE POLICIES

(Approved by NOAA and Effective January 10, 2025)

Key to Policy Citations

Each policy listed below is followed by a reference expression such as "MDE (C9) Md. Code Ann., Envir. § 2-102". In this instance,

"MDE" refers to the implementing agency, the Maryland Department of the Environment

"(C9)" refers to Section "C Shoreland Areas" and "9. Shoreland Activities in General" of the original Maryland Coastal Zone Management Program Document. This parenthetical citation explains where the policy can be found in the chart included with the 2010 Routine Program Change, and also explains the section of Chapter III of the State of Maryland Coastal Zone Management Program Document or the program change that the proposed policy is derived from.

"Md. Code Ann." refers to the Maryland Code Annotated,

Envir. refers to the Environment Article, and

"§ 2-102" refers to Section 2-102.

In many instances, a regulatory reference is included, such as "COMAR 26.02.03.01" rather than a statutory reference, such as "Md. Code Ann., Envir.. § 2-102." "COMAR 26.02.03 refers to the Code of Maryland Regulations, Title 26, Subtitle 02, Chapter 03, Regulation .01.

The following enforceable policies, when relevant and applicable, are the guidelines for ensuring that a project or activity that is subject to Federal Consistency Review is consistent with the Maryland CZMP:

5.1 CORE POLICIES

5.1.1 Quality of Life

Quality of Life Policy 1 – Air Quality. It is State policy to maintain that degree of purity of air resources which will protect the health, general welfare, and property of the people of the State. MDE (C9) Md. Code Ann., Envir. §§ 2-102 to -103.

Quality of Life Policy 2 – Noise. The environment shall be free from noise which may jeopardize health, general welfare, or property, or which degrades the quality of life. MDE (C9) COMAR 26.02.03.02.

Quality of Life Policy 3 – Protection of State Wild Lands. The unique ecological, geological, scenic, and contemplative aspects of State wild lands shall not be affected in a manner that would jeopardize the future use and enjoyment of those lands as wild. DNR (C7) Md. Code Ann., Nat. Res. §§ 5-1201, -1203(a).

Quality of Life Policy 4 – Protection of State Lands & Cultural Resources. The safety, order, and natural beauty of State parks and forests, State reserves, scenic preserves, parkways, historical monuments and recreational areas shall be preserved. DNR (B1) Md. Code. Ann., Nat. Res. § 5-209.

Quality of Life Policy 5 – Natural Character & Scenic Value of Rivers & Waterways. The natural character and scenic value of a river or waterway must be given full consideration before the development of any water or related land resources including construction of improvements, diversions, roadways, crossings, or channelization. MDE/DNR (C7) Md. Code Ann., Nat. Res. § 8-405; COMAR 26.17.04.11.

Quality of Life Policy 6 – Natural Flow of Scenic & Wild Rivers. A dam or other structure that impedes the natural flow of a scenic or wild river may not be constructed, operated, or maintained, and channelization may not be undertaken, until the applicant considers alternatives less harmful to the scenic and wild resource. Construction of an impoundment upon a scenic or wild river is contrary to the public interest, if that project floods an area of unusual beauty, blocks the access to the public of a view previously enjoyed, or alters the stream's wild qualities. MDE/DNR (C7) Md. Code Ann., Nat. Res. § 8-406; COMAR 26.17.04.11.

Quality of Life Policy 7 – Atlantic Coast Development. Any land clearing, construction activity, or the construction or placement of permanent structures is prohibited within the Beach Erosion Control District except the construction and installation of a qualified submerged renewable energy line, if the project does not result in any significant permanent environmental damage to the Beach Erosion Control District and is not constructed or installed within the Assateague State Park, and any project or activity specifically for storm control, beach erosion and sediment control, or maintenance projects designed to benefit the Beach Erosion Control District. MDE/DNR (B1) Md. Code Ann., Nat. Res. § 8-1102.

Quality of Life Policy 8 – Integrity & Natural Character of Assateague Island. Activities which will adversely affect the integrity and natural character of Assateague Island will be inconsistent with the State's Coastal Management Program, and will be prohibited. MDE/DNR (B1) Md. Code. Ann., Nat. Res. §§ 5-209, 8-1102.

Quality of Life Policy 9 – Public Outreach. An opportunity for a public hearing shall be provided for projects in non-tidal waters that dredge, fill, bulkhead, or change the shoreline; construct or reconstruct a dam; or create a waterway, except in emergency situations. MDE (A3) COMAR 26.17.04.13A.

Quality of Life Policy 10 – Erosion & Sediment Control. Soil erosion shall be prevented to preserve natural resources and wildlife; control floods; prevent impairment of dams and reservoirs; maintain the navigability of rivers and harbors; protect the tax base, the public lands, and the health, safety and general welfare of the people of the State, and to enhance their living environment. MDA (C4) Md. Code Ann., Agric. § 8-102(d).

Quality of Life Policy 11 – Safeguards for Outer Continental Shelf Development. Operations on the Outer Continental Shelf must be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well

control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or property, or which may endanger life or health. (B2) Md. Code Ann., Envir. §§ 17-101 to -403; COMAR 26.24.01.01; COMAR 26.24.02.01, .03; COMAR 26.24.05.01.

5.1.2. Waste & Debris Management

Waste & Debris Management Policy 1 – Hazardous Waste Management. Controlled hazardous substances may not be stored, treated, dumped, discharged, abandoned, or otherwise disposed anywhere other than a permitted controlled hazardous substance facility or a facility that provides an equivalent level of environmental protection. MDE (D4) Md. Code Ann., Envir. § 7-265(a).

Waste & Debris Management Policy 2 – Hazardous Waste Management in Port of Baltimore. A person may not introduce in the Port of Baltimore any hazardous materials, unless the cargo is properly classed, described, packaged, marked, labeled, placarded, and approved for highway, rail, or water transportation. MDOT (D3) COMAR 11.05.02.04A.

5.1.3. Water Resources Protection & Management

Water Resources Protection & Management Policy 1 – Pollution Discharge Permit. No one may add, introduce, leak, spill, or emit any liquid, gaseous, solid, or other substance that will pollute any waters of the State without State authorization. MDE (A5) Md. Code Ann., Envir. §§ 4-402, 9-101, 9-322.

Water Resources Protection & Management Policy 2 – Protection of Designated Uses. All waters of the State shall be protected for water contact recreation, fish, and other aquatic life and wildlife. Shellfish harvesting and recreational trout waters and waters worthy of protection because of their unspoiled character shall receive additional protection. MDE (A1) COMAR 26.08.02.02.

Water Resources Protection & Management Policy 3 – Prohibition of Harmful Toxic Impacts. The discharge of any pollutant which will accumulate to toxic amounts during the expected life of aquatic organisms or produce deleterious behavioral effects on aquatic organisms is prohibited. MDE (A4) COMAR 26.08.03.01.

Water Resources Protection & Management Policy 4 – Pre-Development Discharge Permit Requirement. Before constructing, installing, modifying, extending, or altering an outlet or establishment that could cause or increase the discharge of pollutants into the waters of the State, the proponent must hold a discharge permit issued by the Department of the Environment or provide an equivalent level of water quality protection. MDE (D6) Md. Code Ann., Envir. § 9-323(a).

Water Resources Protection & Management Policy 5 – Use of Best Available Technology or Treat to Meet Standards. The use of best available technology is required for all permitted discharges into State waters, but if this is insufficient to comply with the established water quality standards, additional treatment shall be required and based on waste load allocation. MDE (D4) COMAR 26.08.03.01C.

Water Resources Protection & Management Policy 6 – Control of Thermal Discharges. Thermal discharges shall be controlled so that the temperature outside the mixing zone (50 feet radially from the point of discharge) meets the applicable water quality criteria or discharges comply with the thermal mixing zone criteria. MDE (D4) COMAR 26.08.03.03C.

Water Resources Protection & Management Policy 7 – Pesticide Storage. Pesticides shall be stored in an area located at least 50 feet from any water well or stored in secondary containment approved by the Department of the Environment. MDA (C4) COMAR 15.05.01.06.

Water Resources Protection & Management Policy 8 – Stormwater Management. Any development or redevelopment of land for residential, commercial, industrial, or institutional purposes shall use small-scale non-structural stormwater management practices and site planning that mimics natural

hydrologic conditions, to the maximum extent practicable. Development or redevelopment will be consistent with this policy when channel stability and 100 percent of the average annual predevelopment groundwater recharge are maintained, nonpoint source pollution is minimized, and structural stormwater management practices are used only if determined to be absolutely necessary. MDE (C9) Md. Code Ann., Envir. § 4-203; COMAR 26.17.02.01, .06.

Water Resources Protection & Management Policy 9 – Unpermitted Dumping of Used Oil. Unless otherwise permitted, used oil may not be dumped into sewers, drainage systems, or any waters of the State or onto any public or private land. MDE (D4) Md. Code Ann., Envir. § 5-1001(f).

Water Resources Protection & Management Policy 10 – Toxicity Monitoring. If material being dumped into Maryland waters or waters off Maryland's coastline has demonstrated actual toxicity or potential for being toxic, the discharger must perform biological or chemical monitoring to test for toxicity in the water. MDE (A5) COMAR 26.08.03.07(D); COMAR 26.08.04.01.

Water Resources Protection & Management Policy 11 – Public Outreach. Public meetings and citizen education shall be encouraged as a necessary function of water quality regulation. MDE (A2) COMAR 26.08.01.02E(3).

Water Resources Protection & Management Policy 12 – No Adverse Impact from Water Appropriation. Any water appropriation must be reasonable in relation to the anticipated level of use and may not have an unreasonable adverse impact on water resources or other users of the waters of the State. MDE (C9) COMAR 26.17.06.02.

5.1.4. Flood Hazards & Community Resilience

Flood Hazards & Community Resilience Policy 1 – No Adverse Impact. Projects in coastal tidal and non-tidal flood plains which would create additional flooding upstream or downstream, or which would have an adverse impact upon water quality or other environmental factors, are contrary to State policy. MDE (C2) Md. Code Ann., Envir. § 5-803; COMAR 26.17.05.04A.

Flood Hazards & Community Resilience Policy 2 – Non-Tidal Waters and Non-Tidal Floodplains. The following policies apply to projects in non-tidal waters and non-tidal floodplains, but not non-tidal wetlands. MDE (C2) COMAR 26.17.04.01, .07,.11.

> **Flood Hazards & Community Resilience Policy 2a – 1-Foot Freeboard Above 100-year Flood**. Proposed floodplain encroachments, except for roadways, culverts, and bridges, shall be designed to provide a minimum of 1 foot of freeboard above the elevation of the 100-year frequency flood event. In addition, the elevation of the lowest floor of all new or substantially improved residential, commercial, or industrial structures shall also be at least 1 foot above the elevation of the 100-year frequency flood event.
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> **Flood Hazards & Community Resilience Policy 2b – Stability of Unlined Earth Channels.** Proposed unlined earth channels may not change the tractive force associated with the 2-year and the 10-year frequency flood events, by more than 10 percent, throughout their length unless it can be demonstrated that the stream channel will remain stable.
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> **Flood Hazards & Community Resilience Policy 2c – Stability of Lined Channels.** Proposed lined channels may not change the tractive force associated with the 2-year and the 10-year frequency flood events, by more than 10 percent, at their downstream terminus unless it can be demonstrated that the stream channel will remain stable.
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> **Flood Hazards & Community Resilience Policy 2d – Prohibition of Dam Construction in High Risk Areas.** Category II, III, or IV dams may not be built or allowed to impound water in any location where a failure is likely to result in the loss of human life or severe damage to streets, major roads, public utilities, or other high value property.

Flood Hazards & Community Resilience Policy 2e – Prohibition of Projects That Increase Risk Unless Mitigation Requirements Are Met. Projects that increase the risk of flooding to other property owners are generally prohibited, unless the area subject to additional risk of flooding is purchased, placed in designated flood easement, or protected by other means acceptable to the Maryland Department of the Environment.

Flood Hazards & Community Resilience Policy 2f – Prohibition of Construction or Substantial Improvements in 100-Year Floodplain. The construction or substantial improvement of any residential, commercial, or industrial structures in the 100-year frequency floodplain and below the water surface elevation of the 100-year frequency flood may not be permitted. Minor maintenance and repair may be permitted. The modifications of existing structures for flood-proofing purposes may be permitted. Flood-proofing modifications shall be designed and constructed in accordance with specifications approved by the Maryland Department of the Environment.

Flood Hazards & Community Resilience Policy 2g – Channelization Is Discouraged. Channelization shall be the least favored flood control technique.

Flood Hazards & Community Resilience Policy 2h – Preference of Multi-Purpose Use Projects, Project Accountability, & 50% Reduction in Damages. Multiple purpose use shall be preferred over single purpose use, the proposed project shall achieve the purposes intended, and, at a minimum, project shall provide for a 50 percent reduction of the average annual flood damages.

Flood Hazards & Community Resilience Policy 3 – Development-Related Runoff Restrictions for the Gwynne Falls and Jones Falls Watersheds. Development may not increase the downstream peak discharge for the 100-year frequency storm event in the following watersheds and all their tributaries: Gwynns Falls in Baltimore City and Baltimore County; and Jones Falls in Baltimore City and Baltimore County. MDE (C2) COMAR 26.17.02.07.

5.2 COASTAL RESOURCES

5.2.1 The Chesapeake and Atlantic Coastal Bays Critical Area

In addition to the policies in this section, the laws approved by NOAA implementing the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program are enforceable policies.

Critical Area Policy 1 – Scope of the Buffer. In the Critical Area, a minimum 100-foot vegetated buffer shall be maintained landward from the mean high water line of tidal waters, the edge of each bank of tributary streams, and the landward edge of tidal wetlands. The buffer shall be expanded in sensitive areas in accordance with standards adopted by the Critical Area Commission. The buffer is not required for agricultural drainage ditches if the adjacent agricultural land has in place a soil conservation and water quality plan. Mitigation or other measures for achieving water quality and habitat protection objectives may be necessary in buffer areas for which the Critical Area Commission has modified the minimum applicable requirements due to the existing pattern of development. CAC (C9) COMAR 27.01.09.01, .01-6, .01-8.

Critical Area Policy 2 – Buffer Disturbance. Disturbance to a buffer in the Critical Area is only authorized for a shoreline stabilization measure or for a facility or activity that is water-dependent; meets a recognized private right or public need; avoids or, if unavoidable, minimizes the adverse impacts on water quality and fish, wildlife, and plant habitat; is limited to the minimum lot coverage necessary to accommodate the facility or activity; and, insofar as possible, locates nonwater-dependent projects associated with water-dependent facilities or activities outside the buffer. Disturbance to a buffer may only be authorized in conjunction with mitigation performed in accordance with an approved buffer management plan. CAC (C9) COMAR 27.01.03.03; COMAR 27.01.09.01, .01-2, .01-3.

Critical Area Policy 3 – Protection of Bird Nesting Areas. Colonial water bird nesting sites in the Critical Area may not be disturbed during breeding season. CAC (C9) COMAR 27.01.09.04.

Critical Area Policy 4 – Protection of Waterfowl. New facilities in the Critical Area shall not interfere with waterfowl concentration and staging areas. CAC (C9) COMAR 27.01.09.04.

Critical Area Policy 5 – Restrictions on Stream Alterations. Channelization or other physical alterations to streams in the Critical Area shall not affect the movement of fish. CAC (C9) COMAR 27.01.09.05.

Critical Area Policy 6 – Prohibition of Riprap and Artificial Surfaces. The installation or introduction of concrete riprap or other artificial surfaces onto the bottom of natural streams in the Critical Area is prohibited unless water quality and fisheries habitat will be improved. CAC (C9) COMAR 27.01.09.05.

Critical Area Policy 7 – Prohibition of Dams and Structures. The construction or placement of dams or other structures in the Critical Area that would interfere with or prevent the movement of spawning fish or larval forms in streams is prohibited. CAC (C9) COMAR 27.01.09.05.

Critical Area Policy 8 – Restrictions on Stream Crossings and Impacts. Development may not cross or affect a stream in the Critical Area, unless there is no feasible alternative and the design and construction of the development prevents increases in flood frequency and severity that are attributable to development; retains tree canopy and maintains stream water temperature within normal variation; provides a natural substrate for affected streambeds; and minimizes adverse water quality and quantity impacts of stormwater. CAC (C9) COMAR 27.01.02.04.

Critical Area Policy 9 – Time of Year Restrictions for Construction in Streams. The construction, repair, or maintenance activities associated with bridges or other stream crossings or with utilities and roads, which involve disturbance within the buffer or which occur in stream are prohibited between March 1 and May 15. CAC (C9) COMAR 27.01.09.05.

Critical Area Policy 10 – Avoid & Minimize Construction Impacts in Habitat Areas. Roads, bridges, or utilities may not be constructed in any areas designated to protect habitat, including buffers, in the Critical Area, unless there is no feasible alternative and the road, bridge, or utility is located, designed,

constructed, and maintained in a manner that maximizes erosion protection; minimizes negative impacts to wildlife, aquatic life, and their habitats; and maintains hydrologic processes and water quality. CAC (C9) COMAR 27.01.02.03C, .04C, .05C.

Critical Area Policy 11 – Intensely Developed Areas. The following policies apply in those areas of the Critical Area that are determined to be areas of intense development.

- To the extent possible, fish, wildlife, and plant habitats should be conserved.
- Development and redevelopment shall improve the quality of runoff from developed areas that enters the Chesapeake or Atlantic Coastal Bays or their tributary streams.
- At the time of development or redevelopment, appropriate actions must be taken to reduce stormwater pollution by 10%. Retrofitting measures are encouraged to address existing water quality and water quantity problems from stormwater.
- Development activities may cross or affect a stream only if there is no feasible alternative, and those activities must be constructed to prevent increases in flood frequency and severity attributable to development, retain tree canopy, maintain stream water temperatures within normal variation, and provide a natural substrate for affected streambeds.
- Areas of public access to the shoreline, such as foot paths, scenic drives, and other public recreational facilities, shall be maintained and, if possible, are encouraged to be established.
- Ports and industries which use water for transportation and derive economic benefits from shore access, shall be located near existing port facilities or in areas identified by local jurisdictions for planned future port facility development and use if this use will provide significant economic benefit to the State or local jurisdiction.
- Development shall be clustered to reduce lot coverage and maximize areas of natural vegetation.
- Development shall minimize the destruction of forest and woodland vegetation. CAC (C9) COMAR 27.01.02.03.

Critical Area Policy 12 – Limited Development Areas & Resource Conservation Areas. The following policies apply in those portions of the Critical Area that are not areas of intense development.

- Development shall maintain, and if possible, improve the quality of runoff and ground water entering the Chesapeake and Coastal Bays.
- To the extent practicable, development shall maintain existing levels of natural habitat.
- All development sites shall incorporate a wildlife corridor system that connects undeveloped vegetated tracts onsite with undeveloped vegetated tracts offsite.
- All forests and developed woodlands that are cleared or developed shall be replaced on not less than an equal area basis.
- If there are no forests on a proposed development site, the site shall be planted to provide a forest or developed woodland cover of at least 15 percent.
- Development on slopes equal to or greater than 15 percent, as measured before development, shall be prohibited unless the project is the only effective way to maintain the slope and is consistent with other policies.
- To the extent practicable, development shall be clustered to reduce lot coverage and maximize areas of natural vegetation.
- Lot coverage is limited to 15 percent of the site. CAC (C9) COMAR 27.01.02.04.

Critical Area Policy 13 – Public Facilities Allowed With Restrictions in Buffer. Public beaches or other public water-oriented recreation or education areas or activities may be permitted in the buffer in portions of the Critical Area not designated as intensely developed areas only if adequate sanitary facilities exist; sanitary and service facilities are, to the extent possible, located outside the buffer; permeable surfaces are used to the extent practicable, if no degradation of ground water would result; and disturbance to natural vegetation is first avoided or, if unavoidable minimized. CAC (C9) COMAR 27.01.03.08.

Critical Area Policy 14 – Water-Dependent Research Facilities. Research-associated water-dependent facilities or activities may be permitted in the buffer if associated nonwater-dependent projects are located outside the buffer. CAC (C9) COMAR 27.01.03.09.

Critical Area Policy 15 – Siting Industrial & Port-Related Facilities. Water-dependent industrial and port-related facilities may only be located in the portions of areas of intense development designated as modified buffer areas. CAC (C9) COMAR 27.01.03.05.

Critical Area Policy 16 – Restrictions on Waste Facilities. Solid or hazardous waste collection or disposal facilities and sanitary landfills are not permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these facilities are needed in order to correct an existing water quality or wastewater management problem. CAC (C9) COMAR 27.01.02.02.

Critical Area Policy 17 – Buffer Management Plan. If a development or redevelopment activity occurs on a lot or parcel that includes a buffer or if issuance of a permit, variance, or approval would disturb the buffer, the proponents of that activity must develop a buffer management plan that clearly indicates that all applicable planting standards developed by the Critical Area Commission will be met and that appropriate measures are in place for the protection and maintenance of the buffer. CAC (C9) COMAR 27.01.09.01-1, .01-3.

Critical Area Policy 18 – Protection of Critical Area from Adverse Effects of Surface Mining. When locating a surface mining activity, substantial loss of renewable resource land and degradation of water quality must be avoided or, in the alternative, minimized. When conducting a surface mining activity, all available measures must be utilized to protect the Critical Area from all sources of pollution resulting from that activity, including sedimentation and siltation, chemical and petrochemical use and spillage, and storage or disposal of waste, dust, or spoil. CAC (D5) COMAR 27.01.07.02.

Critical Area Policy 19 – Reclamation Requirements for Surface Mining. In the Critical Area, surface mining activities must be conducted in a way that facilitates site reclamation, including renewable resource land, as soon as possible and to the maximum extent possible. CAC (D5) COMAR 27.01.07.02B.

Critical Area Policy 20 – Areas that are Unsuitable for Surface Mining. Surface mining is prohibited in a habitat protection area, in an area where highly erodible soils exist, and within 100 feet immediately landward from mean high water of tidal waters or from the edge of a bank of a tributary stream. CAC (D5) COMAR 27.01.07.03B.

Critical Area Policy 21 – Prohibition of Wash Plants in Buffer. Wash plants, including stockpiles, wash ponds, and related washing equipment, may not be located in the 100-foot buffer. CAC (D5) COMAR 27.01.07.01, .03D.

Critical Area Policy 22 – Requirements for Agriculture in the Buffer. Agriculture is authorized in the buffer if, as a minimum agricultural best management practice, a vegetated filter strip of at least 25 feet measured landward from the mean high water line of tidal waters or tributary streams or from the edge of tidal wetlands, whichever is further inland, is established in trees, shrubs, grass, or mixed vegetation. CAC (C4) COMAR 27.01.09.01-6.

Critical Area Policy 23 – Geographical Limits for Feeding or Watering Livestock. The feeding or watering of livestock is not permitted within 50 feet of the mean high water line of tidal waters or tributary streams or from the edge of tidal wetlands, whichever is further inland. CAC (C4) COMAR 27.01.09.01-6.

Critical Area Policy 24 – Creating New Agricultural Lands. In the Critical Area, the creation of new agricultural lands shall not be accomplished by diking, draining, or filling of a nontidal wetland, without appropriate mitigation; by clearing of forest or developed woodland on soil with a slope greater than 15 percent or on soil with a K factor greater than 0.35 and a slope greater than 5 percent; by clearing that will adversely affect water quality or will destroy plant or wildlife habitat; or by clearing existing natural vegetation within the 100-foot buffer. CAC (C4) COMAR 27.01.06.03C.

Critical Area Policy 25 – Best Management Practices for Agriculture. Agricultural operations within the Critical Area shall have in place and be implementing a current soil conservation and water quality plan and nutrient management plan prepared by a certified nutrient management consultant or certified farm operator. CAC (C4) COMAR 27.01.06.03C.

Critical Area Policy 26 – Cutting or Clearing Trees in the Buffer. Cutting or clearing of trees within the buffer is prohibited except that commercial harvesting of trees by selection or by the clearcutting of loblolly pine and tulip poplar may be permitted to within 50 feet of the landward edge of the mean high water line of tidal waters and perennial tributary streams, or the edge of tidal wetlands if the buffer is not subject to additional habitat protection. Commercial harvests must be in compliance with a buffer management plan that is prepared by a registered professional forester and is approved by the Department of Natural Resources. CAC (C5) Md. Code Ann., Nat. Res. § 8-1808.7; COMAR 27.01.09.01-7

Critical Area Policy 27 – Requirements for Commercial Tree Harvesting in the Buffer. Commercial tree harvesting in the buffer may not involve the creation of logging roads and skid trails within the buffer and must avoid disturbing stream banks and shorelines as well as include replanting or allowing regeneration of the areas disturbed or cut in a manner that assures the availability of cover and breeding sites for wildlife and reestablishes the wildlife corridor function of the buffer. CAC (C5) Md. Code Ann., Nat. Res. § 8-1808.7; COMAR 27.01.09.01-7

Critical Area Policy 28 – General Restrictions to Intense Development. Intense development should be directed outside the Critical Area. Future intense development activities, when proposed in the Critical Area, shall be directed towards the intensely developed areas. CAC (D1) Md. Code Ann., Natural Res. § 8-1807(b); COMAR 27.01.02.02B.

Critical Area Policy 29 – Development Restrictions in Critical Area. The following development activities and facilities are not permitted in the Critical Area except in intensely developed areas and only after the activity or facility has demonstrated that there will be a net improvement in water quality to the adjacent body of water.

- Non-maritime heavy industry
- Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters
- Permanent sludge handling, storage, and disposal facilities, other than those associated with wastewater treatment facilities. However, agricultural or horticultural use of sludge when applied by an approved method at approved application rates may be permitted in the Critical Area, but not in the 100-foot Buffer.
- CAC (C9) COMAR 27.01.02.02.

5.2.2 Tidal Wetlands

Tidal Wetlands Policy 1 – Projects That Alter Natural Character Shall Avoid Dredging & Filling, Be Water-Dependent and Provide Appropriate Mitigation. Any action which alters the natural character in, on, or over tidal wetlands; tidal marshes; and tidal waters of Chesapeake Bay and its tributaries, the coastal bays adjacent to Maryland's coastal barrier islands, and the Atlantic Ocean shall avoid dredging and filling, be water-dependent, and provide appropriate mitigation for any necessary and unavoidable adverse impacts on these areas or the resources associated with these areas. A proponent of an action described above shall explain the actions impact on: habitat for finfish, crustaceans, mollusks,

and wildlife of significant economic or ecologic value; potential habitat areas such as historic spawning and nursery grounds for anadromous and semi-anadromous fisheries species and shallow water areas suitable to support populations of submerged aquatic vegetation; marine commerce, recreation, and aesthetic enjoyment; flooding; siltation; natural water flow, water temperature, water quality, and natural tidal circulation; littoral drift; local, regional, and State economic conditions; historic property; storm water runoff; disposal of sanitary waste; sea level rise and other determinable and periodically recurring natural hazards; navigational safety; shore erosion; access to beaches and waters of the State; scenic and wild qualities of a designated State scenic or wild river; and historic waterfowl staging areas and colonial bird-nesting sites. MDE (B2) COMAR 26.24.01.01, COMAR 26.24.02.01, .03; COMAR 26.24.05.01.

5.2.3 Non-Tidal Wetlands

Non-Tidal Wetlands Policy 1 – Removal or Alteration is Generally Prohibited Unless There Is No Practicable Alternative, in Which Case, Impacts are First Minimized & Then Mitigated to Replace Ecological Values Lost. Removal, excavation, grading, dredging, dumping, or discharging of, or filling a non-tidal wetland with materials of any kind, including the driving of piles and placing of obstructions; changing existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics; disturbing the water level or water table; or removing or destroying plant life that would alter the character of a non-tidal wetland is prohibited unless: The proposed project has no practicable alternative; adverse impacts are first avoided and then minimized based on consideration of existing topography, vegetation, fish and wildlife resources, and hydrological conditions; comprehensive watershed management plans are considered; and the proposed project does not cause or contribute to an individual or cumulative effect that degrades aquatic ecosystem diversity, productivity, and stability, plankton, fish, shellfish, and wildlife, recreational and economic values, and public welfare, surface water quality, or ground water quality. Mitigation measures are required to replace the ecological values associated with non-tidal wetlands that are impaired by activities described above. MDE (C3) COMAR 26.23.01.01; COMAR 26.23.02.04, .06; COMAR 26.23.04.02.

5.2.4 Forests

Forest Policy 1 – Projects Impacting More Than 40,000 Square Feet Must Generally Identify & Protect Habitat & Mitigate for Impacts. The Forest Conservation Act and its implementing regulations, as approved by NOAA, are enforceable policies. Generally, before developing an area greater than 40,000 square feet, forested and environmentally sensitive areas must be identified and preserved whenever possible. If these areas cannot be preserved, reforestation or other mitigation is required to replace the values associated with them. This policy does not apply in the Critical Area. DNR (C5) Md. Code Ann., Nat. Res. §§ 5-1601 to -1613; COMAR 08.19.01-.06.

Forest Policy 2 – Maintain Resource Sustainability & Prevent or Limit Clear-Cutting to Protect Watersheds. Forestry activities shall provide for adequate restocking, after cutting, of trees of desirable species and condition; provide for reserving, for growth and subsequent cutting, a sufficient growing stock of thrifty trees of desirable species to keep the land reasonably productive; and prevent clear-cutting, or limit the size of a tract to be clear-cut in areas where clear-cutting will seriously interfere with protection of a watershed. DNR (C5) Md. Code Ann., Nat. Res. § 5-606.

Forest Policy 3 – Commercial Timber Cuts of Five Acres or More with Pines Comprising 25% of Live Trees Shall Ensure Pine Resource Sustainability. When any timber is cut for commercial purposes from five acres or more of land on which loblolly pine, shortleaf pine, or pond pine, singly or together occur and constitute 25 percent or more of the live trees on each acre, the person conducting the cutting or the landowner shall leave uncut and uninjured at least eight well distributed, cone-bearing, healthy windfirm, loblolly, shortleaf, or pond pine trees on each acre cut for the purpose of reseeding. DNR (C5) Md. Code Ann., Nat. Res. §§ 5-501, -504.

Forest Policy 4 – Minimize Forest Removal for Highway Construction Projects & Mitigate with

Equivalent Reforestation if over 1 Acre Is Lost. Any highway construction activity, including related off-site environmental mitigation, may only cut or clear the minimum amount of trees and other woody plants necessary to be consistent with sound design principles. If over an acre of forest is lost as a result of the project, an equivalent area of publicly owned property shall be reforested. DNR/MDOT (C5) Md. Code Ann., Nat. Res. § 5-103.

Forest Policy 5 – Protection of Roadside Trees Unless Removal or Trimming Is Justified. Roadside trees should not be cut down, trimmed, mutilated, or injured unless the activity will eliminate a hazard to property, public safety, or health; improve or prevent tree deterioration; or improve the general aesthetic appearance of the right-of-way. DNR (C5) COMAR 08.07.02.05.

Forest Policy 6 – Sediment & Erosion Control in Non-Tidal Wetlands. A person conducting a forestry activity in non-tidal wetlands shall develop and implement a sediment and erosion control plan. MDE (C3) COMAR 26.23.05.02.

5.2.5 Historical and Archaeological Sites

Historical and Archaeological Policy 1 – Protection of Submerged Historic Resources. Unless permission is granted by the Maryland Historical Trust, activities that excavate, remove, destroy, injure, deface, or disturb submerged archaeological historic property are generally prohibited. MDP (C8) Md. Code Ann., State Fin. & Proc. §§ 5A-341, -333.

Historical and Archaeological Policy 2 – Protection of Caves & Archaeological Sites. Unless permission is granted by the Maryland Historical Trust, activities that excavate, remove, destroy, injure, deface, or disturb cave features or archeological sites under State control are generally prohibited. MDP (C8) Md. Code Ann., State Fin. & Proc. §§ 5A-342 to -343.

Historical and Archaeological Policy 3 – Protection of Burial Sites & Cemeteries. Neither human remains nor funerary objects may be removed from a burial site or cemetery, unless permission is granted by the local State's Attorney. Funerary objects may not be willfully destroyed, damaged, or defaced. MDP (C8) Md. Code Ann., Crim. Law §§ 10-401 to -404.

5.2.6 Living Aquatic Resources

Living Aquatic Resources Policy 1 – Protection of Rare, Threatened or Endangered Fish or Wildlife. Unless authorized by an Incidental Take Permit, no one may take a State listed endangered or threatened species of fish or wildlife. DNR (A4) Md. Code Ann., Nat. Res. §§ 4-2A-01 to -09; Md. Code Ann., Nat. Res. §§ 10-2A-01 to -09.

Living Aquatic Resources Policy 2 – Sustainable Harvesting of Fisheries. Fisheries shall be sustainably harvested. DNR (A4) Md. Code Ann., Nat. Res. § 4-215.

Living Aquatic Resources Policy 3 – Protection of State Fishery Sanctuaries & Management Resources. Any land or water resource acquired by the State to protect, propagate, or manage fish shall not be damaged. DNR (A4) Md. Code Ann., Nat. Res. § 4-410.

Living Aquatic Resources Policy 4 – Fish Passage. No activity will be permitted that impedes or prevents the free passage of any finfish, migratory or resident, up or down stream. DNR (A4) Md. Code Ann., Nat. Res. § 4-501 to -502.

Living Aquatic Resources Policy 5 – Time-of-Year Restrictions for Construction in Non-Tidal Waters. All in-stream construction in non-tidal waters is prohibited from October through April, inclusive, for natural trout waters and from March through May, inclusive, for recreational trout waters. In addition, the construction of proposed projects, which may adversely affect anadromous fish spawning areas, shall be prohibited in non-tidal waters from March 15 through June 15, inclusive. MDE (C2) COMAR 26.17.04.11B(5).

Living Aquatic Resources Policy 6 – Protection of Forest Buffers Along Trout Streams. Riparian

forest buffers adjacent to waters that are suitable for the growth and propagation of self-sustaining trout populations shall be retained whenever possible. MDE (C5) COMAR 26.08.02.03-3F.

Living Aquatic Resources Policy 7 – Non-Tidal Habitat Protection & Mitigation. Projects in or adjacent to non-tidal waters shall not adversely affect aquatic or terrestrial habitat unless there is no reasonable alternative and mitigation is provided. MDE (C2) COMAR 26.17.04.11B(5).

Living Aquatic Resources Policy 8 – Protection & Management of Submerged Aquatic Vegetation (SAV). The harvest, cutting, or other removal or eradication of submerged aquatic vegetation may only occur in a strip up to 60 feet wide surrounding a pier, dock, ramp, utility crossing, or boat slip to point of ingress in a marina, otherwise the activity must receive the approval of the Department of Natural Resources. No chemical may be used for this purpose, and the timing and method of the activity shall minimize the adverse impact on water quality and on the growth and proliferation of fish and aquatic grasses. MDE (A4) Md. Code Ann., Nat. Res. § 4-213.

Living Aquatic Resources Policy 9 – Protection of Natural Oyster Bars. Natural oyster bars in the Chesapeake Bay shall not be destroyed, damaged, or injured. DNR (A4) Md. Code Ann., Nat. Res. § 4-1118.1.

Living Aquatic Resources Policy 10 – Protection of Oyster Aquaculture Leases. A person, other than the leaseholder, may not willfully and without authority catch oysters on any aquaculture or submerged land lease area, or willfully destroy or transfer oysters on this land in any manner. DNR (A4) Md. Code Ann., Nat. Res. § 4-11A-16(a).

Living Aquatic Resources Policy 11 – Genetically Modified Organisms (GMOs) Are Prohibited in State Waters. An organism into which genetic material from another organism has been experimentally transferred so that the host acquires the genetic traits of the transferred genes may not be introduced into State waters. DNR (A4) COMAR 08.02.19.03.

Living Aquatic Resources Policy 12 – Control of Nonnative Aquatic Organisms. Vectors for the introduction of nonnative aquatic organisms must be appropriately controlled to prevent adverse impacts on aquatic ecosystems. DNR (A4) Md. Code Ann., Nat. Res. § 4-205.1.

Living Aquatic Resources Policy 13 – Control of Snakehead Fish. Except as authorized by federal law, any live snakehead fish or viable eggs of snakehead fish of the Family Channidae may not be imported, transported, or introduced into the State. DNR (A4) COMAR 08.02.19.06.

Living Aquatic Resources Policy 14 – Nonnative Oysters Prohibited in State Waters. Nonnative oysters may not be introduced into State waters. DNR (A4) Md. Code Ann., Nat. Res. § 4-1008.

5.3 COASTAL USES

5.3.1 Mineral Extraction

Mineral Extraction Policy 1 – Identification & Protection of Habitats Prior to Prospecting. Habitats of unique value for fish, wildlife, and other related environmental values shall be identified prior to commencing coal prospecting activities and shall be protected during those activities. MDE (D5) COMAR 26.20.08.04.

Mineral Extraction Policy 2 – Surface Mining Must Be Conducted in an Environmentally Responsible Manner. Surface mining activities must be conducted in a manner that protects birds and

wildlife; decreases soil erosion; prevents pollution of rivers, streams, and lakes; prevents loss or waste of valuable mineral resources; and prevents and eliminates hazards to health. MDE (D5) Md. Code Ann., Envir. §§ 15-802, -807(d), -822(c), -828(b).

Mineral Extraction Policy 3 – Surface Mining Must Not Have Adverse Effects on Habitats, Resources, Properties and the Public. Surface mining activities must not have an unduly adverse effect on wildlife or freshwater, estuarine, or marine fisheries; constitute a substantial physical hazard to a neighboring house, school, church, hospital, commercial or industrial building, public road, or other public or private property in existence at the time of application for the permit; or significantly adversely affect the uses of a publicly owned park, forest, or recreation area in existence at the time of application for the permit. MDE (D5) Md. Code Ann., Envir. §§ 15-802(a), -810(b).

Mineral Extraction Policy 4 – Surface Mining Shall Use Best Available Technology to Minimize Impacts and Protect & Enhance Resources. Surface coal mining activities shall use the best available technology to minimize disturbances and adverse impacts on fish, wildlife, and related environmental values, and shall achieve enhancement of the resources when practicable. MDE (D5) COMAR 26.20.23.02A.

Mineral Extraction Policy 5 – Surface Mining Shall Protect Rare, Threatened or Endangered Species. A surface coal mining activity may not be conducted in a way that is likely to jeopardize the continued existence of endangered or threatened species listed by the federal or state government. MDE (D5) COMAR 26.20.23.02B.

Mineral Extraction Policy 6 – Mining Operations Shall Minimize and Control Water Pollution. Coal mining operations shall be conducted to minimize water pollution, and, where necessary, treatment methods shall be used to control water pollution. MDE (D5) COMAR 26.20.13.05B; COMAR 26.20.21.01.

Mineral Extraction Policy 7 – Mining Operations May Not Adversely Affect Public, Historic or Natural Resources Without State Approval. Coal mining may not adversely affect any publicly owned park or place recorded in the National Register of Historic Sites without approval from the appropriate agency and is prohibited in the Youghiogheny River scenic corridor; within 100 feet of a cemetery, a perennial or intermittent stream, or the outside right-of-way line of any public road; and in areas designated unsuitable for certain types of surface coal mining. MDE (D5) Md. Code Ann., Envir. §§ 15-505(b), -506(e); COMAR 26.20.20.03.

Mineral Extraction Policy 8 – Protection of Surface Waters and Aquifers From Underground Mining. Underground coal mining activities may not be conducted beneath or adjacent to any perennial stream or impoundment having a storage volume of 20 acre-feet or more. Underground coal mining activities beneath any aquifer that serves as a significant source of water supply to any public water system shall be conducted so as to avoid disruption of the aquifer and consequent exchange of ground water between the aquifer and other strata. MDE (D5) COMAR 26.20.13.10.

Mineral Extraction Policy 9 – Surface Mining Set Backs from Adjacent Properties and Natural Resources. Surface mining shall not occur within 25 feet of any property line or 100 feet of any scenic or wild river or its tributaries or any parcel of land that has been designated an area of critical State concern. MDE (D5) COMAR 26.21.01.17.

Mineral Extraction Policy 10 – Size & Impact Limits for Prospect Pits & Their Reclamation. Coal prospect pits may not be more than 1 acre in size or affect more than 10 acres and shall be backfilled, seeded, and mulched within 30 days after it is opened. MDE (D5) COMAR 26.20.08.04.

Mineral Extraction Policy 11 – Preparation & Contents of Mining & Reclamation Plans. Coal project proponents must draft a mining and reclamation plan, including a description of the natural resources, geology, and cultural and historical resources within the proposed permit and adjacent areas and the methods for road construction, removing topsoil, controlling drainage, backfilling, and

revegetating the affected area, as well as identify baseline hydrologic information and determine the probable hydrologic consequences of the mining and reclamation operations upon surface and ground waters on and off the permit area and plan remedial and reclamation activities. MDE (D5) Md. Code Ann., Envir. §§ 15-505(c), -822; COMAR 26.20.02.05-.09; COMAR 26.20.02.14.

Mineral Extraction Policy 12 – Inclusion of Mining Methods, Reclamation Practices, Land Uses & Protective Measures in Mining and Reclamation Plans. A mining and reclamation plan for a mineral extraction activity must outline mining methods, intended reclamation practices, land uses before and after mining, areas to be affected by the mining, and measures to protect other uses and the environment. MDE (D5) Md. Code Ann., Envir. §§ 15-807(d), -808(d), -822, -828(b).

Mineral Extraction Policy 13 – County Zoning Approval. Prior to the commencement of a mineral extraction activity, the appropriate county must issue a written statement that the proposed land use conforms to all applicable county zoning and land use requirements. MDE (D5) Md. Code Ann., Envir. § 15-810(c).

Mineral Extraction Policy 14 – Water Supply Contingency Planning. If the probable hydrologic consequences of the proposed coal mining operation are contamination, diminution, or interruption of an underground or surface source of water that is used for domestic, agricultural, industrial, or other legitimate purpose, the project proponent shall analyze the availability of water and alternative water sources. MDE (D5) COMAR 26.20.02.08.

Mineral Extraction Policy 15 – Prevention of Subsidence. Underground coal mining activities shall be planned and conducted so as to prevent subsidence from causing material damage to the extent technologically and economically feasible. MDE (D5) COMAR 26.20.13.07A.

Mineral Extraction Policy 16 – Use of Best Available Technology to Control Sediment & Erosion. Sediment control measures shall be designed, constructed, and maintained using the best technology currently available to prevent additional contributions of sediment to stream flow or runoff outside an area where coal mining is permitted. MDE (D5) COMAR 26.20.21.05A.

Mineral Extraction Policy 17 – Diversions Shall Minimize Adverse Impacts & Use Best Available Technology. Diversions shall be designed, constructed, and maintained to minimize adverse impacts, including preventing the contribution of suspended solids to stream flow and runoff outside an area where coal mining permitted, to the extent possible using the best technology currently available. MDE (D5) COMAR 26.20.21.03.

Mineral Extraction Policy 18 – Mine Excavations or Disturbances Shall Prevent Adverse Impacts. Pits, cuts, and other mine excavations or disturbances for coal mining shall be located, designed, constructed, and utilized in such a manner as to prevent adverse impacts, including the discharge of acid, toxic, or otherwise harmful mine drainage waters into ground water systems. MDE (D5) COMAR 26.20.20.01B.

Mineral Extraction Policy 19 – Mining-Related Transportation Facilities Shall Prevent Adverse Impacts to the Environment. Transportation facilities constructed for surface coal mining purposes shall be located, designed, constructed or reconstructed, and maintained, and the area restored, in a manner that prevents damage to fish, wildlife, or their habitat and related environmental values; prevents additional contributions of suspended solids to stream flow or runoff outside the permit area; minimizes diminution or degradation of water quality and quantity; minimizes erosion, siltation, and attendant air pollution; and prevents damage to public and private property. MDE (D8) COMAR 26.20.19.01D, .08.

Mineral Extraction Policy 20 – Minimize Pre-Mining Surface Impacts & Control Erosion & Sediments. The removal of vegetation, topsoil, and overburden before surface mining must be minimized, and erosion and sediment control devices must be constructed and maintained. MDE (D5) COMAR 26.21.01.10.

Mineral Extraction Policy 21 – Surface Mining Areas Shall Be Managed to Control Erosion and Erosion-Related Air Pollution. An area exposed for surface coal mining shall be protected and stabilized to effectively control erosion and air pollution attendant to erosion. MDE (D5) COMAR 26.20.23.01A.

Mineral Extraction Policy 22 – Topsoil Removed During Surface Mining Shall Be Conserved and Protected Onsite for Reclamation. During surface mining, topsoil shall be removed, segregated, and stockpiled on-site for reclamation and protected by a vegetative cover or by other methods demonstrated to provide protection. MDE (D5) COMAR 26.21.01.11.

Mineral Extraction Policy 23 – Minimize Hydrologic Impacts and Erosion from Mining Areas. The discharge of water from coal mining areas shall be conducted so as to reduce erosion, prevent deepening or enlargement of stream channels, and minimize disturbance of the hydrologic balance. MDE (D5) COMAR 26.20.21.07.

Mineral Extraction Policy 24 – Mine Drainage & Discharge to Surface Waters Shall Be Treated Onsite. All surface drainage from coal mining and discharge of water from underground coal mining to surface waters shall be passed through a sedimentation pond, a series of sedimentation ponds, or a treatment facility before leaving the permit area. MDE (D5) COMAR 26.20.13.06.

Mineral Extraction Policy 25 – Overburden & Mine Waste From Surface Mining Must Be Stabilized Using Approved Methods. Storage piles of overburden, mine waste, and rock from surface mining must be stabilized and may not restrict any natural drainage without an approved diversion. MDE (D5) COMAR 26.21.01.12.

Mineral Extraction Policy 26 – Stream Protection & Erosion Control During Prospecting. An ephemeral, intermittent, or perennial stream may not be diverted during coal prospecting activities. Overland flow of water shall be diverted only in a manner that prevents erosion and, to the extent possible using best available technology, additional contributions of suspended solids to streamflow or runoff outside the prospecting area. MDE (D5) COMAR 26.20.08.04.

Mineral Extraction Policy 27 – Protection of Water Flow, Quality & Quantity During Mining. During any coal mining activities, changes in the depth to ground water, in water quality and quantity, and in the location of surface water drainage channels shall be minimized. MDE (D5) COMAR 26.20.21.01.

Mineral Extraction Policy 28 – Compensation of Water Users Impacted By Mining. The operator of a coal mine shall replace the water supply of an owner of interest in real property who obtains all or part of the owner's supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where the supply has been affected by contamination, diminution, or interruption proximately resulting from the mining operations. MDE (D5) Md. Code Ann., Envir. §§ 15-524(b), -608(b); COMAR 26.20.13.05D; COMAR 26.20.20.11.

Mineral Extraction Policy 29 – Compensation for Water Supply or Property Damage in Karst Terrain. If water is pumped out of a pit located in karst terrain in Baltimore, Carroll, Frederick, and Washington counties, the project proponent shall replace a water supply if it fails as a result of declining ground-water levels and pay compensation for property damage from land subsidence. MDE (D5) Md. Code Ann., Envir. § 15-813.

Mineral Extraction Policy 30 – Mining & Reclamation Shall Maintain Pre-Mining Recharge & Hydrology. Surface coal mining activities and restoration efforts shall be conducted so as to maintain the recharge capacity of surface mining areas and support the approved post mining land use, minimizes disturbances to the hydrologic balance in the mine plan area and in adjacent areas, and provides a rate of recharge that approximates the pre-mining recharge rate. MDE (D5) COMAR 26.0.20.02; COMAR 26.20.21.01A.

Mineral Extraction Policy 31 – Prompt Reclamation After Completion of Prospecting. Promptly after coal prospecting activities are completed, all areas disturbed during prospecting operations, including roads, shall be returned to the approximate original contour. MDE (D5) COMAR 26.20.08.04.

Mineral Extraction Policy 32 – Mine Reclamation Must Restore Resources and Landscape to Support Future Land Use. Mined land must be properly reclaimed, including rehabilitating settling ponds; restoring or establishing stream channels and stream banks to a condition that minimizes erosion, siltation, and other pollution; and creating final slopes in all excavations at an angle that minimizes the possibility of slides and is consistent with the future use of the land. MDE (D5) Md. Code Ann., Envir. §§ 15-802(a), -807(d), -822, -828(b).

Mineral Extraction Policy 33 – Mine Reclamation Must Minimize Contamination, Adverse Impacts to Ground Water & Support Post-Mining Land Uses. The placement of backfilled materials shall be done in a way that minimizes contamination and other adverse effects of coal mining on ground water systems outside the permit area and supports approved post-mining land uses. MDE (D5) COMAR 26.20.20.01A.

Mineral Extraction Policy 34 – Mine Reclamation Vegetative Cover Shall Support Post-Mining Land Use. Vegetative cover shall be established on all areas disturbed by surface coal mining in a manner that is compatible with the approved post-mining land use. MDE (D5) COMAR 26.20.29.01A.

Mineral Extraction Policy 35 – Mine Reclamation Shall Adhere to Mining & Reclamation Plan & Be Completed Within 2 Years of Mining Termination. Surface mining reclamation shall be completed in accordance with the mining and reclamation plan within 2 years after mineral extraction has terminated. MDE (D5) COMAR 26.21.01.16.

5.3.2 Electrical Generation and Transmission

Electrical Generation and Transmission Policy 1 – Power Plants Shall Be Sited, Constructed & Operated to Protect Natural Resources and the Public. Power plants shall be sited, constructed, and operated in a manner which minimizes their impacts on tidal wetlands, aquatic resources, terrestrial resources, significant wildlife habitat, public open space, recreational, and natural areas, air and water quality, and the public health, safety, and welfare. DNR/PSC (D2) Md. Code Ann., Nat. Res. §§ 1-302, 3-303, 3-304, 3-306; Md. Code Ann., Pub. Util. Cos. § 7-208.

Electrical Generation and Transmission Policy 2 – Proposals for New Power Plants, Overhead Transmission Lines, and Qualified Generator Lead Lines Must Include Comprehensive Environmental Assessments, Recommend Mitigation Opportunities & Engage Local Government. Proposals for new power plants, overhead transmission lines, and qualified generator lead lines must account for their impact on the physical, biological, aesthetic, and cultural features of the site and adjacent areas; identify contributions to air and water pollution; recommend mitigation opportunities; and adequately consider recommendations of local government as well as the effects of climate change on the proposed infrastructure. Proposals for new power plants also must duly consider the consistency of the application with the comprehensive plan and zoning of each county or municipality in which it is proposed to be located, the impact of the power plant on the quantity of annual and long-term statewide greenhouse gas emissions, and the consistency of the application with Maryland's climate commitments for reducing statewide greenhouse gas emissions. PSC (D2) Md. Code Ann., Pub. Util. Cos. §7-207(e); COMAR 20.79.03.02(B); COMAR 20.79.04.04.

Electrical Generation and Transmission Policy 3 – Proposals for New Transmission Lines Must Estimate Costs to Support Alternative Route Analysis. Proposals for new transmission lines must estimate the capital and annual operating costs of each alternative route considered and explain why each alternative route was rejected. PSC (D2) COMAR 20.79.04.03.

Electrical Generation and Transmission Policy 4 – Maintain Safe Vertical Clearance of Power Lines Over Water. Utilities shall maintain the vertical clearances of overhead electric supply lines that cross water surfaces suitable for sailing. PSC (D2) COMAR 20.50.02.05(B).

Electrical Generation and Transmission Policy 5 – Minimize Adverse Impacts from Cooling Water Intake Structures. The location, design, construction, and capacity of cooling water intake structures shall reflect the best technology available for minimizing adverse environmental impact, specifically impingement and entrainment losses. MDE (D4) COMAR 26.08.03.05.

5.3.3. Tidal Shore Erosion Control

Tidal Shore Erosion Control Policy 1 – Use Materials to Match Function & Minimize Impacts. Structural erosion control measures that employ a jetty, groin, breakwater, or other offshore structure shall be designed to use materials that are of adequate size, weight, and strength to function as intended; free of protruding objects, debris, and contaminants; and selected to minimize impacts to water quality and plant, fish, and wildlife habitat. MDE (C1) COMAR 26.24.04.01-4.

Tidal Shore Erosion Control Policy 2 – Prohibition of Unsuitable Materials for Backfilling. Tidal shore erosion control projects shall not use backfill containing litter, refuse, junk, metal, tree stumps, logs, or other unsuitable materials. MDE (C1) COMAR 26.24.04.01-4.

Tidal Shore Erosion Control Policy 3 – Requirements for Beach Nourishment Projects. Beach nourishment projects shall meet the following requirements: The fill material grain size shall be equal to or greater in grain size and character to the existing beach material, or determined otherwise to be compatible with existing site conditions and acceptable to the Department; The fill material shall be relatively free of organic material, floating debris, or other objects; Silt and clay fills that change the sandy nature of the existing beach materials are not acceptable; Gravel fill may be acceptable, if particle sizes are equal to or greater than the existing beach materials; and Fill material shall be placed above the mean high water line before final grading to achieve the desired beach profile, unless site conditions prohibit the placement of fill material above the mean high water line and specific measures are designed to prevent material from washing away from the site. MDE (C1) COMAR 26.24.03.06D.

Tidal Shore Erosion Control Policy 4 – Nonstructural Shoreline Stabilization That Preserves The Natural Environment Is Required Unless Conditions Warrant Structural Stabilization. Improvements to protect property bounding on navigable water against erosion shall consist of nonstructural shoreline stabilization measures that preserve the natural environment, such as marsh creation, except in areas designated by Department of the Environment as appropriate for structural shoreline stabilization measures, including areas of excessive erosion, areas subject to heavy tides, and areas too narrow for effective use of nonstructural shoreline stabilization measures. MDE (C1) Md. Code Ann., Envir. § 16-201.

Tidal Shore Erosion Control 5 – Limited Encroachment into State Tidal Waters. Encroachment into State or private tidal wetlands for shore erosion control is limited to that which is structurally necessary and is verified by a design report. Bulkheads that encroach into tidal wetlands are prohibited unless the encroachment is three feet or less beyond the mean high water line and other nonstructural and structural shoreline stabilization measures have been considered and determined to be infeasible. MDE (C1) COMAR 26.24.04.01-4.

Tidal Shore Erosion Control Policy 6 – List of Shore Erosion Control Measures from Most to Least Consistent with State Policy. Tidal shore erosion control measures are listed below beginning with measures that are most consistent with State policy and ending with measures that are least consistent with State policy.

- No action and relocation of structures threatened by erosion
- Nonstructural shoreline stabilization that is dominated by tidal wetland vegetation, including a living shoreline
- Beach nourishment
- Breakwater

- Groin, jetty, or a similar structure
- Revetment
- Bulkhead

MDE (C1) COMAR 26.24.01.02; COMAR 26.24.04.01; COMAR 26.24.04.01-3.

Tidal Shore Erosion Control Policy 7 – Conditions Prohibiting Shore Erosion Control Projects. Tidal shore erosion control projects shall not occur when:

- There is no evidence of erosion;
- Existing State or private tidal wetlands are effectively preventing erosion;
- Adjacent properties may be adversely affected by the proposed project;
- Navigation may be adversely affected by the project and the applicant has not adequately offset these impacts;
- Threatened or endangered species, species in need of conservation, or significant historic or archaeological resources may be adversely affected by the project; or
- Natural oyster bars or private oyster leases may be adversely affected by the project.

MDE (C1) COMAR 26.24.04.01.

5.3.4 Oil and Natural Gas Facilities

Oil and Natural Gas Facilities Policy 1 – CFRA and Its Regulations Are An Overarching Policy for Oil and Gas Facilities. The Coastal Facilities Review Act (CFRA) and its implementing regulations, as approved by NOAA, serve as an overarching enforceable policy for oil and natural gas facilities.

Oil and Natural Gas Facilities Policy 2 – Detection & Control of Oil Spills. To detect and control oil spills, releases, and discharges, all private tank vessels transporting oil in the State must either be equipped with a cargo level monitoring system, have double hulls, have a plan for inspecting load lines approved by the Department of the Environment, or be accompanied by an all-weather escort vessel for the purpose of continuously checking for evidence of an oil discharge from the escorted tank vessel. MDE (A2) Md. Code Ann., Envir. § 4-405 (b)(1); COMAR 26.10.01.22B.

Oil and Natural Gas Facilities Policy 3 – Financial Capacity to Cover Potential Oil Spill Cleanup and Recovery. Through bond or other form of security, the owner and operator of a private tank vessel transporting more than 25 barrels of oil as cargo must be able to prove the financial ability to cover the cost of oil spill cleanup and recovery before entering waters of the State. MDE (A2) COMAR 26.10.01.23B-C.

Oil and Natural Gas Facilities Policy 4 – No Spills, Releases, or Discharges of Oil in Areas That May Enter State Waters. No person may pump, spill, release, discharge, throw, drain, deposit, or cause to be deposited oil, other matter containing oil, bilge or ballast water, or water from any receptacle containing oil in a manner by which oil may escape into, near, or in an area likely to pollute waters of the State. MDE (A2) Md. Code Ann., Envir. § 4-410(a); COMAR 26.10.01.04D(2).

Oil and Natural Gas Facilities Policy 5 – Aboveground Storage Sites Shall Prevent Oil from Polluting State Waters. Aboveground oil storage sites shall prevent movement of oil into the waters of the State. MDE (D1)COMAR 26.10.01.04D, 26.10.17.07D, 26.10.18.06C.

Oil and Natural Gas Facilities 6 – Oil Shall Not Be Stored within Tidal Waters or Within 100-Year Floodplain Unless Permitted. The installation, construction, or extension of a storage tank, storage tank system, oil storage facility, oil handling facility, or regulated substance storage facility within a special flood hazard area, a tidal or nontidal wetland, a nontidal wetland buffer, or a 100-year floodplain of free-flowing waters is prohibited without first obtaining a wetlands permit or providing an equivalent level of environmental protection. MDE (D1) COMAR 26.10.01.04E, 26.10.17.03E, 26.10.18.03E.

5.3.5 Dredging and Disposal of Dredged Material

Dredging and Disposal of Dredged Material Policy 1 – Dredging for Non-Water Dependent Projects is Discouraged. A person may not dredge for projects that are non-water-dependent unless there is no practicable alternative. MDE (A3) Md. Code Ann., Envir. § 5-907(a); COMAR 26.24.03.02D.

Dredging and Disposal of Dredged Material Policy 2 – Dredging Requires An Environmental Analysis and Is Generally Discouraged. Dredging for sand, gravel, or fill material, including material for beach nourishment, is prohibited unless an environmental analysis determines that there will be no adverse impact on the environment and no alternative material is available. MDE (A3) COMAR 26.24.03.02C.

Dredging and Disposal of Dredged Material Policy 3 – Dredging Shall Allow Flushing & Make Maximum Use of Existing Channels. Dredging of channels, canals, and boat basins shall be designed to provide adequate flushing and elimination of stagnant water pockets, and channel alignment shall make maximum use of natural or existing channels and bottom contours. MDE (B2) COMAR 26.24.03.02.

Dredging and Disposal of Dredged Material Policy 4 – Dredging Shall First Avoid & Then Minimize Habitat Impacts. The alignment of a channel shall first avoid and then minimize impacts to shellfish beds, submerged aquatic vegetation, and vegetated tidal wetlands. When feasible, the alignment shall be located the maximum distance feasible from shellfish beds, submerged aquatic vegetation, and other vegetated tidal wetlands. MDE (C6) COMAR 26.24.03.02.

Dredging and Disposal of Dredged Material Policy 5 – Dredging Time-of-Year Restrictions. Dredging is prohibited from February 15 through June 15 in areas where yellow perch have been documented to spawn and from March 1 through June 15 in areas where other important finfish species have been documented to spawn. MDE (A3) COMAR 26.24.02.06G.

Dredging and Disposal of Dredged Material Policy 6 – 500 –Yard Setback Restriction for Dredging Near Submerged Aquatic Vegetation (SAV). Dredging is prohibited within 500 yards of submerged aquatic vegetation from April 15 through October 15. MDE (A3) COMAR 26.24.02.06H.

Dredging and Disposal of Dredged Material Policy 7 – Restrictions on Mechanical & Hydraulic Dredging Near Shellfish Areas. Within 500 yards of shellfish areas, mechanical and hydraulic dredging is prohibited from June 1 through September 30 and mechanical dredging is also prohibited from December 16 through March 14. MDE (A3) COMAR 26.24.02.06E.

Dredging and Disposal of Dredged Material Policy 8 – Dredge Disposal Site Selection Criteria. New disposal sites for dredged material shall be selected based on the following hierarchy of criteria: (i) beneficial use and innovative reuse of dredged material; (ii) upland sites and other environmentally sound confined capacity; (iii) expansion of existing dredged material disposal capacity other than the Hart-Miller Island Dredged Material Containment Facility and areas collectively known as Pooles Island. MDE (A3) Md. Code Ann., Envir. § 5-1104.2(d).

Dredging and Disposal of Dredged Material Policy 9 – Dredge Material Disposal Facilities Shall Minimize Impacts. Disposal facilities for dredged material shall be designed to have the least impact on public safety, adjacent properties, and the environment. MDE (A3) COMAR 26.24.03.04A.

Dredging and Disposal of Dredged Material Policy 10 – Sediment & Erosion Control Plan Shall Be Developed & Approved Prior to Upland Dredge Disposal. Prior to disposing of dredged material on upland areas, a sediment and erosion control plan must be developed and approved by the local soil conservation district or the Department of the Environment and the methods for protecting water quality and quantity must be identified in detail. MDE (A3) COMAR 26.24.03.03B.

Dredging and Disposal of Dredged Material Policy 11 – Restrictions on Open Water Disposal of Dredge Material in Chesapeake Bay & Its Tributaries. A person may not redeposit in an unconfined manner dredged material into or onto any portion of the water or bottomland of the Chesapeake Bay or of

the tidewater portion of any of the Chesapeake Bay's tributaries except when the project is undertaken to restore islands or underwater grasses, stabilize eroding shorelines, or create or restore wetlands or fish and shellfish habitats. MDE (A3) Md. Code Ann., Envir. § 5-1101(a), 5-1102.

Dredging and Disposal of Dredged Material Policy 12 – No Open Water Disposal of Dredge Material in Deep Trough of Chesapeake Bay. A person may not redeposit in an unconfined manner dredged material into or onto any portion of the bottomlands or waters of the Chesapeake Bay known as the deep trough. MDE (A3) Md. Code Ann., Envir. §§ 5-1101(a), -1102.

Dredging and Disposal of Dredged Material Policy 13 – Restrictions on Open Water Disposal of Dredge Material from Baltimore Harbor. No material dredged from Baltimore Harbor shall be disposed of in an unconfined manner in the open water portion of Chesapeake Bay, or the tidal portions of its tributaries outside of Baltimore Harbor. MDE (A3) Md. Code Ann., Envir. § 5-1102(a).

5.3.6 Navigation

Navigation Policy 1 – Piers Are Preferred to Dredging in Providing Access to Deep Waters. Navigational access projects shall when possible be designed to use piers to reach deep waters rather than dredging. MDE (B2) COMAR 26.24.03.02.

Navigation Policy 2 – Central Access Channels with Short Spurs Are Preferred to Multiple Separate Channels. Navigational access channels to serve individual or small groups of riparian landowners shall be designed to prevent unnecessary channels**.** A central access channel with short spur channels shall be considered over separate access channels for each landowner. MDE (B2) COMAR 26.24.03.02.

Navigation Policy 3 – Channels Shall Minimize Impacts to Tidal Wetlands & Underwater Topography. Navigational access channels shall be designed to minimize alteration of tidal wetlands and underwater topography. MDE (B2) COMAR 26.24.03.02.

Navigation Policy 4 – New & Expanded Marinas, with a Preference Given to Expansion of Existing Facilities, Shall Be Located in Strongly Flushed Waters More Than 4.5 Feet Deep at Mean Low Tide & Not Adversely Impact Habitat. New or expanded facilities for the mooring, docking, or storing of more than ten vessels on tidal navigable waters shall be located on waters with strong flushing characteristics and may not be located in areas where the natural depth is 4.5 feet or less at mean low water, and any of the following will be adversely affected: aquatic vegetation, productive macroinvertebrate communities, shellfish beds, fish spawning or nursery areas, rare, threatened, or endangered species, species in need of conservation, or historic waterfowl staging areas. Expansion of existing facilities is favored over new development. MDE (A1) COMAR 26.24.04.03.

Navigation Policy 5 – Restrictions on Placement of Mooring Buoys. The location of buoys for the mooring of boats shall not be located in designated private or public shellfish areas, cable-crossing areas, navigational channels, in other places in where general navigation would be impeded or obstructed, or public ship anchorage. The location of mooring buoys should not obstruct the riparian access of adjacent property owners or hinder the orderly access to or use of the waterways by the general public. DNR (A1) COMAR 08.04.13.02.

Navigation Policy 6 – Noise Limit for Vessels on State Waters. Vessels operated on state waters should not exceed a noise level of 90dB(a). DNR (A1) COMAR 08.18.03.03.

5.3.7 Transportation

Transportation Policy 1 – Sustainability Analysis of Transportation Projects. The social, economic, and environmental effects of proposed transportation facilities projects must be identified and alternative courses of action must be considered. MDOT (D8) COMAR 11.01.06.02B.

Transportation Policy 2 – Public Engagement in Transportation Project Planning. The public must be involved throughout the process of planning transportation projects. MDOT (D8) Md. Code Ann., Transp. § 7-304(a); COMAR 11.01.06.02B.

Transportation Policy 3 – Projects Must Support Multi-Modal Transportation. Transportation development and improvement projects must support the integrated nature of the transportation system, including removing impediments to the free movement of individuals from one mode of transportation to another. MDOT (D8) Md. Code Ann., Transp. § 2-602.

Transportation Policy 4 – An Integrated Private-Public Regional Transportation System. Private transit facilities must be operated in such a manner as to supplement facilities owned or controlled by the State to provide a unified and coordinated regional transit system without unnecessary duplication or competing service. MDOT (D8) Md. Code Ann., Transp. § 7-102.1(b).

Transportation Policy 5 – Transportation Projects Must Consider the Needs of Bicyclists & Pedestrians. Access to and use of transportation facilities by pedestrians and bicycle riders must be enhanced by any transportation development or improvement project, and best engineering practices regarding the needs of bicycle riders and pedestrians shall be employed in all phases of transportation planning. MDOT (D8) Md. Code Ann., Transp. § 2-602.

5.3.8 Agriculture

Agriculture Policy 1 – Soil Conservation & Sediment Control to Protect Water Quality. Agricultural land management practices may not add, introduce, leak, spill, or otherwise emit soil or sediment into waters of the State unless a plan is being implemented on the property that is designed to conserve soil and protect water quality. MDA (C4) Md. Code Ann., Envir. § 4-213.

Agriculture Policy 2 – Use of Best Management Practices to Protect Non-Tidal Wetlands. A person conducting an agricultural activity shall implement best management practices to protect non-tidal wetlands. MDE (C3) COMAR 26.23.05.02.

Agriculture Policy 3 – Use of Best Management Practices at Animal Feeding Operations. Animal feeding operations shall use best management practices designed and approved by a local soil conservation district to limit livestock access to surface water. MDA (C4) COMAR 26.08.03.09.

Agriculture Policy 4 – Nutrient Management Shall Minimize Water Quality Impacts. An agricultural operation with $2500 a year in gross income or more than 8000 pounds of livestock that uses chemical fertilizers, sludge, or animal manure shall use these nutrients in a way that minimizes impacts on water quality. MDA (C4) Md. Code Ann., Agric. § 8-803.1.

Agriculture Policy 5 – Agricultural Drainage Projects Shall Provide Substantial Agricultural Benefits, Minimize Environmental Impacts, & Be Consistent with Soil Conservation Plans. Agricultural drainage projects shall provide substantial agricultural benefits, prevent direct over bank flow into the ditch, be truncated as far upstream as possible, minimize adverse environmental impacts, and implement and maintain approved soil conservation district conservation plans. MDE (C3) COMAR 26.17.04.11.

5.3.9 Development

Development Policy 1 – Sediment & Erosion Control. Any development shall be designed to minimize erosion and keep sediment onsite. MDE (C4) COMAR 26.17.01.08.

Development Policy 2 – Erosion and Sediment Control Plan. An erosion and sediment control plan is required for any grading activity that disturbs 5,000 square feet of land area and 100 cubic yards of earth

or more, except for agricultural land management practices and agricultural best management practices. MDE (C9) COMAR 26.17.01.05.

Development Policy 3 – Stormwater Management. Development or redevelopment of land for residential, commercial, industrial, or institutional use shall include stormwater management compliant with the Environmental Site Design sizing criteria, recharge volume, water quality volume, and channel protection storage volume criteria. MDE (C9) COMAR 26.17.02.01, -.06

Development Policy 4 – First Avoid then Minimize Wetland Impacts, Minimize Water Quality, Habitat & Forest Damage & Preserve Cultural Resources. Development must avoid and then minimize the alteration or impairment of tidal and non-tidal wetlands; minimize damage to water quality and natural habitats; minimize the cutting or clearing of trees and other woody plants; and preserve sites and structures of historical, archeological, and architectural significance and their appurtenances and environmental settings. MDE/DNR/CAC (D6) Md. Code Ann., Envir. §§ 4-402, 5-907(a), 16-102(b); Md. Code Ann., Nat. Res. §§ 5-1607(a), 8-1801(a); Md. Code Ann., Land Use § 8-102; COMAR 26.24.01.01(A).

Development Policy 5 – Proposed Development Projects Must Be Sited Where Adequate Water Supply, Sewerage and Solid Waste Services & Infrastructure Are Available. Any proposed development may only be located where the water supply system, sewerage system, or solid waste acceptance facility is adequate to serve the proposed construction, taking into account all existing and approved developments in the service area and any water supply system, sewerage system, or solid waste acceptance facility described in the application and will not overload any present facility for conveying, pumping, storing, or treating water, sewage, or solid waste. MDE (C9) Md. Code Ann., Envir. § 9-512.

Development Policy 6 – Proposed Construction Must Have Water and Wastewater Allocation or Provide Onsite Capacity. A proposed construction project must have an allocation of water and wastewater from the county whose facilities would be affected or, in the alternative, prove access to an acceptable well and on-site sewage disposal system. The water supply system, sewerage system, and solid waste acceptance facility on which the building or development would rely must be capable of handling the needs of the proposed project in addition to those of existing and approved developments. MDE (D6) Md. Code Ann., Envir. § 9-512.

Development Policy 7 – Structures Served by On-Site Water and Sewage Waste Disposal Systems Must Demonstrate Capacity Prior to Construction or Alteration. Any residence, commercial establishment, or other structure that is served or will be served by an on-site sewage disposal system or private water system must demonstrate that the system or systems are capable of treating and disposing the existing sewage flows and meeting the water demand and any reasonably foreseeable increase in sewage flows or water demand prior to construction or alteration of the residence, commercial establishment, or other structure. MDE (D6) COMAR 26.04.02.03F.

Development Policy 8 – Grading or Building in the Severn River Watershed Requires Approved Development Plan. Proponents of grading or building in the Severn River Watershed must create a development plan and have it approved by the soil conservation district. The plan shall include a strategy for controlling silt and erosion and must demonstrate that any septic or private sewer facility will not contribute to the pollution of the Severn River. MDE (D4) Md. Code Ann., Envir. § 4-308(a).

Development Policy 9 – Siting Requirements for Industrial Facilities. Industrial facilities must be sited and planned to ensure compatibility with other legitimate beneficial water uses, constraints imposed due to standards of air, noise and water quality, and provision or availability of adequate water supply and wastewater treatment facilities. MDE (D4) Md. Code Ann., Envir. §§ 2-102, 4-402, 9-224(b), 9-512(b); COMAR 26.02.03.02; COMAR 26.11.02.02B.

Development Policy 10 – Citizen Engagement in Planning & Development. Local citizens shall be active partners in planning and implementation of development. MDP (D6) Md. Code Ann., St. Fin. & Proc. §§ 5-7A-01 to -02.

Development Policy 11 – Protect Existing Community Character & Concentrate Growth. Development shall protect existing community character and be concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers. MDP (D6) Md. Code Ann., St. Fin. & Proc. §§ 5-7A-01 to -02.

Development Policy 12 – Site Development Near Available or Planned Transit. Development shall be located near available or planned transit options. MDP (D6) Md. Code Ann., St. Fin. & Proc. §§ 5 -7A-01 to -02.

Development Policy 13 – Design for Walkable, Mixed Use Communities. Whenever possible, communities shall be designed to be compact, contain a mixture of land uses, and be walkable. MDP (D6) Md. Code Ann., St. Fin. & Proc. §§ 5-7A-01 to -02.

Development Policy 14 – Communities Must Identify Adequate Water Supply, Stormwater & Wastewater Services & Infrastructure to Meet Existing & Future Development. To meet the needs of existing and future development, communities (geographically defined areas with shared interests, values, resources, and goals) must identify adequate drinking water and water resources and suitable receiving waters and land areas for stormwater management and wastewater treatment and disposal. MDE (D6) Md. Code Ann., Land Use § 3-106.

5.3.10 Sewage Treatment

Sewage Treatment Policy 1 – Protection of State Waters for Designated Uses. The quality of state waters shall be protected, maintained, and improved for public supplies, propagation of wildlife, fish and aquatic life, and domestic, agricultural, industrial, recreational, and other legitimate beneficial uses. MDE (D7) Md. Code Ann., Envir. §§ 4-402, 9-302(b), 9-323(a).

Sewage Treatment Policy 2 – Waste Must Be Treated Prior To Discharge to Protect Designated Uses. No waste shall be discharged into any waters of the State without first receiving necessary treatment or other corrective action to protect the legitimate beneficial uses of the State's waters. MDE (D7) Md. Code Ann., Envir. §§ 9-302(b), -323(a).

Sewage Treatment Policy 3 – Wastes May Not Be Disposed of in a Manner that Likely Creates a Nuisance or Causes Ground or Water Contamination. Sewage or sewage effluent, treated or non-treated, or industrial wastes may not be disposed of in any manner that is likely to create a nuisance or cause contamination of a potable water supply system, the waters of the State, or the ground surface. MDE (D7) COMAR 26.04.02.02.

Sewage Treatment Policy 4 – Waste May Not Be Discharged Into the Patuxent & Severn Rivers & Their Tributaries. A person may not discharge raw sewage or any other waste into the Patuxent River, the Severn River, or any of their tributaries. MDE (D7) Md. Code Ann., Envir. § 4-307.

Sewage Treatment Policy 5 – Sewage Sludge May Not Be Discharged Into the Chesapeake Bay, or the Bay's Tidewater Tributaries Within 5 Miles of Hart-Miller-Pleasure Island Chain. A person may not dump, deposit, scatter, or release sewage sludge by any means, including discharge from a sewer or pipe, into or onto any portion of the water or bottomland of the Chesapeake Bay or of the tidewater portions of any of the Chesapeake Bay's tributaries within 5 miles of the Hart-Miller-Pleasure Island chain in Baltimore County. MDE (D7) Md. Code Ann., Envir. § 5-1102(e).

Sewage Treatment Policy 6 – A Discharge Permit is Required Prior to Constructing, Altering or Operating a Sewage Treatment Facility. Before constructing, installing, modifying, extending, altering,

or operating a sewage treatment facility that could cause or increase the discharge of pollutants into the waters of the State, the proponent must hold a discharge permit issued by the Department of the Environment or provide an equivalent level of water quality protection. MDE (D7) Md. Code Ann., Envir. § 9-323(a).

Sewage Treatment Policy 7 – Water Quality Protection from On-Site Sewage Disposal Systems. Before attempting to construct or alter an on-site sewage disposal system or cause it to receive any increase in flow or change in the character of wastewater, the proponent must provide an equivalent level of water quality protection to that of a permit from the Department of the Environment. MDE (D7) COMAR 26.04.02.03.

Sewage Treatment Policy 8 – New Sewage Treatment Plants Shall Meet State Effluent Water Quality Standards. New sewage treatment plants shall be constructed so as to meet the State effluent water quality standards, including those for bacteriological values, dissolved oxygen, pH, and temperature conditions, which may require advanced waste treatment. MDE (D7) Md. Code Ann., Envir. § 4-303.

Sewage Treatment Policy 9 – At Least Secondary Treatment Is Required for Sewage Treatment Discharge Into Any State Waters. Secondary treatment is required as a minimum for sewage treatment works discharging into any waters of the State. MDE (D7) COMAR 26.08.04.04C.

Sewage Treatment Policy 10 – If Secondary Treatment Cannot Achieve Water Quality or Nutrient Control Requirements, Sewage Treatment Facilities Are Subject to Additional Restrictions. If compliance with the established water quality standards or nutrient control requirements cannot be achieved through secondary treatment for all sewage discharges within a specific river segment or water region, the sewage treatment facilities are subject to additional restrictions. MDE (D7) COMAR 26.08.01.02C.

Sewage Treatment Policy 11 – Advanced Waste Treatment is Required for Facilities Exceeding 1 Million Gallons Per Day Discharging into Water Quality Limited Waters & May Be Needed on Smaller Systems. Advanced waste treatment is required for all sewage treatment works with a design capacity exceeding 1 million gallons per day and discharging into water quality limited waters. Advanced waste treatment may also be required for smaller sewage treatment works where the Department of the Environment determines that this level of treatment is necessary. MDE (D7) COMAR 26.08.04.04C.

Sewage Treatment Policy 12 – Phosphorus Discharge Limits for Sewage Treatment Plants. An effluent limitation of 2 milligrams/liter total phosphorus is required for all facilities discharging more than: 500,000 gallons per day to the Chesapeake Bay and its tributaries above the Baltimore Harbor and 10 million gallons per day in the vicinity of Baltimore Harbor to the Bay Bridge. MDE (D7) COMAR 26.08.04.04C.

Sewage Treatment Policy 13 – Protection of Shellfish Harvest Areas. If discharging into shellfish harvesting waters, sewage treatment must be sufficient to protect shellfish harvesting, potentially requiring advanced waste treatment, and the treatment plant must have a bypass control system, including a minimum 24-hour emergency holding facility. MDE (D7) COMAR 26.08.04.04C.

Sewage Treatment Policy 14 – Requirements for Holding Tanks. Holding tanks shall be watertight and sized to hold at least 7 days of effluent. MDE (D7) COMAR 26.04.02.02L.

Sewage Treatment Policy 15 – Sewage System Compliance with County Plans. Sewerage systems must conform to the county plan or revision or amendment of the county plan. MDE (D7) Md. Code Ann., Envir. § 9-511.

Sewage Treatment Policy 16 – Safe Treatment or Disposal of Sewage Sludge. A sewage sludge utilizer that is engaged in treatment, composting, distribution, application on agricultural or marginal land, or marketing of sewage sludge shall ensure the sewage sludge meets applicable pathogen requirements for Class A or B sewage sludge. MDE (D7) COMAR 26.04.06.02, .12, .17, .32, .38, .42, .52.

Sewage Treatment Policy 17 – Sewage Sludge Utilization Must Ensure Protection of Public & the Environment. Sewage sludge utilization is prohibited if it cannot be done without causing an undue risk to the environment or public health, safety, or welfare or if the sewage sludge was generated in a state that does not apply sewage sludge to land. MDE (D7) Md. Code Ann., Envir. § 9-245; COMAR 26.04.06.01, .11, .74.

Sewage Treatment Policy 18 – Sewage Sludge Utilization Permit. Prior to utilizing sewage sludge in Maryland, a person shall obtain a sewage sludge utilization permit from the Maryland Department of the Environment or provide an equivalent level of environmental protection. MDE (D7) Md. Code Ann., Envir. § 9-231.

Sewage Treatment Policy 19 – A Sewage Sludge User May Not Interfere with State or Local Inspections at a Utilization Site. A sewage sludge utilizer may not interfere with any inspection of a sewage sludge utilization site, including prohibiting access to any representative of the Department of the Environment, to a local health official, or to the local health official, or to the local health official's designee who requests access to perform any activities to determine compliance with the applicable permit, authorization, approvals, and regulations. MDE (D7) Md. Code Ann., Envir.§ 9-243; COMAR 26.04.06.04.

Sewage Treatment Policy 20 – Sewage Sludge Composting or Storage Facilities Must Meet Local Zoning Requirements. Sewage sludge composting or storage facilities must meet all zoning and land use requirements of the county in which the facility is to be located. MDE (D7) Md. Code Ann., Envir. § 9-233.

Sewage Treatment Policy 21 – Public Engagement in Siting of a Sewage Sludge Storage or Distribution Facility. The public shall be given an opportunity to present its views prior to any final decision being made on the siting of sewage sludge or a sewage sludge storage or distribution facility. MDE (D7) Md. Conde Ann. Envir. §§ 9-234, -234.1, -238(c); COMAR 26.04.06.14.

Sewage Treatment Policy 22 – Limits on the Use of On-Site Sewage Disposal Systems. On-site sewage disposal systems are prohibited:

- If they may pollute well water supplies, water supply reservoirs, shellfish growing waters, bathing beaches, lakes, or tidewater areas, including within 25 feet of drainage ways, flood plain soils, gullies, rock outcroppings, or slopes in excess of 25 percent;
- 50 feet from water well systems in confined aquifers;
- 100 feet from springs, water well systems in unconfined aquifers, water bodies not serving as potable water supplies, sinkholes underlain by karst topography, and a stream bank that is further than 3,000 feet upstream of an intake for a potable water supply; and
- 200 feet from a stream bank that is closer than 3,000 feet upstream of such an intake.

MDE (D7) COMAR 26.04.02.03; COMAR 26.04.02.04.

Sewage Treatment Policy 23 – Facilities capable of berthing vessels 22 feet or larger with more than 10 slips must have a wastewater collection and treatment system and an on‑site pump‑out station adequate to handle existing and increased flow and increased sewage capacity, respectively. MDE (D7) Md. Code Ann., Env. § 9‑333.

Sewage Treatment Policy 24 – A vessel 65 feet in length and under with an installed toilet shall have a Type I, II, or III marine sanitation device. A vessel over 65 feet in length with an installed toilet shall have a Type II or III marine sanitation device. While in Maryland waters, all means of overboard discharge from a vessel with a Type III marine sanitation device must be blocked or secured so as to prevent discharge.

Marine Sanitation Devices:

- A Type I marine sanitation device produces an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids.
- A Type II marine sanitation device produces an effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter.
- A Type III marine sanitation device does not discharge effluent.

DNR/MDE (A1) Md. Code Ann., Natural Res. § 8‑741.