

Maryland Dam Safety

Big Changes to Small Ponds

ASDSO 22, Baltimore, Maryland

20 September 2022

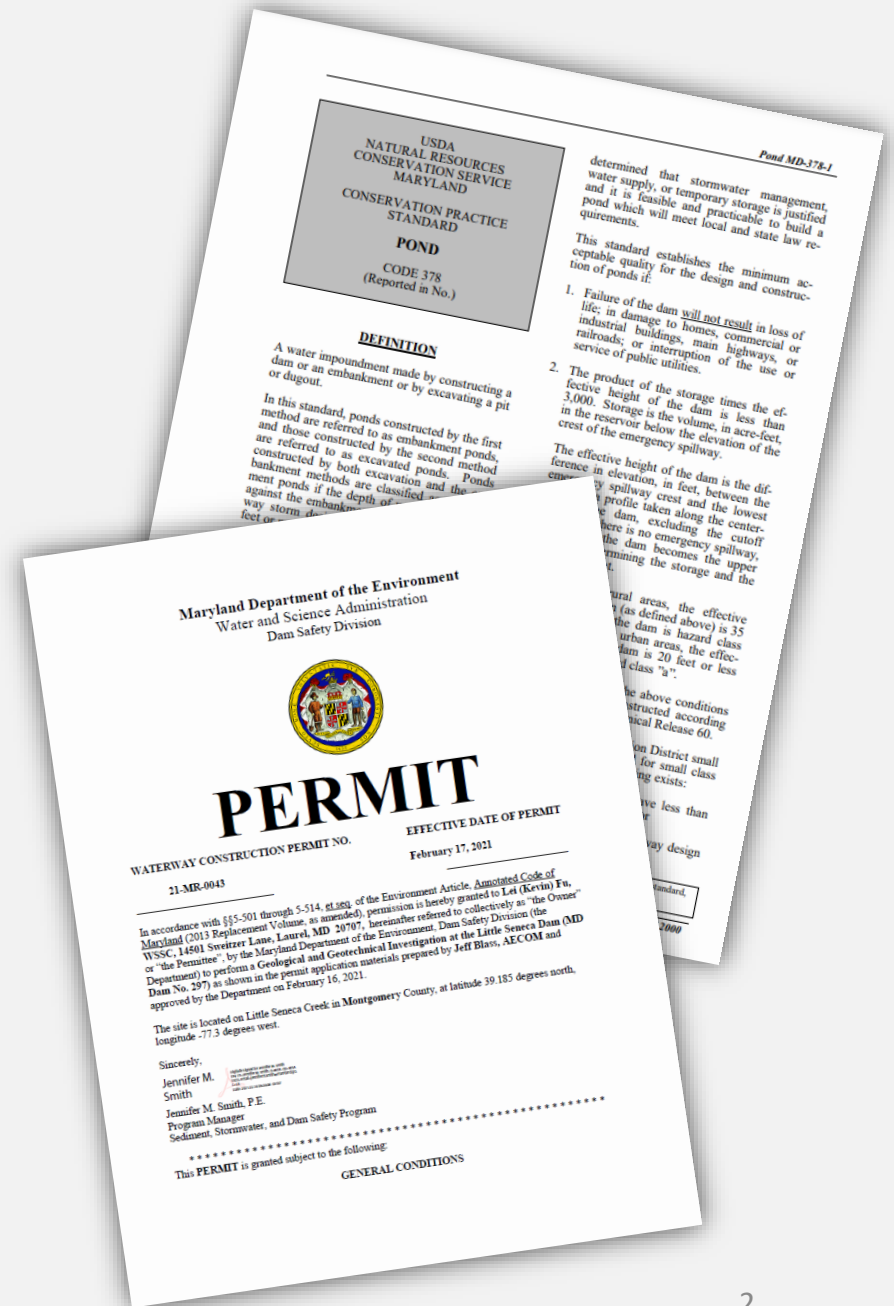
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Maryland
Department of
the Environment

Background

- In the state of Maryland, a dam safety permit issued by MDE is required in order to construct, reconstruct, or repair any reservoir, dam, or waterway obstruction.
- Certain small ponds may be exempt from the requirement to obtain a permit if small pond approval is issued by the appropriate SCD or the Department's designee.
- The plans must be reviewed for technical compliance in accordance with the Code of Maryland Regulations (COMAR) Title 26.17.04.05, Natural Resources Conservation Service (NRCS) MD-378 Standards and Specifications for Ponds ("MD-378 Standards"), and MDE's policies and procedures (as published on the MDE Dam Safety website)



Background

- Over time, SCDs have lost professional engineering staff capable of performing small pond reviews
 - NRCS engineers stepped in to provide assistance
- January 2021, NRCS-MD issues Bulletin 210-21-01
 - NRCS no longer provides technical review for SWM designs
 - Removes delegated Job Approval Authority
 - Existing MOUs with Districts nullified
 - Effective January 1, 2022
- Small Pond Approvals must be completed by MDE where SCDs lack MOUs or professional engineers
- Created significant disruption at all levels





Big Changes to Small Ponds

WHERE DO WE STAND?

Learning, Listening, Outreach

- What could MDE do to better support SCDs in absence of NRCS?
 - Reinforced need for revised, clear guidance for designers and applicants
 - Introduced need for more MDE involvement/understanding with how each District works
 - MD378 and other technical guidance is in need of update
 - Districts and design community need technical support
- Engaged with SCDs, MASCD, MDOT SHA, DNR, NRCS, MDE OAG over past year to determine best path forward



Learning, Listening, Outreach

- Final Small Pond Approval Policy (August 2022):
 - Equivalent to Regulation
 - Affirms MDEs support of SCDs to approve small ponds
 - Lays out expectations for qualifications of technical reviewers and approvers that is meant to equal the qualifications of NRCS staff who previously performed these reviews
 - Sets up a framework for SCDs to bring in 3rd parties to support review
 - Discusses the new cold water review process
 - Restates many existing COMAR requirements (e.g., Pond Summary Sheet submissions)
 - Opens door for application of Policy Memos as stopgap for MD378 update
- Sent to SCDs on August 19th, sent to email list Sept. 8th
- Planned to go into effect January 1, 2023



What's New

- SCD will designate Technical Reviewer (staff, MOU, 3rd party)
 - Technical Reviewer will sign “Technical Review Affidavit” once satisfied with design
- All designs must incorporate MDE Policies (incl. Dam Breach Guidance)
- Ponds in Cold Water areas must employ practices set forth in MDE Guidance
 - Or require MDE permitting
- Design Review Checklist (draft)
- New Pond Summary Sheet
- Template Pond Approval Document with conditions and O&M Plan
- As-Built Submission Checklist
- Project Completion and As-Built Submission Affidavit (for Engineer)



Plan Rollout

- Information will be posted on MDE Website
- Plan to record this presentation and post online
- Plan for 2 more outreach / Q&A sessions this fall
- Accept feedback and adjust as necessary



Plan Rollout

– What are “MDE Policies and Procedures”?

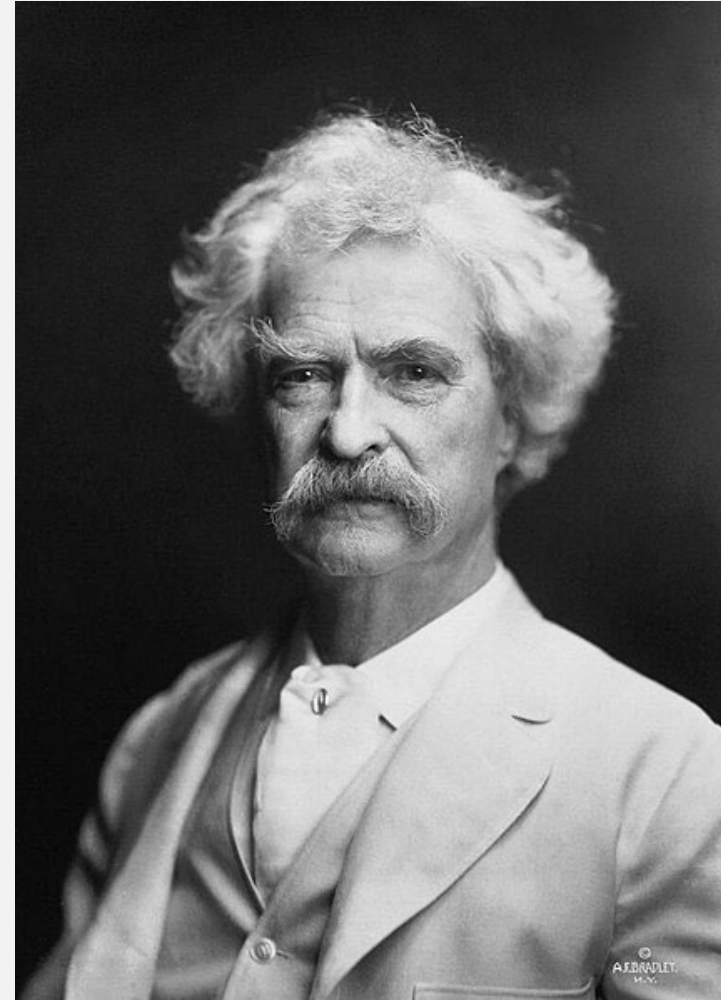
- 2018 Dam Breach Guidance
- Small Pond Approval Policy
- Cold Water Design Guidance
- Trees and Woody Vegetation
- Road Embankments with Culverts
- Steep Slopes
- Small Impoundments
- Superwide Road Embankments
- Dam Decommissioning

- Impoundment Filling Plans
- Smart Pond Technology
- Storage Tanks
- Utilities in Dams
- Activities Not Requiring Permits
- Riser and Trash Rack Design
- Excavated Ponds
- Cutoff Trenches
- Best Practices for Construction
- Geosynthetics
- Storm Drain Ponds



“Continuous
improvement is
better than
delayed
perfection”

Samuel Clemens (Mark Twain)



A portrait of the American writer Mark Twain taken by A. F. Bradley in New York, 1907
Source: [Wikipedia Public Domain](#)



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QUESTIONS

Required Plugs

- Visit our website:
 - mde.maryland.gov/DamSafety
 - Check out our unofficial YouTube channel “Maintain or Drain”
- Association of State Dam Safety Officials
 - Damsafety.org
 - Training, Resources, State and National Advocacy



Association of State
Dam Safety Officials



Thank You

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