

# SENATE BILL 117

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment)**

Introduced and read first time: January 18, 2012

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 14, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – Water Appropriation Permits – Construction Dewatering**  
3 **Projects**

4 FOR the purpose of authorizing the Department of the Environment to waive the  
5 notice and hearing requirements for water appropriation or use permit  
6 applications for construction dewatering projects; making certain stylistic  
7 changes; and generally relating to water appropriation or use permits for  
8 construction dewatering projects.

9 BY repealing and reenacting, with amendments,  
10 Article – Environment  
11 Section 5–506  
12 Annotated Code of Maryland  
13 (2007 Replacement Volume and 2011 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Environment**

17 5–506.

18 (a) Upon application for a permit under this subtitle, and except as otherwise  
19 provided in this section, the procedures in § 5–204 of this title shall apply.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           (b) Under the following conditions, the Department may waive the notice  
2 requirements and the holding of a public informational hearing on a permit  
3 application:

4           (1) If there is an emergency or a request to make minor repairs, the  
5 Department, upon written or oral application, may grant an application to repair any  
6 reservoir, dam, or waterway obstruction without notice or hearing. Repair necessary to  
7 save life or property may be made without an application, but notice shall be given  
8 promptly to the Department;

9           (2) If plans of other projects which conform to water resources  
10 development plans accepted and adopted by the Department were subject to public  
11 hearing, and the Department's review finds no changed conditions in them since the  
12 last public review and comment to justify another hearing;

13           (3) If temporary structures constructed to provide access across  
14 streams during construction operations or to trap sediment or achieve another similar  
15 purpose meet minimum design standards the Department establishes, and are  
16 removed completely, in a manner acceptable to the Department, within 6 months after  
17 need for the structure is terminated;

18           (4) If the requested waterway construction permit is for temporary  
19 excavation, filling, or grading for the installation of utilities which meet minimum  
20 design standards acceptable to the Department and preconstruction contours which  
21 are to be reestablished upon installation of the utility;

22           (5) If the requested waterway construction permit is for clearing and  
23 grading activities disturbing less than 5,000 square feet of land area and disturbing  
24 less than 100 cubic yards of earth; or

25           (6) If the requested waterway construction permit is for livestock  
26 crossing of a stream.

27           (c) If contiguous property owners and interested persons who receive  
28 periodic reports are notified under § 5-204 of this title, the Department may waive the  
29 notice requirements of this section and the holding of a public informational hearing  
30 on a permit application for roads, bridges, or culverts if they meet minimum design  
31 standards acceptable to the Department and construction does not adversely affect  
32 known water resources projects.

33           (d) The Department shall waive notice requirements and the holding of a  
34 public hearing if the requested appropriation or use of waters of the State is for an  
35 agricultural use in effect prior to July 1, 1993.

36           (e) Notwithstanding any other requirement of this section:

1 (1) The Department may waive the notice **AND HEARING**  
2 requirements of this section [and the holding of a hearing] if the [requested]  
3 appropriation [or use of waters of the State] **REQUESTED** is for [an]:

4 (I) **AN** average annual water use of 10,000 gallons per day or  
5 less; **OR**

6 (II) **A CONSTRUCTION DEWATERING PROJECT**; and

7 (2) The Department may waive the holding of a public informational  
8 hearing if the requested appropriation or use of waters of the State is greater than an  
9 average annual water use of 10,000 gallons per day but less than an average annual  
10 water use of 50,000 gallons per day.

11 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall take effect  
12 October 1, 2012.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.