

# Baltimore County Soil Conservation District

## SMALL POND APPROVAL

APPROVAL NO.

EFFECTIVE DATE

\_\_\_\_\_

\_\_\_\_\_

In accordance with §§5-501 through 5-514, et seq. of the Environment Article, Annotated Code of Maryland (2013 Replacement Volume, as amended), permission is hereby granted to \_\_\_\_\_, hereinafter referred to collectively as “the Owner”, by the Baltimore County Soil Conservation District to Construct \_\_\_\_\_ [Project, Pond #] as shown on sheets \_\_\_\_ through \_\_\_\_ on plans prepared by \_\_\_\_\_ [EIC name and Company] and approved by the Baltimore County Department of Environmental Protection and Sustainability on \_\_\_\_\_.

The site is located near \_\_\_\_\_ (Road, intersection, stream, etc.) in Baltimore County, at latitude \_\_\_\_\_ degrees north, longitude \_\_\_\_\_ degrees west.

Sincerely,

\_\_\_\_\_  
**Baltimore County SCD Authorized Representative**

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This **SMALL POND APPROVAL** is granted subject to the following:

### GENERAL CONDITIONS

1. This Approval is valid only for use by the Owner. Permission to transfer the Approval must be obtained from the Department in writing.
2. This Approval is issued based on this structure being classified as a low hazard dam that meets the permit exemption requirements of §§5-503(b) of the Environment Article. Downstream development within the dam break flood zone may cause a change in the hazard classification and may require safety modifications to the structure and submittal of an Emergency Action Plan.

3. This Approval shall become null and void if the construction authorized herein has not begun within two (2) years from the date of this Approval, or if the construction authorized herein has not been completed within five (5) years from the date of this Approval. After construction has been completed, the Operation and Maintenance Conditions shall remain in effect.

4. This Approval is subject to all laws and regulations now in effect and may be revoked if it becomes at variance with the laws of the State, or if the Owner fails to comply with the conditions of this Approval.

5. If future repairs, additions, or modifications other than routine maintenance (as defined in Small Pond Policy Memo #11) must be made to the structure following completion of construction, a separate Approval must be obtained.

6. The Owner shall notify the Baltimore County DEPS, SWM department at least five (5) days prior to commencement of construction and no later than five (5) days following completion of construction at 410-887-3768.

7. This Approval does not preclude the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.

## **CONSTRUCTION CONDITIONS**

8. The Owner is responsible for implementing all required erosion and sediment controls as approved by the Baltimore County Soil Conservation District. The approved erosion and sediment control plan shall be maintained at the construction site for reference during the construction period. The Owner is responsible for implementing the erosion and sediment control plan.

9. The bed and banks of the waterway shall be disturbed as little as possible. Following initial soil disturbance or redisturbance, permanent or temporary stabilization is required within three (3) calendar days as to the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes steeper than 3 horizontal to 1 vertical (3:1); and seven (7) calendar days as to all other disturbed areas on the project site except for those areas under active grading. Should construction be interrupted or delayed for more than seven (7) days, the Owner, as directed by the Department, shall implement temporary measures to prevent soil erosion during that period. All erosion and sediment control practices during construction shall be in accordance with the 2011 Maryland Standards and Specifications for Erosion and Sediment Control or an approved equivalent. The discharge of untreated sediment laden waters is strictly prohibited.

10. Instream construction in Use I waters is prohibited between the dates of March 1st and June 15th, inclusive, of each calendar year.

11. Instream construction in Use II waters is prohibited between the following dates of each calendar year:

SAV Closure: 4/15 to 9/15 or 4/15 to 10/15

Ruppia Closure: 4/15 to 10/14

Fish Closure: 2/15 to 6/15 or 3/1 to 6/15

Oysters Closure: 12/15 to 3/31 or 6/1 to 9/30 for spat

Turtles Closure: 2/16 to 9/30

Historic Waterfowl Closure: 11/15 to 3/1

12. Instream construction in Use III waters is prohibited between the dates of October 1st and April 30th, inclusive, of each calendar year.

13. Instream construction in Use IV waters is prohibited between the dates of March 1st and May 31st, inclusive, of each calendar year.

14. Motor driven construction equipment is allowed to be used within the stream channel only for that work that is authorized by this Approval and located within the project right-of-way. Spoil material/debris shall be disposed of outside the floodplain. Any temporary excavation or filling within the stream channel or floodplain shall be restored to the elevation existing prior to construction unless the Baltimore County DEPS, SWM department requires otherwise.

15. Construction activities, operation, and maintenance shall be carried out in strict accordance with Code of Maryland Regulations (COMAR) 26.17.04.05 and this Approval. The location, dimensions and type of all structures, excavation, or filling is to be in strict accordance with the Approved Plans and specifications unless written approval for any changes is granted by the Baltimore County DEPS, SWM department. If any changes to the Approved Plans are found to be necessary, they shall be submitted to the Baltimore County DEPS, SWM department for approval prior to ordering the execution of such change.

16. A person (including Owner, its employees, agents or contractors) who violates or fails to comply with the terms and conditions of this Approval, Approved Plans or an administrative order may be subject to penalties in accordance with §5-514 and §5-911, Environment Article, Annotated Code of Maryland (2013 Replacement Volume, as amended).

17. A copy of the Approved Plans and this Approval shall be kept at all times at the construction site for reference during the construction period.

18. If the Owner, its employees, agents or contractors fail to comply with this Approval or Approved Plans, the Baltimore County DEPS, SWM department may, in its discretion refer the case to the Maryland Department of the Environment (The Department) Dam Safety program to issue an administrative order requiring Owner, its employees, agents and contractors to cease and desist any activities that violate this Approval, or the Department may take any other enforcement action available to it by law, including filing civil or criminal charges.

19. This Approval may be suspended or revoked by the Department for cause, including violation of Approval conditions, obtaining an Approval by misrepresentation, failing to disclose a relevant or material fact, or change in conditions. The Department shall notify the violator in writing and provide an opportunity for a hearing, if the Owner: (a) submits false or inaccurate information in the Approval application or subsequently required submittals; (b) deviates from the Approved Plans, specifications, terms and conditions; (c) violates, or is about to violate terms and conditions of this Approval; (d) violates, or is about to violate, any regulation promulgated pursuant to Title 5, Department of the Environment Article, Annotated Code of Maryland as amended; (e) fails to allow authorized representatives of the Department to enter the site of authorized activities at any reasonable time to conduct inspections and evaluations; (f) fails to comply with the requirements of an administrative action or order issued by the Department; or (g) does not have vested rights under this Approval and new information, changes in site conditions, or amended regulatory requirements necessitate revocation or suspension.

20. Overall design of the project has been under the supervision of \_\_\_\_\_ [EIC Name] (Maryland PE Registration No. \_\_\_\_\_), \_\_\_\_\_ [EIC Company], hereinafter referred to as Engineer-In-Charge (EIC). The EIC may not be changed without written approval from the Baltimore County DEPS, SWM department. Construction shall be under the supervision of the EIC, who shall notify the Baltimore County DEPS, SWM department upon the commencement of construction activities and thereafter maintain a record of the results of all field and

laboratory material testing, delivery tickets for materials, shop drawings, and several representative digital photographs of the work.

21. The EIC or their representative shall be present and document their findings during all phases of construction including, but not limited to: a) site preparation, b) cutoff trench installation, c) spillway construction, d) embankment construction, and e) upon completion of construction.

22. Within sixty (60) days following substantial completion of construction, the EIC shall submit the documentation described in the above conditions, "As-Built" drawings, and a completed "Project Completion Report" (Form 1) to the Baltimore County DEPS, SWM department. The "As-Built" drawings shall include the contract drawings annotated with all changes in elevation, location, quantity, material specification, and any supplemental drawings issued during the construction period. All submittals shall be electronic. Special attention shall be directed toward documenting the foundation conditions encountered during construction. Where "... or equal" substitutions are made, the As-Built plans shall reflect these installed items.

## **OPERATION AND MAINTENANCE CONDITIONS**

23. The Owner and any heirs, successors, or assigns are responsible for the safety of the dam and the continued operation, surveillance, inspections, and maintenance in accordance with the conditions described herein. The Owner shall promptly notify the Baltimore County DEPS, SWM department and the Department of significant changes in conditions.

24. In accepting the Approval, permission is hereby granted to representatives of the Baltimore County DEPS, SWM department and the Department to enter in or upon the subject premises at any reasonable time for the purpose of conducting inspections pursuant to the provisions of Title 5 of the Environment Article, Annotated Code of Maryland, as amended.

25. The dam shall be operated in accordance with the approved Operation and Maintenance Guidelines appended to this Small Pond Approval.

26. If the dam is not operated or maintained in full compliance with this Approval, the Owner shall repair all or any part of the structure at his sole cost and expense, as directed by the Baltimore County DEPS, SWM department or the Department.

27. Inspections of the facility shall be made by the Owner and/or qualified engineer on a triennial basis. Records of each inspection shall be maintained by the Owner. Triennial inspection reports shall be submitted to the Department within sixty (60) days of each inspection. Extensions may be granted under extenuating circumstances. At a minimum, annual inspection reports shall include a dam inspection checklist (Form 2), photographs of the dam, overall assessment of the condition of the dam and appurtenant works, a review of the downstream danger reach to determine if any new structures exist, etc.

28. Inspections of the facility will also be made during and after storms with significant runoff, by the Owner, to uncover any structural or operational problems. These inspections will include checking of the reservoir pool, spillway and conduit, to assure that they are free of any restricting debris. Records of these inspections shall be maintained by the Owner and submitted to the Department with the triennial inspection report.

29. Maintenance work such as the removal of all new tree growth and mowing of the dam will be scheduled as determined necessary during the Owner's inspections. Mowing of the dam shall be accomplished at least twice each year by the Owner. Any emergency maintenance will also be accomplished by the Owner.

30. The Owner agrees not to plant or allow the growth of any trees or woody vegetation on or around the dam. The growth of this vegetation shall be removed by the Owner.

31. The costs of the inspection, regular maintenance and emergency repairs will be accomplished by the Owner as warranted or at the direction of the Baltimore County DEPS, SWM department or the Department.