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December 3, 2019

POLICY MEMORANDUM #01-2019

TO: All Engineers, Developers, Owners and Regulatory Entities

THRU: Steven E. Darcey, CPESC
Executive Director

FROM: John B. Tarr, P.E. 
Chief Engineer

RE: Excavated/Partially Excavated Impoundment Facilities Adjacent to Steep Slopes

The Maryland Department of the Environment (MDE) Dam Safety Division issued Policy Memorandum #3, Excavated or Partially Excavated Impoundments Adjacent to Steep Slopes on May 23, 2019. Following is further guidance regarding its implementation locally.

Steep slopes are hereinafter defined as any topographical mapping unit with a longitudinal cross slope of 15% or greater, as is currently defined in the Prince George's Soil Conservation District, Soil Erosion and Sediment Control – Pond Safety Reference Manual.

- I. Facilities exempt by definition from small pond approval, per Section II (G).4.a. – Preliminary Pond Exemptions of the Pond Safety Reference Manual, may be required to meet the updated setback requirement, on a case by case basis, when located adjacent to steep slopes.
- II. Restating existing District policy, Submerged Gravel Wetlands are to be evaluated as impoundment structures (ponds), and an appropriate exemption applied for with the project's initial application. They shall be designed and constructed as permanent stormwater management practices meeting the dictates of USDA-NRCS MD Code 378 (MD Code 378) where an appropriate exemption criterion cannot be met. They are also required to meet the updated setback requirements when located adjacent to steep slopes. Any determination of the height of embankment shall begin at the top of dam to the bottom of the gravel media or to the lowest point of excavation, (normally bottom of pipe spillway), excluding the cutoff trench along the centerline of the dam.

While not required to meet all conditions of MD Code 378, facilities that meet exemption approval requirements shall conform to the minimum design and construction criteria per Section II (G).5. of the Pond Safety Reference Manual. Sound engineering judgment, and appropriate supporting analysis, is required for all impoundment designs.

Please contact the District at 301.574.5162 EXT. 3 should you have questions or require additional information.