




February 14, 2021

**POLICY MEMORANDUM #02-2021**

TO: All Consultants, Developers, Regulatory Agencies and Others

THRU: Steven E. Darcey, CPESC  
Executive Director

FROM: John B. Tarr, P.E.   
Chief Engineer/Program Manager

SUBJECT: Approval Requirements for Ponds in Use III Watersheds

***Policy Statement***

It is the policy of the Prince George's Soil Conservation District that an appropriate approval from the Maryland Department of the Environment (MDE) of certain small ponds located in Use Class III watersheds is required prior to District approval of development documents.

***Background***

Pursuant to COMAR 26.17.04.05 G:

“... ponds which are to be located in natural trout waters [Use Class III watersheds] or those which are temporary and which are intended solely to trap sediment during construction operations ...” are required to seek an appropriate permit from MDE. “The following shall apply to the approval of all ponds pursuant to Environment Article, §5-503(b), Annotated Code of Maryland.”

Pursuant to COMAR 26.17.04.05 G (1):

“The plans and specifications shall be reviewed for technical compliance with the requirements in USDA, Natural Resource Conservation Service, Maryland Conservation Practice, Standard Pond Code 378 (January, 2000), which is incorporated by reference in COMAR 26.17.02.01-1B(2).”

***Where this Policy Applies***

This policy shall apply to all small ponds located in Use Class III watersheds.

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Practices exempt from small pond approvals under USDA-NRCS MD Code 378 are excluded – under 4 ft. of embankment, or under 40,000cf of storage and 6 ft. of embankment.

Areas designated as Use III watersheds shall be pursuant to COMAR 26.08.02.08 and MDE's *Designated Use Classes for Maryland's Surface Waters*, and/or as updated. This requirement is effective immediately and retroactive to all projects currently in review.

***Additional Information***

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