

26.20.21

Maryland proposes a new COMAR subsection 26.20.21.01–1:

.01–1 Incorporation by Reference

The U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 60 (210–VI–TR60, October, 1985), “Earth Dams and Reservoirs,” Technical Release No. 60 (TR–60) is incorporated by reference.

26.20.21.08

Maryland proposes several changes to COMAR subsection 26.20.21.08. First, Maryland proposes changes to subsection 26.20.21.08A, which lists the general requirements for impoundments. Under the current regulations, the first requirement is that impoundments be designed and constructed to ensure:

(1) Compliance with USDA, Soil Conservation Service, Standards and Specifications for Ponds (Code 378), July, 1981, as incorporated by reference in COMAR 26.17.05.05B(3), if impoundments do not meet the size or other criteria of 30 CFR § 77.216(a) and are located where failure would not be expected to cause loss of life or serious property damage;”

If we approve the proposed changes, COMAR 26.20.21.08A(1) would read as follows:

(1) Compliance with USDA, Natural Resources Conservation Service, Maryland Conservation Practice, Standard Pond 378 (January 2000), as incorporated by reference in COMAR 26.17.02.01–1B(2).

Maryland also proposes to change the second requirement of subsection A. The current requirement reads as follows:

(2) Compliance with requirements of COMAR 26.17.05.05 if the embankment is more than 15 feet in height as measured from the upstream toe of the embankment to the crest of the emergency spillway;

Maryland proposes changing the reference to COMAR 26.17.05.05 to COMAR 26.17.04.05.

A new subsection (3) is also proposed:

(3) Impoundments meeting the Class (b) or (c) criteria for dams in Earth Dams and Reservoirs, TR–60 shall comply with “Minimum Emergency Spillway Hydrologic Criteria” table in TR–60 and the requirements of this regulation;”

Should we approve the proposed changes, the current requirements (3)–(15) would therefore be changed to (4)–(16), respectively, but would otherwise remain unchanged.

Second, Maryland proposes changes to subsection B of COMAR section 26.20.21.08, which addresses the stability of impoundments. COMAR section 26.20.21.08B(1) currently requires that:

(1) Impoundments meeting the size or other criteria of 30 CFR 77.216(a), located

where failure would be expected to cause loss of life or serious property damage, or a coal mine waste impounding structure, shall have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions and a seismic safety factor of at least 1.2.

If we approve Maryland’s proposed changes, the above language would read:

(1) Impoundments meeting the Class (b) or (c) criteria for dams contained in “Earth Dams and Reservoirs”, TR–60 or the size or other criteria of 30 CFR 77.216(a) shall have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions and a seismic safety factor of at least 1.2.

COMAR section 26.20.21.08B(2) currently requires that:

(2) Except for coal mine waste impounding structures and impoundments located where failure would be expected to cause loss of life or serious property damage, impoundments not meeting the size or other criteria of 30 CFR 77.216(a) shall be constructed to achieve a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions.

Should we approve the proposed changes, section 26.20.21.08B(2) would read:

(2) Impoundments not included in § B(1) of this regulation, except for coal mine waste impounding structures shall be constructed to achieve a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions.

No changes are proposed for subsections (3)–(5) of section 26.20.21.08B.

Maryland also proposes to add a new COMAR section 26.20.21.08C. The proposed subsection is quoted below:

C. Freeboard.

(1) Impoundments shall have adequate freeboard to resist overtopping by waves and sudden increases in storage volume.

(2) Impoundments meeting the Class (b) or (c) criteria for dams in “Earth Dams and Reservoirs”, TR–60 shall comply with the freeboard hydrograph criteria in “Minimum Emergency Spillway Hydrologic Criteria” table in TR–60.

Should we approve the proposed amendments, the current subsections C and D would therefore become subsections D and E, respectively, and further amended as follows. The current subsection C(2) now reads:

(2) For an impoundment meeting the size or other criteria of 30 CFR 77.216(a), foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability.

If we approve the proposed changes, subsection C(2) would become D(2) and read:

(2) For an impoundment meeting the Class (b) or (c) criteria for dams contained in “Earth Dams and Reservoirs”, TR–60 or the size or other criteria of 30 CFR 77.216(a), foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability.

Finally, Maryland proposes changes to COMAR 26.20.21.08D. As noted above, the proposed addition of a new subsection C would change the current subsection D to E should we approve the proposed changes. Further, the State proposes changes to the current subsection D(3). Currently subsection D(3) contains subsections (a) and (b), which contain the required design precipitation event for impoundments meeting the spillway requirements of the section. The State proposes to add a new subsection D(3)(c):

(c) For impoundments meeting the Class (b) or (c) criteria for dams in “Earth Dams and Reservoirs”, TR–60, in accordance with the emergency spillway hydrograph criteria in the “Minimum Emergency Spillway Hydrologic Criteria” table in TR–60, or larger event specified by the Department.

Because a new subsection D(3)(c) is proposed, the State proposes to change subsection D(3)(b) by removing the period at the end of the sentence and adding a semicolon followed by the word “or.” If we approve the proposed changes, subsections E through I would be changed to F through J, respectively, but would otherwise remain unchanged.

26.20.21.09

Maryland proposes changes to COMAR 26.20.21.09D, which relates to the examination of impoundments. Subsection D(1) currently states:

(1) Impoundments subject to 30 CFR 77.216 shall be examined in accordance with 30 CFR 77.21–3. Other impoundments shall be examined at least quarterly by a qualified person for appearance of structural weakness and other hazardous conditions.

If we approve the proposed changes, COMAR section 26.20.21.09D(1) will read:

(1) Impoundments meeting the Class (b) or (c) criteria for dams in “Earth Dams and Reservoirs”, TR–60 or the size or other criteria of 30 CFR 77.216 shall be examined in accordance with 30 CFR 77.216–3. Other impoundments not meeting the Class (b) or (c) criteria for dams in “Earth Dams and Reservoirs”, TR–60 or subject to 30 CFR 77.216 shall be examined at least quarterly by a qualified person for appearance of structural weakness and other hazardous conditions.

Maryland proposes no other changes to the remainder of COMAR 26.20.21.09.