

VIRGINIA SOIL AND WATER CONSERVATION BOARD
CHAPTER 20
IMPOUNDING STRUCTURE REGULATIONS

October 16, 2011 Draft Version –Amend Sections Only

Part I
General

4VAC50-20-30. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Acre-foot" means a unit of volume equal to 43,560 cubic feet or 325,853 gallons (equivalent to one foot of depth over one acre of area).

"Agricultural purpose" means the production of an agricultural commodity as defined in § 3.1-249.27 of the Code of Virginia that requires the use of impounded waters.

"Agricultural purpose dams" means impounding structures which are less than 25 feet in height or which create a maximum impoundment smaller than 100 acre-feet, and operated primarily for agricultural purposes.

"Alteration" means changes to an impounding structure that could alter or affect its structural integrity. Alterations include, but are not limited to, changing the height or otherwise enlarging the dam, increasing normal pool or principal spillway elevation or physical dimensions, changing the elevation or physical dimensions of the emergency spillway, conducting necessary structural repairs or structural maintenance, or removing the impounding structure. Structural maintenance does not include routine maintenance.

"Alteration permit" means a permit required for any alteration to an impounding structure.

"Annual average daily traffic" or "AADT" means the total volume of vehicle traffic of a highway or road for a year divided by 365 days and is a measure used in transportation planning and transportation engineering of how busy a road is.

"Board" means the Virginia Soil and Water Conservation Board.

"Conditional Operation and Maintenance Certificate" means a certificate required for impounding structures with deficiencies.

"Construction" means the construction of a new impounding structure.

"Construction permit" means a permit required for the construction of a new impounding structure.

"Dam break inundation zone" means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of a dam.

"Department" means the Virginia Department of Conservation and Recreation.

"Design flood" means the calculated volume of runoff and the resulting peak discharge utilized in the evaluation, design, construction, operation and maintenance of the impounding structure.

"Director" means the Director of the Department of Conservation and Recreation or his designee.

"Drill" means a type of emergency action plan exercise that tests, develops, or maintains skills in an emergency response procedure. During a drill, participants perform an in-house exercise to verify telephone numbers and other means of communication

47 along with the owner's response. A drill is considered a necessary part of ongoing
48 training.

49 "Emergency Action Plan or EAP" means a formal document that recognizes
50 potential impounding structure emergency conditions and specifies preplanned actions to
51 be followed to minimize loss of life and property damage. The EAP specifies actions the
52 owner must take to minimize or alleviate emergency conditions at the impounding
53 structure. It contains procedures and information to assist the owner in issuing early
54 warning and notification messages to responsible emergency management authorities. It
55 shall also contain dam break inundation zone maps as required to show emergency
56 management authorities the critical areas for action in case of emergency.

57 "Emergency Action Plan Exercise" means an activity designed to promote
58 emergency preparedness; test or evaluate EAPs, procedures, or facilities; train personnel
59 in emergency management duties; and demonstrate operational capability. In response to
60 a simulated event, exercises should consist of the performance of duties, tasks, or
61 operations very similar to the way they would be performed in a real emergency. An
62 exercise may include but not be limited to drills and tabletop exercises.

63 "Emergency Preparedness Plan" means a formal document prepared for Low
64 Hazard impounding structures that provides maps and procedures for notifying owners of
65 downstream property that may be impacted by an emergency situation at an impounding
66 structure.

67 "Existing impounding structure" means any impounding structure in existence or
68 under a construction permit prior to July 1, 2010.

69 "Freeboard" means the vertical distance between the maximum water surface
70 elevation associated with the spillway design flood and the top of the impounding
71 structure.

72 "Height" means the hydraulic height of an impounding structure. If the
73 impounding structure spans a stream or watercourse, height means the vertical distance
74 from the natural bed of the stream or watercourse measured at the downstream toe of the
75 impounding structure to the top of the impounding structure. If the impounding structure
76 does not span a stream or watercourse, height means the vertical distance from the lowest
77 elevation of the downstream limit of the barrier to the top of the impounding structure.

78 "Impounding structure" or "dam" means a man-made structure, whether a dam
79 across a watercourse or structure outside a watercourse, used or to be used to retain or
80 store waters or other materials. The term includes: (i) all dams that are 25 feet or greater
81 in height and that create an impoundment capacity of 15 acre-feet or greater, and (ii) all
82 dams that are six feet or greater in height and that create an impoundment capacity of 50
83 acre-feet or greater. The term "impounding structure" shall not include: (a) dams
84 licensed by the State Corporation Commission that are subject to a safety inspection
85 program; (b) dams owned or licensed by the United States government; (c) dams
86 operated primarily for agricultural purposes which are less than 25 feet in height or which
87 create a maximum impoundment capacity smaller than 100 acre-feet; (d) water or silt
88 retaining dams approved pursuant to § 45.1-222 or § 45.1-225.1 of the Code of Virginia;
89 or (e) obstructions in a canal used to raise or lower water.

90 "Impoundment" means a body of water or other materials the storage of which is
91 caused by any impounding structure.

92 "Life of the impounding structure" and "life of the project" mean that period of time for
93 which the impounding structure is designed and planned to perform effectively, including
94 the time required to remove the structure when it is no longer capable of functioning as
95 planned and designed.

96 "Maximum impounding capacity" means the volume of water or other materials
97 in acre-feet that is capable of being impounded at the top of the impounding structure.

98 "New construction" means any impounding structure issued a construction permit
99 or otherwise constructed on or after July 1, 2010.

100 "Normal or typical water surface elevation" means the water surface elevation at
101 the crest of the lowest ungated outlet from the impoundment or the elevation of the
102 normal pool of the impoundment if different than the water surface elevation at the crest
103 of the lowest ungated outlet. For calculating sunny day failures for flood control
104 impounding structures, stormwater detention impounding structures, and related facilities
105 designed to hold back volumes of water for slow release, the normal or typical water
106 surface elevation shall be measured at the crest of the auxiliary or emergency spillway.

107 "Operation and Maintenance Certificate" means a certificate required for the
108 operation and maintenance of all impounding structures.

109 "Owner" means the owner of the land on which an impounding structure is
110 situated, the holder of an easement permitting the construction of an impounding
111 structure and any person or entity agreeing to maintain an impounding structure. The
112 term "owner" may include the Commonwealth or any of its political subdivisions,
113 including but not limited to sanitation district commissions and authorities, any public or
114 private institutions, corporations, associations, firms or companies organized or existing
115 under the laws of this Commonwealth or any other state or country, as well as any person
116 or group of persons acting individually or as a group.

117 "Planned land use" means land use that has been approved by a locality or
118 included in a master land use plan by a locality, such as in a locality's comprehensive
119 land use plan.

120 "Spillway" means a structure to provide for the controlled release of flows from
121 the impounding structure into a downstream area.

122 "Stage I Condition" means a flood watch or heavy continuous rain or excessive
123 flow of water from ice or snow melt.

124 "Stage II Condition" means a flood watch or emergency spillway activation or
125 impounding structure overtopping where a failure may be possible.

126 "Stage III Condition" means an emergency spillway activation or impounding
127 structure overtopping where imminent failure is probable.

128 "Sunny day dam failure" means the failure of an impounding structure with the
129 initial water level at the normal reservoir level, usually at the lowest ungated principal
130 spillway elevation or the typical operating water level.

131 "Tabletop Exercise" means a type of emergency action plan exercise that involves
132 a meeting of the impounding structure owner and the state and local emergency
133 management officials in a conference room environment. The format is usually informal
134 with minimum stress involved. The exercise begins with the description of a simulated
135 event and proceeds with discussions by the participants to evaluate the EAP and response
136 procedures and to resolve concerns regarding coordination and responsibilities.

137 "Top of the impounding structure" means the lowest point of the nonoverflow
138 section of the impounding structure.

139 "Watercourse" means a natural channel having a well-defined bed and banks and
140 in which water normally flows.

141
142 **4VAC50-20-40. Hazard potential classifications of impounding structures.**

143 A. Impounding structures shall be classified in one of three hazard classifications
144 as defined in subsection B of this section and Table 1.

145 B. For the purpose of this chapter, hazards pertain to potential loss of human life
146 or damage to the property of others downstream from the impounding structure in event
147 of failure or faulty operation of the impounding structure or appurtenant facilities.

148 Hazard potential classifications of impounding structures are as follows:

149 1. High Hazard Potential is defined where an impounding structure failure will
150 cause probable loss of life or serious economic damage. "Probable loss of life" means
151 that impacts will occur that are likely to cause a loss of human life, including but not
152 limited to impacts to residences, businesses, other occupied structures, or major
153 roadways. Economic damage may occur to, but not be limited to, building(s), industrial
154 or commercial facilities, public utilities, major roadways, railroads, personal property,
155 and agricultural interests. "Major roadways" include, but are not limited to, interstates,
156 primary highways, high-volume urban streets, or other high-volume roadways, except
157 those having an AADT volume of 400 vehicles or less in accordance with subsection 45.

158 2. Significant Hazard Potential is defined where an impounding structure failure
159 may cause the loss of life or appreciable economic damage. "May cause loss of life"
160 means that impacts will occur that could cause a loss of human life, including but not
161 limited to impacts to facilities that are frequently utilized by humans other than
162 residences, businesses, or other occupied structures, or to secondary roadways.
163 Economic damage may occur to, but not be limited to, building(s), industrial or
164 commercial facilities, public utilities, secondary roadways, railroads, personal property,
165 and agricultural interests. "Secondary roadways" include, but are not limited to,
166 secondary highways, low-volume urban streets, service roads, or other low-volume
167 roadways, except those having an AADT volume of 400 vehicles or less in accordance
168 with subsection 45.

169 3. Low Hazard Potential is defined where an impounding structure failure would
170 result in no expected loss of life and would cause no more than minimal economic
171 damage. "No expected loss of life" means no loss of human life is anticipated.

172 C. ~~The hazard potential classification shall be proposed by the owner and shall be~~
173 ~~subject to approval by the board.~~ To support the appropriate hazard potential
174 classification, dam break analysis shall be conducted by the owner's engineer or the
175 department in accordance with one of the following alternatives utilizing procedures set
176 out in 4VAC50-20-54.: ~~Present and planned land use for which a development plan has~~
177 ~~been officially approved by the locality in the dam break inundation zones downstream~~
178 ~~from the impounding structure shall be considered in determining the classification.~~

179 1. The owner of an impounding structure that does not currently hold a regular or
180 conditional certificate from the board, or the owner of an impounding structure that is
181 already under certificate but the owner believes that the condition has changed
182 downstream of the impounding structure that may reduce its hazard potential

183 classification, may request in writing that the department conduct a simplified dam break
184 inundation zone analysis to determine whether the impounding structure has a low hazard
185 potential classification. The owner shall pay a fee to the department in accordance with
186 4VAC50-20-395 for conducting such an analysis; or

187 2. The owner may propose a hazard potential classification that shall be subject to
188 approval by the board. To support the proposed hazard potential classification, an
189 analysis shall be conducted by the owner's engineer.

190 D. Findings of the analysis conducted pursuant to subsection C, shall result in one
191 of the following actions:

192 1. For findings by the department resulting from analyses conducted in
193 accordance with subsection D, subdivision 1:

194 a. If the department finds that the impounding structure appears to have a low
195 hazard potential classification, the owner may be eligible for general permit coverage in
196 accordance with 4VAC50-20-103;

197 b. If the department finds that the impounding structure appears to be a high or
198 significant hazard potential classification, the owner's engineer shall provide further
199 analysis in accordance with the procedures set out in 4VAC50-20-54 and this article.
200 The owner may be eligible for grant assistance from the Dam Safety, Flood Prevention
201 and Protection Assistance Fund.

202 2. For findings by the owner's engineer resulting from analyses conducted in
203 accordance with subsection D, subdivision 2:

204 a. If the engineer finds that the impounding structure has a low hazard potential
205 classification, the owner may be eligible for general permit coverage in accordance with
206 4VAC50-20-103;

207 b. If the engineer finds that the impounding structure appears to be a high or
208 significant hazard potential classification, then the owner shall comply with the
209 applicable certification requirements set out in this article.

210 E. An incremental damage analysis in accordance with 4VAC50-20-52 may be
211 utilized as part of hazard potential classification by the owner's engineer.

212 ~~D~~F. The hazard potential classification shall be proposed and certified by the
213 owner and shall be subject to approval by the board. Impounding structures shall be
214 subject to reclassification by the board as necessary.

215

216 **4VAC50-20-45. Hazard potential classifications based on low volume roadways.**

217 A. All impacted public and private roadways downstream or across an
218 impounding structure shall be considered in determining hazard potential classification.
219 To determine whether a road is impacted by a dam failure, one of the following
220 methodologies shall be utilized:

221 1. Section IV, Part D of the United States Department of Interior, Bureau of
222 Reclamation's ACER Technical Memorandum No. 11. An impact shall be deemed to
223 occur where there are one or more lives in jeopardy as a result of a dam failure; or

224 2. An approach to determining impacts to roadways found in any document that is
225 in the list of acceptable references set out in 4VAC50-20-320. The owner's engineer
226 shall reference the methodology utilized; or

227 3. Any roadway that would be overtopped, at any depth, by a dam failure under
228 any flood or nonflood condition, including but not limited to probable maximum flood.

229 spillway design flood, or sunny day, as determined using analysis procedures set out in
230 4VAC50-20-54.

231 B. In certain cases, an impounding structure may qualify for low hazard potential
232 classification in spite of a potential impact to a downstream public or private roadway. If
233 a roadway is found to be impacted in accordance with subsection A, and other factors
234 such as downstream residences, businesses, or other concerns as set forth in this article
235 that would raise the hazard potential classification do not exist, such classification may be
236 adjusted in accordance with this section dependent on vehicle traffic volume, based on
237 AADT, and roadway type.

238 C. For the purposes of determining AADT volume, one of the following
239 techniques may be utilized:

240 1. The AADT volumes available in the most recent published Daily Traffic
241 Volume Estimates from the Virginia Department of Transportation for the road segment
242 nearest the impounding structure shall be utilized. This information is available from
243 VDOT at <http://www.virginiadot.org/info/ct-TrafficCounts.asp>;

244 2. Data developed by a local government may be utilized where the locality
245 conducts its own traffic counts;

246 3. Where AADT volumes are not available from VDOT or a locality, an Average
247 Daily Traffic trip rate that meets the standards set forth in the most recent Institute for
248 Traffic Engineers (ITE) ITE Trip Generation information report (available for ordering
249 online at <http://www.ite.org/tripgen/trippubs.asp>) may be utilized if practicable; or

250 4) In all cases, average daily traffic volumes may also be established by a traffic
251 count that meets VDOT standards and is conducted or overseen by the owner's engineer
252 or otherwise approved by the Regional Engineer.

253 D. Where it can be demonstrated that a public or private roadway has a limited
254 usage, and that the hazard potential classification is being determined solely upon
255 impacts to roadways, the roadway may be considered to be "limited use" and the
256 impounding structure may be considered a low hazard potential impounding structure
257 despite the presence of the roadway. Such roadways, located either across or below an
258 impounding structure, include those that result in an AADT volume of 400 vehicles or
259 less.

260 Where a downstream analysis finds that multiple limited use roadways may be
261 impacted by an impounding structure failure, the traffic volumes of those limited use
262 roadways, determined in accordance with subsection B, shall be combined for the
263 purposes of determining the impounding structure's hazard potential classification unless
264 it can be demonstrated that the traffic using each of the roadways is composed of
265 substantially the same vehicle trips, such that the combined number of individual vehicle
266 trips utilizing all of the roadways would result in an AADT of 400 or less.

267 E. Although a roadway may be considered to have a "limited use" in accordance
268 with subsection D, the Emergency Preparedness Plan for the low hazard impounding
269 structure shall clearly outline a reliable and timely approach for notification of the proper
270 local emergency services by the dam owner regarding the hazards of continued use of the
271 road during an emergency condition.

272
273

4VAC50-20-52. Incremental damage analysis.

274 A. When appropriate, the spillway design flood requirement may be reduced by
275 the board in accordance with this section. Additionally, the proposed potential hazard
276 classification for the impounding structure may be adjusted based on the results of an
277 incremental damage analysis. When considering the failure of the impounding structure
278 under a flood condition, the owner's engineer's analysis shall only consider those hazards
279 that exceed those created by the flood event.

280 B. The owner's engineer may proceed with an incremental damage analysis.
281 Once the owner's engineer has determined the required spillway design flood through
282 application of Table 1, further analysis may be performed to evaluate the limiting flood
283 condition for incremental damages. Site-specific conditions should be recognized and
284 considered. This analysis may be used to lower the spillway design flood. In no situation
285 shall the allowable reduced level be less than the level at which the incremental increase
286 in water surface elevation downstream due to failure of an impounding structure is no
287 longer considered to present an additional downstream threat. This engineering analysis
288 will need to present water surface elevations at each structure that may be impacted
289 downstream of the dam. An additional downstream threat to persons or property is
290 presumed to exist when water depths exceed two feet or when the product of water depth
291 (in feet) and flow velocity (in feet per second) is greater than seven.

292 C. The spillway design flood shall not be reduced below the minimum threshold
293 values as determined by Table 1.

294 D. The required spillway design flood shall be subject to reclassification by the
295 board as necessary to reflect changed conditions at the impounding structure and in the
296 dam break inundation zone.

297

298 **4VAC50-20-54. Dam break inundation zone mapping.**

299 A. Dam break inundation zone maps shall be provided to the department to meet
300 the requirements set out in Hazard Potential Classifications of Impounding Structures
301 (4VAC50-20-40), Emergency Action Plan for High and Significant Potential Hazard
302 Impounding Structures (4VAC50-20-175), and Emergency Preparedness for Low Hazard
303 Potential Impounding Structures (4VAC50-20-177), as applicable. In accordance with
304 subsection H, the dam break inundation zone map may be completed by the department
305 and shall be provided to the impounding structure's owner to assist such owner in
306 complying with the requirements of this article.

307 B. The location of the end of the inundation mapping should be indicated where
308 the water surface elevation of the dam break inundation zone and the water surface
309 elevation of the spillway design flood during an impounding structure nonfailure event
310 converge to within one foot of each other. The inundation maps shall be supplemented
311 with water surface profiles showing the peak water surface elevation prior to failure and
312 the peak water surface elevation after failure.

313 C. All inundation zone map(s), except those utilized in meeting the requirements
314 of Emergency Preparedness for Low Hazard Potential Impounding Structures (4VAC50-
315 20-177), shall be signed and sealed by a licensed professional engineer.

316 D. Present and planned land-use for which a development plan has been officially
317 approved by the locality in the dam break inundation zones downstream from the
318 impounding structure shall be considered in determining the classification.

319 E. For determining the hazard potential classification, an analysis of those hazards
320 created by flood and nonflood dam failures shall be considered. At a minimum, of the
321 following shall be provided to the department:

- 322 1. A sunny day dam break analysis utilizing the volume retained at the normal or
323 typical water surface elevation of the impounding structure;
- 324 2. A dam break analysis utilizing the spillway design flood with a dam failure;
- 325 3. An analysis utilizing the spillway design flood without a dam failure; and
- 326 4. For the purposes of future growth planning, a dam break analysis utilizing the
327 probable maximum flood with a dam failure.

328 EE. To meet the requirements of Emergency Preparedness set out in 4VAC50-20-
329 177, all Low Hazard Potential impounding structures shall provide a simple map,
330 acceptable to the department, demonstrating the general inundation that would result
331 from a dam failure. Such maps do not require preparation by a professional licensed
332 engineer, however, it is preferred that the maps be prepared by a licensed professional
333 engineer.

334 FG. To meet the Emergency Action Plan requirements set out in 4VAC50-20-
335 175, all owners of High and Significant Hazard Potential impounding structures shall
336 provide dam break inundation map(s) representing the impacts that would occur with
337 both a sunny day dam failure and a spillway design flood dam failure.

338 1. The map(s) shall be developed at a scale sufficient to graphically display
339 downstream inhabited areas and structures, roads, public utilities that may be affected,
340 and other pertinent structures within the identified inundation area. In coordination with
341 the local organization for emergency management, a list of downstream inundation zone
342 property owners and occupants, including telephone numbers may be plotted on the map
343 or may be provided with the map for reference during an emergency.

344 2. Each map shall include the following statement: "The information contained in
345 this map is prepared for use in notification of downstream property owners by emergency
346 management personnel."

347 H. Upon receipt of a written request in accordance with 4VAC50-20-40 C and
348 receipt of a payment in accordance with 4VAC50-20-395, the department shall conduct a
349 simplified dam break inundation zone analysis. In conducting the analysis, a two-
350 dimensional model such as Flo-2D, the Dams Sector Analysis Tool (DSAT), or such
351 other model selected by the department shall be utilized. The simulation shall result in
352 flood depth and arrival time maps as Geographic Information System shape files for
353 viewing and analyzing and shall meet the other analysis criteria of this section.

354 Upon completion of the analysis, the department shall issue a letter to the owner
355 communicating the results of the analysis, stipulating the department's finding regarding
356 hazard potential classification based on the information available to the department, and
357 explaining what the owner needs to do procedurally with this information to be compliant
358 with the requirements of the Dam Safety Act (§ 10.1-604 et seq.) and this article.

359
360 Part III
361 Certificate Requirements

362
363 **4VAC50-20-101 General permit requirements for low hazard potential impounding**
364 **structures.**

365 Any impounding structure owner whose registration statement is accepted by the
366 Board will receive the following permit and shall comply with the requirements in it. If
367 the failure of a low hazard potential impounding structure is not expected to cause loss of
368 human life or economic damage to any property except property owned by the owner, the
369 owner may follow the special criteria established for certain low hazard impounding
370 structures in accordance with 4VAC50-20-51 in lieu of coverage under the general
371 permit.

372
373 General Permit No.: Dam Safety 1

374 Effective Date: (Date of Issuance of Coverage)

375 Expiration Date: (6 years following Date of Issuance of Coverage)

376 **GENERAL PERMIT FOR OPERATION OF A LOW HAZARD POTENTIAL**
377 **IMPOUNDING STRUCTURE**

378
379 In compliance with the provisions of the Dam Safety Act and attendant
380 regulations, owners of an impounding structure covered by this permit are authorized to
381 operate and maintain a low hazard potential impounding structure. The owner shall be
382 subject to the following requirements as set forth herein.

383 A. The owner shall ensure that the impounding structure is engineered to pass a
384 flood resulting from a 100-year flood. When appropriate, the spillway design flood
385 requirement may be further reduced to the 50-year flood in accordance with an
386 incremental damage analysis.

387 B. The owner shall develop and maintain a simplified emergency preparedness
388 plan that provides:

- 389 a. Name and location information for the impounding structure;
- 390 b. Name of owner and operator and associated contact information;
- 391 c. Contact information for relevant emergency responders;
- 392 d. Procedures for notifying downstream property owners or occupants; and
- 393 e. Identification of any downstream roadways that would be impacted by a failure.

394 The owner shall update and resubmit the simplified emergency preparedness plan
395 immediately upon becoming aware of necessary changes to keep the plan workable.

396 C. The owner shall perform an annual inspection of the impounding structure.
397 The owner shall maintain such records and make them available to the department upon
398 request.

399 D. The owner shall file a dam break inundation map with the department and with
400 the offices with plat and plan approval authority or zoning responsibilities as designated
401 by the locality for each locality in which the dam break inundation zone resides in.

402 E. The owner shall notify the department immediately of any change in
403 circumstances that would cause the impounding structure to no longer qualify for
404 coverage under the general permit. In the event of a failure or an imminent failure at the
405 impounding structure, the owner shall immediately notify the local emergency services
406 coordinator, the Department of Emergency Management, and the Department. The
407 Department shall take actions in accordance with § 10.1-608 or 10.1-609, depending on
408 the degree of hazard and the imminence of failure caused by the unsafe condition.

409

410 **4VAC50-20-103. Registering for coverage under the general permit for low hazard**
411 **potential impounding structures.**

412 A. Pursuant to § 10.1-605.3, an impounding structure owner may seek general
413 permit coverage from the Board for a low hazard potential impounding structure in lieu
414 of obtaining a Low Hazard Potential Regular Operation and Maintenance Certificate in
415 accordance with 4VAC50-20-105 or a Conditional Operation and Maintenance
416 Certificate for Low Hazard Potential impounding structures in accordance with 4VAC50-
417 20-150.

418 B. An owner shall submit a complete and accurate registration statement in
419 accordance with the requirements of this section prior to the issuance of coverage under
420 the general permit. A complete registration statement shall include the following:

- 421 1. The name and address of the owner;
- 422 2. The location of the impounding structure;
- 423 3. The height of the impounding structure;
- 424 4. The volume of water impounded;
- 425 5. A simplified emergency preparedness plan prepared in accordance with
426 4VAC50-20-101;
- 427 6. The applicable a fee for the processing of registration statements as set out in
428 4VAC50-20-375;
- 429 7. A dam break inundation zone map and evidence that such map has been filed
430 with the offices with plat and plan approval authority or zoning responsibilities as
431 designated by the locality for each locality in which the dam break inundation zone
432 resides; and
- 433 8. A certification from the owner that the impounding structure (i) is classified as
434 low hazard pursuant to a determination by the department or the owner's professional
435 engineer in accordance with § 10.1-604.1 and this article; (ii) is, to the best of his
436 knowledge, properly and safely constructed and currently has no observable deficiencies;
437 and (iii) shall be maintained and operated in accordance with the provisions of the
438 general permit.

439
440 **4VAC50-20-104 Maintaining General permit coverage for low hazard potential**
441 **impounding structures.**

442 Provided that an impounding structure's hazard potential classification has not
443 changed, an owner's coverage under the general permit shall be for a six-year term after
444 which time the owner shall reapply for coverage by filing a new registration statement
445 and paying the necessary fee. No inspection of the impounding structure by a licensed
446 professional engineer shall be required if the owner certifies at the time of general permit
447 coverage renewal that conditions at the impounding structure and downstream are
448 unchanged.

449
450 Part IV
451 Procedures

452
453 **4VAC50-20-195. Judicial review.**

454 Any owner aggrieved by a decision of the director, department, or board
455 regarding the owner's impounding structure shall have the right to judicial review of the

456 final decision pursuant to provisions of the Administrative Process Act (§ 2.2-4000 et
457 seq.).

458
459 **4VAC50-20-200. Enforcement.**

460 The provisions of this chapter may be enforced by the board, the director, or both
461 in any manner consistent with the provisions of the Dam Safety Act (§ 10.1-604 et seq. of
462 the Code of Virginia). Failure to comply with the provisions of the general permit issued
463 in accordance with 4VAC50-20-103, may result in penalties assessed in accordance with
464 §§ 10.1-613.1 and 10.1-613.2.

465
466 Part VI
467 Fees

468
469 **4VAC50-20-340. Authority to establish fees.**

470 Under § 10.1-613.5 of the Code of Virginia, the board is authorized to establish
471 and collect application fees to be used for the administration of the dam safety program,
472 administrative review, certifications, and the repair and maintenance of impounding
473 structures including actions taken in accordance with §§ 10.1-608, 10.1-6009, and 10.1-
474 613. The fees will be deposited into the Dam Safety, Flood Prevention and Protection
475 Assistance Administrative Fund.

476
477 **4VAC50-20-375. Fee for coverage under the General Permit for low hazard**
478 **impounding structures.**

479 The fee for processing registration statements from impounding structure owners
480 seeking to obtain coverage under the General Permit for low hazard impounding
481 structures shall be \$300.

482
483 **4VAC50-20-395. Simplified Dam Break Inundation Zone Analysis fee.**

484 Pursuant to authority provided in §10.1-604.1 subsection A, subdivision 1 and in
485 accordance with 4VAC50-20-40 C, when the Department receives a request from the
486 owner of a dam to conduct a simplified dam break inundation zone analysis, the owner
487 shall pay 50 percent of the cost of the analysis. Accordingly, prior to the Department
488 conducting an analysis, the owner shall submit a fee of \$1,000. The fee shall be
489 submitted in accordance with 4VAC50-20-350 subsections B and C as applicable. The
490 fee shall be deposited into the Dam Safety Administrative Fund to be used to cover the
491 partial cost of such analysis. No analysis fee remitted to the department shall be subject
492 to refund.

493