Georgia Department of Natural Resources
Environmental Protection Division • Watershed Protection Branch
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Judson H. Turner, Director

April 2, 2014

Subject: Notification Requirements for Local Governments Under the Safe Dams Act

The purpose of this letter is to remind you of an important element of the Georgia Safe Dams Act and the Georgia Rules for Dam Safety that is necessary to protect the public.

When a local government is considering the approval of development downstream of a dam that could change the dam's classification from Category II to Category I[1], the local government is required to notify the dam owner and EPD and take certain additional actions[2] before that development is approved. However, EPD is concerned that these required notifications and additional actions are not always occurring. Authorizing development downstream of a dam that does not meet all requirements for a Category I dam could lead to significant expenses on the part of the dam owner and could jeopardize the safety and welfare of people living and/or working in the new development.

EPD maintains an inventory of dams that can be used by local governments to assess whether or not proposed development would be located downstream of a dam. In fact, EPD sends this inventory to every county clerk's office on an annual basis. An inventory can also be obtained by a local government from EPD at any time. EPD encourages local governments to closely review these requirements and put measures in place to ensure compliance. A Fact Sheet is attached to this letter to assist with that effort.

If you have any questions, please contact Tom Woosley, Safe Dams Unit Manager, at (404) 651-8488.

Sincerely,

James Capp

James A. Capp
Branch Chief
Watershed Protection Branch

Enclosure

[1] Category I dams are those where it has been determined that there is a probable loss of life in the event the dam were to fail. Category II dams meet the definition of a dam, however no probable loss of life situation is judged to exist below the dam. Due to the potential for loss of life, the structural, and other regulatory, requirements for Category I dams are much more stringent than for Category II dams.
[2] See Section 391-3-8-.03 of the Rules for Dam Safety

Georgia EPD - FACT SHEET

Required Actions before Approving Development Downstream of a Dam

April 2, 2014

- The Safe Dams Act defines a dam as a water retaining structure which is 25 feet or more in height or, has an impounding capacity at maximum water storage elevation of 100 acre-feet or more. Dams are then classified as either Category I or II. Category I dams are those where it has been determined that there is a probable loss of life in the event the dam were to ever fail. Category II dams meet the definition of a dam, however no probable loss of life situation is judged to exist below the dam.

- O.C.G.A 12-5-375(g) requires local governments to notify a dam owner before approving development downstream of their dam that would result in changing a category II dam to a category I dam. O.C.G.A 12-5-375(g) states:
    - Before a permit to construct a structure or facility is issued by the governing authority of a local unit of government which would result in changing a category II dam to a category I dam, the local unit of government shall notify the owner of said dam by certified mail or statutory overnight delivery of the proposed permit. The owner of the dam may within ten days of the notice request the director to inspect said dam and determine whether or not said dam is in compliance. If the director determines the dam is not in compliance with category I, both the owner and the local unit of government shall be notified in writing.

- O.C.G.A 12-5-374 gives the Georgia DNR Board the authority to adopt rules to implement the Safe Dams Act. Specifically, O.C.G.A 12-5-374(4) states:
    - In the performance of its duties, the board shall: Adopt, modify, repeal, and promulgate such other rules and regulations relating to dam safety as are necessary and proper to carry out the purposes of this part, including Code Section 12-5-375.

- Section 391-3-8-.03(4)-(6) of the Rules for Dam Safety outlines the steps to be taken when there is proposed development below a Category II dam. Specifically it states:
    - When an existing Category II dam may be reclassified to a Category I dam because of proposed development downstream of the dam, the governing authority issuing the permit for the development shall provide for review by the Safe Dams Program the following information:
        - location of the Category II dam and the proposed development; and
        - a surveyed cross-section of the stream valley at the location of the proposed development including proposed finished floor elevations; and
        - a dam breach analysis using the Dambreak computer model to establish the height of the floodwave in the downstream floodplain. The dambreak modeling

shall be completed by an engineer in accordance with the Safe Dams Program Quality Assurance Plan.

- If the Director determines that an existing Category II dam will be reclassified to a Category I dam if the proposed development occurs, then the owner of the existing Category II dam may request an inspection from the Director within ten (10) days of notification of the proposed development by the local governing authority. The preliminary visual inspection shall be carried out in accordance with subsection (2) paragraph (b) and subsection (3), paragraph (d) , subparagraph, (ii) (I) and (2) under Rule 391-3-8-.08. Detailed surveys, hydrologic and hydraulic analyses will not be performed; however, the Director may provide an opinion on the hydraulic adequacy of the dam.
- A written evaluation of the existing Category II dam's compliance with Category I requirements will be provided to the owner of the dam and the local governing authority based on the visual inspection.