

Mail: James A. Capp, Chief, Watershed Protection Branch, **EPD/WPB/WRP**  
2 Martin Luther King Jr. Drive, Suite 1152 East  
Atlanta, GA 30334  
RE: Safe Dams Stakeholder Meeting

MAR 09 2015

RECEIVED

E-mail: [tim.cash@dnr.state.ga.us](mailto:tim.cash@dnr.state.ga.us);  
Subject: Safe Dams Stakeholder Meeting

we are unable to attend  
the meeting. Please send us  
the Rules. We would like  
some one to inspect the  
Dam.

Thank you

Hart Putney  
459 Painted Willow Dr.  
Cleveland, Ga. 30528

706-219-6243

## Cash, Tim

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**From:** Catherine Fleming <cfleming@gmanet.com>  
**Sent:** Friday, March 20, 2015 9:03 AM  
**To:** Cash, Tim  
**Cc:** Capp, James; Woosley, Tom; Walker, Mary; Thomas Q. Gehl  
**Subject:** Safe Dams Program Stakeholder Meeting  
**Attachments:** Safe Dams Comments 3-19-15.pdf

Tim,

Please find attached GMA's comments on the Safe Dams Program stakeholder draft rules.

Best,

Catherine



**Catherine Fleming**  
Governmental Relations Associate  
Office: 678-536-4367 ♦ Fax: 678-536-4377 ♦ Cell: 404-558-1755  
[www.gmanet.com](http://www.gmanet.com)

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March 19, 2015

Mr. James A. Capp  
Chief, Watershed Protection Branch, EPD  
2 Martin Luther King Jr. Drive, Suite 1152 East  
Atlanta, Georgia 30334

RE: Safe Dams Program Stakeholder Meeting

Dear Jac:

Thank you for the opportunity to comment on the stakeholder draft rules for the Safe Dams Program. On behalf of the Georgia Municipal Association ("GMA") and our 521 member cities, I appreciate the hard work that has gone into this rule to ensure that Georgia's dams are in compliance with the Safe Dams Act and to keep our communities safe.

During the stakeholder meeting on February 27, it was mentioned that according to the Safe Dams Act, local governments are required to provide notice to a dam owner of any proposed structure that would result in a dam being reclassified from a Category II dam to a Category I dam. However, it was also mentioned that EPD only sends the dam inventory to every county clerk's office on an annual basis. In order to insure that our municipalities are also aware of dams within their jurisdictions, GMA believes that EPD should also provide copies of the inventory to Georgia's municipalities (preferably to the city manager or clerk if no manager exists with a copy of the letter to the mayor), and not just Georgia's counties. If the size of the document is of concern, simply providing a letter with the list of dams within the county or counties in which the municipality is located would also suffice (rather than sending the statewide inventory). This way our cities can ensure that they are providing the proper notice to dam owners of any proposed development downstream. GMA would be happy to provide updated contact information for our cities to facilitate this mailing by EPD.

Thank you for the opportunity to comment on the rule and for your consideration of these suggestions.

Sincerely,

Catherine Fleming  
Governmental Relations Associate

## Cash, Tim

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**From:** Chris Manganiello <chris@garivers.org>  
**Sent:** Friday, March 20, 2015 4:52 PM  
**To:** Cash, Tim  
**Subject:** Safe Dams Stakeholder Meeting  
**Attachments:** 2015\_03\_20\_GRN Dam Safety Rulemaking Comment\_final.pdf

Tim,

Georgia River Network (GRN) respectfully submits the following comments on behalf of Chattahoochee Riverkeeper (CRK) and Southern Environmental Law Center (SELC) in response to the Georgia Environmental Protection Division's (EPD) request for input from the public and impacted organizations regarding possible changes to the Rules for Dam Safety, Chapter 391-3-8 and the Safe Dams Program.

GRN, CRK and SELC support EPD's initiative to improve the Safe Dams Program, and we have attached a few suggestions for EPD to consider.

We thank EPD for the opportunity to participate in this stakeholder process. Please contact me if you have any questions about these comments. Have a nice weekend.

Sincerely,  
-Chris

**Dr. Christopher J. Manganiello**  
*Policy Director*

**Georgia River Network**  
126 South Milledge Avenue, Suite E3  
Athens, GA 30605  
Office: 706-549-4508  
Fax: 706-549-5491

Please check out my new book—[\*Southern Water, Southern Power\*](#)—published by UNC Press.

Need an informed look at water-related news? Surf the [Georgia Water Wire](#).



March 20, 2015

James A. Capp, Chief, Watershed Protection Branch  
Georgia Environmental Protection Division  
2 Martin Luther King Jr. Drive, Suite 1152 East  
Atlanta, GA 30334

Submitted Via E-mail: [tim.cash@dnr.state.ga.us](mailto:tim.cash@dnr.state.ga.us)

**RE: Safe Dams Stakeholder Meeting**

Dear Mr. Capp and Mr. Cash,

Georgia River Network (GRN) respectfully submits the following comments on behalf of Chattahoochee Riverkeeper (CRK) and Southern Environmental Law Center (SELC) in response to the Georgia Environmental Protection Division's (EPD) request for input from the public and impacted organizations regarding possible changes to the Rules for Dam Safety, Chapter 391-3-8 and the Safe Dams Program. GRN, CRK and SELC support EPD's initiative to improve the Safe Dams Program, and we have a few suggestions as EPD moves forward:

- We strongly encourage EPD to require all inspections of Category I dams be completed by a Professional Engineer of Record to ensure and meet the highest level of professional standards, responsibility and accountability necessary for public safety and environmental protection. EPD should also require owners of Category II dams to have their structures inspected by a professional engineer registered to practice in Georgia at regular intervals.<sup>1</sup>
- We request information about the "Safe Dams Engineer Guidelines" referred to in Section 391-3-8-.03(3)(c) and how they differ from the Safe Dams Program Quality Assurance Plan. Without the guidelines, it is difficult to determine the impact of this proposed rule change.
- We are concerned about the discretionary nature of section 391-3-8-.03(6), "Inventory and Classification." If a Category II dam is placed on a "To Be Studied (TBS)" list, then it appears the structure could languish on the TBS list. As stated in this section, the Director "may" require further analysis, but the Director may never require such analysis. Only after the Director requires the analysis "shall" the analysis take place as noted in (6)(a)(i) and (ii). Additionally, EPD has not clearly stated what would trigger movement of a Category II dam onto the TBS list and how this differs from the current process of a Category II becoming a Category I.
- Section 391-3-8-.08(3) of EPD's Safe Dams regulations list a number of permit application requirements. We request EPD add a requirement for the dam owner to identify and assess

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<sup>1</sup> Memo dated June 18, 2013 to Georgia Dam Owners/Operators from the Safe Dams Program defines an "Engineer of Record as an engineer who has at least seven years of demonstrated dam safety experience."

all buried pipes and culverts beneath an impoundment. Buried pipes can pose a serious risk. In February 2014, a buried storm pipe underneath a Duke Energy coal ash impoundment on the Dan River in North Carolina ruptured, causing significant environmental and economic damage at the site and downstream.<sup>2</sup> EPD's draft NPDES permit for Georgia Power's Plant McDonough requires the permittee to submit a report identifying "the location of all pipes, utilities or other penetrations through or beneath the impoundment." (See, Plant McDonough Draft NPDES Permit, January 2015, page 18.) EPD should add a similar requirement to Section 391-3-8-.08(3).

- Section 391-3-8-.08: We suggest EPD use the word "proposed" as opposed to the use of the word "new" in the context of the design and permitting phase for structures in the planning process. "New" insinuates a physical structure in existence, if only recently, whereas "proposed" is more accurate in the context of the design and permitting phases for planned structures.
- We support the requirements of section 391-3-8-.11, "Emergency Action Plans."
- Georgia needs to reevaluate its definition of Category I dams to be more inclusive of potentially dangerous Category II dams that may threaten our waterways and property values. Category II dams are not only a threat to human life, but also a threat to downstream water quality in the event of a dam breach. The need for this is illustrated by multiple failures of Category II dams around the state, including a January 2010 failure in Athens, and the May 2013 dam failure on Lake Alice in Cumming.<sup>3</sup> Following heavy rains, the Lake Alice dam holding back impounded water in a 10-acre lake failed, releasing millions of gallons of water and thousands of tons of sediment into Little Ridge Creek and Lake Lanier. Sediment released during dam breaches like the one on Lake Alice impedes recreational uses, destroys fisheries, pollutes drinking water sources and destroys roads and reduces property values. The rule revision should be as protective as possible of downstream property and water quality to ensure that Category I and II dams are inspected and maintained.

We thank EPD for the opportunity to participate in this stakeholder process. Please contact Chris Manganiello ([chris@garivers.org](mailto:chris@garivers.org)) if you have any questions about these comments.

Sincerely,

Dr. Chris J. Manganiello  
Policy Director

Jason Ulseth  
Chattahoochee Riverkeeper

Gilbert Rogers  
Senior Attorney  
Southern Environmental Law Center

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<sup>2</sup> "Duke Energy is charged in Huge Coal Ash Leak," *New York Times*, February 20, 2015, [http://www.nytimes.com/2015/02/21/us/duke-energy-is-charged-in-huge-coal-ash-leak.html?\\_r=0](http://www.nytimes.com/2015/02/21/us/duke-energy-is-charged-in-huge-coal-ash-leak.html?_r=0)

<sup>3</sup> "Rains cause dam to burst; no damage reported," *Athens Banner Herald*, January 27, 2010, [http://onlineathens.com/stories/012710/new\\_555184617.shtml#.VQsIH17F\\_kA](http://onlineathens.com/stories/012710/new_555184617.shtml#.VQsIH17F_kA); Georgia Water Coalition, "Lake Alice: Dam Breach Disaster in Cumming Highlights Need for Better Dam Safety," *Dirty Dozen 2013*, [http://www.garivers.org/gawater/pdf%20files/9\\_LakeAlice.pdf](http://www.garivers.org/gawater/pdf%20files/9_LakeAlice.pdf)

**Cash, Tim**

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**From:** Bob Jones <roberthjones@charter.net>  
**Sent:** Tuesday, March 17, 2015 5:13 PM  
**To:** Cash, Tim  
**Cc:** Allyson Watson  
**Subject:** Safe Dams Program Stakeholder Meeting  
**Attachments:** Safe Dams Stakeholder Letter.doc

Tim,

Thank you for including us in the Safe Dams Stakeholder meeting.

At the end of the meeting Mr. Capp asked for us to forward our comments and input to you.

Attached is a letter with our comments.

Best Regards,

Bob Jones  
770 294 5588  
Paces Lake Dam Committee

To: Mr. James Capp  
Chief, Watershed Protection Branch, EPD

From : Paces Lake Inc.

Date: March 12, 2015

Subject : Comment on meeting

Thank you for including us in your Safe Dams meeting on February 22. We appreciate being informed on matters pertaining to our Paces Lake dam.

This memo is to respectfully request that you waive the requirement to hire an engineer to inspect our dam every year. We feel that we can inspect our dam ourselves and provide you with a written annual report

We have accompanied your inspectors for every inspection in the last 20+ years so we are familiar with the process and what to look for. We already have an organized self-inspection process in place, and we have an Emergency Action Plan.

We also have a dam committee that meets several times a year.

In addition our community comes together two to three times a year to work on maintaining the vegetation around the dam by cutting back the growth around and below the dam. This is in addition to the regularly scheduled landscaping and cutting and inspection process.

We have had an emergency action plan for a number of years.

We believe our dam is sound. It came through the 2009 500-year flood with no issues whatsoever. Our lake is small - less than 8 acres. We have a non-mandatory association, and a very limited budget.

Please help us by not requiring us to take on the unnecessary expense of hiring an engineer every year.

We care about the safety of our dam.

Many thanks for your consideration !

-Paces Lake Inc.

## Cash, Tim

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**From:** Joseph Monroe <jmonroe@schnabel-eng.com>  
**Sent:** Friday, March 20, 2015 4:21 PM  
**To:** Cash, Tim  
**Cc:** Joseph Monroe; Randy Bass; Jim Crowder  
**Subject:** Safe Dams Program Stakeholder Meeting

Good afternoon...

As requested during the stakeholder meeting, contained herein are comments regarding the potential rule changes.

- 1 – Dam inspections should only be performed by qualified engineers. Engineers that are not familiar with dams may result in additional work for the program. Worse, engineers that are not familiar with dams may negatively impact public safety. The program has an engineer-of-record program that should be utilized as part of the dam inspection processes.
- 2 – The engineer-of-record program needs to be better defined and able to excuse unqualified persons.
- 3 – EAP's are a valuable tool. However, the EAP process should not be confused with the historical dam classification dam breach process. The historical dam breach classification process (breach width, breach time, reservoir water level, etc.) are different than what would be utilized for EAP's. The two processes should be clearly differentiated and permanently separated.
- 4 – The engineering guidelines document has been treated as a rules document, which was never the intent. There are instances where the guidelines do not fit the situation that is being evaluated and remediated. The guidelines need to be less detailed. In addition, the guidelines should not be utilized as a teaching tool or research document for those who are not familiar with dam design.
- 5 – Requirements of the VIR should be clearly defined. I am afraid that the quality of a VIR will depend on the consultant. Price is generally reflective of quality. The minimum standards/requirements need to be clearly stated.
- 6 – On multiple occasions, statements were made about downstream land owners/developments impacting a dam owner. EPD should be aware that there are downstream land owners that are impacted by newly constructed dams. If changes to the law are being considered, EPD needs to recognize that the impacts are financial and work both ways. Therefore, EPD needs to be careful with assigning responsibility to any party without understanding the entire set of circumstances.
- 7 – More responsibility/accountability should be placed on the engineer-of-record to prepare and present design documents that meet/exceed the requirements of the program. The Program should spend less time reviewing plans and specifications. In some instances, the program has spent time educating the engineer and/or fixing the plans, which should not occur.
- 8 – Since changes to the law are being considered, legally requiring a means to access the dam with construction/maintenance equipment should be considered. We have seen numerous occasions where lack of access severely inhibited timely repair and maintenance processes.

I am happy to discuss the above comments and the entire Safe Dams Program if needed/requested. I can be reached at the phone number shown below or by email.

Regards...

Joe

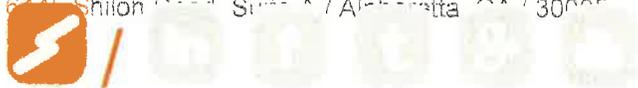
—  
Joseph S Monroe, PE / Principal

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## Cash, Tim

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**From:** Don North <dnorth@esginc.net>  
**Sent:** Monday, March 02, 2015 11:48 AM  
**To:** Cash, Tim  
**Subject:** safe dams program stakeholder meeting comments

Mr. Cash

Please Thank Jac and Tom for hosting the meeting. Just a couple of short comments:

**Inspections:**

Please allow both PE's and EOR's to do the inspection but require them to attach their seals to the inspection form. The EORs will get the work to improve the dams

Please consider that the inspection be completed every two years by the engineer and semi -annually by the owner.

Require the owner and engineer to submit photos or videos of the dam inspection.

Set up a website or portal on the EPD server to download the pictures.

**Downstream Development**

When a downstream development causes a dam to be reclassified, then the downstream development should bear the burden of upgrading the existing category II dam to category I standards, whether by purchasing the dam or working with the owner to provide the funds to do the work.

If a category II dam meets your standards then the local government should not be allowed to condemn or force the owner to upgrade a category II dam just to allow a downstream development.

Thanks for your time,  
Don North

ROY W. TUCKER  
Lakeridge Lake Owners Association  
Ford Lake Dam  
235 Pond Trace  
Fayetteville, Georgia 30215  
770-460-1010 Tucker235@outlook.com

Mr. James A. Capp, Chief  
Watershed Protection Branch, EPD  
2 Martin Luther King Jr. Drive  
Atlanta, GA 30334

**SUBJECT: SAFE DAMS STAKEHOLDER MEETING, 2-27-2015**

Dear Sir:

I am a member of the Lakeridge Lake Owners Association, whose Twelve property holders own Ford Lake in Fayette County.

It is our contention that a proposed change to Section 391-38-10, "Inspection and Maintenance Plan Requirements" would impose an unreasonable burden on small lake subdivisions.

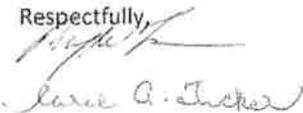
Ford Lake in Fayette County has only Twelve Property Owners comprising the Lakeridge Lake Owners Association. From 2002 through 2006, we complied with the findings of the Safe Dams Division to upgrade our Dam to Category I standards. This was accomplished at the considerable expense of approximately 380 thousand dollars, paid for by the individual members of the Lakeridge HOA. There was much financial hardship involved, and a lien was placed on 2 of the lots, resulting in a bank foreclosure of the property.

A recent estimate from a professional engineering firm estimates the cost to our HOA of an annual Dam inspection at approximately one thousand dollars! This may be acceptable to a municipality or large HOA community, but is entirely unacceptable to a group of our size!

We have an excellent compliance record of all Inspections and standards and have attended several Safe Dams seminars trying to keep abreast of our responsibility.

Therefore, we propose, as a small HOA community of Twelve homes, that we be allowed to continue our proven program of self-inspection with photos, supplemented by periodic inspections by State personnel.

Respectfully,



ROY W. TUCKER  
CAROL A. TUCKER  
Lakeridge Lake Owners Association

CC: Senator Marty Harbin  
324-B Coverdell Legislative Office Bldg.  
Atlanta, GA 30334

CC: Representative Matt Ramsey  
PO Box 2325  
Peachtree City, GA 30269

**JACK COX WHEELER**  
**Major General, USA (Ret)**  
115 Trolling Way  
Fayetteville, Georgia 30215  
770 461-8618 [wheeljc@aol.com](mailto:wheeljc@aol.com)

DS  
NP  
RECEIVED  
MAR 02 2015  
Safe Dams Program

23 February 2015

SUBJECT: Possible Changes to Rules for Dam Safety

Georgia Department of Natural Resources  
Environmental Protection Division  
2 Martin Luther King Jr. Drive S.E.  
Suite 1152 East  
Atlanta, Georgia 30334-9000

Dear Sir;

My name is Jack C Wheeler, and have property on Ford Lake in Fayette County, Georgia.

It is our understanding that Watershed Protection Branch, a division of the EPD, will hold a meeting on 27 February to discuss possible changes to the Rules for Dam Safety, and to discuss associated changes to EPD's Safe Dams Program.

It is also our understanding that among the proposed changes is a **requirement for dam property owners** to hire a professional engineer to perform an **annual inspection**.

At the present time, the State Safe Dams folks have performed this inspection, or delegated it to the Dam Owners with NO COSTS INVOLVED. Our dam was upgraded a number of years back including the building of a steel reinforced spill way; new drains; and, all trees removed from the dam site, with maintained grass planted to preclude erosion. The **total costs** of the upgrade to bring our dam into STRICT compliance a few years back was **\$380,000**, also necessitating the draining of the lake – which remained in that state for the better part of two years.

Since that time, when the State was not able to conduct the inspection, the inspections – addressing the precise specifications from the Safe Dam's Office – were conducted by dam property owner(s), and included photos to support the inspection. These were provided to the State. This did not cost the State (taxpayers), nor did it impose an arbitrary annual fee to engineers approved by the State.

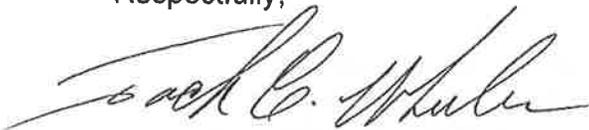
Ask that you seriously consider **NOT PENALIZING** homeowners who have complied with Safe Dam Rules; have performed inspections for the State; and taken pride in maintaining a SAFE DAM. Imposing a requirement for an inspection being conducted by a certified engineer is tantamount to providing JOB SECURITY to engineers – at the expense of homeowners. It is one thing to impose this PENALTY on those who do not adhere to the rules of maintaining a SAFE DAM. However, in the case of the FORD LAKE HOME OWNERS, positive action is taken consistently to insure our dam is maintained in compliance with Safe Dam Rules, and seriously consider life and property downstream.

There are also an additional concerns: 1) fear that if rules are established where one rule fits all dam property owners, the rules will result in subsequent property devaluation if annual inspections **by a certified engineer** are mandated. I seriously doubt that there would be any 'cost controls' on a mandated inspection. Citizens would be at the mercy financially of the engineer. 2) Metro cities like Johns Creek, Sandy Springs and Milton have not had total success in their privatizing efforts. In fact, after hiring a major firm to outsource many services, they ultimately scrapped the effort to do it MUCH CHEAPER IN HOUSE, and used MULTIPLE VENDORS. The idea of mandating citizens use an approved list by the State raises more questions than the Department of Natural Resources has time to answer. Who, as an example, would be the engineer cost arbitrator if the State mandates who we must hire from a State approved list? Would such citizen's costs be tax deductible from their property taxes since they would be carrying out a State function certainly paid for in the past by taxpayers?

Ask that you seriously consider the above in your deliberations, and that final rules do not end up PENALIZING citizens who have paid BIG BUCKS to comply with previous mandated Safe Dam Rules.

Thank you.

Respectfully,



JACK C. WHEELER

CF: Senator Marty Harbin  
324-B Coverdell Legislative Office Bldg  
Atlanta, GA 30334

Representative Matt Ramsey  
P.O. Box 2325  
Peachtree City, GA 30269