

Ga. Comp. R. & Regs. r. 391-3-21-.16 Georgia High Hazard Potential Dams Grant

Georgia Administrative Code

Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Chapter 391-3. ENVIRONMENTAL PROTECTION

Subject 391-3-21. GRANT PROGRAMS

Current through Rules and Regulations filed through March 26, 2021

Rule 391-3-21-.16. Georgia High Hazard Potential Dams Grant

- (1) Statutory Basis: National Dam Safety Program Act (Pub. L. 92-367), as amended, [33 U.S.C. 467f-2](#), and the Georgia Safe Dams Act of 1978, O.C.G.A. Sec. [12-5-370](#) et seq.
- (2) General Scope and Purpose. Grants are available under the Georgia High Hazard Potential Dams (HHPD) Grant for the rehabilitation of eligible high hazard potential dams located in the State of Georgia. The funding source for these grants is provided to the Environmental Protection Division (the "Division") by the U.S. Department of Homeland Security, Federal Emergency Management Agency ("FEMA"). The types of activities that may be funded by this grant include technical, planning, design, pre-construction and construction activities related to the rehabilitation of eligible high hazard dams.
 - (a) The term "eligible high hazard potential dam" is defined under [33 U.S.C. § 467\(4\)\(A\)](#). The Division has published a list of such dams on its webpage and will update this list periodically. This list will include high hazard potential dams that the Division has determined fail to meet minimum dam safety standards and pose an unacceptable risk to the public, as defined by FEMA.
 - (b) Rehabilitation may include the repair, replacement, reconstruction, or removal of a dam; rehabilitation does not include routine operation and maintenance activities.
- (3) General Terms and Conditions of the Grant.
 - (a) Projects submitted for funding under this Grant must clearly identify the eligible high hazard dam proposed for rehabilitation.
 - (b) Submitted projects must conform to all applicable programmatic and administrative conditions of the grant program, including but not limited to the following:
 1. An applicant must coordinate early and often with EPD personnel.
 2. An applicant must act in accordance with the Georgia Safe Dams Act and Georgia's Rules for Dam Safety, Chapter 391-3-8.
 3. An applicant must participate in, and comply with, all applicable federal flood insurance programs.
 4. An applicant must commit to provide operation and maintenance of the project for the 50-year period following completion of rehabilitation (or the expected life of the dam) and provide assurance that the owner of the dam has developed and will carry out a

plan for maintenance of the dam during the expected life of the dam. For projects that do not involve construction, and are limited to planning and/or design, the applicant may meet this requirement through a commitment letter to provide operation and maintenance once the dam rehabilitation moves into construction. If the rehabilitation involves removal of the dam, then this requirement does not apply.

5. An applicant must have a floodplain management plan in place to reduce the impacts of future flood events in the area protected by the project, or the applicant must commit to developing a floodplain management plan not later than one year after the date of execution of the project agreement and implementing the plan not later than one year after the date of completion of the project.
6. An applicant must have in place (by the application deadline and at the time of obligation of grant funds) a FEMA-approved hazard mitigation plan that includes all dam risks and complies with the Disaster Mitigation Act of 2000. Nonprofit organizations that are applicants must be located in a local jurisdiction with a FEMA-approved hazard mitigation plan that includes all dam risks and complies with the Disaster Mitigation Act of 2000. If an applicant does not have a local mitigation plan that includes all dam risks, the applicant may request an extension to meet this requirement where certain extraordinary circumstances defined by FEMA may apply.
7. An applicant must submit quarterly progress reports throughout the duration of the project pursuant to a schedule provided by the Division.
8. An applicant must comply with applicable Federal procurement and subgrant procedures. This may include compliance with federal requirements regarding contractor and subcontractor wages ([42 U.S.C. § 5196\(j\)\(9\)](#)) and selection of architects and engineers ([40 U.S.C. §§ 1101-1104](#)).

(4) Eligible Recipients and Dams for the Grant.

- (a) An eligible applicant shall be a state or local governmental organization or nonprofit organization. Private dam owners that do not qualify as nonprofit organizations will need to enlist the support of a local government or nonprofit sponsor who can serve as the applicant for the project and can meet the grant conditions of paragraph (3)(b).
- (b) The dam proposed for rehabilitation must have an emergency action plan approved by the Division.
- (c) The dam proposed for rehabilitation shall not be a licensed hydroelectric dam, or a dam built under the authority of the Secretary of Agriculture.
- (d) Match Requirements. Funding is available for up to 65 percent of the eligible activity costs. Project applicants shall be required to match a minimum of 35% of the project cost through non-federal sources, which may be in-kind. Requirements for cash and third-party in-kind contributions can be found in [2 C.F.R. § 200.306](#).

(5) Criteria for the Award.

- (a) Award of the Georgia High Hazard Potential Dams (HHPD) Grant is subject to federal funding provided to the Division and funding is limited. Therefore, a prioritization process will be used to ensure that the most appropriate projects are selected for funding from among the applications received. The Division may fund individual projects at less than the requested amounts, if necessary, to distribute funds among selected projects.

(b) In the event that the costs of the applications submitted for eligible projects exceed the available funding, EPD will prioritize projects for selection using the following criteria:

1. Category I dams that are unpermitted, provided that the application commits to bringing the dam into full compliance with the Georgia Safe Dams Act.
2. The Population at Risk (PAR) associated with each dam.
3. The anticipated losses avoided due to rehabilitation of the dam.

(6) Directions and deadlines for applications.

(a) Applicants interested in applying for the Georgia High Hazard Potential Dams Grant should contact the Division's Safe Dams Unit or visit the Division's website for specific application assistance. Any project proposal that does not satisfy all grant criteria or does not follow the Division's application requirements may not be reviewed or considered for funding. Applications should be submitted to:

Georgia Environmental Protection Division

Regulatory Support Program

ATTN: Safe Dams Unit

2 Martin Luther King Jr. Drive, SE

Suite 1152 East

Atlanta, Georgia 30354

(b) Deadline for submitted applications: The Division will announce the availability of this grant and provide instructions and the deadline for submittal of applications within 4 months of publication of this program description. Funding will be distributed based on the criteria for award between eligible applicants that reply within the first solicitation period. If funds remain after grants are awarded to all qualified projects from the first solicitation or additional funds are received for this program after the initial solicitation, additional solicitation(s) will be issued until all the funds have been obligated.

Cite as GA Regs. 391-3-21-.16

Authority: National Dam Safety Program Act (Pub. L. 92-367), as amended, [33 U.S.C. 467f-2](#); O.C.G.A. § [12-5-370](#) et seq.

History. Original grant description entitled "Georgia High Hazard Potential Dams Grant" submitted Dec. 29, 2020.