

**SYNOPSIS**  
**Proposed Amendments to Rules for Dam Safety, Chapter 391-3-8**

The proposed amendments to the Rules for Dam Safety, Chapter 391-3-8, would amend **Rules 391-3-8-.01** through **-.11** to reflect associated changes to the Safe Dams Program.

**Purpose:** To propose amendments to Rules for Dam Safety to address changes to the Safe Dams Program designed to improve the overall performance of the Safe Dams Program. Specifically, these amendments are designed to ensure that potential Category I (i.e. high hazard) dams are promptly identified and categorized appropriately, that identified Category I dams are permitted, that identified Category I dams are routinely inspected with appropriate follow up actions if problems are discovered, and that Category I dams have Emergency Action Plans.

**Main Features:** The proposed amendments incorporate procedures and requirements for dam owners and operators to provide additional analysis to inform EPD's consideration of Category II dams that may need to be reclassified to Category I dams; specify a schedule and procedures for routine inspection and maintenance by dam owners and operators that provides flexibility for smaller dams with a good compliance history; specify requirements for the development and submittal of Emergency Action Plans by Category I dam owners and operators; and update references and provide clarifying language.

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**391-3-8-.01, "Purpose. Amended."** is being amended to update the reference to the underlying authority for this Chapter.

**391-3-8-.03, "Inventory and Classification. Amended."** is being amended to replace references to the Safe Dams Program Quality Assurance Plan (QAP) with references to the Safe Dams Engineer Program Guidelines. The Rule is also being amended to outline procedures regarding Category II dams that may be reclassified to Category I dams due to factors other than proposed development downstream of the dam, including requirements for dam owners to provide further analysis to the Director. These amendments are consistent with Director's authority under O.C.G.A. § 12-5-376(b) to reclassify a Category II dam to a Category I dam due to "modification in the dam or because of changing circumstances" and authority under O.C.G.A § 12-5-375(d) "to require written reports from the owner or operator of any dam for the purpose of [making that determination]." The Rule is also being amended to remove a reference to the "Dambreak computer model" that is no longer available, and to update references to other portions of Rules within this Chapter.

**391-3-8-.04, "Scope and Exclusions. Amended."** is being amended to correct minor typographical errors, to add new paragraph (2) to clarify that land owners who have granted easements to governments to maintain dams are not responsible for compliance, and to clarify the exclusion provided under paragraph (1)(b).

**391-3-8-.05, "Application for a Permit. Amended."** is being amended to correct language in paragraph (1), and to clarify the content of paragraphs (4) and (5).

**391-3-8-.07, “Dam Removal. Amended.”** is being amended to remove the specific reference to the Section 8 procedures of the Georgia Safe Dams Act in favor of a general reference to the procedures of the Act, as the general public is not likely to be able to specifically identify Section 8 of the Act.

**391-3-8-.08, “Permits for the Construction and/or Operation of New and Existing Dams. Amended.”** is being amended to update all references to “proposed” dams to “new” dams; to correct subparagraph numbering; and to provide clarifying language.

**391-3-8-.09, “Standards for the Design and Evaluation of Dams. Amended.”** is being amended to fix the typographical error at the end of the Rule’s title; to incorporate formatting updates; to correct subparagraph numbering; and to provide clarifying language.

**391-3-8-.10, “Inspection and Maintenance Plan Requirements. Amended.”** is being amended to move the existing routine inspection and maintenance requirements for dam owners and operators under paragraph (1); to add clarifying language in subparagraph (1)(c); and to specify under paragraph (2) a schedule and procedures for routine inspection and maintenance by dam owners and operators. The schedule and procedures under paragraph (2) are designed to provide appropriate intervals for dam inspection and maintenance by dam owners through the use of inspection forms developed by the Safe Dams Program, and to provide flexibility for dam owners of smaller dams with a good compliance history to reduce the frequency with which they would need to engage an Engineer of Record to perform their dam inspection.

**391-3-8-.11, “Effective Date. Amended.”** is being amended to revise the title of this Rule to “Emergency Action Plans,” to remove the reference to the effective date for the Chapter, and to add requirements for the development and submittal of Emergency Action Plans by Category I dam owners and operators.

## **STATEMENT OF RATIONALE**

### **Proposed Amendments to Rules for Dam Safety, Chapter 391-3-8**

Amendments to the Rules for Dam Safety, Chapter 391-3-8, are proposed to reflect associated changes to the Safe Dams Program.

The Georgia Safe Dams Act of 1978, O.C.G.A. §§ 12-5-370 et seq., set forth the role of the Safe Dams Program to “provide for the inspection and permitting of certain dams in order to protect the health, safety, and welfare of all the citizens of the state of Georgia by reducing the risk of failure of such dams,” (O.C.G.A. § 12-5-371). To balance these responsibilities with budget and staff constraints, EPD has evaluated existing operations with the goals of operating the program as efficiently as possible to provide the protection envisioned by the Act and to maximize dam owner compliance with the Act and rules, thereby protecting the public. The proposed rule amendments reflect associated changes to the Safe Dams Program and are consistent with those goals.