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Re: Support for HB1474 (Batten) – Exemptions from Dam Safety Act

Dear Members of the ACNR Natural Resources Subcommittee:

As dam owners, **we ask you to support HB 1474** calling for a work group of the Virginia Code Commission to recommend exemptions from the Dam Safety Act for low hazard dams that do not pose a threat to life or material economic damage.

Our circumstances will demonstrate that this is an issue that needs to be addressed with appropriate review and changes.

- Our dam was built and the pond created in the 1970s.
- The pond is only about 6 acres surrounded by seven residential land parcels. The owners range from young families to retired couples.
- Through Subdivision Covenants, six of the property owners have responsibility for maintenance of the dam.
- The pond and dam are not adjacent to a public road or public facility. The only access to the dam is through forested land on the two properties on which the dam is located.
- Even through major rain events such as Hurricanes Isabel, Irene, Gaston, and Michael, the dam has not been breached and the pond water level did not change.
- On the other side of the dam is unworkable agricultural land belonging to one of the dam owners.
- In February, 2023, the property owners received DCR's Letter of Engagement notifying us that our dam is subject to the Dam Safety Act.
- According to DCR's estimate, the dam is 26-29 feet high which only slightly exceeds the regulatory threshold of 25 feet.
- Also, according to DCR's estimate, the pond has 67-acre feet of water which again only slightly exceeds the regulatory threshold of 50-acre feet.
- These are DCR's estimates which they do not have to prove as accurate even though these estimates are the basis upon which our dam is deemed subject to the Dam Safety Act.
- To comply with the Act, we are now required to hire a professional engineer to perform at least the following documentation at significant cost to us:
 - Inspection Report \$ 1,350
 - Apply for Operation & Maintenance Certificate \$ 1,050
 - Fee to DCR for application \$ 300
 - Inundation Study \$22,400
 - Emergency Preparedness Plan \$ 3,600
 - TOTAL \$28,700

- The next steps may be repairs or rebuilding based on the Dam Safety Act's requirements. Initial estimates are an additional \$60,000-\$100,000.

DCR has at this point identified over 3000 dams subject to the Dam Safety Act. Dams like ours that have no risk to surrounding property should be exempt and allow for DCR's time and resources to be spent on dams with high risk for life or material economic damage. Anecdotally, we have heard of a number of similar cases as ours.

In summary, we have a dam that we believe is low hazard. However, we are being required to spend significant dollars to meet the Dam Safety Act requirements based on estimates that DCR has provided but not proven to be accurate. We, therefore, support HB 1474 to recommend exemptions for dams such as ours.

We ask you to support HB1474 on behalf of all the dam owners in Virginia who find themselves in these circumstances. Should you need additional information, please contact us.

Thank you.

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