

West Virginia Definition of a Dam - Exemptions

A “dam” is an artificial barrier or obstruction that impounds, or will impound, water. The law establishes that regulated dams must be:

- 25 feet or more in height* and impound 15 or more acre-feet (4,917,420 gallons) of water volume**

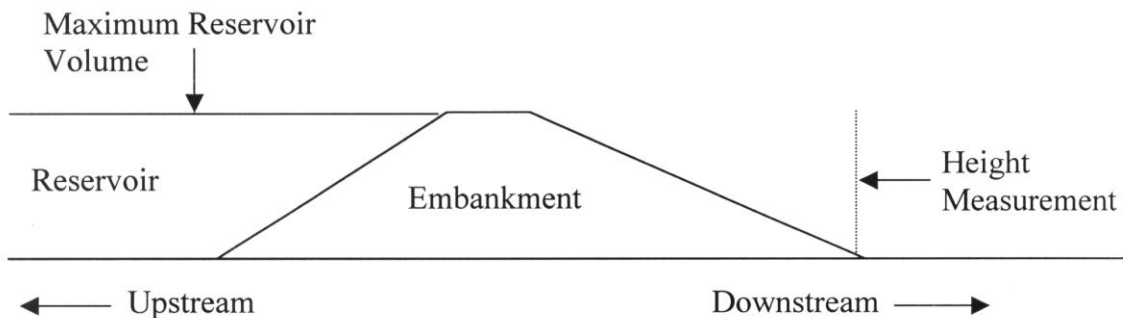
OR

- 6 feet or more in height* and impound 50 or more acre-feet (16,391,400 gallons) of water volume**

* Height is the vertical distance from the natural streambed at the downstream toe of the dam to the crest of the dam.

** Water volume is measured to the crest of the dam, not to normal reservoir level.

"Water" means any liquid, including any solids or other matter which may be contained therein, which is or may be impounded by a dam.



The complete definition of a “dam” may be found in the Dam Control and Safety Act - W. Va. Code 22-14-3(f), and in the Dam Safety Rule (47CSR34-2.12).

Exemptions from state jurisdiction include:

- Dams owned by the Federal government
- Dams that do not normally impound water, such as road fills with culverts sized in capacity equal to WVDOH standards
- Dams built primarily for agricultural purposes and demonstrated to not cause loss of life if the dam fails

Dams In Series (47CSR34-3.3). If a series or combination of water-impounding structures within the same watercourse, or within the tributaries of the watercourse, which **1)** cumulatively meet the definition of "dam," **2)** constitute a hazard to human life, and **3)** failure of one or more of the impounding structures may induce failure of any or all of the remaining impounding structures, the owner(s) of each impounding structure may be required to comply with the Rule requirements.