

# DAM CONTROL AND SAFETY ACT APPLICATION INSTRUCTIONS

Please refer to this document for instructions in completing an application for a Certificate of Approval for non-coal related dams. If the dam is coal related, contact the West Virginia Department of Environmental Protection's Division of Mining and Reclamation. Phone: (304) 926-0490.

This application form is an all-purpose document that addresses existing dams, new construction, repair, modification, enlargement, reduction, removal, breach and abandonment of non-coal related dams.

The application for each of the above options consists of Form DS-1 in combination with either Form DS-1A or DS-1B.

Each application must be submitted with two copies of the plan package. Components of a complete application and plan package may be found in Sections 47CSR34-5 and 47CSR34-6 of the Dam Safety Rules. The following instructions should assist applicants to submit an accurate and complete application:

## General Instructions for All Applications

**A location map showing dam location (using latitude/longitude crosslines), roads, streams, and nearest town is required.** Statements on the application form must not be modified without prior approval from the Dam Safety Section. Do not bind application forms in report books. **Original blue ink signatures of the owner and engineer are required on the application form. Two copies of the plan package are required.** All plans and specifications must be signed and sealed by an engineer approved by the West Virginia Board of Registration. The engineer's signature and seal also are required on each full-size plan sheet, even if the sheets are bound together. The engineer's signature and seal also are required on the front page of any engineering report book and each unbound sheet of drawings or specifications included in appendices or pockets. If the application and plan packages are not submitted according to these instructions, both may be returned to the applicant for correction. **Postal money orders or checks must be payable to the Department of Environmental Protection.**

All applications and plan packages must be submitted to:

**Department of Environmental Protection  
Division of Water and Waste Management - EE/Dam Safety Section  
601 57th Street  
Charleston, West Virginia 25304-2345**

## NEW CONSTRUCTION

Application for construction is required if the proposed dam will equal or exceed 25 feet in height, measured at the downstream toe to the top of the dam (not spillway elevation), and will equal or exceed 15 acre-feet of storage capacity measured at the top of the dam (not spillway elevation). An application is also required for dams that will equal or exceed 6 feet in height and 50 acre-feet of storage measured as above. Please see the Dam Safety Act (W. Va. Code 22-14-3[e]) or the Dam Safety Rules (47CSR34-2.10.) for the complete legal definition of a "dam."

Forms DS-1 and DS-1A must be submitted with a \$300 filing fee (NRCS dams are exempt from fees) payable to DEP. Item # 11 on Form DS-1 must be checked for "New Construction." Item # 20 on Form DS-1A should only have the "Final Design Configurations" column completed. Original signatures of the owner and the engineer must appear in Item # 22.

Two copies of the plan package must be prepared in accordance with the format and content required under Section 47CSR34-6 of the Dam Safety Rules. All Class 1 dam applications must include a Monitoring and Emergency Action Plan with Maintenance Plan.

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## MODIFICATION

An application is required for the modification, alteration or repair of an existing dam that meets the Dam Control and Safety Act's definition of a "dam." Modification includes "enlargement" (W. Va. Code 22-14-3[g]) of the dam by increasing the height of the dam or by increasing normal or maximum reservoir volume capacity.

For dams under construction with a Certificate of Approval (such as flyash disposal dams or other dams under construction), an application must be submitted if the planned modification results in changes to the information on the previously approved application. If the information on the previously approved application will not change as a result of the modification, approval may be granted under the terms of the existing Certificate.

For existing (not under construction) dams, an application must be submitted for any modification of the structure, unless the work involves "routine repairs" (W. Va. Code 22-14-5) that do not affect the safety of the dam. See Rules 47CSR34-16.3. for examples of "routine" maintenance that do not require an application.

Forms DS-1 and DS-1A must be submitted with a \$300 filing fee (NRCS dams are exempt from fees) payable to DEP. Item # 11 on Form DS-1 must be checked for "Modification." Item # 20 on Form DS-1A must have both columns completed. Original signatures of the owner and the engineer must appear in Item # 22.

Two copies of the plan package must be prepared in accordance with the format and content required under Section 47CSR34-6 of the Dam Safety Rules. All Class 1 dam applications must include a Maintenance Plan and a Monitoring and Emergency Action Plan, if an up- to-date approved plan does not exist.

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## APPROVAL OF EXISTING DAMS

An application is required for existing dams completed prior to the enactment of the Dam Safety Act on July

1, 1973, and which meet or exceed the Dam Safety Rules requirements.

Forms DS-1 and DS-1A must be submitted with a \$300 filing fee (NRCS dams are exempt from fees) payable to DEP. Item # 11 on Form DS-1 must be checked for "Existing Structure." Item # 20 on Form DS-1A must have the "Existing/Current Configuration" column completed. Original signatures of the owner and the engineer must appear in Item # 22.

Two copies of the plan package must be prepared in accordance with the format and content required under Section 47CSR34-6 of the Dam Safety Rules. Dam Safety will consider an alternative format for preexisting plans, provided the applicant submits the information required by the regulations. All Class 1 dam applications must include a Maintenance Plan and a Monitoring and Emergency Action Plan, if an up-to-date approved plan does not exist.

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## REMOVAL OR BREACH

Removal - An application must be submitted when a dam is to be completely removed. See Rules Section 47CSR34-10 for removal requirements. A \$100 filing fee payable to DEP is required.

Breach - A breach is a partial removal of a dam, usually creating a channel through the dam at the valley floor elevation. Abutments of the dam may remain; however, a channel adequate to carry the appropriate design flood must be constructed. See Rules Section 47CSR34-9 for breach requirements. A \$200 filing fee payable to DEP is required.

Forms DS-1 and DS-1B must be submitted with the above filing fee. Item # 11 on Form DS-1 must be checked for "Removal" or "Breach" as appropriate. Item # 20 on Form DS-1B must have Section A or C completed as appropriate. Original signatures of the owner and the engineer must appear in Item # 22.

Two copies of the plan package must be prepared in accordance with the format and content required under Section 47CSR34-6 of the Dam Safety Rules.

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## **ABANDONMENT**

An application must be submitted when the reservoir is proposed to be completely filled with suitable materials to the top of the dam. The design to fill the reservoir area must prevent any potential for impoundment of surface water. This method is most often used to abandon waste disposal dams. Dam Control and Safety Act jurisdiction is retained for at least five years until the abandonment plan has been shown to be effective. See Rules Section 47CSR34-11 for abandonment requirements.

Forms DS-1 and DS-1B must be submitted with a \$200 filing fee payable to DEP. Item # 11 on Form DS-1 must be checked for "Abandonment." Item # 20, Section B on Form DS-1B must be completed for abandonment/filling. Original signatures of the owner and the engineer must appear in Item # 22.

Two copies of the plan package must be prepared in accordance with the format and content required under Section 47CSR34-6 of the Dam Safety Rules.

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## **REDUCTION OF HEIGHT TO LESS THAN JURISDICTION**

A proposal to reduce the crest elevation of a dam to less than the legal height, as defined in the Act, requires submission of an application. See Rules 47CSR34-12.1. for specific requirements. Forms DS-1 and DS-1A must be submitted with a \$300 filing fee payable to DEP. Item # 11 on Form DS-1 must be

checked for "Modification." Item # 20 on Form DS-1A must have both columns completed. Original signatures of the owner and the engineer must appear in Item # 22.

Two copies of the plan package must be prepared in accordance with the format and content required under Section 47CSR34-6 of the Dam Safety Rules.

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## **ENLARGEMENT OF A DAM TO JURISDICTION**

Increasing the size of a dam that previously was not under the Dam Control and Safety Act jurisdiction to meet or exceed the legal size as defined in the Act, requires an application. See Rules 47CSR34-12.2. for requirements.

Forms DS-1 and DS-1A must be submitted with a \$300 filing fee payable to DEP. Item # 11 on Form DS-1 must be checked for "New Construction." Item # 20 on Form DS-1A must have both columns completed. Original signatures of the owner and the engineer must appear in Item # 22.

Two copies of the plan package must be prepared in accordance with the format and content required under Section 47CSR34-6 of the Dam Safety Rules. All Class 1 dam applications must include a Maintenance Plan and a Monitoring and Emergency Action Plan.

**For more information contact  
Department of Environmental Protection  
Division of Water and Waste Management - EE/Dam Safety Section  
Phone: (304) 926-0470  
FAX: (304) 926-0477**

**Copies of the Dam Control and Safety Act (W. Va. Code 22-14) and the Dam Safety Rules (47CSR34) may be requested from the West Virginia Secretary of State, Administrative Law Division, State Capitol, Charleston, West Virginia 25305. Internet information is available at (Act) URL: <http://www.legis.state.wv.us/> and (Rules) URL: <http://www.wvsos.com/csr/>**