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SENATE BILL NO. 1060

Offered January 12, 2011

Prefiled January 11, 2011

A *BILL to amend and reenact § 10.1-604 of the Code of Virginia, relating to the definition of impoundment structures.*

Patrons—McDougle and Vogel; Delegates: Cox, J.A., Kory and Peace

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-604 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-604. Definitions.

As used in this article, unless the context requires a different meaning:

"Alteration" means changes to an impounding structure that could alter or affect its structural integrity. Alterations include, but are not limited to, changing the height or otherwise enlarging the dam, increasing normal pool or principal spillway elevation or physical dimensions, changing the elevation or physical dimensions of the emergency spillway, conducting necessary repairs or structural maintenance, or removing the impounding structure.

"Board" means the Soil and Water Conservation Board.

"Construction" means the construction of a new impounding structure.

"Dam break inundation zone" means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of a dam.

"Height" means the structural height of a dam which is defined as the vertical distance from the natural bed of the stream or watercourse measured at the downstream toe of the dam to the top of the dam.

"Impounding structure" means a man-made structure, whether a dam across a watercourse or other structure outside a watercourse, used or to be used to retain or store waters or other materials. The term includes: ~~(i)~~ all dams that are ~~twenty-five~~ 25 feet or greater in height and that create an impoundment capacity of ~~fifteen acre-feet or greater~~; and ~~(ii)~~ all dams that are ~~six feet or greater in height and that create an impoundment~~ capacity of ~~fifty~~ 50 acre-feet or greater. The term "impounding structure" shall not include: ~~(a)~~ (i) dams licensed by the State Corporation Commission that are subject to a safety inspection program; ~~(b)~~ (ii) dams owned or licensed by the United States government; ~~(c)~~ (iii) dams operated primarily for agricultural purposes ~~which are less than twenty-five feet in height or which that~~ create a maximum impoundment capacity smaller than 100 acre-feet; ~~(d)~~ (iv) water or silt retaining dams approved pursuant to § 45.1-222 or § 45.1-225.1; or ~~(e)~~ (v) obstructions in a canal used to raise or lower water.

"Owner" means the owner of the land on which a dam is situated, the holder of an easement permitting the construction of a dam, and any person or entity agreeing to maintain a dam.

"Watercourse" means a natural channel having a well-defined bed and banks and in which water normally flows.

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