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## SENATE BILL NO. 884

Offered January 9, 2013

Prefiled January 4, 2013

A *BILL to amend and reenact § 10.1-606.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-609.3, relating to impoundment structures and notice of an increase in the flow of water; penalty.*

Patron—Deeds

Referred to Committee on Agriculture, Conservation and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

**1. That § 10.1-606.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-609.3 as follows:**

**§ 10.1-606.2. Mapping of dam break inundation zones.**

A. An owner of an impounding structure shall prepare a map of the dam break inundation zone for the impounding structure in accordance with criteria set out in the Virginia Impounding Structure Regulations (4VAC 50-20). Existing maps prepared by the locality in accordance with these regulations may be used for this purpose.

B. All maps prepared in accordance with subsection A shall be filed with the Department of Conservation and Recreation and with the offices with plat and plan approval authority or zoning responsibilities as designated by the locality for each locality in which the dam break inundation zone resides.

C. Owners of impounding structures may be eligible for matching grants of up to 50 percent from the Dam Safety, Flood Prevention and Protection Assistance Fund and other sources of funding available to the Director to assist in the development of dam break inundation zone maps and for conducting incremental damage assessments in accordance with the Virginia Impounding Structure Regulations.

D. All properties identified within the dam break inundation zone shall be incorporated by the owner into the dam safety emergency action plan of that impounding structure so as to ensure the proper notification of persons downstream and other affected persons or property owners in the event of an emergency condition at the impounding structure.

E. An owner of an impounding structure shall make the dam's current emergency action plans and reservoir regulation protocols available to all owners of property identified within the dam break inundation zone and all owners of downstream riparian property within 10 miles of the dam.

**10.1-609.3. Notice of increase in flow of water; penalty.**

No dam owner shall manipulate the structure of a dam to substantially increase the flow of water until at least 24 hours and no more than two months have passed after notifying (i) those downstream riparian landowners located within 10 miles of the dam and (ii) the police, fire, and rescue services, or equivalent emergency service organizations, that serve the localities in which the landowners described in clause (i) are located. Dam owners failing to provide sufficient notice in accordance with this section shall be subject to civil penalties pursuant to § 10.1-613.2. Civil penalties assessed under this section shall be paid into the Flood Prevention and Protection Assistance Fund, established pursuant to § 10.1-603.17, and shall be used for the administration of the dam safety program.

INTRODUCED

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