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SENATE BILL NO. 1166

Senate Amendments in [] — January 24, 2001

A BILL to amend and reenact § 10.1-604 of the Code of Virginia, relating to the definition of an impounding structure.

Patrons Prior to Engrossment—Senator Hanger; Delegate: Landes

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:

"Board" means the Soil and Water Conservation Board.

"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 device, 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 feet or greater in height and that create [a maximum an] impoundment [capacity] of fifteen acre-feet or greater, and (ii) all dams that are six feet or greater in height and that create [a maximum an] impoundment [capacity] of fifty acre-feet or greater.* The term "impounding structure" shall not include: *(ia) dams licensed by the State Corporation Commission that are subject to a safety inspection program; (iib) dams owned or licensed by the United States government; (iiic) dams constructed, maintained or operated primarily for agricultural purposes which are less than twenty-five feet in height or which create a maximum impoundment [capacity] smaller than 100 acre-feet; (ivd) water or silt retaining dams approved pursuant to § 45.1-222 [or § 45.1-225.1] ; or (ve) obstructions in a canal used to raise or lower water; (vi) nonagricultural dams which are less than twenty-five feet in height or which create a maximum impoundment smaller than 50 acre-feet; or (vii) dams not more than six feet in height regardless of storage capacity or with a storage capacity of not more than 15 acre-feet regardless of height.*

"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.

2. That the provisions of this act shall become effective on July 1, 2002.

ENGROSSED

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