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SENATE BILL NO. 582**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on January 23, 2014)

(Patron Prior to Substitute—Senator Garrett)

A BILL directing the Department of Conservation and Recreation to utilize a storm-based approach in updating the Probable Maximum Precipitation (PMP) for locations within or affecting the Commonwealth.

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Conservation and Recreation, on behalf of the Virginia Soil and Water Conservation Board, shall utilize a storm-based approach in order to derive the Probable Maximum Precipitation (PMP) for locations within or affecting the Commonwealth. The PMP revisions shall be based on accepted storm evaluation techniques and take into account such factors as basin characteristics that affect the occurrence and location of storms and precipitation, regional and basin terrain influences, available atmospheric moisture, and seasonality of storm types. The results shall be considered by the Virginia Soil and Water Conservation Board in its decision to authorize the use of the updated PMP values in Probable Maximum Flood calculations, thus replacing the current PMP values. Such PMP revisions shall be adopted by the Board if it finds that the analysis is valid and reliable and will result in cost savings to owners for impounding structure spillway construction or rehabilitation efforts.*

§ 2. The development of the methodology shall be completed by December 1, 2015.

§ 3. Owners of impounding structures with spillway design inadequacies who maintain coverage under a Conditional Operation and Maintenance Certificate in accordance with the Board's Impounding Structure Regulations (4VAC50-20) shall not be required to rehabilitate the spillway of their impounding structure until the analysis required under § 1 has been completed and reviewed by the Virginia Soil and Water Conservation Board. Such owners shall remain subject to all other requirements of the Dam Safety Act (§ 10.1-604 et seq.) and regulations.

2. That in addition to other sums made available, the Department of Conservation and Recreation is authorized to utilize unobligated balances in the Dam Safety, Flood Prevention and Protection Assistance Fund established pursuant to § 10.1-603.17 of the Code of Virginia or the Dam Safety Administrative Fund established pursuant to § 10.1-613.5 of the Code of Virginia to contract out for the analysis required under § 1.