

POL 5102

WATER RESOURCES PROGRAM POLICY

Resource Contact: Dam Safety Office

Effective Date: 07-01-91

References: RCW 43.21A.064

Revised: 07-01-1999

RCW 86.16.035

RCW 90.03.350

WAC 508-12-280 through 410 (repealed 07-01-92)

Chapter 173-175 WAC

APPLICABILITY OF DAM SAFETY POLICIES AND PROCEDURES

POLICY STATEMENT:

Existing Statutes, Rules, and Policies regarding matters of dam safety are to be applicable to dams which are constructed with a potential active capacity to store 10 acre-feet or more of water as measured at the dam crest elevation. Active storage refers to water stored above natural ground level which could be released by a failure of the impounding barrier. The 10 acre-feet threshold applies to dams which can, or will, actively impound water on either a permanent or temporary basis.

DSO Jurisdiction extends to any dam which can or does contain water of any quality, or any substance containing sufficient water to exist in a liquid or slurry state at the time of initial containment. The Dam Safety Office will become involved with dams of less than 10 acre-feet potential active capacity only when there is a clear and imminent threat to human life.

Those transportation facilities which cross watercourses and which have been, or will be, modified with the intention of impounding water on an intermittent or permanent basis shall be subject to these policies. These policies do not apply to transportation facilities such as roads, highways or rail lines which cross watercourses and exist solely for transportation purposes rather than for impounding water, and which are regulated by other governmental agencies.

These policies do not apply to dikes or levees constructed adjacent to or along a watercourse for protection from natural flooding or for purposes of floodplain management.

These policies do not apply to concrete or steel water storage tanks.

DISCUSSION:

Those statutes which do identify a jurisdictional threshold for dams, reference a volume of 10 acre-feet of water. Accordingly, the 10 acre-feet jurisdictional threshold was formalized in WAC 173-175-020(1) and is to be applied to all dam safety activities.

This policy also identifies jurisdiction for structures which are constructed for the intended purpose of impounding water. Other barriers, such as those intended solely for

use as roadfills and railroad crossings, would rightly fall under the jurisdiction of a transportation agency.

Water storage tanks used for holding domestic water supplies do not constitute dams in the normal interpretation of the term "dam". Tanks which are large enough to store 10 acre-feet of water are usually located in large metropolitan areas, with professionally managed water utilities. Construction within the city limits normally means that engineering review for structural safety will be conducted by the County or City public works department, with inspection and maintenance by the water utility. It is therefore deemed inappropriate for the Dam Safety Office to have redundant review and oversight on a project which can only be considered a "dam" by the broadest interpretation of the statutes.

In an emergency situation, authority vested in RCW 43.21A.064 and 86.16.035 would allow Ecology to intercede on smaller projects that store less than 10 acre-feet in situations where there is an imminent threat to human life.

Keith E. Phillips
Program Manager
Water Resources Program

Special Note: These policies and procedures are used to guide and ensure consistency among water resources program staff in the administration of laws and regulations. These policies and procedures are not formal administrative regulations that have been adopted through a rule-making process. In some cases, the policies may not reflect subsequent changes in statutory law or judicial findings, but they are indicative of the department's practices and interpretations of laws and regulations at the time they are adopted. If you have any questions regarding a policy or procedure, please contact the department.