



## **AMHERST COUNTY SERVICE AUTHORITY**

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November 3, 2011

To: Steve Crosby, Interim County Administrator

Subject: DCR Dam Regulations

Dear Mr. Crosby:

Last month you sent an e-mail out about the Governor's invitation to discuss burdensome unfunded mandates. The current DCR dam regulations were adopted in 2008. When I went on the Governor's list of regulations open to comment, I did not find any dated prior to 2009. Yet, because the dam regulations could result in modification cost of several million dollars, I asked our consultants to provide us with an update (attached) on the regulatory status and the most prudent time line for the required preliminary engineering report.

Attached you will find an advance copy of that communication, which will be part of the December ACSA meeting packet. Until the committee work of the Virginia Lake and Watershed Association and Virginia Rural Water Association is done, lake owners will not know the specifics of regulations that may be successfully petitioned for change. (It is extremely unlikely that the entire 2008 regulation could be repealed in favor of the old regulations.)

But, the Board may wish to provide any state representative with the following information whenever an opportunity is available.

1. The current DCR dam regulations, adopted in 2008, are an extremely burdensome unfunded mandate.
2. The Graham Creek Reservoir, including its emergency spillway, conforms to all portions of the pre-2008 dam regulations. This dam's emergency spillway has a capacity of approximately 20% greater than required by those regulations.



3. Even though Graham Creek Reservoir's emergency spillway has functioned flawlessly under the area's highest rainfall events of the last century, Hurricanes Camille and Agnes, under the 2008 DCR dam regulations it is now considered inadequate.
4. Preliminary estimates to further widen the emergency spillway to meet the 2008 regulations are as high as \$8,000,000.00

If the Commonwealth is not willing to fund such modifications for the hundreds of Virginia's dams, these requirements are unreasonable. I hope this information is useful.

Sincerely,



Dan E. French  
Director of Public Utilities

DEF/ktp

P. S. Similar concerns will likely also emerge from the inundation studies of the County's watershed lakes.