



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

MEMORANDUM

To: Stormwater Stakeholders

From: Michael S. Rolband, Director

A handwritten signature in blue ink, appearing to read "M. Rolband".

CC: James Golden, Director of Operations
Scott Morris, Water Division Director
Meghan Mayfield, Water Permitting Division Director
Rebecca Rochet, Deputy Water Permitting Division Director

Date: June 4, 2024

Re: Stormwater Management Requirements for Dam Safety Maintenance Activities and Critical Alterations

It has come to the Virginia Department of Environmental Quality's attention that current regulations and handbooks/manuals, as well as the new Virginia Stormwater Management Handbook (VSMH) being implemented on July 1, 2024, are unclear on stormwater management requirements as they pertain to public safety alterations on regulated dams or activities within 25 feet of regulated dams (the buffer area required per the Department of Conservation & Recreation's dam safety regulations). Currently, land disturbance activities associated with dam safety maintenance (including some critical alterations that ensure a dam remains operable and results in de minimis impacts to the existing 1-year and 10-year discharge rates) and limited land disturbance (e.g., clearing, grubbing, removal of woody vegetation, related erosion and sediment control installation) within 25 feet of the toe of dam are generally classified as maintenance activities and are exempt per § 62.1-44.15:34 of the Code of Virginia.

Please note these activities are still subject to erosion and sediment control requirements. In addition, new stormwater management facilities remain subject to the stormwater technical criteria; only critical alterations to existing dams or related impounding structures are included in this exemption. For specific project determinations, please contact Rebecca Rochet, Deputy Director of Water Permitting, at 804-801-2950 or Rebecca.Rochet@deq.virginia.gov.

This item will be discussed at the first meeting of the VSMH Technical Review Committee to determine if additional changes are needed in a future version of the VSMH to clarify the requirements for the maintenance of dams and related structures.

For any additional questions, please contact Rebecca Rochet, Deputy Director of Water Permitting, at 804-801-2950 or Rebecca.Rochet@deq.virginia.gov, or Meghan Mayfield, Director of Water Permitting, at 804-914-3729 or Meghan.Mayfield@deq.virginia.gov.