

## When Do I Need a DHEC Dam Safety Permit?

The South Carolina Dam Safety Program is governed by the Dams and Reservoirs Safety Act (SC Code of Laws, Title 49, Chapter 11, Article 3) and the Dams and Reservoirs Safety Act Regulations (SC Code of Regulations 72-1 through 72-9). The complete text may be found on our website ([www.scdhec.gov/dams](http://www.scdhec.gov/dams)), just follow the link labeled "Laws and Regulations." Regulation 72-3 outlines which activities require a permit:

### 1. Construction of a new dam: (72-3, Section B-1)

*"Construction of a new dam shall not commence until the owner has applied for and received a permit to construct from the Department, except for any new dam exempt from the statute."*

Dams exempt from regulation have a maximum impoundment volume less than fifty acre-feet and are below twenty-five feet in height and will not endanger human life in the event of a failure. Others may be exempt if they pose no significant threat to downstream life or property. For example: A dam is immediately upstream of the ocean or other major water body and there are no structures or utilities between the dam and the receiving water body, then that dam may be exempt.

### 2. Repairs or Alterations to an existing dam: (72-3, Section B-2) and (72-3, Section B-3)

*"Repairs proposed voluntarily or pursuant to an inspection and repair order require permitting. Should the owner be uncertain as to whether the proposed work is repair or normal maintenance work, he should contact the Department for clarification. In case of an emergency where the owner finds repairs are necessary to safeguard life or property, the owner may start such repairs immediately but shall notify the Department at once of the proposed repair and work under way."*

*"Alteration of a dam or reservoir includes but is not limited to changing the height of a dam, increasing the normal pool or*

*principal spillway elevation, or changing the elevation or physical dimensions of an emergency spillway."*

Permits are required for most repairs but are generally not required for maintenance. What is the difference? In general, "repairs" relate to work that impact the design operation or structural integrity of the dam and "maintenance" relates to work that could be considered "good housekeeping" and does not affect the design operation or structural integrity of the dam. "Maintenance" can also be thought of as work that, if neglected or postponed, could result in degradation of the dam to a point where "repairs" become necessary. As an example, a repair (requiring a permit) is removing trees that are greater than four inches in diameter at breast height, because at this size it is expected that the tree's root system will have extended deep into the dam creating a possible structural integrity concern. Trees less than four inches in diameter may be removed as maintenance. Similarly, filling eroded areas twelve inches deep or greater is considered a repair and requires a permit, where as filling eroded areas less than twelve inches deep is considered maintenance and does not require a permit.

### 3. Removal of an existing dam: (72-3, Section B-4)

*"Removal of an existing dam shall not commence until the owner has applied for and obtained a permit from the*

*Department to accomplish the proposed removal."*

A permit is required to remove any non-exempt dam. Just because a dam is not currently impounding water (whether the lake has been drained, or the dam failed in a storm) does not mean that it has been removed. Removal of the dam, which can be a technically complicated issue, generally means permanently removing a section of the dam large enough that the dam loses its ability to impound a potentially dangerous volume of water. An engineering analysis is generally required to demonstrate whether this is true. Once the Department is satisfied that a dam has been removed, then the dam ceases to exist in the eyes of the Department, and the landowner is no longer subject to DHEC's Dam Safety regulations.

Remember, all permit applications AND work performed under a permit requires the involvement of a Professional Engineer licensed in the State of South Carolina. A great deal of time and expense can be avoided by taking care of your dam and performing preventative maintenance to address those small problems before they become big problems requiring repair! If you are not sure whether a proposed dam would be considered exempt, or you have questions about repairs, maintenance, or removal, please contact your Regional Dam Safety Engineer for assistance.