



Ohio Department of Natural Resources
Division of Soil and Water Resources
Fact Sheet

Fact Sheet 01-61

Dam Safety: Inspection Exemption

The Division of Soil and Water Resources, Dam Safety Program regulates dams to protect public safety. As part of this regulatory responsibility, the program conducts periodic safety inspections of existing dams under Ohio Revised Code (ORC) Section 1521.062. Some dams fall under regulatory jurisdiction based solely on their height or storage volume (see the “Classification of Structures” fact sheet No. 29) and do not pose a public safety risk. If failure of the dam would not constitute a hazard to life, health, or property, it may be eligible for inspection exemption under ORC Section 1521.064. To be “inspection exempt” means that the dam will no longer be inspected by the Division of Soil and Water Resources (DOW) until such time as the potential downstream hazard changes. Also, the dam owner would not be required to pay the annual fee required under ORC Section 1521.063.

Please be aware that if any roads, buildings, or other structures are located downstream of the dam in the inundation area, it is often difficult to prove that the structures will not be damaged during a dam failure. In these cases, an inspection exemption will not be granted. It is strongly recommended that the dam owner discuss their project and the likelihood of an inspection exemption being granted with a Division of Soil and Water Resources, Dam Safety Program engineer prior to beginning work on their project. This can potentially eliminate a great deal of time and expense for the owner.

To receive an inspection exemption, the owner must comply with the following procedure.

- Step 1. Submit a letter to the Chief of the Division of Soil and Water Resources requesting an inspection exemption under ORC Section 1521.064.
- Step 2. Provide a map showing the location of the dam and the area downstream of the dam. A topographic map of the area may be acceptable.
- Step 3. Submit documentation to verify that any of the structures downstream of the dam noted on the map provided in Step 2 will not be damaged if the

dam were to fail. Depending on the size of the dam and the condition of the downstream channel (i.e. steepness, type of vegetal cover, width, depth), an engineer may be necessary to provide the documentation. In these cases, the required documentation may include flood inundation maps, dam failure studies, and other calculations or information needed by the Chief.

- Step 4. Submit written certification that the owner accepts liability for any injury, death, or loss to downstream property owners if the dam fails. The “Liability Certification” form can be obtained from the Division of Soil and Water Resources, Dam Safety Program (See web site or call 614/265-6731). The liability certification is not transferable. If ownership of the dam changes, the new owner must submit a new “Liability Certification” form to continue the inspection exemption.

Before the Chief can issue an inspection exemption, the dam must meet certain basic safety criteria.

1. The dam and spillway must have enough combined capacity to safely pass the one hundred-year flood. If a private engineering consultant or the Division of Soil and Water Resources has performed an inspection of the structure, the adequacy of the dam and spillway system should be known.
2. The dam must be in good condition and meet all requirements of the Chief of the Division of Soil and Water Resources. These requirements typically include the removal of all trees and brush, and the repair of any structural deficiencies or significant instabilities. These requirements are listed in the previous Division of Soil and Water Resources, Dam Safety Inspection Report.
3. The dam shall have an approved Operation, Maintenance, and Inspection Manual and Emergency Action Plan. Guidelines and examples of these documents can be obtained from the Division (See web site or call 614/265-6731).

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After the conditions for the inspection exemption have been met and the Division of Soil and Water Resources has received all proper submittals, the dam will be exempted from the inspection requirements.

Dams exempted from inspection under ORC Section 1521.064 must be re-certified annually. Every year the Division of Soil and Water Resources will send the owner a “Liability Certification” form instead of an annual fee statement. The owner must fill out the form and return it by June 30. If the ownership of the dam has changed, the new owner shall fill out the form and return it with the updated information.

The Division of Soil and Water Resources may make periodic site visits to verify that the downstream hazard status has not changed. If something has been constructed downstream, such as a new road, home, public utility, etc., the Chief may rescind the inspection exemption and re-classify the dam based on the dam safety administrative rules.

The classification system is described in the “Classification of Structures” fact sheet No.29 and can be found on the Division of Soil and Water Resources web site at www.dnr.state.oh.us/water/ or obtained from the Dam Safety Program at 614/265-6731.

Any other questions, comments, concerns, or fact sheet requests should be directed to:

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