



Ohio Department of Natural Resources

MIKE DEWINE, GOVERNOR

MARY MERTZ, DIRECTOR

Division of Water Resources

Dena C. Barnhouse, Chief
2045 Morse Road/Building B-3
Columbus, Ohio 43229
614-265-6620
water@dnr.ohio.gov

September 13, 2024

Fayetteville Perry Local School
Tim Carlier, School Superintendent
551 S. Apple Street
Fayetteville, OH 45118-9736

RE: Fayetteville High School Lake Dam
File Number: 9137-013
Brown County

Dear Mr. Carlier:

Thank you for allowing Mia Kannik and Ryan Heskett of the Division of Water Resources to conduct a safety inspection of Fayetteville High School Lake Dam on April 24, 2024. This inspection was conducted by representatives of the Chief of the Division of Water Resources under the provisions of Ohio Revised Code (ORC) Section 1521.062 to evaluate the condition of the dam and its appurtenances. The Chief has the responsibility to ensure that human life, health, and property are protected from dam failures. Conducting periodic safety inspections and working with dam owners to maintain and improve the overall condition of Ohio dams are vital aspects of achieving this purpose. A copy of the laws and administrative rules for dam safety is available on the division's web site or by request. I have enclosed guidelines for preparing an operation, maintenance, and inspection manual and guidelines for preparing an emergency action plan (EAP).

The enclosed inspection report was generated based on available information and is hereby provided for your use and study. Listed in the report are some repair and maintenance items that as a dam owner you are required by law to perform. Completion of these required items will improve the safety and overall condition of the dam. As noted in several previous inspection reports, the acceptable deadline to complete these items has long passed; therefore, the dam is being operated and maintained in violation of state dam safety laws as noted in the enclosed Notice of Violation (NOV) 2024-1003. Due to the seriousness of the deficiencies at the dam and the lives at risk downstream, you must take immediate action to improve the safety of the dam. **Should you fail to comply with the enclosed NOV, please be advised that an enforcement action may be brought against you.**

Fayetteville High School Lake Dam must meet the requirements of the law, and we look forward to your cooperation in meeting those requirements. Full compliance may be achieved by either repairing the Dam or adequately breaching or modifying the dam, as outlined in the enclosed "Remediation Alternatives" fact sheet. I have also enclosed "Guidelines for Submitting a Schedule for EAP and Repair" and an example "Proposed Schedule for EAP and Repairs" to assist you.

Fayetteville High School Lake Dam

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Please be advised that you **may** qualify for a reduced-interest loan to make required repairs or develop an EAP through **the** Dam Safety Loan Program administered by the Ohio Water Development Authority (OWDA). To find out about this program, please contact the OWDA at 614/466-5822.

It is the Division's understanding that you are the owner of this dam. If you are not an owner of this dam or believe that **there** are additional owners of the dam not addressed in this communication, please **contact** our office. Please note that ORC Section 1521.062 requires a dam owner to notify the Chief of **the** Division of Water Resources in writing of a change in ownership of a dam prior to the exchange of the property.

To gain information that **will** help improve the inspection program, a short survey has been developed and is enclosed. **Please** complete the survey and return it in the self-addressed envelope provided. Your feedback is **important**.

Your cooperation in improv**ing** the overall condition of this dam is appreciated. Please contact me at 614/265-6404 if you have **any** questions.

Sincerely,



Dena C. Barnhouse, P.E., **Chief**
Division of Water Resources

DCB:tmg

cc/enc: John Gauche, Maint**en**ance Supervisor, Fayetteville High School
cc: Cynthia Frazzini, **De**puty Legal Counsel, Ohio Department of Natural Resources
Tina Griffin, P.E., **Pro**ject Manager, Division of Water Resources

Enclosures



NOTICE OF VIOLATION

Owners: Fayetteville Perry Local School
Tim Carlier, School Superintendent
551 S. Apple Street
Fayetteville, OH 45118-9736

RE: Fayetteville High School Lake Dam
File Number: 9137-013
Brown County

NOV Number: 2024-1003

On April 24, 2024, Division of Water Resources staff inspected Fayetteville High School Lake Dam. Based on information gathered at this visit, the dam is in poor condition and is being operated and maintained in violation of state dam safety laws. **These items have been noted previously and the appropriate time period for completion has already been exceeded.**

YOU ARE IN VIOLATION OF THE FOLLOWING PROVISIONS OF STATE LAW

Observed Condition

Ohio Revised Code (ORC) / Ohio Administrative Code (OAC)

No Operation, Maintenance and Inspection Manual (OMI) or Emergency Action Plan (EAP)

OAC Rule 1501:21-21-04(B) In the interest of safeguarding life, health and property, this dam must have an operation, maintenance and inspection manual and an emergency action plan.

Insufficient flood capacity to safely pass the design flood.

OAC Rule 1501:21-13-02(A)/OAC Rule 1501:21-13-03(A): Every dam shall have a spillway system which will safely pass the design flood. The minimum design flood for Class I dams is 100% of the Probable Maximum Flood or the critical flood.

Principal spillway in poor condition

OAC Rule 1501:21-13-03(A): Every dam shall have a spillway system which will safely operate during the design flood.

No Emergency Spillway

OAC Rule 1501:21-13-04(F): An emergency overflow spillway shall be required.

Trees and Brush

OAC Rule 1501:21-13-08 (D): Grass vegetation or other vegetation of similar properties are the only acceptable vegetative covers for earthen dam embankment surfaces or vegetated earth spillways. Trees and brush are not acceptable surface covers.

REQUIRED REMEDIATION

1. Continue to keep the lake drain valve open to maintain the lowered water level in the lake.
2. By December 1, 2024, submit an acceptable schedule with detailed steps and timeframes to complete the required repairs outlined in the 2024 Dam Safety Inspection Report. The schedule must include an approved EAP by September 30, 2025.
3. By November 1, 2026, this dam must be brought into full compliance with Ohio's dam safety laws. **Full compliance may also be achieved through one of the options listed in the enclosed "Remediation Alternatives" fact sheet prepared by the Division of Water Resources.**

Issued By:

Dana C. Barbare

Chief, Division of Water Resources

Date: 9/13/2024

Proposed Schedule for EAP Development and Repairs

This schedule sets forth proposed timelines for repairs to _____ Dam.

This schedule should reflect any unique circumstances of this project. Please refer to the Guidelines for Submitting a Schedule for EAP and Repairs for additional information about each activity. Only include the activities that are applicable to your project. You may need to alter some activities or add additional activities depending on your project. Each activity must have a proposed date that it will be completed.

<u>ACTIVITY</u>	<u>DATE TO BE COMPLETED</u>
1. Investigate funding	
2. Create a list of engineers	
3. Select an engineer	
4. Submit draft EAP, supporting calculations, and electronic modeling files.	
5. Submit final EAP	
6. Secure other permits	
7. Engineer investigates site and prepares design report, plans and specifications, and OM&I manual	
8. Submit design report, plans, and specifications	
9. Secure funding	
10. Obtain bids from contractors	
11. Choose a contractor	
12. Develop a construction schedule	
13. Hold pre-construction meeting	
14. Start construction	
15. Complete construction	
16. Submit as-built plans and engineer's certification to ODNR, and finalized OM&I	
17. Final inspection and approval by ODNR	