

PROPOSED AMENDMENTS
2008

CHAPTER 25. DAM SAFETY

785:25-7-6. Notice of completion and filing of supplementary drawings or descriptive matter

Immediately upon completion of a new dam or reservoir or enlargement or repair of a dam or reservoir, the owner shall give notice of completion with a certification from a registered professional engineer that the construction as completed is safe and not a menace to life or property, and as soon thereafter as possible the owner or engineer shall file supplementary drawings or descriptive matter showing or describing the dam or reservoir as actually constructed, including the following:

- (1) A record of all grout holes and grouting;
- (2) A record of permanent location points and bench marks;
- (3) A record of tests of concrete soils, or other materials used in the construction of the dam or reservoir; and
- (4) Any other items which may be of permanent value and have a hearing on the safety and performance of the dam or reservoir.

785:25-7-8. Certificate of completion

(a) **Issuance; revocation; amendments.**

Certificates of completion shall be issued and may be revoked or amended as follows:

(1) Upon filing of notice of completion of works by the applicant, the Board shall, within sixty (60) days, inspect or cause the dam to be inspected. The Executive Director shall approve the issuance of a certificate of completion if, based on the certification from the engineer in the Notice of Completion, it is found that the dam or reservoir is safe to impound water within the limitations prescribed in the certificate. However, no certificate of completion shall be issued until receipt of fee for certificate and all invoiced filing and inspection fees.

(2) Every certificate of completion issued shall contain *the date of approval of plans and specifications for the dam, date construction was completed on said dam, and* [82:110.8] any such terms and conditions as the Board may prescribe. The Board may revoke any such certificate whenever it is determined that the dam constitutes a danger to life and property. Whenever such action is necessary to safeguard life and property, the terms and conditions of any such certificate may be amended and a new certificate issued containing the revised terms and conditions.

(3) *Certificates of completion of works from the . . . Board shall be required before any water may be impounded by a new dam or before water may be impounded at an elevation higher than that previously authorized by the Board at an existing dam which has been modified* [82:110.8]

(b) ~~**Board decision binding.** The findings and orders of the Board and the certificate of completion of any dam or reservoir issued by the Board are final and conclusive and binding upon all state agencies, regulatory or otherwise, as to the safety of design, construction, maintenance, and operation of any dam or reservoir.~~

(e) **Notice and action.** After the issuance of the certificate of completion, the Board shall provide notice to the owner, allowing opportunity for a hearing, prior to the issuance of any order revoking or modifying the previous Board certificate.

785:25-9-1. Inspections of dams

(a) . . .[text omitted for brevity]

(b) . . .[text omitted for brevity]

(c) . . .[text omitted for brevity]

(d) **Unscheduled inspections.** Unscheduled (non-periodic) inspections, such as those conducted in response to complaints, after major heavy precipitation events or in emergency situations, shall be conducted by Board staff, or the Board may require the owner to conduct an unscheduled inspection at the owner's expense. No fee for such inspection shall be due, provided that a request for inspection by other parties and fees therefor shall be governed by 785:25-9-6.

(e) . . .[text omitted for brevity]