

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 40.—Design of Earth Dams

5-40-73. Emergency action plan.

(a) The owner of each hazard class B dam shall create an emergency action plan (EAP) on a form prescribed by the chief engineer. The owner shall keep the original EAP and submit a copy of the EAP to the chief engineer. The EAP shall address each of the following:

- (1) A description of the dam, including the location of the dam and the access roads;
- (2) the name, address, and telephone number of the person responsible for notifying local authorities of an emergency;
- (3) a map or written description of the area that could be inundated by the type of breach described in K.A.R. 5-40-24;
- (4) a list of persons who should be notified in case of an emergency, including the telephone numbers of those persons and their responsibilities; and
- (5) the names, addresses, and telephone numbers of each owner of the dam and its appurtenances and those persons responsible for the operation and maintenance of the dam.

(b) Except as specified in subsection (d), the owner of a hazard class C dam shall create and maintain an emergency action plan that meets the recommendations of the "federal guidelines for dam safety: emergency action planning for dam owners," prepared by the interagency committee on dam safety and published by the federal emergency management agency, dated October 1998 and reprinted January 2004, which is hereby adopted by reference. The owner shall submit a copy of the EAP to the chief engineer.

(c) The owner of any dam for which an EAP is required under these regulations shall annually review the EAP to determine if it is still accurate and applicable to the current condition of the dam and current downstream conditions, including the following:

- (1) The contact names and related information;
- (2) the breach inundation map or a description of the inundation area; and
- (3) emergency procedures.

If any material changes are made when updating the EAP, a copy of the revised EAP shall be submitted to the chief engineer.

(d) Any owner of a hazard class C dam may request that the chief engineer allow the owner to submit an EAP that meets only the requirements of subsection (a) in lieu of meeting the requirements of subsection (b). To make this request, the owner shall submit written justification of why an EAP meeting the requirements of subsection (a) is sufficient to protect the public safety. If the chief engineer approves the request, the chief engineer shall reserve the right to later impose the requirements of subsection (b) if downstream conditions change, the condition of the dam deteriorates, or the EAP does not adequately protect the public safety.

(e) The owner of a hazard class B dam shall submit the required EAP within 180 days of written notification by the chief engineer of the requirement.

(f) The owner of a hazard class C dam shall submit the required EAP within 180 days of written notification by the chief engineer that an EAP is required and that an adequate EAP is not on file in the chief engineer's office.

(Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

***** Authenticated Kansas Administrative Regulation *****