

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 40.—Design of Earth Dams

5-40-41. Geotechnical investigation of a low-impact dam.

(a) In addition to meeting the requirements of K.A.R. 5-40-40, each low-impact dam shall have a sufficient number of properly placed test holes to be representative of the geology under the proposed dam embankment, with an average of at least one test hole each 200 feet along the centerline of the dam and at least three test holes.

(b) Except as specified in subsection (d) and K.A.R. 5-40-74, each existing unpermitted, illegal dam shall have the same level of geotechnical investigation as that required for a proposed new dam, except that testing the borrow area shall not be required, before a permit will be issued. In addition, the condition of the following shall be determined:

- (1) All conduits passing through the embankment;
- (2) the embankment in the vicinity of the conduits; and
- (3) the rest of the embankment, including any slides, seeps, saturated areas, sloughs, and other visible anomalies in the embankment.

(c) If there are any signs of instability in the embankment, the stability of the slope of the existing embankment shall be analyzed according to the requirements of K.A.R. 5-40-46(c).

(d) An existing unpermitted, illegal low-hazard dam that is class size 1, 2, or 3, for which a qualified professional has conducted an inspection and submitted to the chief engineer a report of that investigation demonstrating that a geotechnical investigation is not necessary to protect the public safety and property, shall not be required to have the geotechnical investigation required by subsection (b).

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