

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 40.—Design of Earth Dams

5-40-76. Repair or modification of a permitted or prejurisdictional dam.

(a) The repair or modification of a permitted or prejurisdictional dam shall meet the requirements of both of the following:

(1) The statutes and the regulations in effect when the application for repair or modification is filed; and

(2) any additional criteria specified by the chief engineer that are necessary to ensure the integrity of the dam and its appurtenances.

(b) At the time of the repair or modification, the applicant shall bring the dam and all of its appurtenances into conformance with the requirements of the statutes and regulations in effect at the time of the application for repair or modification, unless both of the following conditions are met:

(1) The applicant demonstrates that bringing any feature of the dam and its appurtenances into compliance is not feasible or is unduly burdensome.

(2) The chief engineer determines that failing to bring any feature of the dam into compliance with one or more requirements applicable to that feature will not significantly affect the public safety.

(c) Each application to repair or modify a dam or its appurtenances shall include a design report on the repair or modification, including a section describing the condition of the dam at the time of the application.

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

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