

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 40.—Design of Earth Dams

5-40-26. Request to issue or reconsider hazard class determination.

(a)(1) If an owner or applicant does not agree with the hazard classification determined for a dam, the owner or applicant may file a request for reconsideration of the hazard class determination.

(2) Each request for reconsideration shall be submitted in writing and shall indicate the following:

(A) The owner's or applicant's proposed hazard classification;

(B) the basis of that proposal; and

(C) an explanation of why the owner or applicant believes that the determination of the hazard classification by the chief engineer is incorrect. The request shall also contain documentation and analysis that support the request.

(3) Each request for reconsideration shall be filed with the chief engineer within 15 days after the owner or applicant is served with written notice of the hazard classification by the office of the chief engineer or within any extension of time authorized by the chief engineer in writing.

(b) Each request for reconsideration shall be reviewed by the chief engineer, and a final written determination of the hazard classification shall be made by the chief engineer.

(c) If the chief engineer has not issued a written notice of the hazard classification, the owner or applicant may request a written notice after the owner or applicant has been informed verbally of the proposed hazard classification by the chief engineer.

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