

## **Part 1 General Provisions**

### **73-5a-101 Power of state engineer to regulate dams.**

- (1) The state engineer has the authority to regulate dams for the purpose of protecting public safety.
- (2) To protect life and property, the state engineer may make rules controlling the construction and operation of dams, including rules controlling:
  - (a) design;
  - (b) maintenance;
  - (c) repair;
  - (d) removal; and
  - (e) abandonment.
- (3) The state engineer may by rule exempt from this chapter any dam that:
  - (a) impounds less than 20 acre-feet of water and does not constitute a threat to human life if it fails; or
  - (b) does not constitute a threat to human life and would result in only minor damage to property of the owner if it fails.

Enacted by Chapter 319, 1990 General Session

### **73-5a-102 Chapter does not apply to certain federal dams and reservoirs.**

This chapter does not apply to works owned by the United States Bureau of Reclamation. However, the Bureau of Reclamation shall file plans, drawings, and specifications of its works with the state engineer.

Amended by Chapter 264, 1996 General Session

### **73-5a-103 Liability of owner or operator.**

- (1) Nothing in this chapter shall be construed to relieve an owner or operator of a dam or reservoir of the legal duties, obligations, or liabilities incident to the ownership or operation of the dam or reservoir.
- (2) The owner or operator of a dam or reservoir may not be held to be strictly liable for any act or omission incident to the construction, ownership, or operation of the dam or reservoir.

Amended by Chapter 264, 1996 General Session

### **73-5a-104 Qualifications of persons designing dams.**

Each plan for the construction, enlargement, repair, alteration, or removal of any dam in this state shall be prepared by a qualified engineer who is:

- (1) licensed in Utah; and
- (2) experienced in dam design and construction.

Enacted by Chapter 319, 1990 General Session

### **73-5a-105 Independent consultants -- Owner to pay costs.**

- (1) The state engineer may require the owner of a dam or proposed dam to obtain the services of an independent consultant or team of consultants approved by the state engineer to consult regarding the adequacy of the design, construction, or operation of the dam if safety considerations pertaining to the design, construction, or operation of the dam warrant an independent review.
- (2) The state engineer shall make rules specifying:
  - (a) the safety considerations that will be considered in determining if an independent review is required;
  - (b) the requisite qualifications and experience of the independent consultants; and
  - (c) the timing of the consultants' review so that their recommendations are made in a timely manner.
- (3)
  - (a) The independent consultants shall be considered to be the agents of the owner of the dam.
  - (b) The costs of the independent consultants' services shall be paid by the owner of the dam.
  - (c) The owner of the dam may require the independent consultants to consider other issues, in addition to safety considerations, such as:
    - (i) design selections or alternatives;
    - (ii) site selection;
    - (iii) cost effectiveness; or
    - (iv) other tasks as defined by the contract.

Enacted by Chapter 319, 1990 General Session

**73-5a-106 Dams classified according to hazard and use.**

- (1) Dams shall be classified according to hazard and use.
- (2) Hazard classifications are as follows:
  - (a) high hazard - those dams which, if they fail, have a high probability of causing loss of human life or extensive economic loss, including damage to critical public utilities;
  - (b) moderate hazard - those dams which, if they fail, have a low probability of causing loss of human life, but would cause appreciable property damage, including damage to public utilities; and
  - (c) low hazard - those dams which, if they fail, would cause minimal threat to human life, and economic losses would be minor or limited to damage sustained by the owner of the structure.
- (3) Use classifications are as follows:
  - (a) water storage - dams which impound water for prolonged periods, including those built for irrigation, power generation, water supply, aquatic culture, and recreation;
  - (b) flood control - dams constructed to operate only during significant runoff events and which impound water for a small percentage of time, including those built for flood control or sediment control and debris basins;
  - (c) tailings - dams in which a large component of the material impounded consists of saturated solids; and
  - (d) other - dams which impound a minimal amount of water or where the head behind the dam is minimal, including stock ponds, wash water ponds, recirculated process water ponds, regulating reservoirs, and diversion dams.

Amended by Chapter 264, 1996 General Session

