

**DAM SAFETY AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen E. Sandstrom**

Senate Sponsor: Dennis E. Stowell

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions related to dam safety.

**Highlighted Provisions:**

This bill:

- ▶ requires a person to submit to the state engineer work plans for a dam classified as a high hazard structure;
- ▶ authorizes the state engineer to inspect a dam regulated under Title 73, Chapter 5a, Dam Safety; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**73-5a-202**, as enacted by Laws of Utah 1990, Chapter 319

**73-5a-501**, as enacted by Laws of Utah 1990, Chapter 319

---

---

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **73-5a-202** is amended to read:



28 **73-5a-202. Submission of plans.**

29 (1) Before a dam is constructed, enlarged, repaired, altered, removed, or abandoned,  
30 plans for the work shall be submitted to the state engineer for his approval, unless the dam:

31 (a) impounds less than 20 acre-feet of water; and  
32 ~~[(b) does not constitute a threat to human life if it fails.]~~

33 (b) is not classified as a high hazard structure under Section 73-5a-106.

34 (2) (a) The plans shall be submitted 90 days before:

35 (i) awarding the construction contract; or  
36 (ii) the commencement of construction, if the owner constructs the dam.

37 (b) The state engineer may shorten the 90-day review period if the owner and the  
38 design engineer submit satisfactory preliminary plans and design reports for review.

39 (3) The state engineer may waive the requirement of plans if it can be demonstrated  
40 that failure of the proposed dam:

41 (a) does not constitute a threat to human life; and  
42 (b) may result in only minor property damage that would be limited to property held by  
43 the owner of the structure.

44 Section 2. Section **73-5a-501** is amended to read:

45 **73-5a-501. State engineer to inspect dams.**

46 (1) The state engineer shall inspect each dam ~~[which in his]~~ that in the state engineer's  
47 opinion;

48 (a) poses a threat to human life; or  
49 (b) could cause significant property damage if ~~[it]~~ the dam failed. ~~[Inspections]~~

50 (2) An inspection required by Subsection (1) shall occur;

51 (a) at increments commensurate with the relative risk to life and property~~[-but]; and~~  
52 (b) not less than once every five years.

53 (3) The state engineer may inspect a dam that is not exempt from regulation by this  
54 chapter.

**Legislative Review Note**  
as of 12-18-08 2:56 PM

**Office of Legislative Research and General Counsel**

---

---

**H.B. 235 - Dam Safety Amendments**

**Fiscal Note**

2009 General Session

State of Utah

---

---

**State Impact**

Enactment of this bill will not require additional appropriations.

---

**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

---