

**DAM SAFETY AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott D. Sandall**

House Sponsor: Derrin R. Owens

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**LONG TITLE**

**General Description:**

This bill modifies the power of the state engineer to regulate the safety of dams.

**Highlighted Provisions:**

This bill:

- ▶ states that the state engineer has the authority to regulate the safety of dams for the purpose of protecting public safety; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**73-5a-101**, as enacted by Laws of Utah 1990, Chapter 319

**73-5a-501**, as last amended by Laws of Utah 2009, Chapter 177

**73-5a-503**, as enacted by Laws of Utah 1990, Chapter 319

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

Section 1. Section **73-5a-101** is amended to read:

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

(1) The state engineer has the authority to regulate the safety of dams for the purpose of protecting public safety.

30 (2) To protect life and property, the state engineer may make rules controlling the  
31 construction and operation of dams, including rules controlling:

- 32 (a) design;
- 33 (b) maintenance;
- 34 (c) repair;
- 35 (d) removal; and
- 36 (e) abandonment.

37 (3) The state engineer may by rule exempt from this chapter any dam that:

- 38 (a) impounds less than 20 acre-feet of water and does not constitute a threat to human  
39 life if it fails; or
- 40 (b) does not constitute a threat to human life and would result in only minor damage to  
41 property of the owner if it fails.

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

43 **73-5a-501. State engineer to inspect dams.**

44 (1) The state engineer shall inspect each dam that in the state engineer's opinion, if it  
45 failed:

- 46 (a) poses a threat to human life; or
- 47 (b) could cause significant property damage [~~if the dam failed~~].

48 (2) An inspection required by Subsection (1) shall occur:

- 49 (a) at increments commensurate with the relative risk to life and property; and
- 50 (b) not less than once every five years.

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

53 Section 3. Section **73-5a-503** is amended to read:

54 **73-5a-503. Owners required to perform maintenance -- Orders to protect life and**  
55 **property.**

56 (1) Following an inspection, the state engineer shall specify what maintenance is  
57 necessary to keep the dam and appurtenant structures in satisfactory condition, and the owner

58 of the dam shall be responsible for that maintenance.

59 (2) Depending upon the severity of problems [~~noted during an inspection~~] specified  
60 under Subsection (1), the state engineer may issue orders for:

61 (a) engineering studies;

62 (b) repairs;

63 (c) storage limitations;

64 (d) removal of the dam;

65 (e) breaching of the dam; or

66 (f) any other remedy the state engineer determines is appropriate to protect life and  
67 property.