

**6115.0320 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of these parts, certain terms used herein shall be interpreted as follows. These definitions are in addition to those contained in part 6115.0170, except where the same word is contained in both lists of definitions in which case the definitions in these parts shall apply in respect to dam safety administration.

Subp. 2. **Alteration.** "Alteration" means any activity which will affect the safety of a dam and/or which will result in a change in the course, current, or cross-section of public waters.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Department of Natural Resources and any duly authorized representative.

Subp. 4. **Cost.** "Cost" includes labor and materials; preliminary investigations and surveys; construction plant properly chargeable to the project; excluding costs of right-of-way, detached powerhouses, electrical generating machinery, and roads and railroads affording access to the project.

Subp. 5. **Dam.** "Dam" means any artificial barrier, together with appurtenant works, which does or may impound water and/or waste materials containing water except:

A. dams which are less than 25 feet in height and have storage capacity at maximum storage elevation of less than 50 acre-feet, which shall be exempt from dam safety permit requirements if they do not have potential for loss of life resulting from failure or misoperation;

B. any artificial barrier which is not in excess of six feet in height regardless of storage capacity or which has a storage capacity not in excess of 15 acre-feet regardless of height;

C. underground or elevated tanks to store water and/or waste;

D. any artificial barrier constructed solely for the purpose of containment of sewage or biological treatment of wastewater which is under the jurisdiction of the Minnesota Pollution Control Agency;

E. United States owned dams;

F. dikes and levees constructed for flood control purposes to divert flood waters and which are not intended to act as impoundment structures.

This does not preclude the need for any permits from the commissioner which may be required under applicable provisions of parts 6115.0200 to 6115.0260 as further explained in part 6115.0340.

Subp. 6. **Enlargement.** "Enlargement" means any change which may raise the maximum storage elevation of the dam.

Subp. 7. **Height.** "Height" means the vertical distance from the natural bed of the stream or watercourse measured at the downstream toe of the dam or from the lowest elevation of the outside limit of the dam, if it is not across a stream channel or watercourse, to the maximum storage elevation.

Subp. 8. **Maintenance.** "Maintenance" means any work which will not result in a change in the hydraulic capacity of the structure or entail any changes in the structural character of the dam.

Subp. 9. **Maximum storage elevation.** "Maximum storage elevation" means the highest elevation to which water or waste materials can be effectively stored behind the dam on either a temporary or permanent basis, whichever is greater.

Subp. 10. **Owner.** "Owner" means the owner or lessee of the property to which the dam is attached, unless the dam is sponsored by a governmental agency which will be responsible for operation and maintenance of the dam, in which case that sponsoring agency shall be considered the owner.

Subp. 11. **Repair.** "Repair" means any work which will change the hydraulic capacity of the structure or entail any changes in the structural character of a dam.

Subp. 12. **Shall.** "Shall" is mandatory and not permissive.

Subp. 13. **Surface.** "Surface" shall be determined by multiplying total dam length by average height.

Subp. 14. **Total dam length.** "Total dam length" means the maximum horizontal distance between the outer limits of all artificial containment structures, including any artificially constructed dike, which are essential to containment, but does not include the length of emergency spillways which are located outside the abutments of the dam.

**Statutory Authority:** *MS s 105.535*

**Published Electronically:** *June 11, 2008*