

6115.0350 GENERAL PROCEDURES FOR ALTERATION, REPAIR, OR REMOVAL OF A DAM.

Subpart 1. **Application.** Before commencing action, the owner shall make a separate application for each existing dam proposed to be changed upon forms provided by the commissioner, except as provided in subpart 2 for emergencies. The application shall contain:

- A. name and address of owner(s);
- B. proposed changes;
- C. maps, plans, and specifications which set forth pertinent details including location, type, dimensions, and storage capacity; and
- D. proposed date of start and completion of construction.

A filing fee of \$15 shall accompany the application in the form of a check or money order payable to the commissioner of management and budget.

Subp. 2. **Emergency work.** Emergency work:

A. Actions by the owner. Where immediate action is necessary for public health, safety, and welfare, repairs may be started, but the owner shall notify the commissioner at once. As soon as practicable, the owner shall apply for a permit for the emergency necessary permanent repairs.

B. Commissioner's actions. Where necessary to protect public health, safety, and welfare, if the condition of any dam or impoundment is imminently dangerous to the safety or life or property or imminent floods threaten the safety of a dam or impoundment, the commissioner may, in an emergency, require and enforce lowering or completely emptying of the water level from the impoundment and taking any other steps essential to safeguard life and property.

Subp. 3. **Removal.** Before commencing removal, the owner shall comply with the application requirements of subpart 1. After removal, the owner shall submit evidence as to the manner in which the work was performed and the conditions obtained after the removal. The commissioner shall inspect to determine that a sufficient portion of the dam has been removed to eliminate the hazard directly attributable to the presence of the dam.

Statutory Authority: *MS s 105.535*

History: *L 2003 c 112 art 2 s 50; L 2009 c 101 art 2 s 109*

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