

**§1118. Dam hazard evaluation**

**1. Evaluation.** The commissioner shall evaluate all dams to assign or reassign a hazard potential classification in accordance with the following schedule:

- A. New or reconstructed dams, within 6 months of construction or reconstruction; [PL 2001, c. 460, §3 (NEW).]
- B. All other dams, at least once every 12 years; [PL 2013, c. 146, §19 (AMD).]
- C. Any dam, within 60 days of a request for an evaluation from the dam owner, the municipality in which the dam is located or the emergency management director of the county in which the dam is located; and [PL 2013, c. 146, §19 (AMD).]
- D. At any time a dam for which, in the judgment of the commissioner, such an evaluation is appropriate. [PL 2001, c. 460, §3 (NEW).]

Notwithstanding the schedule of this subsection, the commissioner shall evaluate the hazard classification of a significant or high hazard potential dam within 30 days of receipt by the commissioner of a notice of transfer of ownership of the dam as required under section 1128 unless the dam has been evaluated under this subsection within 4 years preceding the notice of transfer of ownership.

Until the commissioner assigns or reassigns a hazard potential classification, a dam retains the hazard potential classification assigned in the 1981 United States Army Corps of Engineers' Inventory of Dams in the United States.

[PL 2013, c. 146, §19 (AMD).]

**2. Factors considered.** Before assigning a dam a hazard potential classification, the commissioner shall consider the potential risk to public safety and property that may result from the failure or operation of the dam. In addition, when reassigning a hazard potential classification, the commissioner shall review any changes in upstream and downstream conditions since the last hazard classification evaluation.

[PL 2001, c. 460, §3 (NEW).]

**3. Hazard report.** Before the commissioner assigns or reassigns a dam hazard potential classification, a state dam inspector shall visually inspect that dam and its upstream and downstream environs and provide a report to the commissioner recommending a hazard classification for that dam. The commissioner shall provide a copy of the report by certified mail to the dam owner, lessee or other person in control of the dam, to the municipality in which the dam is located and to the emergency management director of the county in which the dam is located. The dam owner, lessee or other person in control of the dam must notify the commissioner within 20 days of receipt of the report if the dam owner, lessee or other person in control of the dam disagrees with the recommended hazard classification and must file within 3 months of receipt of the commissioner's classification the basis of the appeal with the commissioner. The commissioner may extend the 3 month period for good cause shown, but not more than an additional 3 months. The commissioner shall consider the evidence presented by the dam owner, lessee or other person in control of the dam as well as the evidence of the state inspector before issuing a final determination.

[PL 2001, c. 460, §3 (NEW).]

**SECTION HISTORY**

PL 2001, c. 460, §3 (NEW). PL 2013, c. 146, §19 (AMD).

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