

Chapter NR 335

DAM SAFETY INSPECTION FEES

*Emergency  
to add  
eff. 9/1/88*

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**NR 335.01 Purpose.** The purpose of this chapter is to establish, pursuant to s. 31.20, Stats., reasonable fees for inspections of dams and reservoirs conducted by the department under s. 31.19(2), (3) and (4), Stats.

**History:** Cr. Register, March, 1985, No. 351, eff. 4-1-85.

**NR 335.02 Applicability.** The provisions of this chapter are applicable to any person owning a dam or reservoir as defined in this chapter.

**History:** Cr. Register, March, 1985, No. 351, eff. 4-1-85.

**NR 335.03 Definitions.** (1) "Dam" means any artificial barrier, together with appurtenant works, built across a waterway which has the primary purpose of impounding or diverting water.

(2) "Dike" means an embankment which provides additional height to a dam above the design high-water level, and which is intended to prevent overflow.

(3) "Large dam" means a dam which has a structural height of:

(a) 25 feet or more that can impound more than 15 acre-feet of water; or

(b) More than 6 feet that can impound more than 50 acre-feet of water.

**Note:** The department calculates the volume of water impounded based on the maximum storage capacity of the dam.

(4) "Maximum storage capacity" means the volume of water stored behind a dam in acre feet at the maximum water surface elevation before overtopping would occur.

(5) "Overtopping" means flow over parts of the dam which are not part of the spillway system.

(6) "Person" includes an individual, partnership, public utility, company, cooperative, trust, corporation, association, state or interstate agency, municipality or special purpose district such as a drainage district or a public inland lake protection and rehabilitation district.

(7) "Reservoir" means the storage area behind a dam which contains or will contain impounded water.

(8) "Structural height" means the difference in elevation in feet between the point of lowest elevation of the dam before overtopping and the lowest elevation of the natural stream or lake bed at the downstream toe of the dam.

**History:** Cr. Register, March, 1985, No. 351, eff. 4-1-85; am. (8), Register, April, 1987, No. 376, eff. 5-1-87.

**NR 335.04 Dam inspection fees.** (1) The department shall conduct a detailed inspection of each large dam which is maintained or operated in or across navigable waters at least once every 10 years. Such an inspection is not required if the dam is inspected periodically by or under the supervision of a federal agency in a manner which is acceptable to the department and if the results of the inspection are made available to the department. Upon complaint or at its discretion the department may inspect any dam or reservoir in or across any navigable or nonnavigable waters.

(a) Every person who owns a dam inspected by the department shall pay an inspection fee according to the following fee schedule:

Product of Structural Height × Maximum Storage Capacity	Inspection Fee
0-499	\$ 150
500-749	200
750-999	250
1000-1499	300
1500-1999	350
2000-2999	400
3000-3999	500
4000-4999	600
5000-7499	750
7500-9999	1,000
10000-14999	1,500
15000-19999	2,000
20000 and over	2,500

(b) If the department, upon investigation in response to a complaint, determines that a detailed inspection of a dam is unnecessary, the department may waive imposition of the inspection fee authorized by this section.

(2) Upon completion of an inspection of any dam or reservoir, the department shall send to the owner of the dam an inspection report and a statement for the required inspection fee.

(3) **PAYMENT OPTIONS.** (a) *Lump sum.* An owner who has chosen to pay the inspection fee as a lump sum or has expressed no preference on method of payment in the manner required by s. 31.20, Stats., shall pay the required fee within 30 days of receipt of the inspection report and fee statement.

(b) *Instalment plan.* 1. An owner who has advised the department in accordance with s. 31.20, Stats., that it prefers the instalment plan method shall pay 10% of the anticipated fee within 30 days after receipt of the annual fee statement beginning with fiscal year 1987. Following completion of the inspection and determination of the actual fee, the remaining annual payments will be adjusted accordingly by the department.

2. Any owner not previously notified of the payment options, or any new owner of an existing dam, may, upon request and written approval by the department, choose the instalment plan method of payment. The department may approve a request under this subdivision if it determines that the dam is a navigable waterway. Register, April, 1987, No. 376

mines that allowing the instalment plan method of payment for the dam will not adversely affect the fiscal integrity of the inspection program.

3. For any new dam, the owner may request to pay the inspection fee on the instalment plan upon or after making application for a permit to construct the dam.

**History:** Cr. Register, March, 1985, No. 351, eff. 4-1-85; r. and recr. (3), Register, April, 1987, No. 376, eff. 5-1-87.

**NR 335.05 Forfeiture action.** The department may seek forfeitures under s. 31.23, Stats., for failure to pay the inspection fee required under this chapter. Payment of such a forfeiture does not relieve the person from paying the fee required under this chapter.

**Note:** The procedures in ss. 23.50 to 23.85, Stats., shall apply to all actions to recover forfeitures under s. 31.23, Stats.

**History:** Cr. Register, March, 1985, No. 351, eff. 4-1-85.