## Rules of Department of Natural Resources
### Division 22—Dam and Reservoir Safety Council
#### Chapter 1—Organization, Definitions and Immunity

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Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 22—Dam and Reservoir
Safety Council
Chapter 1—Organization, Definitions
and Immunity

10 CSR 22-1.010 General Organization
(Rescinded August 30, 2018)

AUTHORITY: Chapter 236, RSMo 1986. 
Original rule filed April 14, 1981, effective 
Aug. 13, 1981. Rescinded: Filed Dec. 29,

10 CSR 22-1.020 Definitions

PURPOSE: The following terms when used in 
rules, standards and guidelines adopted by 
the Dam and Reservoir Safety Council pur-
suant to the dam safety law shall have the 
meaning respectively ascribed to them by this 
section.

PUBLISHER’S NOTE: The secretary of state 
has determined that the publication of the 
entire text of the material which is incorpo-
 rated by reference as a portion of this rule 
would be unduly cumbersome or expensive. 
Therefore, the material which is so incorpo-
 rated is on file with the agency who filed this 
rule, and with the Office of the Secretary of 
State. Any interested person may view this 
material at either agency’s headquarters or 
the same will be made available at the Office 
of the Secretary of State at a cost not to 
exceed actual cost of copy reproduction. The 
type text of the rule is printed here. This 
note refers only to the incorporated by refer-
ence material.

(1) Agency engineer means an experienced 
engineer, not necessarily registered as a pro-
fessional engineer in Missouri, who works for 
an engineering division of a state or fed-
eral agency regularly engaged in dam and 
reservoir design and construction for soil and 
water conservation or irrigation or relating to 
wildlife conservation.

(2) Agricultural dam means any dam, the 
primary use of which is to impound water for 
use in irrigation, livestock watering or com-
mercial fish rearing and sale.

(3) Alterations, repairs, or either means alter-
ations or repairs as affect the safety of a dam 
or reservoir, or public safety, life or prop-
erty.

(4) Appurtenant works means the structures 
or materials incident to or annexed to dams 
which are built or maintained in connection 
with dams which are used primarily in 
connection with their proper operation, main-
tenance or functioning. This includes, with- 
out limitation, structures as spillways, either 
in the dam or separate therefrom; the reser-
voir rim; low level outlet works; and water 
conduits such as tunnels, pipelines or pen-
stocks, either through a dam or its abutments.

(5) Area capacity curves means graphic 
curves which show the relationship between 
reservoir surface area and the storage capaci-
ty of the reservoir at given elevations.

(6) Chief engineer means the head of the dam 
and reservoir safety program of the Depart-
ment of Natural Resources or his/her repre-
sentative.

(7) Commercial fish rearing reservoir means 
a reservoir which was designed specifically 
for fish rearing purposes and the primary use 
is to provide water for commercial fish rear-
ing and sale to other parties in a for profit 
venture. This does not include activities such 
as sport fishing.

(8) Construction permit means a written 
authorization issued by the council giving the 
owner the right to construct, alter, enlarge, 
reduce, repair or remove a dam or reservoir 
or appurtenances thereto, with conditions 
that are necessary to adequately protect the 
public safety, life, property, the dam or reser-
voir.

(9) Conventional dam means any dam other 
than an industrial water retention dam.

(10) Council delegate or authorized represen-
tative means an individual, usually the chief 
engineer, authorized by the council to act in 
its behalf.

(11) Crest or dam crest means the top surface 
of the dam.

(12) Crest elevation or dam crest elevation 
means the lowest elevation of the crest exclu-
sive of the spillway(s).

(13) Dam means any artificial or man-made 
barrier which does or may impound water 
and which impoundment has or may have a 
surface area of fifteen (15) or more acres of 
water at the water storage elevation or which 
is thirty-five feet (35') in height from 
the natural bed of the stream or watercourse 
or lowest point on the toe of the dam 
(whichever is lower) up to the crest elevation, 
together with appurtenant works. Sections 
236.400 to 236.500 shall not apply to any 
dam which is not or will not be in excess of 
35 feet (35') in height or to any dam 
or reservoir licensed and operated under the 
Federal Power Act.

(14) Dam and Reservoir Safety Council 
referred to as the council means seven (7) 
members appointed by the governor for pur-
poses of implementing the dam safety law.

(15) Dangerous dam or reservoir is a dam or 
reservoir which is in an advanced state of 
deterioration so that if deterioration con-
tinues, the threat of dam failure and flooding 
would be substantial.

(16) Department means the Department of 
Natural Resources.

(17) Downstream environment zone means 
the area downstream from a dam that would 
be affected by inundation in the event the dam 
failed when filled to the emergency spillway 
crest elevation or to the dam crest elevation, 
in the absence of an emergency spillway.

(18) Earthquake intensity means Modified 
Mercalli intensity which is used to describe 
the degree of shaking a dam will experience.

(19) Enforcement order means a written 
directive issued by the council or the chief 
engineer to the owner of a dam for correction 
of defects in the dam or reservoir which have 
been determined to make the structure a 
threat to public safety, life or property. The 
order will contain specific actions with which 
the owner must comply to remove the threat 
the dam or reservoir poses to public safety, 
life or property.

(20) Enlargement means any change in or 
addition to an existing dam or reservoir, 
which raises the height of the dam, increases 
the watershed for the reservoir or raises the 
water storage elevation of the water impound-
ed by the dam or reservoir.

(21) Environmental class means a classifica-
tion of the downstream environment zone 
based on the contents of that zone (see 10 
CSR 22-2.040(1)). Class I represents the 
most severe threat to public safety, life or 
property and Class III represents the least 
threat.

(22) Factor of safety means the resultant 
of the summation of the forces resisting failure 
divided by the summation of the driving 
forces tending to cause failure.
(23) Freeboard means the difference in elevation between the dam crest elevation and the water storage elevation in the reservoir.

(24) Height or height of dam means the difference in the elevation of either the natural bed of the stream or watercourse or the lowest point on the toe of the dam (whichever is lower) and the dam crest elevation.

(25) Industrial building means a permanent, enclosed structure used by groups of workers usually involved in some type of manufacturing, processing or industrial related process.

(26) Industrial water retention dam means a dam used to retain the solids transported as water-borne industrial byproducts and the associated water. This includes, but is not limited to, tailings dams, slime impoundments and settling ponds.

(27) Inundation means water, two feet (2') or more deep, over the general level of the submerged ground affected outside the stream channel.

(28) Inspection means scheduled and unscheduled examinations of a dam and reservoir with the primary objective of making safety observations and recording them in a written description.

(29) Irrigation reservoir means a reservoir whose primary use is to provide water for the irrigation of agricultural lands for the production of grains, hay, pasture, fruits, vegetables and animal feeds which are for sale or to be used by the owner.

(30) Law means the dam and reservoir safety law, as contained in Chapter 236, RSMo and all rules, standards and guidelines adopted thereto.

(31) Liquefaction is a condition where a soil will undergo continued deformation at a constant low residual stress or with low residual resistance, due to the build-up and maintenance of high pore water pressures, which reduce the effective confining pressure to a very low value.

(32) Livestock watering reservoir means a reservoir whose primary use is to provide water for livestock which are raised for breeding or marketing purposes.

(33) Maintenance means the proper keeping of all aspects of a dam or reservoir and appurtenances thereto, that pertain to safety, in a state of repair and working order as necessary to comply with the law and any permit issued thereunder and to protect public safety, life or property.

(34) Modification(s) means changes or revisions to the design, construction, maintenance, operation or repair or the alteration, enlargement, reduction, removal or natural physical changes that may occur to a dam or reservoir that were not included in the approved plans for the construction permit, or changes or revisions to a dam or reservoir where a registration or safety permit is in effect or required hereunder, if the changes or revisions would endanger public safety, life or property as a result of creating a potential failure in the dam or reservoir; except that modification(s) do not mean or include approved anticipated enlargements, outlined by design plans and specifications submitted and approved with the original application for a construction, safety or registration permit for industrial water retention dams and reservoirs.

(35) Observable defects are those defects which would be detectable by an experienced professional engineer making an on-site visual inspection of the dam in accordance with current engineering, geologic and construction practices.

(36) Owner or dam owner means a person who owns, controls, operates, maintains, manages or proposes to construct a dam or reservoir including: the state and its departments, institutions, agencies and political subdivisions, but not the United States government; a municipal or quasi-municipal corporation; a district; a public utility; a natural person, firm, partnership, association, corporation, political subdivision or legal entity; the duly authorized agents or lessees, or trustees of any of the foregoing; or receivers or trustees appointed by any court for any of the foregoing.

(37) Permanent dwelling means a dwelling occupied at least ninety (90) days a year.

(38) Permit means construction, safety or registration permit.

(39) Permit applicant or applicant means an owner who applies for a construction, safety or registration permit.

(40) Probable maximum acceleration means the horizontal acceleration developed at a dam as a result of an earthquake with a probability of occurrence similar to the probable maximum precipitation. The probable maximum acceleration is readily available from a Corps of Engineers Report entitled Earthquake Potential of the St. Louis District—Ground Motion Supplement which is on file with the chief engineer of the Dam and Reservoir Safety Program.

(41) Probable maximum precipitation or PMP means the precipitation that may be expected from the most severe combination of critical meteorologic conditions that are reasonably possible in an area. The PMP is readily available from the National Weather Service in Hydrometeorological Report 51, Probable Maximum Precipitation Estimates, United States East of the 105th Meridian.

(42) Public building means a permanent, enclosed structure used by groups of the general public but not necessarily owned by the public.

(43) Registration permit means a permit issued for a period not to exceed five (5) years by the council to the owner of a dam or reservoir in existence or in the progress of construction on August 13, 1981 or which becomes subject to the law for the dams and reservoirs by a change in factors or circumstances subsequent to that date. Permits shall only be issued for dams which are in a properly maintained condition or which have made and complied with recommendation for corrections of observed defects of the dam or reservoir and have been examined and approved in accordance with the law.

(44) Reservoir means any basin, including the water, which contains or will contain the maximum amount of water impounded by a dam.

(45) Safety permit means a permit issued to the owner of a dam for a period of five (5) years, or less if safety considerations so require, by the council indicating that the dam meets the requirements of the law, and containing conditions as to operations, maintenance and repair as are necessary to adequately protect public safety, life and the dam or reservoir.

(46) Seepage means the migration of water through a dam or foundation.

(47) Significant modification means changes, alteration or modifications to an existing dam or changes to the construction documents for a new dam. Those include, but are not limited to: changes in the location of the dam or reservoir, changes in the storage capacity or drainage area, changes in the capacity of the spillway system, modification of the embankment slopes, changes in the height of the dam.
(48) Spillway means any passageway, channel or structure, open or closed or both, designated expressly or primarily to discharge excess water from a reservoir after the water storage elevation has been reached.

(49) Spillway design flood or SDF means the specified flood discharge that may be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in an area and for which the dam and reservoir are designed. The SDF is derived from the rainfall values given in Table 5.

(Editor’s Note: For Table 5 see 10 CSR 22-3.020)

(50) Stability means the properties of a dam or reservoir that cause it when disturbed from a condition of equilibrium to develop forces or moments that restore the original condition.

(51) Starter dam means a pervious or impervious dam constructed as the first phase in the building of an industrial water retention dam and reservoir.

(52) Storage means the volumetric capacity of the reservoir below the water storage elevation or other selected reference on the dam.

(53) Stream means any river, creek or channel, having well-defined banks, in which water flows for substantial periods of the year to drain a given area.

(54) Tailings means the material generated by a mining/milling operation which is deposited in slurry form in an impoundment for storage, disposal, or both.

(55) Tailings dam means an existing dam or reservoir used for the impoundment or retention of tailings or a proposed, existing or newly constructed dam and reservoir for which the anticipated or contemplated use is the impoundment or retention of tailings.

(56) Toe or toe of slope means the line of the fill (dam embankment) slope where it intersects the natural ground.

(57) Water means water, other liquids or tailings.

(58) Watercourse means a valley, swale, depression or other low place in the topography occupied by flowing water during conditions of runoff.

(59) Water storage elevation means that elevation of water surface at the principal spillway which could be obtained by the dam or reservoir were there no outflow and were the reservoir full of water.

(60) Watershed means the area that contributes or may contribute surface water to a reservoir.


10 CSR 22-1.030 Immunity of Officers
(Rescinded August 30, 2018)