
**Rules of
Department of Natural Resources
Division 22—Dam and Reservoir Safety Council
Chapter 4—Action Taken by Council
and Chief Engineer**

Title	Page
10 CSR 22-4.010 Emergency Action	3
10 CSR 22-4.020 Enforcement Orders and Enforcement Procedures	3

**Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 22—Dam and Reservoir
Safety Council
Chapter 4—Action Taken by Council
and Chief Engineer**

10 CSR 22-4.010 Emergency Action

PURPOSE: The purpose of the rule is to define the way emergency action is taken.

(1) In performing his/her duties, the chief engineer shall determine by inspection whether a dam or reservoir constitutes a threat to public safety, life or property. If it is determined that a dam is in an advanced state of deterioration and in such condition that continued deterioration could cause failure of the dam, the chief engineer may classify the dam as dangerous to public safety, life or property. If the chief engineer or council further determines that there is not sufficient time to issue an enforcement order to the owner to correct the hazard, or to take other legal action, the chief engineer may take any appropriate action necessary for emergency protection of public safety, life or property. The type of action depends upon the state of progression of the deterioration, the physical layout of the dam, reservoir and inundation zone below the dam, and the resources available to the chief engineer or council at the time of the emergency.

(2) The chief engineer or council, upon determining that a dam or reservoir is dangerous and constitutes a substantial threat of failure and flooding, may request the attorney general or a prosecuting attorney to take any legal steps necessary for the protection of public safety, life or property. Action may be brought in any county where the defendant or defendant's principal place of business is located or where the dam or reservoir is located. Nothing in this section shall preclude the chief engineer or council from taking immediate action under 10 CSR 22-4.010(1) with respect to any dam or reservoir that has been classified as dangerous to public safety, life or property.

AUTHORITY: sections 236.400, 236.405, 236.420, 236.425 and 236.455, RSMo 1986. Original rule filed June 14, 1984, effective Jan. 1, 1985.*

**Original authority: 236.400, RSMo 1979; 236.405, RSMo 1979, amended 1993, 1995; 236.420, RSMo 1979; 236.425, RSMo 1979; and 236.455, RSMo 1979.*

10 CSR 22-4.020 Enforcement Orders and Enforcement Procedures

PURPOSE: The purpose of this rule is to identify the procedure to be taken for the issuance of enforcement orders.

(1) Enforcement orders shall be prepared by the chief engineer or council in cases where a dam or reservoir contains serious defects which pose a threat to public safety, life or property. Enforcement orders shall be sent to a dam owner by certified mail or served personally.

(2) If an owner does not initiate corrective actions to his/her dam and reservoir within thirty (30) days of the issuance of an enforcement order by the chief engineer or council, the council may request the attorney general or a prosecuting attorney to apply to the circuit court having jurisdiction to enforce compliance. Nothing in this section shall preclude the chief engineer from taking immediate action under 10 CSR 22-4.010(1) with respect to any dam or reservoir s/he has classified as dangerous to public safety, life or property.

AUTHORITY: sections 236.400, 236.405, 236.410, 236.415, 236.445 and 236.450, RSMo 1986. Original rule filed June 14, 1984, effective Jan. 1, 1985.*

**Original authority: 236.400, RSMo 1979; 236.405, RSMo 1979, amended 1993, 1995; 236.410, RSMo 1979, amended 1992; 236.415, RSMo 1979, amended 1995; 236.445, RSMo 1979; and 236.450, RSMo 1979.*