



Ohio Administrative Code

Rule 1501:21-19-02 Inspection exemptions for dams and levees.

Effective: May 18, 2023

(A) In addition to the exemptions noted in section 1521.062 of the Revised Code, the following classes of dams and levees are hereby exempt from inspection requirements of sections 1521.062 of the Revised Code and the rules and regulations adopted pursuant thereto:

- (1) Dams and levees constructed or inspected by the United States army corps of engineers.
- (2) Dams placed by the chief in class IV under rule 1501:21-13-01 of the Administrative Code.
- (3) Levees placed by the chief in class III under rule 1501:21-13-09 of the Administrative Code.
- (4) Dams placed by the chief in class III under rule 1501:21-13-01 of the Administrative Code, provided that the continued operation and use of, and any rupturing of or other structural damage to the dam will not constitute a hazard to life, health, or property.

(B) Dams and levees of any class may be exempted from inspection under section 1521.064 of the Revised Code if the continued operation and use of, and any rupturing of or other structural damage to, the dams and levees will not constitute a hazard to life, health, or property.

(1) The following procedure shall be used for applying for an inspection exemption under section 1521.064 of the Revised Code.

(a) The owner of the dam or levee shall submit a letter to the chief requesting an exemption under section 1521.064 of the Revised Code.

(b) The owner shall also provide a map showing the location of the dam or levee.

(c) The chief may require submittal of documentation verifying that no person, structure or facility will be damaged by failure of the dam or levee. This documentation may include but not be limited to



inundation maps, dam break studies and other calculations and information as deemed necessary by the chief.

(d) The owner shall submit a written certification that they accept liability for any injury, death, or loss to persons or property caused by the rupturing of or other structural damage to the dam or levee. This liability certification is not transferable. If the ownership of the dam or levee changes, the new owner shall submit a new liability certification to continue the exemption.

(2) The dam or levee shall meet the following standards before it can be exempted under section 1521.064 of the Revised Code.

(a) A dam shall have sufficient discharge/storage capacity to pass the one-hundred-year flood, or other design flood as deemed appropriate by the chief, safely through the appurtenant spillway system.

(b) The dam or levee shall be in a condition sufficient to reasonably assure its continued operation and meet all requirements deemed necessary by the chief.

(c) The chief may require the dam or levee to have an approved operation, maintenance and inspection manual and an emergency action plan.

(3) In order to maintain the exemption, the chief will review the status of the dam or levee on an annual basis. The review will follow this procedure.

(a) The owner will submit a notice to the chief certifying that the downstream hazard of the dam or levee has not changed. This notice will be due to the chief by June thirtieth of each year.

(b) The owner shall maintain the dam or levee in good condition and must be demonstrated to the satisfaction of the chief.

(c) The owner shall submit notification to the chief of a change in ownership of the dam or levee.

(d) The chief may make periodic investigations to verify the exemption status.



(e) If any fact becomes apparent to indicate that the hazard of the dam or levee has changed or that the dam or levee is no longer in good condition, the chief will rescind the exemption and classify the dam or levee based on rule 1501:21-13-01 of the Administrative Code.