

## **CHAPTER 1. Definitions [6000 - 6008]**

*( Chapter 1 enacted by Stats. 1943, Ch. 368. )*

### **6000.**

Unless the context otherwise requires, the definitions in this chapter govern the construction of this part.

*(Enacted by Stats. 1943, Ch. 368.)*

### **6002.**

“Dam” means any artificial barrier, together with appurtenant works, which does or may impound or divert water, and which either (a) is or will be 25 feet or more in height from the natural bed of the stream or watercourse at the downstream toe of the barrier, as determined by the department, or from the lowest elevation of the outside limit of the barrier, as determined by the department, if it is not across a stream channel or watercourse, to the maximum possible water storage elevation or (b) has or will have an impounding capacity of 50 acre-feet or more.

*(Amended by Stats. 1965, Ch. 1225.)*

### **6003.**

Any such barrier which is or will be not in excess of six feet in height, regardless of storage capacity, or which has or will have a storage capacity not in excess of 15 acre-feet, regardless of height, shall not be considered a dam.

*(Enacted by Stats. 1943, Ch. 368.)*

### **6004.**

(a) No obstruction in a canal used to raise or lower water therein or divert water therefrom, no levee, including but not limited to a levee on the bed of a natural lake the primary purpose of which levee is to control floodwaters, no railroad fill or structure, and no road or highway fill or structure, no circular tank constructed of steel or concrete, or both, no tank elevated above the ground, and no barrier which is not across a stream channel, watercourse, or natural drainage area and which has the principal purpose of impounding water for agricultural use shall be considered a dam.

(b) No obstruction in the channel of a stream or watercourse which is 15 feet or less in height from the lowest elevation of the obstruction and which has the single purpose of spreading water within the bed of the stream or watercourse

upstream from the obstruction for percolation underground shall be considered a dam.

(c) The levee of an island adjacent to tidal waters in the Sacramento-San Joaquin Delta, as defined in Section 12220, even when used to impound water, shall not be considered a dam and the impoundment shall not be considered a reservoir if the maximum possible water storage elevation of the impounded water does not exceed four feet above mean sea level, as established by the United States Geological Survey 1929 datum.

(d) No noncircular tank, constructed of steel or concrete, or both, that is constructed in a county of the third class by a public agency, under the supervision of a civil engineer registered in the state, that does not exceed 75 acre feet in capacity or 30 feet in height, and no barrier that is not across a stream channel, watercourse, or natural drainage area and that has the principal use as a sewage sludge drying facility shall be considered a dam.

*(Amended by Stats. 1993, Ch. 713, Sec. 1. Effective January 1, 1994.)*

#### **6004.5.**

“Reservoir” means any reservoir which contains or will contain the water impounded by a dam.

*(Added by Stats. 1965, Ch. 1225.)*

#### **6005.**

“Owner” includes any of the following who own, control, operate, maintain, manage, or propose to construct a dam or reservoir:

- (a) The state and its departments, institutions, agencies, and political subdivisions.
- (b) Every municipal or quasi-municipal corporation.
- (c) Every public utility.
- (d) Every district.
- (e) Every person.
- (f) The duly authorized agents, lessees, or trustees of any of the foregoing.
- (g) Receivers or trustees appointed by any court for any of the foregoing.

“Owner” does not include the United States.

*(Amended by Stats. 1965, Ch. 1225.)*

#### **6006.**

“Alterations,” “repairs,” or either of them, mean only such alterations or repairs as may affect the safety of the dam or reservoir.

*(Amended by Stats. 1965, Ch. 1225.)*

**6007.**

“Enlargement” means any change in or addition to an existing dam or reservoir, which raises or may raise the water storage elevation of the water impounded by the dam or reservoir.

*(Amended by Stats. 1965, Ch. 1225.)*

**6008.**

Water storage elevation means that elevation of water surface which could be obtained by the existing dam or reservoir, as previously operated, were there no outflow and were the reservoir full of water.

*(Amended by Stats. 1965, Ch. 1225.)*

**CHAPTER 2. General Provisions [6025 - 6031]**

*( Chapter 2 enacted by Stats. 1943, Ch. 368. )*

**6025.**

It is the intent of the Legislature by this part to provide for the regulation and supervision of dams and reservoirs exclusively by the State.

*(Enacted by Stats. 1943, Ch. 368.)*

**6025.5.**

(a) Notwithstanding any other provision, subject to subdivision (b), the requirements for state regulation and supervision of safety of dams, as contained in this division, shall not be applicable to waste water treatment and storage ponds constructed as a part of a waste water control facility.

(b) This section applies to those ponds specified in subdivision (a) only after the governing body of the city, county, district, or other agency which operates the waste water control facility adopts a resolution which (1) finds that the ponds have been constructed and operated to standards adequate to protect life and property, and (2) provides that the city, county, district, or other agency shall supervise and regulate the design, construction, operation enlargement, replacement, and removal of the ponds after the effective date of the resolution.

(c) This section applies only to ponds specified in subdivision (a) which (1) have a maximum height of 15 feet or less and a maximum storage capacity of 1,500 acre-feet or less, (2) have been designed by, and constructed under the

supervision of, a registered civil engineer, and (3) are not across a stream channel or watercourse.

*(Amended by Stats. 1984, Ch. 1027, Sec. 1.)*

#### 6025.6.

(a) An owner of a structure defined as a dam pursuant to Section 6002, but excluded from that definition pursuant to subdivision (d) of Section 6004 or otherwise exempted from the requirements of this chapter pursuant to Section 6025.5, shall comply with the requirements of Section 8589.5 of the Government Code and shall employ a civil engineer who is registered in the state to supervise the structure for the protection of life and property for the full operating life of the structure.

(b) (1) The civil engineer supervising a dam pursuant to subdivision (a) shall take into consideration, in determining whether or not a dam constitutes, or would constitute, a danger to life or property, the possibility that the dam might be endangered by seepage, earth movement, or other conditions that exist, or might occur, in any area in the vicinity of the dam.

(2) If the civil engineer determines that a dam under his or her supervision constitutes, or would constitute, a danger to life or property, the civil engineer shall notify the owner of the dam and recommend appropriate action.

(c) The owner shall submit to the department the name, business address, and telephone number of each supervising civil engineer.

(d) The department shall submit the information provided pursuant to subdivision (c) to the Office of Emergency Services on or before January 1, 1995, and on or before each January 1 thereafter. Any change in the information shall be submitted to the department on or before July 1 of each year.

*(Amended by Stats. 2013, Ch. 352, Sec. 528. Effective September 26, 2013. Operative July 1, 2013, by Sec. 543 of Ch. 352.)*

#### 6026.

No city or county has authority, by ordinance enacted by the legislative body thereof or adopted by the people under the initiative power, or otherwise, to regulate, supervise, or provide for the regulation or supervision of any dams or reservoirs in this state, or the construction, maintenance, or operation thereof, nor to limit the size of any dam or reservoir or the amount of water which may be stored therein. This part shall not prevent a city or county from adopting ordinances regulating, supervising, or providing for the regulation or supervision of dams and reservoirs that (a) are not within the state's jurisdiction, or (b) are not subject to regulation by another public agency or body.

*(Amended by Stats. 1965, Ch. 1225.)*

**6027.**

Whenever supervision of safety of design or construction of a proposed or existing dam or reservoir is exercised by the United States or any of its agencies pursuant to a jurisdiction superior to that of the state, and the requirements made under authority of such jurisdiction are so contradictory with requirements made by the department under this part that a compliance cannot be made which will meet both federal and state requirements, then the state requirements shall be modified by the department sufficiently to make possible compliance with both federal and state requirements.

*(Amended by Stats. 1965, Ch. 1225.)*

**6028.**

No action shall be brought against the state or the department or its agents or employees for the recovery of damages caused by the partial or total failure of any dam or reservoir or through the operation of any dam or reservoir upon the ground that such defendant is liable by virtue of any of the following:

- (a) The approval of the dam or reservoir.
- (b) The issuance or enforcement of orders relative to maintenance or operation of the dam or reservoir.
- (c) Control and regulation of the dam or reservoir.
- (d) Measures taken to protect against failure during an emergency.

*(Amended by Stats. 1965, Ch. 1225.)*

**6029.**

Nothing in this part shall be construed to relieve an owner or operator of a dam or reservoir of the legal duties, obligations, or liabilities incident to the ownership or operation of the dam or reservoir.

*(Amended by Stats. 1965, Ch. 1225.)*

**6030.**

The findings and orders of the department and the certificate of approval of any dam or reservoir issued by the department are final and conclusive and binding upon all state agencies, regulatory or otherwise, as to the safety of design, construction, maintenance, and operation of any dam or reservoir.

*(Amended by Stats. 1965, Ch. 1225.)*

## 6031.

Nothing in this part shall be construed to deprive any owner of such recourse to the courts as he may be entitled to under the laws of this State.

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