

**APPLICATION FOR
CERTIFICATE OF APPROVAL TO IMPOUND
WATER AT DAM / RESERVOIR**

DEPARTMENT OF LAND AND NATURAL RESOURCES

ENGINEERING DIVISION

DAM SAFETY PROGRAM

DRAFT



APPLICATION AND GUIDELINES

ATTACHEMENT 3

CERTIFICATE OF APPROVAL TO IMPOUND WATER AT DAM / RESERVOIR

APPLICATION

FOR REGULATED DAMS / RESERVOIRS STATE OF HAWAII

SUMMARY

Hawaii's Dam Safety Act (Act 262, Session Laws of Hawaii 2007) requires that "[n]o owner of a dam or reservoir shall impound water without a valid certificate of approval to impound (CAI) water at the dam or reservoir." Hawaii Revised Statutes ("HRS") 179D-2. This Application and guide will help Applicants understand the CAI requirements in the Hawaii Dam Safety Act, the administrative rules, and the Application process itself. This guide provides general directions. The guide is not a substitute for full compliance with the formal requirement in the law: HRS Chapter 179D; and Hawaii Administrative Rules ("HAR") Chapter 13-190.1.

- 1. NOTICE.** The State Department of Land and Natural Resources Engineering Division ("DLNR") will send each Dam / Reservoir owner or operator a letter informing them of the need to submit a Certificate of Approval to Impound ("CAI") Application. (HAR 13-190.1-13).
- 2. APPLICATION.** The Dam / Reservoir owner or operator must submit a CAI Application no later than ninety (90) days after receipt of the DLNR letter (HAR 13-190.1-13) with all the required supporting information.
- 3. DLNR RESPONSE.** DLNR will review the CAI Application and inform the Applicant if the Application is complete or whether more information is required.
- 4. ACTION.** If the Application is complete, DLNR will prepare a recommendation to the Board of Land and Natural Resources ("Board") for approval OR for further processing.

Applications should be addressed to:

Chairperson, Board of Land and Natural Resources
Department of Land and Natural Resources
Engineering Division
P.O. Box 373
Honolulu, Hawaii 96809
Ph (808) 587-0230

INSTRUCTIONS TO FILE A CAI APPLICATION

1. DLNR will mail a Notice to each Owner / Operator to file an Application for a Certificate of Approval to Impound water at the dam or reservoir. Every owner of a regulated dam or reservoir in the State of Hawaii is required to file an Application within 90 days of receiving Notice.
2. If there are outstanding deficiencies related to the structure, DLNR may request a meeting with the Applicant to discuss the Applicants plans to address and resolve the deficiencies. The applicant may contact the DLNR to schedule a pre-Application conference. The pre-Application conference provides an opportunity to discuss any outstanding issues, required documents, or previously identified deficiencies associated with the Applicant's facilities.

3. All information on the Application form should be typed or printed. Every item on the form should be completed. If a specific item does not apply, marked NA (not applicable). The Application form must be signed by the owner(s) and dated
4. The Applicant must submit an Application fee of \$400.00 with the Application. HRS §179D-6 and HAR §13-190.1-51. Checks should be made payable to the "State of Hawaii." The filing fee is not refundable. (This fee is different from the Dam Permit Application for Construction, Repair, Alteration or Removal.)
5. Following receipt of a completed Application and fee, DLNR will conduct an administrative review of the Application and will notify the Applicant whether the Application is administratively complete. If the Application is not administratively complete, DLNR will describe the additional information required. This additional information must be provided within 60 days (or within a timeframe agreed upon by DLNR). If the Application and information is not completed within the time frame, then DLNR may deem the Application withdrawn and close the file.
6. After the Application is determined to be administratively complete (i.e., contains all of the required supporting documentation completed to a level of detail appropriate for review), DLNR may schedule an inspection of the facilities. DLNR will review the information on file to determine whether there are deficiencies that make the structure unsafe and whether proper operational procedures are in place to ensure safe operation of the structure. DLNR will provide comments. The Applicant must provide a written response to the comments, and, if necessary, meet with DLNR to resolve outstanding issues.
7. Once the review is completed, the Board of Land and Natural Resources will schedule and notice the Application for action at a regular Board meeting. DLNR will notify the Applicant of the meeting. The Application will be either approved or denied (in which case the reasons will be provided). The Applicant has a right to appeal.

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**CERTIFICATE OF APPROVAL TO IMPOUND APPLICATION FORM
(HRS Chapter 179D)**

Dam Inventory Number: _____

Date: _____

Name of Dam / Reservoir: _____

APPLICATION CHECKLIST

- Completed CAI Application Form
- Completed Owner Contact Information Sheet
- CAI Application Fee (\$400.00 Payable to "State of Hawaii")
- Review and Verify Dam Inventory Data Sheet
- List of Incidents (triggering EAP) & action taken (submit on a separate page)
- Remediation Plan for Addressing Deficiencies ¹

GENERAL INFORMATION

CURRENT RESERVOIR'S USE (Check all that apply; include description):

- | | | | |
|--|-------|-------------------------------|-------------------------|
| <input type="checkbox"/> Irrigation: | _____ | Acres served: _____ | IAL acres served: _____ |
| <input type="checkbox"/> Sedimentation: | _____ | Acres served: _____ | |
| <input type="checkbox"/> Recreation: | _____ | | |
| <input type="checkbox"/> Flood Control: | _____ | Acres managed: _____ | |
| <input type="checkbox"/> Drinking Water: | _____ | MGD: _____ | |
| <input type="checkbox"/> Power Generation: | _____ | MWD: _____ | |
| Other: | _____ | Additional Description: _____ | |

MINIMUM OPERATIONS REQUIREMENTS:

- | | | |
|---|-----------------------------|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Spillway approach and channels operational and cleared of obstructions |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Ability to maintain reservoir empty; operational inlets diversions and outlet works. Provide proof of these items (e.g. recent pictures, log and/or description) |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Operations and Maintenance plan submitted to the DLNR |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Access maintained to the dam and appurtenant features |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Conduct regular inspections and submit copy of most recent owner /operator inspection log/sheet for facility |
| Required for High/Significant Hazard Dams: | | |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Emergency Action Plan (EAP) submitted to the DLNR |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | EAP updates current within 12 months submitted to the DLNR |

Provide brief description of recent (within last 18 months) improvements or activities at the facility:

¹ "Deficiencies" means either finding as identified in DLNR visual inspection or priority 1 deficiencies identified in phase I reports. The lack of adequate information may constitute a deficiency.

OWNER CONTACT INFORMATION SHEET
(Confidential Information)

Dam Inventory Number: _____

Name of Dam / Reservoir: _____

OWNER

Name:

Street Address

Mailing Address

Ph

Cell Ph.

Email:

Additional Owner Contact:

Name:

Mailing Address:

Phone r

Email:

Describe Owner's interest in Dam/Reservoir: _____

LESSEE (on property):

Operation and Maintenance Contractor:

Emergency Contact

Name:

Ph 1

Ph 2

Ph 3

Alternate 1, Emergency Contact Name:

Ph 1

Ph 2

Ph 3

Alternate 2, Emergency Contact Name:

Ph

Ph 2

Ph 3

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APPLICANT'S ACKNOWLEDGMENT

(Additional pages may be submitted for multiple Applicants / Owners)

Under penalty of law, Applicant _____, certifies that the information provided here regarding the _____ (reservoir/dam) (Hawaii dam inventory number _____) is true and accurate to the best of my knowledge. By signing below I understand that, if the Application for a Certificate for Approval to Impound is granted by the Hawaii Board of Land and Natural Resources, the approval is valid for a period not to exceed 5 years. The Board's approval or issuance of the Certificate of Approval to Impound is and shall be subject to the Certificate's General Conditions, Special Conditions, and the requirements of HRS, Chapter 179D.

(Applicant's Signature) _____ Date: _____

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Applicant Name: _____
 Title: _____
 Firm / Company: _____
 Mailing Address: _____
 Ph _____ Email: _____

OWNER'S CERTIFICATION (where applicant is someone other than owner):

I, _____, Owner of the _____ reservoir/dam hereby authorize the above listed Applicant to submit information and request approval of a Certificate of Approval to Impound on my behalf. I have reviewed the information provided in the CAI Application form. Under penalty of law. I believe the information is true and accurate to the best of my knowledge

Owner's Signature: _____ Date: _____
 Owner Name: _____

Description of Owner's interest or fee title in the dam/reservoir: _____

Mailing Address: _____

 Ph _____ Email: _____