

New York State Department of Environmental Conservation

Division of Water

Bureau of Flood Protection and Dam Safety, 4th Floor

625 Broadway, Albany, New York 12233-3504

Phone: (518) 402-8185 • FAX: (518) 402-9029

Website: www.dec.ny.gov



Dam Safety Emergency Action Plan (“EAP”) Requirement of Services of Professional Engineer (“PE”) - Waiver Application Form -

6 NYCRR Part 673.7(d) requires that Owners of Class C - High Hazard dams have a professional engineer (PE) prepare their Emergency Action Plan (EAP). The owner is also allowed to make a written request of the Director of the Division of Water in the Department’s Albany office to waive this PE requirement, with respect to some or all of the EAP, based on the Department’s discretionary consideration of public safety and the site specific characteristics of the dam and its location. This form serves as the waiver application form.

Dam Name: _____

Dam Location: County: _____ Town/City: _____

NYS Dam ID No.: _____ **Hazard Class:** “C” (High Hazard)

Location (deg/min/sec): Latitude: _____ Longitude: _____

Owner Name: _____

Owner Address: _____

City: _____ State: _____ Zip Code: _____

Owner Telephone: Daytime: _____ Evening: _____

Below are listed the typical components of an EAP. The minimum requirements of an EAP are set forth in the Department’s dam safety regulations (at 6 NYCRR §673) and in the Department’s guidance documents. Both the regulations and the guidance documents are available on the Department’s website at www.dec.state.ny.us. The dam owner should be fully familiar with these provisions before deciding whether to complete and submit this Waiver Application Form.

Pursuant to 6 NYCRR §673.7(d), all of the components of the EAP for a Class “C” (high hazard) dam must be prepared by a PE unless the owner submits this Waiver Application Form and the application is thereafter approved in writing by the Department.

Please identify below with one or more checkmarks the component(s) of the EAP you want to prepare yourself (without the services of a PE).

| <u>Component of EAP</u> | <u>Dam owner requests a waiver of Part 673.7(d) requirement that a PE prepare the EAP, with respect to the following component(s), as indicated with checkmark(s)</u> |
|---|---|
| 1. Notification | <input type="checkbox"/> Waiver requested (Owner to prepare rather than PE) |
| 2. Statement of Purpose | <input type="checkbox"/> Waiver requested (Owner to prepare rather than PE) |
| 3. Project Description | <input type="checkbox"/> Waiver requested (Owner to prepare rather than PE) |
| 4. Emergency Detection, Evaluation and Classification | <input type="checkbox"/> Waiver requested (Owner to prepare rather than PE) |
| 5. General Responsibilities Under the EAP | <input type="checkbox"/> Waiver requested (Owner to prepare rather than PE) |
| 6. Preparedness | <input type="checkbox"/> Waiver requested (Owner to prepare rather than PE) |
| 7. Inundation Maps | <input type="checkbox"/> Waiver requested (Owner to prepare rather than PE) |
| 8. _____ (Other) | <input type="checkbox"/> Waiver requested (Owner to prepare rather than PE) |

Basis for Waiver: For each EAP component you have checked above, please use the space below and additional page(s), as necessary, to provide your basis that the services of a PE are not necessary for completion of the EAP in accordance with 6 NYCRR §673 and applicable guidance.

Identify Basis for Waiver

Certification of Owner:

As the owner of the above-designated dam, I certify that I have read or been advised of the statutes, regulations and guidance governing EAPs and believe that I understand them. Based on that understanding, I request approval of the NYSDEC to prepare the above-designated component(s) of the EAP for the above-designated dam without the services of a PE.

I certify under penalty of law that the answers and information provided in and with this Waiver Application Form were prepared by me or under my direction or supervision. The answers and information I submit are, to the best of my knowledge and belief, true, accurate, and complete.

I understand that no waiver is granted by the NYSDEC for the EAP components I have designated above unless the NYSDEC issues a written Waiver.

This Certification must be signed by an individual on his or her own behalf, or by either a principal executive officer or ranking elected official, or duly authorized representative of the dam owner.

Name: _____

Title: _____

Company: _____

Signature: _____

Date: _____

Submit Form to:

NYSDEC - Division of Water
Director
625 Broadway, 4th Floor
Albany, New York 12233
Phone: (518) 402-8185
Fax: (518) 402-9029

And

NYSDEC - Dam Safety Section
EAP Coordinator
625 Broadway, 4th Floor
Albany, New York 12233-3504