

### **151.125 Authority and powers of secretary.**

The secretary shall exercise the following authority and powers:

- (1) To administer and enforce the provisions of this chapter and all rules and regulations and orders promulgated thereunder;
- (2) To conduct or obtain investigations, research, experiments, training programs and demonstrations, and to collect and disseminate information relating to the safe construction, operation, or maintenance of dams and reservoirs;
- (3) To adopt, after giving public notice and affording an opportunity to all interested persons to appear and offer evidence at a public hearing in connection therewith, general rules and regulations for flood control and water resources which he deems necessary to accomplish the purposes of this chapter. Such rules and regulations, which shall have the force and effect of law, shall be of uniform application as far as practicable, but they may take proper account of differences in topography, geology, soil conditions, climate, hydrology, and use of the reservoir and the lands lying in the floodplain downstream from the dam;
- (4) To adopt, without notice or hearing, rules and regulations with respect to procedural aspects of hearings, the filing of reports and orders, the issuance of certificates of inspection, construction permits, water withdrawal permits, and other procedural matters;
- (5) To issue orders requiring the adoption by an owner of remedial measures necessary for the safety of life, or public or private property, or for carrying out the provisions of this chapter, or rules and regulations issued thereunder;
- (6) To examine and approve or disapprove applications for construction permits for the construction, enlargement, repair, or alteration of a dam;
- (7) To establish standards for the safe construction, enlargement, repair, alteration, maintenance, or operation of a dam or reservoir. Such standards shall be issued in the form of regulations as described in subsection (3) of this section;
- (8) To make such investigations or inspections as necessary to determine the condition of a dam to insure compliance with any provisions of this chapter, including the right to enter at any time upon an area affected for such purposes and the right of ingress and egress across intervening properties;
- (9) To order the suspension or revocation, after warning, of any certificate of inspection, construction permit, or water withdrawal permit for failure to comply with any of the provisions of this chapter or with any rules, regulations or orders adopted pursuant thereto, or with any of the conditions contained in or attached to the certificate of inspection, construction permits, or water withdrawal permits;
- (10) To order the immediate cessation of any act that is started or continued without a construction permit or water withdrawal permit as required by the provisions of this chapter;
- (11) To institute and prosecute all such court actions as may be necessary to obtain the enforcement of any order issued by the cabinet in carrying out the provisions of this chapter.

**History:** Created 1974 Ky. Acts ch. 285, sec. 2; and amended ch. 74, Art. III, sec. 13(9).

**Legislative Research Commission Note** (10/29/96). Pursuant to KRS 7.136(2), the original reference to "department" in subsection (11) of this statute has been changed to "cabinet" to reflect reorganizations relating to the former Department for Natural Resources and Environmental Protection. See 1974 Ky. Acts ch. 74, Art. III, sec. 13; 1982 Ky. Acts ch. 393, sec. 50(3).