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DEPARTMENT OF WATER RESOURCES
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May 13, 2025

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Wallace Dam, No. 499
Calaveras County
Case Number M2025-007

NOTICE OF VIOLATION

The Wallace Community Services District (WCSD) is in violation of California Water Code section 6161, subdivisions (a)(1) and (a)(3), because WCSD has failed to submit an inundation map or maps and an emergency action plan (EAP) to the Department of Water Resources (Department), Division of Safety of Dams (DSOD) for Wallace Dam.

Failure to comply with these Water Code requirements within the timelines in this Notice of Violation may result in the issuance of an administrative complaint. The administrative complaint may seek administrative civil penalties, reservoir restrictions, property liens, fees, penalties and interest imposed by statute, and any other actions proposed to ensure compliance with Water Code, Division 3, Part 1 and implementing regulations.

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A. Background

The Department, through DSOD, administers and enforces Division 3, Part 1 of the Water Code and its implementing regulations. DSOD has determined that Wallace Dam is within the State's jurisdiction for dam safety under Water Code section 6002. DSOD has also determined that WCSD is the owner of Wallace Dam under Water Code section 6005.

Owners of jurisdictional dams with a downstream hazard potential classification of "Significant," "High," or "Extremely High" are required to prepare and submit an inundation map to DSOD, and owners are required to prepare and submit an EAP to DSOD and the California Governor's Office of Emergency Services (Cal OES). The EAP must be based on inundation map(s) that are approved by DSOD.

DSOD has determined that Wallace Dam has a "Significant" downstream hazard potential. DSOD sent WCSD a letter dated July 14, 2017, which provided notification of Wallace Dam's downstream hazard potential classification and the requirements to prepare an inundation map(s) and an EAP based on the approved inundation map(s).

In this letter, DSOD also notified WCSD that the EAP, based on an approved inundation map(s), was due on or before January 1, 2021. DSOD sent reminders of these obligations to WCSD on June 1, 2020, February 22, 2021, and February 1, 2022. DSOD has not received an inundation map(s) or an EAP for Wallace Dam.

B. Alleged Violations

1. Inundation Map Submittal

Water Code section 6161, subdivision (a)(1) provides that:

> An owner of a state jurisdictional dam, except an owner of a dam classified by the department pursuant to Section 6160 as a low hazard dam, shall submit electronically to the department an inundation map that shows the area that would be subject to flooding under various failure scenarios unique to the dam and the critical appurtenant structures of the dam.

DSOD has not received an inundation map(s) for Wallace Dam. A DSOD approved inundation map(s) is a required pre-requisite for the EAP, as set forth in Water Code section 6161, subdivision (a)(3). The EAP for Wallace Dam was due on or before January 1, 2021.

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2. EAP Submittal

Water Code section 6161, subdivision (a)(3) provides that:

> Upon approval of the inundation map or maps by the department, the owner of the dam shall develop and submit electronically to the department and the Office of Emergency Services an emergency action plan that is based upon the approved inundation map or maps.

Water Code section 6161, subdivision (d)(1) provides that:

> Pursuant to the classification by the department under Section 6160, an owner of a dam shall complete and submit an emergency action plan as follows:
>
> (A) On or before January 1, 2018, if the hazard classification of the dam is extremely high.
> (B) On or before January 1, 2019, if the hazard classification of the dam is high.
> (C) On or before January 1, 2021, if the hazard classification of the dam is significant.

On July 14, 2017, DSOD sent WCSD DSOD's determination that this dam's hazard classification is "Significant," and that the EAP was due on or before January 1, 2021. DSOD has not received an EAP for Wallace Dam.

C. Corrective Actions

To remedy these violations, the WCSD must perform the following corrective actions by the provided due dates:

> **1) Electronically submit the required inundation map(s) and supporting technical memorandum to DSOD at damsafety@water.ca.gov within 90 days of the date of this notice.**

The inundation map(s) must be prepared in accordance with the requirements set forth in Water Code section 6161 and California Code of Regulations, title 23, Division 2, Chapter 1, Article 6.

> **2) Electronically submit the required EAP, based upon the DSOD approved inundation map(s), to DSOD at damsafety@water.ca.gov and Cal OES at EAP@caloes.ca.gov within 90 days of DSOD's approval of the inundation map(s).**

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Cal OES will separately review, provide comments, and approve the EAP in accordance with Water Code section 6161.

DSOD recommends that the WCSD begin working on the draft EAP while WCSD's inundation map(s) are under review. Questions regarding EAP requirements should be presented to Cal OES.

D. Potential Liabilities

Failure to take the corrective actions identified in Section C within the specified time periods may result in the issuance of an administrative complaint, as described in California Code of Regulations, title 23, section 337.8.

The foregoing alleged violations may lead to legal liabilities, including but not limited to the following:

1. Civil monetary penalties in accordance with Water Code section 6432:

   > In addition to any penalties imposed by any other law, the department may impose a civil penalty of up to one thousand dollars ($1,000) per day upon any owner of a dam who fails to comply with any provision of this part.

2. Other civil penalties in accordance with Water Code section 6429, subdivision (a):

   > The department may impose reservoir restrictions and levy property liens on an owner of a dam who fails to comply with any of the provisions of this part or any approval, order, rule, regulation, or requirement of the department.

Should WCSD disagree with these requirements or otherwise have information WCSD believes DSOD should consider concerning these violations, submit WCSD's reasoning and supporting information to me in writing no later than 30 days from the date of this notice so that DSOD may review and respond.

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If WCSD has any questions regarding this Notice of Violation, WCSD can contact Senior Enforcement Engineer Jeffrey Kuhl by email at Jeffrey.Kuhl@water.ca.gov or by phone at (916) 606-5790 or contact me by email at John.Tatyosian@water.ca.gov or by phone at (916) 820-7798.

John Tatyosian

John Tatyosian, P.E., Enforcement Officer
Enforcement Branch
Division of Safety of Dams

Enclosures
Certified Mail

List of attachments:
1 – July 14, 2017: Determination of hazard classification, including requirements for inundation map and emergency action plan
2 – June 1, 2020: Notice regarding required inundation map
3 – February 22, 2021: Overdue notice regarding required inundation map
4 – February 1, 2022: Second overdue notice regarding required inundation map

cc: Peter Thyberg, Senior Staff Counsel
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