

HCS HB 159 -- DAM AND RESERVOIR SAFETY

SPONSOR: Bivins

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Energy and Environment by a vote of 12 to 0.

This substitute changes the laws regarding dam and reservoir safety. In its main provisions, the substitute:

- (1) Revises the definition of "dam" to include appurtenant works and dams that are 25 feet or more in height with a storage volume of at least 50 acre-feet of water;
- (2) Defines "high hazard" dams to involve potential loss of human life and "significant hazard" dams to involve potential loss of property and infrastructure in the event of failure;
- (3) Exempts any dam or reservoir that will be used for fireclay quarry reclamation or agricultural purposes from the provisions of the substitute. High hazard dams will be subject to construction permits, operating permits, and registration with the Department of Natural Resources. Certain significant hazard dams with a capacity of holding more than 100 acre-feet of water will require construction permits. Certain dams producing less than 30 megawatts of power that pose no threat of flooding to state property are exempt from the substitute's requirements;
- (4) Requires all dams not exempted from the provisions of the substitute to register with the department. The requirements for registration are specified in the substitute;
- (5) Adds one member to the Dam and Reservoir Safety Council who is an owner of a high hazard or significant hazard dam or reservoir and requires one member of the council to be a registered geologist or a registered engineer with geological experience;
- (6) Specifies that all high hazard dams be inspected every three years, significant hazard dams every five years, and dams operating under the federal Power Act every year to determine if they constitute a threat to public safety. The Chief Engineer of the Department of Transportation and the head of the Dam and Reservoir Safety Program at the Department of Natural Resources must make recommendations concerning construction and operating permits for high hazard and significant hazard dams;
- (7) Limits the inspection fees to \$450 for high hazard dams and \$250 for significant hazard dams. Fees for dams regulated under the federal Power Act are specified in the substitute.

Agricultural dams will be exempt from the inspection fees;

(8) Requires all owners of high hazard or significant hazard dams to first apply for a construction permit prior to beginning work on any structure. The application must include the signature of a geologist or an experienced engineer registered in Missouri;

(9) Requires all owners of high hazard or significant hazard dams to notify the council upon completion of any construction and to apply for an operating permit;

(10) Requires every dam constructed after August 28, 2007, that is not registered to do so within six months, and those owners of high hazard and significant hazard dams must apply for an operating permit no later than August 28, 2008. Those owners licensed under the federal Power Act must apply for an operating permit no later than three months after August 28, 2007;

(11) Requires the owner of any kind of dam to notify the council of any change in downstream conditions which effects the hazard classification;

(12) Requires an operating permit to be suspended if a high hazard or significant hazard dam is found to present a threat to public safety until the owner has completed all necessary alterations to ensure the protection of public safety;

(13) Allows the transfer of any operating permit to a successive owner of a dam or reservoir along with the notification of the current hazard classification of the dam. Failure to notify the council of the transfer will result in the prior owner retaining responsibility for the dam and being subject to the provisions of the substitute; and

(14) Specifies that violations of the provisions of the substitute relating to construction and operating permits for high hazard and significant hazard dams will be punishable as a misdemeanor and subject to a maximum fine of up to \$10,000, jail time of up to one year, or both.

FISCAL NOTE: No impact on state funds in FY 2008, FY 2009, and FY 2010.

PROPOSERS: Supporters say that the bill will help prevent disasters such as the recent Taum Sauk collapse. Registered geologists and professional engineers with geological experience will be used to help design and construct safe dams. The bill regulates dams based on their potential threat to life and property ensuring that those dams posing the greatest risk are

regulated and inspected.

Testifying for the bill were Representative Bivins; John L. Boyer, American Institute of Professional Geologists; Department of Natural Resources; and Missouri Society of Professional Engineers.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that quarry dams and agricultural dams should be regulated in the same manner as all other dams and a single category should be created for dams that threaten life or property. There shouldn't be any regulation of agricultural dams that do not pose any threat to life and infrastructure.

Testifying on the bill were Sierra Club; and Missouri Farm Bureau.