

## HB 159 -- Dam and Reservoir Safety

Sponsor: Bivins

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

- (1) Revises the definition of "dam" to include appurtenant works and dams that are 50 feet or more in height with a storage volume of at least 100 acre-feet of water;
- (2) Defines "high hazard," "significant hazard," and "operating permit";
- (3) Exempts any dam or reservoir that will be used for fireclay quarry reclamation from the provisions of the bill;
- (4) 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 the council to establish fees to be reviewed every three years for permits required for renewal, design review, and inspection of high hazard and significant hazard dams;
- (5) Limits the fees established for design review of high hazard and significant hazard dams to no more than 1% of the total estimated cost of the dam or reservoir;
- (6) Establishes an interim joint committee whose responsibility will be to examine the fee structure imposed under the bill and evaluate the costs of the dam safety program. The committee is required to submit a report to the Governor and General Assembly no later than January 1, 2009;
- (7) Specifies that all high hazard and significant hazard dams be inspected periodically 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 permits for high hazard and significant hazard dams and operating permits for these structures;
- (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 an experienced engineer registered in Missouri;
- (9) Removes the language exempting dams constructed for soil and water conservation, irrigation, or wildlife conservation;

(10) Maintains the exemption for agricultural dams and reservoirs from regulation by the council;

(11) Allows any landowner who owns an agricultural dam or reservoir to be regulated by the council if he or she requests to be regulated in a certified letter to the council. After a request has been made and granted, any subsequent request to have an agricultural dam or reservoir removed from regulation can only be made by the department director. Nothing in the bill will be construed to require any landowner who owns an agricultural dam or reservoir to choose regulation by the council as a condition of doing business;

(12) Allows the department to initiate an engineering study on any agricultural dam it believes satisfies the high hazard standard. Upon completion of the study, the department will submit its findings to the appropriate soil and water district board for its agreement. If the board agrees with the department's findings, the dam in question will be regulated under the provisions of the bill. If the board does not agree, the bill prohibits any new studies from being initiated within one year of the board's decision and the dam in question maintains the exemption. If the board does not render a decision within 60 days of the department's submission, the findings will be considered agreed to and the dam in question will be regulated;

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

(14) 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;

(15) Requires the owner to notify the council within three months of any change in downstream conditions which changes the hazard classification of any dam or reservoir;

(16) Requires the 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;

(17) 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 bill; and

(18) Specifies that violations of the provisions of the bill are punishable as a misdemeanor and subject to fines of up to \$10,000 or jail time of up to one year.