

## HB 1994 -- 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 membership of the Dam and Reservoir Safety Council by requiring a registered geologist with experience on dam safety to serve in place of an engineering geologist and requiring that one member be the owner of a regulated high hazard dam;

(2) Revises the definition of "dam" to include structures that are 25 feet or more in height with a storage volume of at least 50 acre-feet of water;

(3) Defines "high hazard" as dams where the loss of human life is probable or expected if the dam were to fail. High hazard dams will be regulated with construction and operating permits;

(4) Requires the owner of a dam to register with the Department of Natural Resources by providing specified information on the ownership interests and nature of the dam. This registration process will supersede the registration and safety permit process in effect prior to August 28, 2008. Owners of dams must register within six months after August 28, 2008, unless their safety or registration permit issued prior to that date is still in effect;

(5) Requires the owner of a high hazard dam to obtain an operating permit from the department. Owners of high hazard dams must apply for an operating permit within one year after August 28, 2008, or at another time specified by the council. Owners of dams regulated under the Federal Power Act must apply for an operating permit no later than three months after August 28, 2008. If the classification status of a dam changes, it will be immediately subject to the requirements of the new classification. Ownership transfers must be reported to the Chief Engineer of the Dam and Reservoir Safety Program within the department in order to remove the obligations under Chapter 236, RSMo. The council is authorized to establish rules concerning the operation and inspection of high hazard dams;

(6) Requires high hazard dams to be inspected in order to receive an operating permit. Inspection fees will be \$450 per year for high hazard dams. Agricultural dams, certain dams used for fireclay quarry reclamation, and any dam providing 30 or less megawatts of power that emits water fully contained on federal property with no permanent structures are exempt from the inspection fees. The council is authorized to establish

inspection and construction fees for dams licensed under the Federal Power Act;

(7) Requires dams regulated under the Federal Power Act to be inspected yearly and requires 24-hour monitoring of Taum Sauk Dam. Other high hazard dams must be inspected at least once every three years;

(8) Assesses a permit application review fee of \$3,000 or 1% of the cost of a new high hazard dam constructed after August 28, 2008, and specifies the deadlines for all inspection and application fees;

(9) Requires a geologic report to accompany an application for a construction permit for a high hazard dam;

(10) Creates the Dam and Reservoir Fee Subaccount in the Natural Resources Protection Fund for the administration and enforcement of Chapter 236 for the deposit of moneys from inspection and construction permits and other sources; and

(11) Imposes a penalty of between \$500 and \$10,000, confinement in the county jail for at least 30 days to not more than one year, or both for violating the operating permit provisions of the bill.