

1 HOUSE BILL NO. 48

2 INTRODUCED BY K. WALSH

3 BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EXEMPTIONS FROM THE DAM SAFETY ACT;
6 PROVIDING THAT DAMS USED FOR PUBLIC SEWAGE AND DISPOSAL SYSTEMS ARE EXEMPT FROM
7 THE DAM SAFETY ACT; AND AMENDING SECTION 85-15-107, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 85-15-107, MCA, is amended to read:

12 **"85-15-107. Exemptions.** (1) The provisions of 85-15-108 through 85-15-110, 85-15-209 through 85-
13 15-216, 85-15-305, 85-15-401, 85-15-502, and 85-15-503 do not apply to:

14 (a) dams subject to a permit issued pursuant to 82-4-335 for the period during which the dam is
15 subject to the permit;

16 (b) federal dams and reservoirs;

17 (c) dams and reservoirs licensed and subject to inspection by the federal energy regulatory
18 commission; or

19 (d) dams that are required to obtain a certificate of compliance pursuant to 75-20-201 for the
20 period during which the dam is subject to the certificate.

21 (2) The provisions of 85-15-108 through 85-15-110, 85-15-209 through 85-15-216, 85-15-401, 85-
22 15-502, and 85-15-503 do not apply to nonfederal dams and reservoirs located on federal lands if they are
23 subject to a dam safety review by a federal agency.

24 (3) The provisions of 85-15-305 do not apply to dams and reservoirs at a national priority list site
25 as defined by the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980
26 (CERCLA), Public Law 96-510.

27 (4) The provisions of 85-15-108 through 85-15-110, 85-15-209 through 85-15-216, 85-15-401, 85-
28 15-502, and 85-15-503 do not apply to dams used for a public sewage system or a public sewage disposal

1 system as regulated by the department of environmental quality pursuant to Title 75, chapter 6, part 1, and Title
2 76, chapter 4, part 1."

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