



ADMINISTRATIVE RULES OF MONTANA

36.14.201 WHO HAS TO APPLY FOR HAZARD DETERMINATION

- (1) An application for hazard determination must be made by an owner proposing to construct, including new construction, alteration, repair, enlargement, or removal of, any dam or reservoir that has or could impound to the maximum normal operating pool 50 acre-feet or more.
 - (a) Dams already classified as high-hazard are not required to reapply for a hazard determination.
 - (b) An owner of a dam may request a waiver to the application requirement if:
 - (i) the dam is not high-hazard as previously classified by the department;
 - (ii) no additional downstream development has occurred; and
 - (iii) the size and impounding capacity of the dam is unchanged from the department's original classification.
- (2) The department must respond to the waiver request in (1)(b) within 20 calendar days.
- (3) Applications for hazard determinations are not necessary for the following, as loss of life from dam failure is not likely to occur:
 - (a) wastewater pond dams that are subject to regulation under the Department of Environmental Quality (DEQ) and will be constructed according to DEQ regulations;
 - (b) naturally occurring reservoirs;
 - (c) an obstruction in a canal used to raise or lower water inside the canal, or to divert water from the canal;
 - (d) a flood levee on the bank of a natural lake or stream, the primary purpose of which is to control floodwaters;
 - (e) railroad fill structure and road or highway fill not intended to store or accumulate water for future use; and
 - (f) an obstruction in the channel of a stream, watercourse, or floodplain, which has the single purpose of spreading water within the bed of the stream or watercourse or floodplain upstream from the obstruction for irrigation of only that land containing the spread water.

Authorizing statute(s): 85-15-110, MCA

Implementing statute(s): 85-15-107, 85-15-209, MCA

History: NEW, 1988 MAR p. 2489, Eff. 11/24/88; AMD, 2012 MAR p. 1844, Eff. 9/21/12; AMD, 2022 MAR p. 1849, Eff. 9/24/22.