

Form 4315-3 R 6/2000

**APPLICATION FOR OPERATION PERMIT
 FOR HIGH-HAZARD DAM**

FOR DEPARTMENT USE ONLY

INSTRUCTIONS

Use this form to apply for a permit to operate a dam impounding over 50 acre-feet and classified by the Department as a high-hazard dam. Submit to any office listed on the back page. This application needs to be accompanied by an operation plan and inspection report, if not already submitted. See back for further explanation.

Date Application Rec'd _____, 20____
 Rec'd by _____
 Renewal _____ Yes _____ No _____
 Date complete application received
 _____, 20____

Name of the dam _____

The dam is in _____ County _____ 1/4 Sec. _____ Twp. _____ Rge. _____

and is located on _____, a tributary to _____
 (Creek, River or Offstream) (Creek or River)

Owner name _____

Address _____
 (Street) (P.O. Box)

 (City) (State) (Zip Code) (Telephone)

I, _____, owner, hereby accept and approve the enclosed inspection report and operation plan.

Signed _____ Date _____
 (Signature of Owner/Agents)

Address (if different than above) _____
 (Street) (P.O. Box)

 (City) (State) (Zip Code) (Telephone)

FOR DEPARTMENT USE ONLY
APPROVAL OF APPLICATION FOR OPERATION PERMIT

This is to certify that the inspection report and operation plan for _____ dam and reservoir, has been examined and is hereby approved, subject to the conditions listed on attached letter and the following term limitations. Expiration Date _____ (See reverse)

Dated this _____ day of _____, 20____, by _____

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
 Water Resources Division



48 North Last Chance Gulch, P.O. Box 201601 Helena, Montana 59620-1601 (406) 444-0860

MONTANA'S DAM SAFETY LAW

Because dam safety is important to both life and property, Montana became, in 1985, one of the 43 states that have adopted regulations for construction, operation and maintenance of high-hazard dams. The Montana Dam Safety Law provides for a permitting process to ensure that construction work on new and existing high-hazard dams is designed and performed in a safe manner.

If your dam is a high-hazard dam, you need a dam safety permit. It's a benefit to you to have the dam permitted. According to Montana's Dam Safety Law, once a high-hazard dam is permitted, the dam owner is not—in the absence of negligence—liable for damages resulting from flows of water from the dam or reservoir that exceed the 100-year floodplain. This provision reduces the risk of liability of the owner of a high-hazard dam.

Exempt from the Dam Safety Act are dams that are owned by the federal government, on federal property, inspected by the Federal Energy Regulatory Commission, included in the mine operating permit issued by the Montana Department of Environmental Quality, or associated with facilities certified under the Major Facility Siting Act.

HAZARD CLASSIFICATION

The law provides for hazard classification. The owner of a dam first needs to make an estimate of the impoundment capacity at the maximum normal operating pool, which is usually to the crest of the principal or emergency spillway. If the impoundment capacity is 50 acre-feet or more, the owner must apply to the Department of Natural Resources and Conservation for hazard classification.

The determination of hazard involves an evaluation of the area downstream from the dam that would be flooded if the dam fails. If the flood would be likely to cause a loss of life, the dam or reservoir is classified as a high-hazard structure. The hazard classification is based on the potential loss of life downstream and is not an assessment of the safety of the structure.

To apply for a dam hazard classification, the owner should write or call any DNRC office and request an application form. A hazard classification will be made within 60 days after a complete application is received by the department.

CONSTRUCTION PERMIT

If you plan to build a new dam or alter an existing dam, either of which impounds 50 acre-feet or more, you must apply for a hazard classification. If it is determined that the dam is a high-hazard dam, a construction permit is necessary before construction. "Construction" includes construction of a new

LAWS, RULES AND FORMS

For a copy of the Montana Dam Safety Act, the administrative rules, or the required forms, contact DNRC, Dam Safety Program, 48 North Last Chance Gulch, P.O. Box 201601, Helena, MT 59620-1601, phone 406-444-0860.

You may also visit or call a Water Resource Division Regional Office:

- Billings, 59105-1978, Airport Industrial Park, 1371 Rimtop Dr., Ph. 247-4415
- Bozeman, 59715, 151 Evergreen Dr., Ste. C., Ph. 586-3136
- Glasgow, 59230-1269, 222 6th Street South, P.O. Box 1269, Ph. 228-2561
- Havre, 59501-1828, 210 6th Ave., P.O. Box 1828, Ph. 265-5516
- Helena, 59620-1601, P.O. Box 201601, 21 N. Last Chance Gulch, Ph. 449-0944

high-hazard dam or a major repair or alteration, enlargement, or removal of an existing high-hazard dam.

An application for a construction permit includes an application form, construction plans and specifications, and an engineering design report. The plans and specifications must be prepared by an engineer experienced in dam design and construction. Within 60 days of receiving a completed application, the department will issue or deny a construction permit.

A construction permit is not required for performing minor and routine repairs or maintenance or emergency repairs on a high-hazard dam or reservoir.

OPERATION PERMIT

An application for an operation permit for a high-hazard dam should include an operation plan and a licensed professional engineer's inspection report of the high-hazard dam. The operation plan should include reservoir operation procedures, maintenance procedures for the dam and appurtenant works, and an emergency procedures and warning plan. Preparation of and adherence to the plan will aid in the safe operation and maintenance of the high-hazard dam. A more detailed description of an operation plan can be found in the administration rules for dam safety. The inspection, which is the responsibility of the dam owner, must be conducted by a licensed professional engineer. The minimum frequency for inspection is set in your operation permit and is not less than once in five years.

If your existing high-hazard dam is found safe and can be operated and maintained safely as well, an operation permit is issued by the department. Renewal of the operation permit is granted by the department upon satisfactory periodic inspections.

EMERGENCY

During a life-threatening emergency caused by the condition of a dam or a reservoir, or by present or imminent floods that threaten the structural integrity of any dam or reservoir, the owner may proceed with the necessary repairs or breaching without the previously described construction permit. The department must be notified immediately of any proposed emergency repairs or breaching to be instituted by the owner. If the owner fails to act, the department may take any action necessary to safeguard life and property. Costs incurred by department action during an emergency must be paid by the owner of the dam or reservoir.

If failure of the dam cannot be averted, call your local sheriff to start evacuation of downstream residents.

CIVIL PENALTY

Failure to comply with a dam safety law, rule, or order is subject to a civil penalty of up to \$1,000 per day.

- Kalispell, 59903-0860, 109 Cooperative Way, Ste. 110, Ph. 752-3267
- Lewistown, 59457-2020, 613 NE Main, Ste. E, Ph. 538-7459
- Missoula, 59806-5004, Town & Country Shopping Ctr., 1610 S. 3rd Street W., Ste. 103, P.O. Box 5004, Ph. 721-4284