69th Legislature 2025 HB 48



AN ACT REVISING EXEMPTIONS FROM THE DAM SAFETY ACT; PROVIDING THAT DAMS USED FOR PUBLIC SEWAGE AND DISPOSAL SYSTEMS ARE EXEMPT FROM THE DAM SAFETY ACT; AND AMENDING SECTION 85-15-107, MCA.

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

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

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

- (a) dams subject to a permit issued pursuant to 82-4-335 for the period during which the dam is subject to the permit;
  - (b) federal dams and reservoirs;
- (c) dams and reservoirs licensed and subject to inspection by the federal energy regulatory commission: or
- (d) dams that are required to obtain a certificate of compliance pursuant to 75-20-201 for the period during which the dam is subject to the certificate.
- (2) The provisions of 85-15-108 through 85-15-110, 85-15-209 through 85-15-216, 85-15-401, 85-15-502, and 85-15-503 do not apply to nonfederal dams and reservoirs located on federal lands if they are subject to a dam safety review by a federal agency.
- (3) The provisions of 85-15-305 do not apply to dams and reservoirs at a national priority list site as defined by the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), Public Law 96-510.
- (4) The provisions of 85-15-108 through 85-15-110, 85-15-209 through 85-15-216, 85-15-401, 85-15-502, and 85-15-503 do not apply to dams used for a public sewage system or a public sewage disposal



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

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## HOUSE BILL NO. 48

## INTRODUCED BY K. WALSH

BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

AN ACT REVISING EXEMPTIONS FROM THE DAM SAFETY ACT; PROVIDING THAT DAMS USED FOR

PUBLIC SEWAGE AND DISPOSAL SYSTEMS ARE EXEMPT FROM THE DAM SAFETY ACT; AND

AMENDING SECTION 85-15-107, MCA.