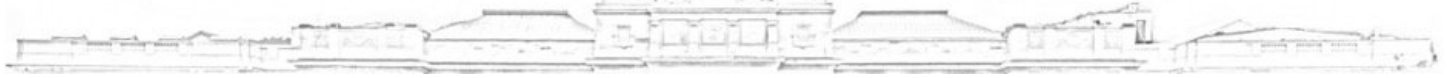




ADMINISTRATIVE RULES OF MONTANA



36.14.101 DEFINITIONS

In addition to the terms defined by 85-15-105, MCA, the following definitions apply in this subchapter, unless the context requires and clearly states otherwise.

- (1) "Act" means the Montana Dam Safety Act, Title 85, Chapter 15, MCA.
- (2) "Breach flooded area" means the area downstream from a dam that would be inundated if the dam failed.
- (3) "Certification" means a statement of opinion by an engineer whose work on a dam has been conducted in accordance with the standard of care within dam engineering practice. Certification does not constitute a warranty or guarantee of facts or conditions certified.
- (4) "Commence construction" means the actual start of site preparation and on-site building, but does not include preliminary surveying work, site exploration, or engineering plans preparation.
- (5) "Construction permit" means a written authorization issued by the department giving the owner authorization to construct a dam or reservoir in accordance with conditions that ensure construction of the dam and reservoir in a thorough, secure, and substantial manner.
- (6) "Corps" means United States Army Corps of Engineers.
- (7) "Days" means calendar days, including Sundays and holidays. If the final day in a time calculation falls on a holiday or weekend, the day shall be the next succeeding regular business day.
- (8) "Department" means the Department of Natural Resources and Conservation and any of its employees, agents, or designees authorized by the director of the department to act on behalf of the department.
- (9) "Emergency procedures and warning plan" means a predetermined plan of action to be taken to reduce the potential for property damage and loss of lives in an area affected by a dam break.
- (10) "Five-year dam evaluation" means an assessment of the safety and performance of a dam based on both a visual inspection and a safety evaluation.
- (11) "Height of dam" means the vertical distance from the lowest elevation of the dam crest to the lowest point of natural ground, including any stream channel, along the downstream toe of the dam.

- (12) "Inundation" means water, regardless of depth, over the general level of the submerged ground adjacent to and including the stream channel.
- (13) "Loss of life" means loss of human life.
- (14) "Maximum normal operating pool":
- (a) means the elevation of lowest uncontrolled principal spillway for on-stream reservoirs;
 - (b) means the elevation of the auxiliary spillway for flood control structures; and
 - (c) is defined on a case-by-case basis according to reservoir operation for off-stream reservoirs.
- (15) "Operating permit" means a permit issued by the department for a period not to exceed five years to operate a high-hazard dam or reservoir.
- (16) "Operation and maintenance inspection" means the inspection of the dam that is performed on an annual basis by the dam owner as part of regular operation and maintenance activities.
- (17) "Operation plan" means the written instructions prepared by the owner that prescribe:
- (a) proper operation procedures;
 - (b) maintenance procedures;
 - (c) emergency procedures and warning plan; and
 - (d) any other features necessary to the safe operation of the dam or reservoir.
- (18) "Permit" means construction or operation permit.
- (19) "Safety evaluation" means the assessment of dam condition that is typically accomplished through an analysis of instrumentation, stability, seepage, hydraulic adequacy, hydrologic adequacy, and compliance with current standards.
- (20) "Visual inspection" means a physical visit to the dam by a qualified engineer to assess the condition and safety of the dam and features associated with the dam.

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

Implementing statute(s): 85-15-106, 85-15-209, 85-15-210, 85-15-212, 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.