

Environment Committee JOINT FAVORABLE REPORT

Bill No.: SB-192

Title: AN ACT CONCERNING DAM SAFETY.

Vote Date: 3/15/2024

Vote Action: Joint Favorable

PH Date: 3/8/2024

File No.:

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SPONSORS OF BILL:

Environment Committee
Sen. Jan Hochadel, 13th Dist.
Rep. Joseph P. Gresko, 121st Dist.
Rep. Hector Arzeno, 151st Dist.
Rep. Rachel Khanna, 149th Dist.
Rep. Sarah Keitt, 134th Dist.

REASONS FOR BILL:

Connecticut has over thousands of dams, allowing for the control of water levels in the state's rivers and lakes. Dam failure can be catastrophic for society and wildlife, with the Fitchville Pond Dam having a partial failure at the end of last year showing the risks. This bill helps to strengthen the inspection process for dams in the state, especially privately owned ones.

RESPONSE FROM ADMINISTRATION/AGENCY:

Katie Dykes, Commissioner, Connecticut Department of Energy & Environmental Protection

The Commissioner states the purpose of this bill is to enable DEEP to more readily take action to protect the public safety when a dam poses an imminent risk. They state the legislation makes critical changes to Connecticut's dam safety:

- 1) Make explicit the dam owner's obligation to maintain a dam in safe condition;
- 2) Clarify the Commissioner's authority to order a dam owner to take immediate action when a dam presents an imminent and substantial threat, or Governor has declared an emergency;
- 3) Clarify the Commissioner's authority to take immediate action, when necessary, to place the dam to a safe condition;
- 4) make explicit the Commissioner's right to seek cost recovery for state monies expended to address imminent, substantial threats or emergencies.

NATURE AND SOURCES OF SUPPORT:

Alicea Charamut, Executive Director, Rivers Alliance of Connecticut

The Alliance recalls the partial failure of Fitchville Pond Dam in November, stating there would have been devastating to life and property downstream had there been a complete failure of that structure. They therefore believe it is imperative that DEEP have the authority to quickly respond to imminent disasters due to dam failure when dam owners are not in compliance with inspection schedules and necessary repairs.

Elizabeth Gara, Executive Director, Connecticut Water Works Association

CWWA supports provisions in the bill which will ensure that all dams are designed, constructed, operated, and maintained safely. They recognize the importance of properly maintaining public water supply dams to protect the quality and availability of drinking water supplies. They state the permitting process can be quite lengthy, and water companies have faced delays in obtaining permits to make needed upgrades and repairs. CWWA met with DEEP to discuss these concerns and will be working with them to explore opportunities to expedite permitting.

Nathan Frohling, Director of External Affairs, The Nature Conservancy in Connecticut

By strengthening regulatory oversight, enhancing emergency response capabilities, and imposing penalties for non-compliance, the Director believes this bill will help to prevent disasters, protect ecosystems, and safeguard the health and well-being of our communities. They also support adding language to this bill to promote dam removal and river restoration.

Samuel S. Gold, AICP, Executive Director, River COG

River COG supports this bill because storms that have been bring rains drop inches an hour have increased the risk posed by our privately-owned dams. They would like language added to this bill to include financial and insurance programs that would include low or no interest loans for inspections, dam removal, dam repair, or alterations, and additional outreach and educational programs for dam owners and communities.

Paul Woodworth, Ecological Restoration Senior Project Manager, Save the Sound

The testifier specializes in managing ecological restoration projects and supports this bill with additional language. The testifier believes dam removal should be added to the options that DEEP has to respond to an emergency. The testifier believes that dam removal should be explicitly named as one of the techniques that they can use, and they suggest there are no better ways to remove the hazard of a dam than to remove it.

Rea Drozdenko, Long Island Sound River Restoration Network

The Network supports this bill with the addition of "dam removal". An example of a dam removal success story is the Pond Lily Dam on the West River in New Haven. Because the dam increased flood risk to nearby homes and businesses, it was dam removed in 2016 to reduce flooding in this urban watershed. In addition to decreasing localized flooding in this urban watershed, it increased migratory fish passage and allowed native plants to flourish.

Supporters who sent in form letters, expressing support for the bill because of safety concerns and environmental support for fish populations:

Katherine Allison; Kevin Banach; Jamie Cross; Donald Danila; Joanna deBear; Douglas Feldman; Diane Hoffman; Emma Kaye; Adelheid Koepfer; Donna Laviolette; Robb Sauerhoff; Anthony Stagnitta; Dr. Nan Wisensale; Alison Zyla

NATURE AND SOURCES OF OPPOSITION:

None expressed.

Reported by: Judy Ganswindt

Date: March 26th, 2024