

Background

The Oregon Water Resources Department is the state agency charged with overseeing the safety of more than 960 dams across the state that are authorized to store water for agriculture, cities, industry, recreation, fisheries, and other purposes. While dams provide benefits, the consequences of failure of a dam can be significant, potentially resulting in loss of lives and damage to property and infrastructure. As a result, states have adopted dam safety programs. With a few exceptions, Oregon's dam safety statutes have not been updated since 1929, and there is a need to modernize the statutes.

What the bill does

The bill proposes to:

1. Consistent with current and past practice, clarify that the State's focus is on non-federally regulated dams that store water or wastewater. Remove dikes and other hydraulic structures from regulatory oversight to a non-regulatory, technical assistance program.
2. Require plans and specifications for modifications to dams to be approved by the Department and require the Department to receive final engineering documentation that the dam was built as specified before water or wastewater can be impounded for a new or modified structure.
3. Establish a fee for reviews of plans for dams based on actual time spent on the review, but with a cap to provide certainty on the maximum that may be charged.
4. Provide clear guidance for owners that they are responsible for maintaining their dam, and taking specific actions if the structure is at risk of failure and may jeopardize life or property.
5. Clarify the Department's general authorities to implement the statutes, as well as specify actions the Department may take during a dam failure.
6. Establish a process to ensure that removal of high or significant hazard dams are done safely to protect people and property.
7. Improve the process for addressing maintenance and safety issues. Provide additional tools to work with landowners and get compliance, and to address seismic and flood risk. This includes: (a) allowing the Department to work with the owner to develop a plan and timeframe for repair, instead of having to go directly to enforcement; (b) during enforcement, requiring a hearing only if requested by the owner; (c) authorizing the Department to require action on maintenance issues if they are left unaddressed; and (d) in the event that there is an immediate risk to people or property, allowing the Department to obtain a court injunction.
8. Allow the Department to issue civil penalties for failure to address maintenance issues, failure to submit emergency action plans on high-hazard dams, and other violations of the dam safety statutes.
9. In order to improve readability and functionality of the statutes, repeals the current laws; as a result many existing authorities appear as new language.

Contact

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