

2022 -- H 8327

LC006042

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO WATERS AND NAVIGATION -- INSPECTION OF DAMS AND RESERVOIRS

Introduced By: Representatives Casimiro, Ruggiero, McGaw, Baginski, Solomon, Noret, Shallcross Smith, and Cortvriend

Date Introduced: June 08, 2022

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 46-19-9 of the General Laws in Chapter 46-19 entitled "Inspection
2 of Dams and Reservoirs" is hereby amended to read as follows:

3 **46-19-9. Emergency action plans.**

4 (a) By July 1, 2008, an emergency action plan shall be prepared for each significant or high
5 hazard dam by the city or town wherein the dam lies. The Rhode Island emergency management
6 agency, as established in chapter 15 of title 30 shall develop guidelines for the preparation of
7 emergency action plans. The department of environmental management and the Rhode Island
8 League of Cities and Towns shall cooperate with the Rhode Island emergency management agency
9 in developing the guidelines. All emergency action plans prepared pursuant to this section shall not
10 be considered final or complete until approved by the emergency management agency, with the
11 cooperation of the department of environmental management.

12 (b) The owner of any other dam, regardless of the assigned hazard classification, may also
13 be required to prepare an emergency action plan if deemed necessary by the department of
14 environmental management.

15 (c) Emergency action plans shall be updated on an annual basis and shall be filed with the
16 Rhode Island emergency management agency, the department of environmental management, the
17 chief of the local police department and the local city or town emergency management official.

18 (d) Once an emergency action plan is complete, the city or town wherein the dam lies shall

1 provide written notice to the dam owner of the costs for actions taken by the city or town in the
2 development of the emergency action plan. Said costs of developing the emergency action plan
3 shall be remitted to the city or town within ninety (90) days of the receipt of such notice. In the
4 event that the costs are not remitted within the ninety (90) day period, the municipality shall have
5 a valid legal claim against the dam owner, in the amount of such costs, plus any costs associated
6 with the pursuit of the claim.

7 (e) Each state agency shall, in cooperation with the municipality in which the dam lies, be
8 responsible for the preparation of an emergency action plan for each high and significant hazard
9 dam owned by said agency by the deadline specified in subsection (a).

10 (f) The department of environmental management may assess an administrative penalty for
11 failure to comply with subsections (a), (b), (c) and (e) of this section, in accordance with chapter
12 17.6 of title 42.

13 (g) The department of environmental management and the Rhode Island emergency
14 management agency shall establish a notification system for dams in the event of severe weather
15 conditions to coordinate the actions at the federal, state and local levels. The notification system
16 shall include a dam advisory, a dam watch and a dam warning.

17 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO WATERS AND NAVIGATION -- INSPECTION OF DAMS AND
RESERVOIRS

1 This act would authorize the department of environmental management (DEM) to assess
2 administrative penalties for failure to comply with emergency action plans relative to significant or
3 high hazard dams and would mandate that the department and the Rhode Island emergency
4 management agency (EMA) establish a notification system in the event of severe weather
5 conditions consisting of dam advisories, dam watches and dam warnings.

6 This act would take effect upon passage.

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