AN ACT RELATING TO WATERS AND NAVIGATION – INSPECTION OF DAMS AND RESERVOIRS

Introduced By: Senators Sosnowski, Ruggerio, Raptakis, Archambault, F Lombardi, Ciccone, and Miller

Date Introduced: February 15, 2022

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

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


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

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

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

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

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

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

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

SECTION 2. This act shall take effect upon passage.

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

This act would take effect upon passage.