

90 Years of Dam Safety: The Need for Modernization and HB 2085 A

OREGON



WATER RESOURCES
DEPARTMENT

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Why does Oregon have a Dam Safety program?

- Water storage is essential to meeting water needs
 - Drinking water, agriculture, recreation, & other uses
 - Supply during summer and droughts
 - More critical with climate change



Why does Oregon have a Dam Safety Program?

- Consequence of dam failure can be high - lives, property, and infrastructure
- Maintenance and safe operation necessary to keep benefits and prevent failures
 - 1929 Dam Safety Statutes



State Regulated Dams

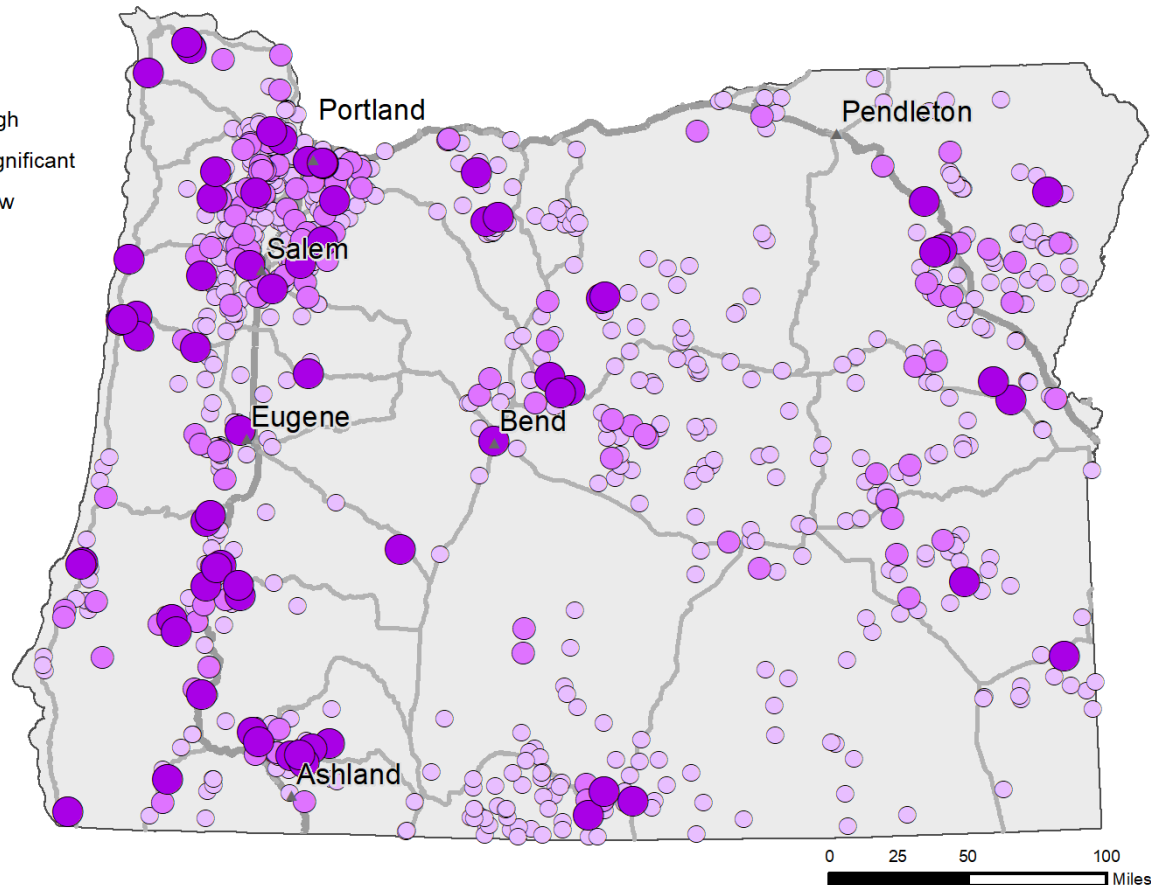
# of High Hazard Dams	75
<i>Satisfactory</i>	31
<i>Fair</i>	25
<i>Poor</i>	10
<i>Unsatisfactory</i>	7
<i>Under Analysis</i>	2
# of Significant Hazard Dams	149
# of Low Hazard Dams	729
Total # of State-Regulated Dams	953

Modernization Effort

- Sought feedback from stakeholders
- Goal: Minimize risk to lives, property and infrastructure throughout the life of the dam, while balancing the owners' need for water

Legend

- State, High
- State, Significant
- State, Low



HB 2085 A - Overview

- Repeals the current laws; as a result many existing authorities appear as new language
- Jurisdiction – Non-federally regulated dams: water and wastewater
- Approval of modifications and receipt of final engineering documentation
- Fee for reviews of construction plans
- Guidance for owners on their responsibilities

HB 2085 A - Overview

- Process for safe removal of high and significant hazard dams
- Provide tools to address maintenance and safety issues, improving the safety of dams to protect people, property, and infrastructure
 - Cooperative plan and timeframe (particularly for seismic and floods), informal resolution, formal corrective action, injunction, civil penalty, and maintenance action
- Clarify WRD's general authorities and actions may take during a dam failure
- Operative date July 1, 2020 to allow time for rulemaking

-A5 Amendment

- Result of negotiations with stakeholders.
 - Fulfills commitments documented in memo to House Committee
 - -A5 changes by section of HB 2085A
 - 2 – Modified definition of dam failure*
 - 4 – Limited fee for dam modification to change in height
 - 5 – Strike standards for safe removal
 - 6 – Strike inspection request by neighbors
(does not affect WRD ability to inspect if receive complaint)
 - 8 – Technical correction to reflect nexus with notice in section 7
 - 14 – Deletes “in a form acceptable to the Department”
 - 19 – Reduce civil penalty from \$5,000 to \$500 for failing to maintain
 - 20 – Modification to hydraulic structures section revert liability language
- *Only change from memo*

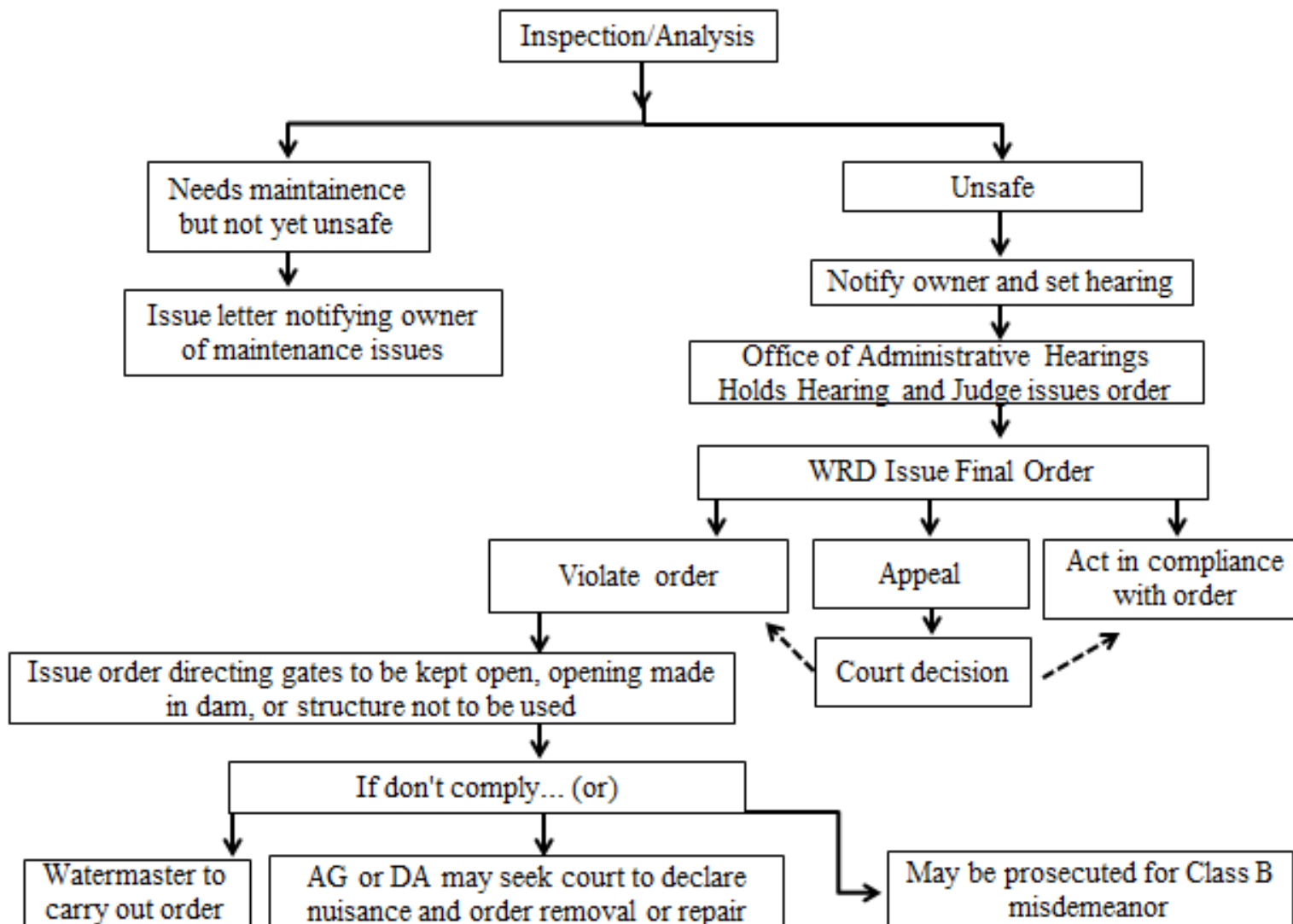
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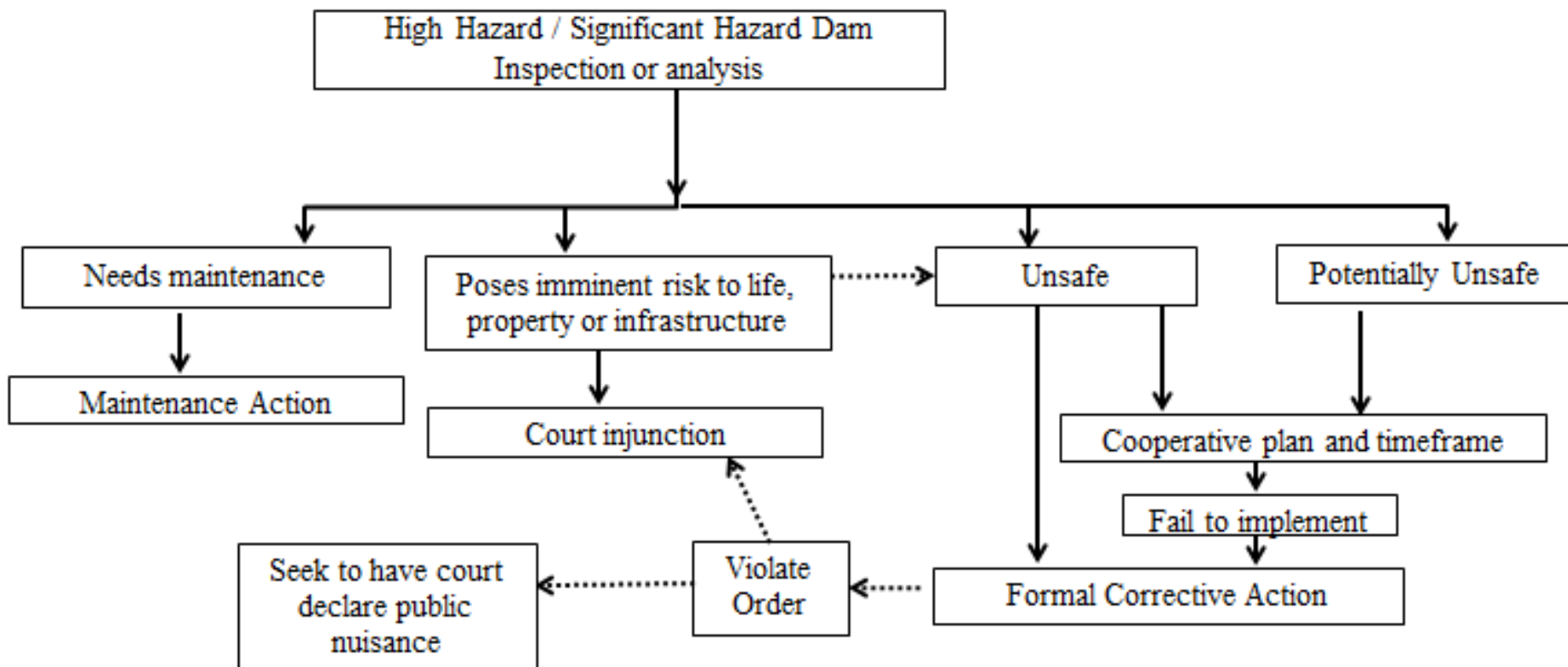
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Current Corrective Action Process in Statute



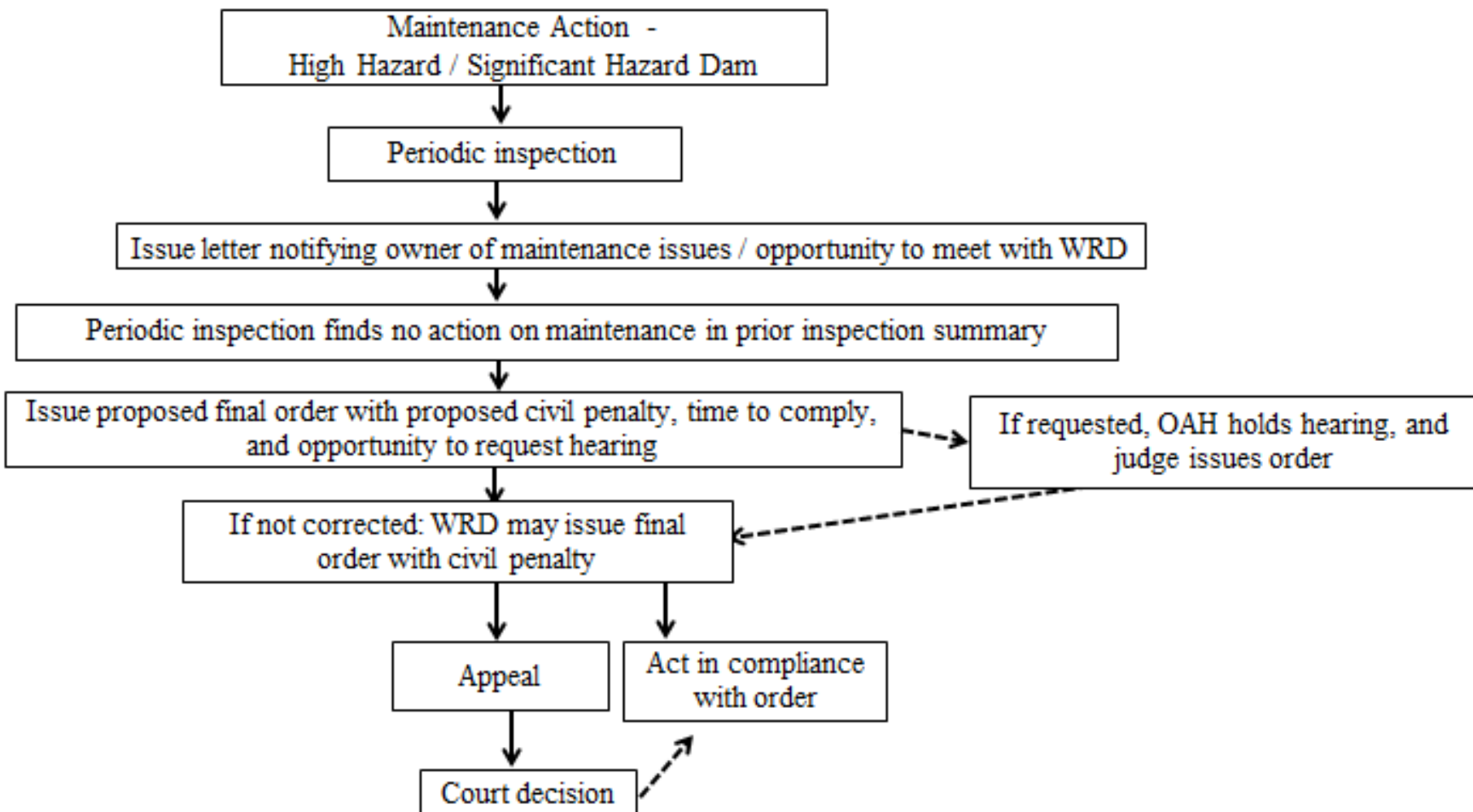
Overview of Proposed Tools in HB 2085A to Ensure Safety



For any action, at any time may: Informally resolve through settlement, stipulation, consent order, etc.

Maintenance action, or action on unsafe or potentially unsafe dam -> Opportunity to meet with Department

HB 2085A Maintenance Action



HB 2085A Formal Corrective Action

