



General Assembly

January Session, 2007

Raised Bill No. 1091

LCO No. 3870

03870_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING DAM SAFETY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2007*) The chief elected official
2 of the municipality where a dam is located or is proposed to be located
3 or such official's designee shall have full access to such dam structure,
4 appurtenances and watershed. The chief elected official, or such
5 official's designee, shall also have the right to enter upon private
6 property as may be necessary in the public interest for an inspection or
7 to review the design, construction or condition of such dam structure,
8 appurtenance or watershed. Any report made by such official, or his
9 designee, regarding such inspection shall be filed with the Department
10 of Environmental Protection. The chief elected official, or such official's
11 designee, shall review all records concerning the construction, design,
12 engineering and inspection of such dam structure, appurtenance or
13 watershed. If, after any inspection, a written complaint is made to the
14 department, the Commissioner of Environmental Protection shall
15 respond to the complaint not later than fourteen days after such
16 written complaint is received. If a complaint involves an immediate
17 threat to public health and safety, the commissioner shall respond to

18 the complaint within twenty-four hours.

19 Sec. 2. Section 22a-402 of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective October 1, 2007*):

21 The Commissioner of Environmental Protection shall investigate
22 and inspect or cause to be investigated and inspected all dams or other
23 structures which, in his judgment, would, by breaking away, cause
24 loss of life or property damage. Said commissioner may require any
25 person owning or having the care and control of any such structure to
26 furnish him with such surveys, plans, descriptions, drawings and
27 other data relating thereto and in such form and to such reasonable
28 extent as he directs. Any person in possession of such pertinent
29 information shall afford the owner and the commissioner access
30 thereto. The commissioner shall make or cause to be made such
31 periodic inspections of all such structures as may be necessary to
32 reasonably insure that they are maintained in a safe condition. If, after
33 any inspection described herein, the commissioner finds any such
34 structure to be in an unsafe condition, he shall order the person
35 owning or having control thereof to place it in a safe condition or to
36 remove it and shall fix the time within which such order shall be
37 carried out. The respondent to such an order shall not be required to
38 obtain a permit under this chapter or chapter 440 or section 22a-342 or
39 22a-368 for any action necessary to comply with such order. If such
40 order is not carried out within the time specified, the commissioner
41 may carry out the actions required by the order provided the
42 commissioner has determined that an emergency exists which presents
43 a clear and present danger to the public safety and said commissioner
44 shall assess the costs of such action against the person owning or
45 having care and control of the structure. When the commissioner in his
46 investigation finds that a dam or other structure should be inspected
47 periodically in order to reduce a potential hazard to life and property,
48 the owner of such structure shall cause such inspection to be made by
49 a registered engineer at such intervals as are deemed necessary by the
50 commissioner and shall submit a copy of the engineer's finding and

51 report to the commissioner for his action. If the commissioner
52 determines as a result of an inspection made by such registered
53 engineer that maintenance or repairs to a dam are needed to maintain
54 the dam in a safe condition, the commissioner may notify the owner, in
55 writing, of such maintenance or repairs as are necessary and request
56 the owner to undertake such repairs within the time period specified
57 in the notice. If the owner does not undertake the necessary
58 maintenance or repairs within the time period indicated in the notice,
59 the commissioner may proceed to order the owner to undertake the
60 necessary maintenance or repairs. As used in this chapter, "person"
61 shall have the same meaning as defined in subsection (c) of section
62 22a-2. The commissioner shall cause a certified copy of a final order
63 issued under this section to be recorded on the land records in the
64 town or towns wherein the dam or such structure is located.

65 Sec. 3. Subsection (a) of section 22a-409 of the general statutes is
66 repealed and the following is substituted in lieu thereof (*Effective*
67 *October 1, 2007*):

68 (a) The commissioner shall cause a survey and maps to be made of
69 each town showing the location of any dams or similar structures
70 within such town, and shall file a copy of such map with the town
71 clerk. On and after December 31, 2007, if an owner of real property
72 where a high hazard or significant hazard dam is located transfers title
73 of the property to another person or entity, the transferring property
74 owner shall cause to be recorded on the land records in the
75 municipality where the property is located a document that identifies
76 the existence of the dam and whether the dam is categorized as a high
77 hazard dam or a significant hazard dam. The commissioner shall
78 publish a standardized form to be used for such purposes.

79 Sec. 4. Subsection (a) of section 22a-411 of the general statutes is
80 repealed and the following is substituted in lieu thereof (*Effective*
81 *October 1, 2007*):

82 (a) The commissioner may issue a general permit for any minor

83 activity regulated under sections 22a-401 to 22a-410, inclusive, except
84 for any activity covered by an individual permit, if the commissioner
85 determines that such activity would cause minimal environmental
86 effects when conducted separately and would cause only minimal
87 cumulative environmental effects. Such activities may include routine
88 maintenance and routine repair of any dam, dike, reservoir or other
89 similar structure, [and the construction if any such structure presents
90 low or negligible safety hazards.] Any person conducting an activity
91 for which a general permit has been issued shall not be required to
92 obtain an individual permit under sections 22a-36 to 22a-45a, inclusive,
93 or section 22a-342, 22a-368 or 22a-403, except as provided in subsection
94 (c) of this section. A general permit shall clearly define the activity
95 covered thereby and may include such conditions and requirements as
96 the commissioner deems appropriate, including but not limited to,
97 management practices and verification and reporting requirements.
98 The general permit may require any person conducting any activity
99 under the general permit to report, on a form prescribed by the
100 commissioner, such activity to the commissioner before it shall be
101 covered by the general permit. The commissioner shall prepare, and
102 shall annually amend, a list of holders of general permits under this
103 section, which list shall be made available to the public.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	22a-402
Sec. 3	<i>October 1, 2007</i>	22a-409(a)
Sec. 4	<i>October 1, 2007</i>	22a-411(a)

Statement of Purpose:

To protect the public by allowing municipal officials to enter private property to inspect dams, to require owners of dams to repair and maintain unsafe dams, to require notice to be recorded on land records when property ownership is transferred for property containing high or significant hazard dams and to require individual permits for the construction of dams.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]