



**Testimony of Amy Singler  
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American Rivers**

**Before the Environment Committee**

**February 25, 2013**

**In Support of H. B. No. 6441: An Act Concerning the Dam Safety Program**

Good afternoon. Thank you for the opportunity to comment on Bill No. 6441: An Act Concerning the Dam Safety Program. My name is Amy Singler, Associate Director of American Rivers' River Restoration Program. We are a national conservation organization dedicated to protecting and restoring rivers for the benefit of people, fish, and wildlife. Our Northeast office works on river restoration projects in Connecticut and in the other five New England states. I work on river restoration and dam-related issues. Our Northeast staff are working with partners on over 50 or so dam removals that are currently being designed, several of which are in Connecticut.

American Rivers strongly supports this Bill because it will dramatically improve dam safety in Connecticut by ensuring that more of the state's outdated and deteriorating dams have safety inspections and that dam owners follow up on the results of those inspections by repairing and maintaining their dams.

I spend a lot of time working around many of the approximately 5,500 dams in Connecticut as part of my work and can attest to the shockingly poor condition of so many of these structures. My observation is supported by a summary of the Dam Safety Office's 2008 inspections in which they inspected 80 private dams and found that 100% needed some form of maintenance, 44% were in poor condition and 36% were in need of significant repairs.

Despite the large number of the dams in the state, Connecticut's Dam Safety Office has only one full-time dam inspector. With the extraordinarily dedicated work of that lone inspector, the state is able to inspect around 100 dams each year, or less than 2% of the dams in the state.

This Bill will fix that problem by requiring dam owners to hire qualified engineers to inspect their dams. Requiring dam owners to take more responsibility makes sense because the majority of dams do not provide public benefits and therefore should not be subsidized by public dollars. The Bill would also take the fundamental step of requiring dam owners to register their dams with the state to allow the state to better inventory dams and dam ownership.

Increasing the number of dam inspections is critical because public safety incidents are occurring over and over again in Connecticut because of aging dams. Some examples include:

- In March 2010, the near failure of a dam in Stonington forced the evacuation of downstream residents. It was the second time in 3 years that those same residents had to evacuate their homes because of that same dam. That dam was removed in 2012, permanently eliminating the safety hazard.

- During flooding in 1982, 17 Connecticut dams failed and another 31 were severely damaged. Losses due to dam failures totaled an estimated \$70 million. That would be \$156 million in today's dollars, and dams are in worse condition now than they were then.
- During the October 2005 flooding, 30 dams failed or were significantly damaged in the state.

The one thing that most of these dams had in common, besides their age and poor condition, is that they were no longer serving the purpose that they were built to provide. Many, perhaps most, of the more than 5,500 dams in the state were built decades to centuries ago to power mills. The mill operations have long since closed and the businesses have moved on, but the dams remain. Unless they are well maintained, their condition only gets worse every year. The most cost-effective and permanent way to deal with unsafe dams is to remove them.

For that reason, this Bill provides more than public safety improvements. It will also result in tremendous environmental benefits.

Dams cause some of the most harmful impacts to fish and wildlife of any human action in rivers. Dams block the necessary ability of fish to move; they degrade water quality by raising water temperature and thereby lowering water oxygen; and they drown the living space of creatures that normally live in flowing water.

We have seen throughout the northeast that where dam safety is more effectively enforced, dam owners choose to remove dams rather than let them deteriorate. To assist with dam removal, American Rivers strongly supports the sections of the bill that will allow for permit streamlining in the cases of dam removal (22a-403 and 22a-411). This type of change will further encourage owners to take responsible steps for public safety.

More than 1,000 dams have been removed in the United States. More than 80 of those dam removals were in the New England states in the last ten years. We have seen in case after case that once a dam is removed, native fish populations rebound; water quality improves; habitat improves; AND there is no longer a safety hazard from failure; there is no longer a safety hazard to boaters and kids playing on or around dams; and there is no longer any maintenance need or liability for dam owners. Removing dams presents a remarkable win-win-win scenario, for dam owner liability, for public safety, and for the environment.

Connecticut would not be alone in enacting the changes put forth in this Bill. Massachusetts enacted very similar changes in 2006 after the near failure of a dam forced the evacuation of 2,000 people from downtown Taunton. Massachusetts now requires that dam owners complete their own inspections and submit inspection reports to the state. The change has had tremendous benefits. Dam owners are now taking responsibility for repairing and maintaining their dams, and many dam owners have chosen to remove their dams as a result. Eighteen dams have been removed in Massachusetts in just the last five years. Over 30 more dam removals are currently in design or permitting and will be removed in the next 3 years.

It is with these issues in mind that American Rivers strongly supports the proposed language in this Bill. We have some specific comments on some of the Bill's details.

#### **Suggested changes to Bill language**

- As the Bill currently stands there is limited incentive for dam owners to register their dams or to complete necessary safety repairs identified during a dam inspection. American Rivers recommends establishing clear fines for noncompliance. In addition, effective changes to dam

safety are not possible without providing the Dam Safety Office with the tools to better enforce compliance. American Rivers suggests including language to specify minimum daily fines for noncompliance and better allow DEEP to pursue noncompliant dam owners through an administrative order. Fines should be issued for any noncompliance with the regulations including, but not limited to: failure to register a dam, failure to complete necessary repairs, or failure to submit an Emergency Action Plan.

- American Rivers recommends an additional change to the existing legislation: Dam removal should be provided as an equal option along with dam repair in more places in section 22a-402(a). Everywhere that the language requires an owner to “undertake repairs” language should be added such that it states “undertake repairs or remove the dam”. Our justification for this is that dam removal is often less expensive than dam repair, but many dam owners may not consider removal as an option because they are unfamiliar with removal. Including removal language in the legislation in more places will raise the possibility for dam owners as another option to comply with dam safety.
- Hazard “creep” is a significant concern: In the current dam safety regulations, the hazard classification of a dam is reassessed during periodic dam inspections. However, with current dam safety staffing, only more hazardous dams are actually inspected. In the meanwhile, additional development downstream of uninspected dams may be occurring. Those dams need to be assigned a higher hazard classification, but are not currently evaluated. American Rivers recommends that the Bill clarify that hazard classification will be updated by the private inspectors hired by dam owners when their dams are inspected and that hazard classification is periodically reassessed for dams that are otherwise exempt from regular inspections.

Thank you for the opportunity to address these issues. Please feel free to contact me to discuss this Bill or to discuss American Rivers’ experiences with removing dams. I can be contacted at 413-584-2183 or [asingler@americanrivers.org](mailto:asingler@americanrivers.org)