



General Assembly

January Session, 2013

Amendment

LCO No. 7537

HB0644107537HDO

Offered by:

REP. GENTILE, 104th Dist.
REP. ALBIS, 99th Dist.
REP. DAVIS P., 117th Dist.

REP. SHABAN, 135th Dist.
SEN. MEYER, 12th Dist.
SEN. CHAPIN, 30th Dist.

To: Subst. House Bill No. **6441**

File No. 88

Cal. No. 86

"AN ACT CONCERNING THE DAM SAFETY PROGRAM."

1 Strike section 4 in its entirety and insert the following in lieu thereof:

2 "Sec. 4. Section 22a-409 of the general statutes is repealed and the
3 following is substituted in lieu thereof (*Effective October 1, 2013*):

4 (a) The commissioner shall cause a survey and maps to be made of
5 each town showing the location of any dams or similar structures
6 within such town, and shall file a copy of such map with the town
7 clerk. On and after October 1, 2007, the owner of real property where a
8 high hazard or significant hazard dam is located shall cause to be
9 recorded on the land records in the municipality where the property is
10 located a document that identifies the existence of the dam and
11 whether the dam is categorized as a high hazard dam or a significant
12 hazard dam. The commissioner shall publish a standardized form to
13 be used for such purposes.

14 (b) The owner of any dam or similar structure that, by failing, may
15 endanger life or property and that is not already registered shall
16 register on or before ~~July 1, 1984~~ October 1, 2015, with the
17 Commissioner of Energy and Environmental Protection on a form
18 prescribed by ~~him~~ the commissioner, the location and dimensions of
19 such dam or structure and such other information as the commissioner
20 may require. Any information reported on such form that the
21 commissioner cannot otherwise independently obtain shall not be used
22 by the commissioner to order the payment of a civil penalty pursuant
23 to section 22a-6d or 22a-407 provided such form is submitted to the
24 commissioner on or before October 1, 2015. The fee for registration
25 shall be as follows: (1) Dams or similar structures five feet or more in
26 height but less than fifteen feet, fifty dollars; (2) dams or similar
27 structures fifteen feet or more in height but less than twenty-five feet,
28 one hundred dollars; and (3) dams or similar structures twenty-five
29 feet or more in height, two hundred dollars. Dams or similar structures
30 less than five feet in height shall be registered without fee. As used in
31 this subsection, "height" means the vertical distance from the crest of a
32 dam or similar structure to the downstream toe of such dam or similar
33 structure. The owner of any dam or similar structure shall notify the
34 commissioner by registered or certified mail, return receipt requested,
35 of a transfer of ownership of such dam or similar structure not later
36 than ten days after the date of such transfer.

37 (c) The commissioner shall notify the owner of any dam or similar
38 structure registered pursuant to subsection (b) of this section, in
39 writing, by certified mail, return receipt requested, not later than
40 January fifteenth of any year in which inspection of such dam is due.
41 Such notice shall identify the classification of such dam, as set forth in
42 the regulations adopted pursuant to this subsection, and include a
43 statement of the frequency for such inspection, as set forth in such
44 regulations. Upon receipt of such timely notification by the
45 commissioner, the owner of any such dam or similar structure shall
46 cause such structure to be inspected in accordance with the regulations
47 adopted pursuant to this subsection by a registered professional

48 engineer licensed in the state and shall, not later than March fifteenth
49 of the following year, submit the results of such inspection to the
50 commissioner on a form prescribed by the commissioner. The
51 commissioner shall periodically inspect dams registered pursuant to
52 subsection (b) of this section for quality assurance when an owner fails
53 to undertake a regularly scheduled inspection and as necessary after a
54 flood event. The fee for any such inspection shall be six hundred sixty
55 dollars until such time as regulations are adopted concerning such
56 inspection fees. Any dam which impounds less than three acre-feet of
57 water or any dam which the commissioner finds has a potential for
58 negligible damage in the event of a failure, after an initial inspection,
59 shall be exempt from the provisions of this subsection except upon
60 determination by the commissioner that such dam poses a unique
61 hazard. The commissioner shall adopt regulations in accordance with
62 the provisions of chapter 54 establishing (1) a schedule for the
63 frequency of and procedures for inspection of dams, (2) the inspection
64 fees for [regularly scheduled] inspections undertaken by the
65 department, sufficient to cover the reasonable cost of such inspections,
66 (3) procedures for registration and criteria for waiver of registration
67 and inspection fees, and (4) criteria for determining whether a dam has
68 a potential for negligible damage in the event of a failure."