



2023-2024 General Assembly

# HOUSE BILL 259: 2023 Appropriations Act, Sec. 12.8: Dam Safety Emergency Fund/Overtopping Studies

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<b>Committee:</b>		<b>Date:</b>	December 8, 2023
<b>Introduced by:</b>		<b>Prepared by:</b>	Aaron McGlothlin Staff Attorney
<b>Analysis of:</b>	Sec. 12.8 of S.L. 2023-134		

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**OVERVIEW:** Section 12.8 of S.L. 2023-134 provides that the Dam Safety Emergency Fund within the Department of Environmental Quality (DEQ) can be used to perform overtopping studies for high hazard or intermediate hazard dams for which DEQ has inadequate overtopping risk information.

*This section became effective July 1, 2023.*

## BACKGROUND:

Section 12.10 of S.L. 2021-180 established the Dam Safety Emergency Fund within DEQ for the purpose of developing and implementing an emergency dam safety remedial plan. These funds must be used upon DEQ's determination that sufficient funds for corrective action cannot be obtained from other sources without incurring a delay that would significantly increase the threat to life or risk of damage to property or the environment. Costs of site investigation and the development and implementation of an emergency dam safety remedial plan, including attorney's fees and other expenses of bringing the cost recovery action, can be recovered from the owners of the dam by appropriate legal action through the Environmental Management Commission.

## BILL ANALYSIS:

**Section 12.8** of S.L. 2023-134 provides that the Dam Safety Emergency Fund can be used to defray expenses incurred in performing overtopping studies for high hazard or intermediate hazard dams for which DEQ has inadequate overtopping risk information.

**EFFECTIVE DATE:** This section became effective July 1, 2023.

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