



# SENATE BILL 531: Dam Safety Law Clarification.

2023-2024 General Assembly

---

<b>Committee:</b>		<b>Date:</b>	November 27, 2023
<b>Introduced by:</b>		<b>Prepared by:</b>	Aaron McGlothlin
<b>Analysis of:</b>	S.L. 2023-131		Staff Attorney

---

**OVERVIEW:** *S.L. 2023-131 prohibits the Department of Environmental Quality (DEQ) from withholding approval of an application for repair or alteration of certain "phased compliance eligible dams" based solely on the fact that the proposed repair or alteration will not bring the dam into full compliance with the requirements of the Dam Safety Law of 1967 and rules adopted to implement that law.*

*This act became effective September 29, 2023, and applies to applications for repair or alteration received by DEQ on or after that date.*

**CURRENT LAW:** The Dam Safety Law of 1967 generally requires DEQ approval before conducting repairs or alterations on dams. An application to DEQ to repair or modify a dam must state the name and address of the applicant, describe the proposed changes the project seeks to effect, and include maps, plans, specifications, and other such information as required by DEQ. All projects involving the construction, repair, alteration, or removal of a dam must be designed and supervised by a professionally licensed engineer.

## **BILL ANALYSIS:**

**Section 1.(a)** of this act defines "phased compliance eligible dam" as a dam that is (i) classified by DEQ as high hazard; (ii) constructed prior to January 1, 1968; and (iii) not owned by a unit of local government, special district, or public authority.

**Section 1.(b)** prohibits DEQ from withholding approval of an application for repair or alteration of a "phased compliance eligible dam" based solely on the fact that the repair or alteration would not bring the dam into full compliance with the requirements of the Dam Safety Law and rules adopted to implement that law, provided that the proposed repair or alteration project neither increases the height or impoundment capacity of the dam, nor increases the risk to human life or property.

Section 1.(b) further provides that nothing in this act should be construed to restrict DEQ's authority to approve applications to repair or modify dams that do not meet the criteria of a "phased compliance eligible dam."

**EFFECTIVE DATE:** This act became effective September 29, 2023, and applies to applications for repair or alteration received by DEQ on or after that date.

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578