

National Association of Dam Safety Officials Recommends Oversight of All Potentially Hazardous Dams

Contact: Sarah Mayfield
Association of State Dam Safety Officials
Tel: 859-257-5140, 859-257-2102 (direct)
smayfield@damsafety.org

April 10, 2006

Lexington, KY--We hoped an article in the April 1st St. Louis Post Dispatch was an April Fool's prank.

Ken Leiser's article (*Many Dams in Missouri Would Escape Oversight under Altered Measure*) concerned the alteration of Senate Bill 1236, introduced last month by Sen. Kevin Engler.

In its original form, the Bill was laudable. It would have afforded much greater protection to the citizens of Missouri by bringing an additional 4,400 dams under state oversight.

Currently the state inspects only dams 35 or more feet in height. SB 1236 scuttled the arbitrary height requirement in favor of more comprehensive criteria based on both height and water storage capacity.

The Bill also prohibited regulatory exemptions, calling for oversight of all dams posing a potential threat to public safety and well-being.

Now the Senate Commerce, Energy and the Environment Committee has weakened the Bill by writing in an exclusion for agricultural dams. We fully agree with a nationwide dam safety expert who labeled this exemption "ridiculous" and "silly."

Lyle Bentley heads the dam safety program in Tennessee, where agricultural dams are exempt from state regulation. Because of this exemption, there is no oversight of about 45 percent of Tennessee's dams of regulatory size.

According to Mr. Bentley, the state's dam failure statistics demonstrate the consequences of regulatory exemptions. In the 33 years since Tennessee's dam safety law was adopted, 40 dam failures have occurred in the state. Thirty-six (90%) of the dams that failed were exempt from state regulation, not on the basis of size (all met state regulatory criteria), but because they were classified as "farm ponds." Fortunately, these incidents killed no one, but one washed an occupied home about a quarter mile down an Eastern Tennessee mountainside.

"If they are going to exempt any dams on any basis other than hazard potential, they should exempt the federal ones," said Mr. Bentley. "I know that the one that failed (Taum Sauk) was an FERC dam, but, as I understand it, the failure was a mechanical problem, and they're addressing it. At least someone was looking out for that dam. That's not the case with our so-called 'farm ponds' here in Tennessee."

Ken Smith, President of the Association of State Dam Safety Officials and Assistant Director of the Indiana Department of Natural Resources, concurs.

"If saving human lives is the goal of Missouri's new dam safety regulations, the regulations must encompass all dams that pose a potential threat to human life, regardless of function," stated Smith. "If protecting livelihood and property is a secondary goal, the regulations should encompass significant-hazard-potential dams as well. Only if a dam poses no potential threat to human life or property—then and only then should it be exempt from regulatory oversight."

Putting the financial interests of any one group ahead of public safety demonstrates an appalling lack of regard for human life. In any circumstance, it is willful neglect; in the worst-case scenario, it could be considered reckless homicide.

Many states are able to maximize limited resources by focusing attention on high- and significant-hazard-potential dams and discouraging development below dams. We respectfully suggest that Missouri adopt this approach as well.

###

The Association of State Dam Safety Officials (ASDSO) is a national, non-profit organization dedicated to improving dam safety through research, education and communication. Since its formation in 1984, ASDSO has served as one of the premier professional organizations for individuals committed to ensuring the safety of dams in the U.S. For more information, please visit www.damsafety.org.