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Another Opportunity to Fix Missouri’s “Better Than Nothing” Dam Safety Law

During the current legislative session, Missouri lawmakers have the opportunity to safeguard the lives and well-being of millions of residents by bringing hundreds of unregulated dams into the state’s permitting and inspection program. Currently, the state permits and inspects only 459 of Missouri’s 1,181 “high-hazard-potential” dams—that is, dams expected to kill people, should they fail.

The Association of State Dam Safety Officials (ASDSO)—along with the American Society of Civil Engineers, the Association of State Floodplain Managers, the U.S. Society on Dams, the Missouri Society of Professional Engineers, the Missouri Society of Professional Geologists, and American Rivers—endorses the need for and timeliness of a House Bill, expected to be introduced this week by Rep. Walt Bivins, provided a co-sponsor is found. The Bill proposes bringing under state jurisdiction all high hazard dams that are at least 25 feet in height and store at least 50 acre-feet of water and requiring dam owners to register with the state and keep the state apprised of change in ownership.

Not only would these measures protect lives and property in Missouri—their approval would also bring increased federal funding to the state through the National Dam Safety Program, which awards state grants based on numbers of state-regulated dams, and narrow the gap between Missouri’s dam safety standards and those of surrounding states.

Bivins’ proposal is not the first effort to mend Missouri’s woefully inadequate dam safety net. For nearly a decade, a few concerned Missouri officials have attempted to correct weaknesses in the state’s dam safety law. The effort drew scant attention until December 2005, when the Taum Sauk Reservoir Dam collapsed, flooding the Johnson’s Shut-Ins State Park and washing away the home and family of the park superintendent, sending his three small children to the hospital.

The Taum Sauk failure galvanized state policymakers into action. Governor Matt Blunt called for a comprehensive review of Missouri’s dam safety laws and regulations. The subsequent report brought to light what those few concerned officials already knew: Hundreds of potentially deadly dams—most of them unregulated—pose a threat to the lives of and infrastructure used by an estimated 3,000,000 Missourians.

State's Laws Still in Infancy

Missouri's Dam and Reservoir Safety Law was passed in 1979, following several significant dam failures and a nationwide inspection of dams by the U.S. Army Corps of Engineers, which determined that Missouri led the country in total number of unsafe dams.

The law excluded certain dams from regulation: those less than 35 feet high, those used primarily for agricultural purposes and those regulated by federal agencies. There have been no significant changes to the law since its enactment.

A step forward at the time it was passed, the law could now rightfully be called "better than nothing." That it initially let many potentially dangerous dams fall through regulatory cracks is understandable: after all, one must crawl before one walks. But over a quarter century has passed, providing more than ample time to improve and refine initial shortcomings in the regulatory process—snags that became more entangled as the state's population increased by about 19%.

- *The regulatory exclusion of agricultural dams and dams that do not reach the 35-foot height requirement has resulted in state regulation of only 664 of the State's 5,206 dams that are at least 25 feet high or that impound at least 50 acre-feet of water.* In other words, a whopping 87% of the dams in Missouri that meet size standards for federal regulation are not regulated.
- *Of 1,181 high-hazard-potential dams in Missouri, 740 (63%) are unregulated.* The map at right shows the distribution of these unregulated and potentially deadly dams. The state has no say over the condition of these potential killers.
- *Of the 459 high hazard dams currently regulated in Missouri, 27 (6%) have known safety deficiencies.* Extrapolating this percentage to the state's unregulated high hazard dams results in a conservative estimate (assuming that regulated dams will have fewer deficiencies than unregulated dams) of at least 71 untended and unsafe high hazard dams throughout the state.
- *Missouri's 740 unregulated high-hazard-potential dams pose significant risks—both temporary (damage to property and infrastructure) and permanent (loss of life)—to roughly 3,000,000 Missouri citizens.* Lack of regulatory authority over these dams prevents necessary state safety inspections, vital enforcement actions, repairs of unsafe dams and the requirement to maintain a simple emergency plan to identify and evacuate people below the dam in the event of a failure.



The Time to Act Is Now

So far, Missouri's citizens have been lucky: although dam failures within the state have injured several people, there have been no fatalities. The 2008 legislative session represents an opportunity to act before it is too late.

“Considering that 75% of the state is densely populated with lakes, it is a given that the vast majority of Missourians have a direct stake in ensuring the safety of the state’s dams,” commented ASDSO Executive Director Lori Spragens. “ASDSO urges Governor Blunt to endorse this legislation and use his influence to obtain the support of every Senator and Representative in Missouri. Strengthening the state’s regulatory authority is a vital investment in public safety to protect those who live and work below dams and to assure the continued benefits that dams provide to Missourians on a daily basis.”

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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.