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House Committee on Veterans and Emergency Preparedness
Representative Paul Evans, Chair

Testimony on House Bill 3427
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Thank you for the opportunity to provide testimony on House Bill 3427 and the -1 amendment. The purpose of the testimony is to provide a background on the Dam Safety Program and also to outline the Department's interpretation of the bill. The Department has no position on the bill at this time.

Background on Oregon's Dam Safety Program: Pursuant to Oregon Revised Statutes 540.340 to 540.400, the Oregon Water Resources Department has regulatory oversight for the design, construction, inspection, and safety of dams that are at least ten-feet high and store at least three million gallons (9.2 acre feet) of water. There are over 900 dams in Oregon that meet these criteria and are regulated by the Department. In addition to the state-regulated dams, federal agencies like the U.S. Army Corps of Engineers, Bureau of Reclamation, and Federal Energy Regulatory Commission have their own dam safety programs and conduct safety inspections of dams under their jurisdiction.

The Dam Safety Section has one State Engineer and one limited duration dam safety engineering coordinator. The program is supported by general fund, dam safety fees, and federal funds. Proposals related to support and staffing for this program are before the Joint Ways and Means Subcommittee on Natural Resources. The section also receives assistance from watermasters and assistant watermasters to conduct dam safety inspections for significant and low-hazard dams.

A dam hazard rating is based on what could happen if the dam fails, not on the condition of a dam. A high hazard dam means that failure would likely cause fatalities. The Department seeks to inspect high-hazard dams annually. In addition, the Department requires emergency action plans (EAPs) for new dams and strongly encourages owners of existing dams to complete EAPs; the Department does not have authority to require owners of existing older dams to develop EAPs. An EAP identifies situations where a dam failure might occur, spells out actions that could save the dam, and outlines contacts in the event of an emergency. Oregon currently has 75 non-federally regulated dams rated as high hazard, with 58 of these structures having emergency action plans.

During dam safety inspections, staff evaluate the condition of the embankment and reservoir, the safety of the spillway, the conduit through the dam, and access and security issues. After the on-site inspection is completed, a letter is drafted and sent to the owner detailing any safety issues. The annual inspections are different than a seismic analysis. A determination of seismic stability is a more in-depth engineering analysis, but typically only needs to be conducted once. This type of analysis is not a part of the annual inspection.

House Bill 3427: Although not specified, the Department interprets the bill to apply to state-regulated dams under the Department's jurisdiction, not federally-regulated dams. The bill requires a dam owner or operator to develop an emergency action plan and file it with the Department, Office of Emergency Management (OEM), and the local county emergency managers. Upon submittal, the Department would review such plans, and if necessary, require modifications to ensure plans are adequate.

The bill requires the Department, in consultation with local emergency managers and OEM, to establish a schedule for conducting emergency response exercises. Although the Department has participated in voluntary exercises, establishing a schedule for exercises to be conducted is a new requirement. Since most response actions are at least initially managed and coordinated by the local emergency managers, this consultation will be particularly important to ensure they are available to advise the dam owner or operator that undertakes the exercise.

Finally, the bill requires annual inspections of high-hazard dams, which is consistent with the Department's existing approach. The -1 amendment deletes "adequate to ensure seismic safety," in recognition of the fact that seismic analysis are separate from annual inspections as discussed above.