HOUSE BILL 125

M3 7lr0060

By: Chair, Environment and Transportation Committee (By Request - Departmental - Environment)

Introduced and read first time: January 18, 2017 Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 21, 2017

CHAPTER _____

1 AN ACT concerning

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Environment - Emergency Action Plans for Dams

- 3 FOR the purpose of requiring owners of certain dams to prepare and submit to the 4 Department of the Environment an emergency action plan that contains certain 5 information in a certain manner; requiring the Department's approval of an 6 emergency action plan; requiring owners of certain dams to provide a copy of a 7 certain emergency action plan to certain agencies; requiring owners of certain dams 8 to update an emergency action plan on an annual basis; requiring owners of certain 9 dams to perform certain tests of an emergency action plan on a certain schedule; 10 authorizing the Department to adopt regulations; providing for the application of this Act; and generally relating to emergency action plans for dams. 11
- 12 BY adding to
- 13 Article Environment
- 14 Section 5–503.1
- 15 Annotated Code of Maryland
- 16 (2013 Replacement Volume and 2016 Supplement)
- 17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 18 That the Laws of Maryland read as follows:
 - Article Environment

20 **5–503.1.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 (A) (1) THIS SECTION APPLIES TO ANY DAM THAT:
- 2 (1) (I) HAS THE POTENTIAL TO CAUSE THE LOSS OF HUMAN LIFE
- 3 OR SUBSTANTIAL PROPERTY DAMAGE IN THE EVENT OF STRUCTURAL FAILURE; AND
- 4 (II) HAS BEEN DESIGNATED OR VERIFIED BY THE DEPARTMENT
- 5 AS A HIGH HAZARD OR SIGNIFICANT HAZARD DAM, AS DEFINED IN THE
- 6 CLASSIFICATION OF DAMS UNDER REGULATIONS ADOPTED BY THE DEPARTMENT.
- 7 (2) THIS SECTION DOES NOT APPLY TO A DAM THAT IS LICENSED BY,
- 8 AND SUBJECT TO THE JURISDICTION OF, THE FEDERAL ENERGY REGULATORY
- 9 COMMISSION IF THE OWNER OF THE DAM SUBMITS TO THE DEPARTMENT:
- 10 ON OR BEFORE AUGUST 1, 2017, A COPY OF THE EXISTING
- 11 EMERGENCY ACTION PLAN FOR THE DAM; AND
- 12 (II) WITHIN 30 DAYS AFTER FILING WITH THE FEDERAL
- 13 ENERGY REGULATORY COMMISSION ANY UPDATE TO THE EMERGENCY ACTION
- 14 PLAN, A COPY OF THE UPDATE TO THE EMERGENCY ACTION PLAN.
- 15 (B) (1) AN OWNER OF A DAM SUBJECT TO THIS SECTION SHALL PREPARE
- 16 AND SUBMIT TO THE DEPARTMENT FOR APPROVAL AN EMERGENCY ACTION PLAN IN
- 17 ACCORDANCE WITH THIS SECTION TO PROTECT DOWNSTREAM HUMAN LIFE AND
- 18 SAFEGUARD PROPERTY IN THE EVENT OF A STRUCTURAL FAILURE OR ANY OTHER
- 19 EMERGENCY.
- 20 (2) AN OWNER OF AN EXISTING DAM SUBJECT TO THIS SECTION
- 21 SHALL SUBMIT A PLAN TO THE DEPARTMENT FOR APPROVAL ON OR BEFORE
- 22 AUGUST 1, 2017.
- 23 (3) A PERSON PROPOSING TO CONSTRUCT A DAM SUBJECT TO THIS
- 24 SECTION SHALL SUBMIT A PLAN WITH AN APPLICATION FOR A PERMIT TO
- 25 CONSTRUCT THE DAM UNDER § 5–503 OF THIS SUBTITLE.
- 26 (C) AN EMERGENCY ACTION PLAN SHALL CONTAIN:
- 27 (1) A DESCRIPTION OF THE DAM, INCLUDING ITS HAZARD
- 28 CLASSIFICATION;
- 29 (2) MAPS OR OTHER GRAPHIC REPRESENTATIONS OF AREAS
- 30 DOWNSTREAM THAT HAVE THE POTENTIAL TO BE AFFECTED BY A STRUCTURAL
- 31 FAILURE OR ANY OTHER EMERGENCY;

- 1 (3) A LIST OF AGENCIES AND INDIVIDUALS RESPONSIBLE FOR
- 2 MONITORING WEATHER AND OPERATING CONDITIONS AT THE DAM DURING
- 3 EMERGENCIES;
- 4 (4) DETAILED OPERATING PROCEDURES FOR MAKING DECISIONS
- 5 AND TAKING ACTIONS TO PROTECT LIVES AND PROPERTY IN AREAS DOWNSTREAM
- 6 FROM THE DAM IN THE EVENT OF AN EMERGENCY;
- 7 (5) PROCEDURES FOR NOTIFYING JURISDICTIONS, BUSINESSES, AND
- 8 PERSONS WHO HAVE THE POTENTIAL TO BE AFFECTED BY A DAM FAILURE OR ANY
- 9 OTHER EMERGENCY;
- 10 (6) A LIST OF EMERGENCY MANAGEMENT RESOURCES AND
- 11 EQUIPMENT THAT COULD BE NEEDED IN THE EVENT OF AN EMERGENCY; AND
- 12 (7) ANY ADDITIONAL INFORMATION REQUIRED BY THE
- 13 **DEPARTMENT.**
- 14 (D) ON APPROVAL OF THE EMERGENCY ACTION PLAN BY THE
- 15 DEPARTMENT, THE DAM OWNER SHALL PROVIDE COPIES OF THE PLAN TO
- 16 APPROPRIATE STATE AND LOCAL EMERGENCY MANAGEMENT AGENCIES.
- 17 (E) EMERGENCY ACTION PLANS SHALL BE UPDATED ANNUALLY AND
- 18 SUBMITTED TO THE DEPARTMENT FOR APPROVAL ON OR BEFORE MAY 1 EACH
- 19 **YEAR.**
- 20 (F) AN OWNER OF A DAM SUBJECT TO THIS SECTION SHALL CONDUCT A
- 21 FUNCTIONAL EXERCISE OR TEST OF THE APPROVED EMERGENCY ACTION PLAN AT
- 22 LEAST ONCE EVERY 5 YEARS.
- 23 (G) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS
- 24 SECTION.
- 25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
- 26 1, 2017.