

# Fixing the Dam Problem in Massachusetts

**Senate Bill No. 427**  
**An Act Relative to Dam Repair, Removal and Replacement**  
[Sponsor: Senator Marc R. Pacheco]

## ISSUE

In Massachusetts approximately 1,700 of the 3,000 existing dams pose some level of risk to human life and/or property and more than 56% of all dams are privately owned. Individual dam owners are responsible for inspecting and maintaining their own dams, many of which are in poor or unsafe condition. Many dam owners (public and private) lack the funds to perform evaluations, let alone the funds to pay for repairs/rehabilitation. While some owners have resources, they lack the incentive to perform evaluations and repairs as the penalty for not complying with current dam safety regulations is relatively minor in comparison to the cost of repairs. Further, current environmental regulations make it extremely difficult to remove obsolete or unsafe dams.

## KEY POINTS

- Of the approximately 3,000 dams in Massachusetts, 43 are flood control dams, 44 are hydro-power dams and 164 are water supply dams. Most of the remaining dams are "run of the river" dams that were used to power mills during the Industrial Revolution and are no longer in use.
- Local climate change is resulting in increased flooding. The Blue Hill Observatory reports seven of the 10 wettest months since 1885 were during the last 15 years. Development during the economic boom covering the same 15 years was heavy. This development typically resulted in reduced infiltration/increased runoff which increases flooding.
- A major disaster was averted in Taunton several years ago. Had the Whittenton Pond Dam failed, the possible loss of life and property damage would have been catastrophic. Just recently, a state of emergency was declared in Freetown where residents had to be evacuated and a controlled breach of the 200 year old Forge Pond Dam was performed.
- According to the American Society of Civil Engineers, 246 of Massachusetts' 1,630 regulated dams are in need of rehabilitation in order to meet state dam safety standards.

## SOLUTION

SB 427 will compliment the efforts to regulate dams currently defined in 302 CMR 10.00 by:

- Addressing the regulatory obstacles that prevent obsolete dams, especially those that pose a risk to public safety, from being removed.
- Implementing a \$20 million state revolving fund to assist with dam repair and/or removal.
- Increasing fines for non-compliance with 302 CMR 10.00: Dam Safety regulations.
- Requiring DCR to inventory dams annually and ensure Emergency Action Plans (EAPs) are in place for Significant (and High) Hazard dams.
- Specifically addressing dam *safety issues* separately from other stream flow related issues included in the Omnibus Bill HB 634 – *An Act Relative to Sustainable Water Resources*

## ACTIONS REQUESTED

**Support Senate Bill No. 427 - An Act Relative to Dam Repair, Removal and Replacement.**

(Note: Even if a state revolving fund is not adequately capitalized now due to the current economic situation, creating the fund with a token amount will lay the framework for future funding during better economic times.)