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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2006**

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A N A C T

RELATING TO WATERS AND NAVIGATION -- INSPECTIONS OF DAMS AND  
RESERVOIRS

Introduced By: Senator Leo R. Blais

Date Introduced: February 09, 2006

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 46-19-5 of the General Laws in Chapter 46-19 entitled "Inspection  
2 of Dams and Reservoirs" is hereby amended to read as follows:

3           **46-19-5. Judicial enforcement of order to make dam or reservoir safe.** – (a) If the  
4 owner or person having the control of any dam or reservoir, who shall be required to draw off the  
5 water, or a portion of the water, in any reservoir, or to make alterations in any reservoir, or repairs  
6 thereon or additions thereto, in the manner prescribed in section 46-19-4, shall not forthwith  
7 proceed to comply with the requirement, or shall not prosecute the work, when commenced, with  
8 reasonable expedition, the director of environmental management shall make out a complaint in  
9 which he or she shall set forth the condition of the dam or reservoir, and the steps he or she has  
10 taken to cause the water to be drawn off therefrom and for the alteration or repair thereof, or to  
11 have additions made thereto to secure the safety of the dam or reservoir, and the default of the  
12 owner or person having control thereof in drawing off the water, repairing, altering, or in making  
13 an addition to the dam or reservoir, and that the safety of life and property is endangered by the  
14 default, and shall subscribe the default, and deliver the complaint to the attorney general or to an  
15 assistant attorney general, who shall present the complaint to the supreme court or the superior  
16 court, with a petition in the nature of an information ex officio, praying that the person owning or  
17 controlling the dam or reservoir may be required and ordered forthwith to comply with the  
18 requirements of the director of environmental management theretofore made in the premises, or

1 with such other orders as may be made by the court, to secure all persons having reasonable cause  
2 to apprehend injury to life or property from the unsafe condition of the dam or reservoir. Upon  
3 the filing of the petition, a citation shall issue to the person controlling or owning the dam,  
4 commanding him or her to appear at a time and place therein named, to show cause, if any exists,  
5 why the relief prayed for shall not be granted; and the court shall summarily proceed to hear the  
6 cause, and upon hearing the parties, or by proceeding ex parte, if the respondent fail to appear, the  
7 court may pass such order and decree in the premises as will effectually secure the persons  
8 interested from danger or loss from the breaking of the dam or reservoir complained of; and the  
9 court may enforce the orders and decrees by injunction, process for contempt, by sequestration, or  
10 by such other process as may be applicable in those cases.

11 (b) If such order is not carried out within the time specified, or if the owner of the dam  
12 cannot be determined, the director or the director's duly authorized agents may carry out the  
13 actions to mitigate the unsafe condition as required by the order, provided the director has  
14 determined that an emergency exists and the safety of life and/or property is endangered. The  
15 director is hereby authorized to assess the costs of such action, including the use of deed  
16 restrictions, against the person owning or having care and control of the dam.

17 SECTION 2. Chapter 46-19 of the General Laws entitled "Inspection of Dams and  
18 Reservoirs" is hereby amended by adding thereto the following section:

19 **46-19-9. Emergency action plans.** – (a) By July 1, 2008, an emergency action plan shall  
20 be prepared for each significant or high hazard dam by the city or town wherein the dam lies. The  
21 Rhode Island Emergency Management Agency, as established in chapter 15 of title 30 shall  
22 develop guidelines for the preparation of emergency action plans. The department shall cooperate  
23 with the Rhode Island Emergency Management Agency in developing the guidelines.

24 (b) The owner of any other dam, regardless of the assigned hazard classification, may  
25 also be required to prepare an emergency action plan if deemed necessary by the department.

26 (c) Emergency action plans shall be updated on an annual basis and shall be filed with the  
27 Rhode Island Emergency Management Agency, the department, and the local city or town  
28 emergency management official.

29 (d) The dam owner can be assessed the cost for actions taken by the city or town for the  
30 development of the emergency action plan.

31 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would authorize the director of environmental management to carry out  
2 measures to mitigate unsafe conditions of dams around the state. The act would also require the  
3 Rhode Island Emergency Management Agency to develop emergency action plans by July 1,  
4 2008 for all significant or high hazard dams in the state.

5           This act would take effect upon passage.

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