

# HOUSE BILL 125

M3

7lr0060

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

Introduced and read first time: January 18, 2017

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 21, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **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  
11 this Act; and generally relating to emergency action plans for dams.

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:

19 **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.

Underlining indicates amendments to bill.

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



(A) (1) THIS SECTION APPLIES TO ANY DAM THAT:

~~(1)~~ (I) HAS THE POTENTIAL TO CAUSE THE LOSS OF HUMAN LIFE OR SUBSTANTIAL PROPERTY DAMAGE IN THE EVENT OF STRUCTURAL FAILURE; AND

~~(2)~~ (II) HAS BEEN DESIGNATED OR VERIFIED BY THE DEPARTMENT AS A HIGH HAZARD OR SIGNIFICANT HAZARD DAM, AS DEFINED IN THE CLASSIFICATION OF DAMS UNDER REGULATIONS ADOPTED BY THE DEPARTMENT.

(2) THIS SECTION DOES NOT APPLY TO A DAM THAT IS LICENSED BY, AND SUBJECT TO THE JURISDICTION OF, THE FEDERAL ENERGY REGULATORY COMMISSION IF THE OWNER OF THE DAM SUBMITS TO THE DEPARTMENT:

(I) ON OR BEFORE AUGUST 1, 2017, A COPY OF THE EXISTING EMERGENCY ACTION PLAN FOR THE DAM; AND

(II) WITHIN 30 DAYS AFTER FILING WITH THE FEDERAL ENERGY REGULATORY COMMISSION ANY UPDATE TO THE EMERGENCY ACTION PLAN, A COPY OF THE UPDATE TO THE EMERGENCY ACTION PLAN.

(B) (1) AN OWNER OF A DAM SUBJECT TO THIS SECTION SHALL PREPARE AND SUBMIT TO THE DEPARTMENT FOR APPROVAL AN EMERGENCY ACTION PLAN IN ACCORDANCE WITH THIS SECTION TO PROTECT DOWNSTREAM HUMAN LIFE AND SAFEGUARD PROPERTY IN THE EVENT OF A STRUCTURAL FAILURE OR ANY OTHER EMERGENCY.

(2) AN OWNER OF AN EXISTING DAM SUBJECT TO THIS SECTION SHALL SUBMIT A PLAN TO THE DEPARTMENT FOR APPROVAL ON OR BEFORE AUGUST 1, 2017.

(3) A PERSON PROPOSING TO CONSTRUCT A DAM SUBJECT TO THIS SECTION SHALL SUBMIT A PLAN WITH AN APPLICATION FOR A PERMIT TO CONSTRUCT THE DAM UNDER § 5-503 OF THIS SUBTITLE.

(C) AN EMERGENCY ACTION PLAN SHALL CONTAIN:

(1) A DESCRIPTION OF THE DAM, INCLUDING ITS HAZARD CLASSIFICATION;

(2) MAPS OR OTHER GRAPHIC REPRESENTATIONS OF AREAS DOWNSTREAM THAT HAVE THE POTENTIAL TO BE AFFECTED BY A STRUCTURAL 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.**