

1 **2020 NYSAC Legislative Conference**
2 **Standing Committee on Public Safety**
3 **Resolution #2**

4 **Resolution in Support of Funding for Hazardous Dam Remediation**

5 **WHEREAS**, New York State has at least 5,352 functioning dams, 861 of which are
6 owned or co-owned by local governments; and

7 **WHEREAS**, the New York State Department of Environmental Conservation, Division
8 of Water, Bureau of Flood Protection and Dam Safety, is responsible for the protection
9 of the health, safety and welfare of the people of the State of New York and the
10 conservation and protection of its natural resources; and

11 **WHEREAS**, Title 6 of New York Code of Rules and Regulations, Part 673 (“Part 673”),
12 Section 673.5, provides regulations regarding dam hazard classifications. This technical
13 guidance provides greater detail regarding various potential impacts typically seen by
14 New York State Department of Environmental Conservation staff, and their implication
15 for hazard classification of a dam; and

16 **WHEREAS**, the New York State Department of Environmental Conservation, through
17 its Dam Safety Section within the Bureau of Flood Protection and Dam Safety in the
18 Division of Water (“DSS”), assigns hazard classifications to dams to reflect its best
19 understanding of the potential impacts of dam failures; and

20 **WHEREAS**, the Department may change a dam’s hazard classification at any time to
21 reflect changed conditions and/or to reflect changes in the Department’s understanding
22 of the potential impact of a dam failure; and

23 **WHEREAS**, the DSS assigns a hazard classification to a dam based on the best
24 information available to it regarding conditions at the dam and its downstream area;
25 and

26 **WHEREAS**, any person may provide the DSS with information relevant to the
27 assignment of a Hazard Classification to a dam; and

28 **WHEREAS**, water stored behind a dam represents potential energy which can create a
29 hazard to life and property located downstream of a dam; and

30 **WHEREAS**, in order for a dam to safely fulfill its intended function, it must be
31 constructed, operated and maintained properly; and

32 **WHEREAS**, the New York State Comptroller published a report in 2018, “Dam
33 Infrastructure: Understanding and Managing the Risks” noting that local governments
34 own or co-own 213 of New York’s 407 high-hazard dams; and

35 **WHEREAS**, the Comptroller’s analysis indicated that to repair locally owned high-
36 hazard and intermediate-hazard dams in New York State would cost \$360 million
37 according to the Association of State Dam Safety Officials; and

1 **WHEREAS**, counties throughout the State are concerned with the safety of all dams,
2 particularly given the challenges with extreme weather events, such as strong
3 rainstorms, floods and hurricanes; and

4 **WHEREAS**, the United States Department of Agriculture (USDA) has watershed
5 protection programs that may be used for dam projects (as well as many other types of
6 projects). Both public and private landowners are eligible for assistance, but the project
7 sponsor must be a local or tribal government; and

8 **WHEREAS**, a new federal program that could help dams – the High Hazard Potential
9 Dam Rehabilitation Program, authorized under the Water Infrastructure Improvements
10 for the Nation (WIIN) Act of 2016 – would provide federal grants for the rehabilitation,
11 repair or removal of nonfederal high-hazard potential dams. However, that program has
12 not yet been funded; and

13 **WHEREAS**, dam projects are generally not eligible for funding through the EPA’s
14 Drinking Water State Revolving Fund Program, even though many dams are used to
15 create and manage reservoirs that supply drinking water.

16 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
17 Counties (NYSAC) supports direct state funding and assistance to help local
18 governments and private landowners remediate these high-hazard dams; and

19 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
20 of New York State encouraging member counties to enact similar resolutions; and

21 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
22 the Department of Environmental Conservation, Governor Andrew M. Cuomo, the New
23 York State Congressional Delegation, the New York State Legislature, and all others
24 deemed necessary and proper.