

Testimony of
The Association of State Dam Safety Officials
Before The
Senate Committee on Environment and Public Works
On
The Water Resources Development Act of 2010:
Legislative and Policy Proposals to Benefit the Economy, Create Jobs,
Protect Public Safety and Maintain America's Water Resources
Infrastructure
November 17, 2010

Madame Chairwoman, Senator Inhofe, and Members of the Committee:

The Association of State Dam Safety Officials (ASDSO) is pleased to provide this statement for the record on The Water Resources Development Act of 2010.

ASDSO is a national non-profit organization of more than 3,000 state, federal and local dam safety professionals and private sector individuals dedicated to improving dam and levee safety through research, education and communications. We represent the dam safety programs of the states and our goal simply is to save lives, prevent damage to property and to maintain the benefits of dams by preventing dam failures. ASDSO has traditionally focused its attention on improving dam safety yet has broadened that focus to include levee safety. Levees are designed similarly to dams and act as flood control structures in much the same way as many dams. The practice of levee safety and the focus on the public safety aspect of levee safety is of vital importance to ASDSO and our members.

Dams and levees are a critical part of the nation's infrastructure. Dams provide vital benefits such as water supply, hydropower, irrigation and recreation and coupled with levees provide flood reduction benefits to millions of people in the United States. Yet these dams and levees have the potential for failure and tragic consequences. As development adjacent to levees and downstream of dams increases and levees and dams continue to age and deteriorate, they demand greater attention and investment to assure their safety.

The state dam safety programs regulate 86% percent of the 83,000 dams in the National Inventory of Dams. With the exception of Alabama, all states, plus Puerto Rico, have in place regulatory programs overseeing the safety of dams. About half of these same programs have some sort of responsibility of levee safety, but most are unable to

effectively regulate levees due to lack of staffing and resources and clear national and state policy. Many states do not have laws on the books creating levee safety regulatory programs. The states and these programs look to Congress and the Federal government for their continuing leadership and support toward strong levee and dam safety programs.

The Association of State Dam Safety Officials respectfully requests that this committee recognize the enormous value of our nation’s levees and dams and the increasing concerns for public safety because of levees and dams. We request that the committee implement the recommendations of the National Committee on Levee Safety (NCLS) that are appropriate to include in a WRDA bill including the establishment of a National Levee Safety Program and the coordination of the existing National Dam Safety Program with the new National Levee Safety Program. We further request that the committee act on the National Dam Rehabilitation and Repair bill.

The Future of a National Levee Safety Program

ASDSO agrees with the assessment of the NCLS that, “The current levee safety reality for the United States is stark— [there is] uncertainty in location, performance and condition of levees and a lack of oversight, technical standards, and effective communication of risks.” ASDSO further echoes the committee’s recommendation for “reasonable actions and investments in a National Levee Safety Program that turns the tide on risk growth,” and recognizes and supports the “need for a broader national flood risk management approach.”

The ASDSO Board of Directors has endorsed all of the recommendations of the NCLS and asks the committee to implement the recommendations of the NCLS that are appropriate to a WRDA bill. ASDSO supports the protection of the public by repairing or removing existing deficient levees as soon as possible. Toward that end, ASDSO sees the following NCLS recommendations as the most crucial.

- Conduct an inventory and evaluation of the nation’s levees
- Develop national levee safety guidelines including tolerable risk guidelines and a hazard potential classification system
- Establish the National Levee Safety Program
- Delegate and give assistance for the National Levee Safety Program to States and Tribes
- Establish a levee rehabilitation and assistance funding program

Coordination of the National Levee Safety Program and the National Dam Safety Program

There are significant benefits of coordinating the national dam safety and levee safety programs. Recognizing that levee safety and dam safety are critical to public safety and the environment, and that levees and dams share many aspects of design, construction,

maintenance, hazard potential, emergency action planning and security, ASDSO respectfully suggests that dam safety and levee safety be managed by one coordinated combined nation-wide program to be fully successful. As stated in the NCLS report, “Commonalities between levee safety and dam safety are many. In order to maximize efficiencies at all levels of government, build upon existing state expertise and provide consistent messages related to multi-hazard risk to the public, all opportunities to integrate the two should be explored.” Many of the state dam safety programs represented by ASDSO also have some responsibility for levee safety, and we anticipate that many more will ultimately become crucial pieces of the levee safety partnership under the auspices of a National Levee Safety Program, especially if combined with a National Dam Safety Program.

WRDA 2010 should combine administration of the existing National Dam Safety Program and the new National Levee Safety Program.

- As part of this effort and recognizing the current differences in the history of regulation, which separates how dams and levees will be regulated in the foreseeable future, WRDA should create a new strategic plan for the National Dam Safety Program to construct efficiencies and to correct deficiencies. But, the new plan shall not create a program where all dams are federally regulated nor required to meet a national safety code through this national program.
- WRDA 2010 should create the National Levee Safety Program, which will apply to all federal, tribal, state, local, regional and private levees within the United States and its territories.
- WRDA 2010 should create a national program for dams and levees that employs sound technical guidance in design, construction, operation, inspection, assessment, security, and maintenance; ensures effective public education and awareness of risks; and, establishes and maintains competent safety programs and procedures that emphasize the protection of human life.
- WRDA 2010 should help to build and sustain strong dam and levee safety programs in all states. The cornerstone of an effective National Dam and Levee Safety Program will be effective state programs following a consistent set of national safety guidelines for dams and standards for levees.

The Dam Rehabilitation and Repair Act

ASDSO requests that the committee add the Dam Rehabilitation and Repair Act (H.R. 1770 and S. 732) as a separate title of WRDA 2010. As stated above, dams provide many advantages to our society. However, they present a potential hazard to people and property downstream as dams can fail catastrophically causing loss of life and millions of dollars in property damage if they do not meet current design standards. One of the main issues that raise the risk for dam failure is the fact that many dams have not been rehabilitated to current standards in decades, and owners do not have the funds to bring these structures up to standards. While owners may be able to provide operation and maintenance support, the funding needed for rehabilitation may be unreachable.

To help address this need, particularly for the most critical, high hazard potential dams, the dam safety community advocates a federally-backed, cost-shared funding source for dam rehabilitation, and where appropriate, removal. The Dam Rehabilitation and Repair Act was introduced in Congress to provide this type of funding assistance (\$200 million over five years) for publically-owned high-hazard potential dams. Of the 83,000 plus dams in the National Inventory of Dams, 27% are publicly owned (state, public utility, local government). ASDSO's January 2009 report entitled, "The Cost of Rehabilitating Our Nation's Dams," estimated that \$8.7 billion would be needed over the next 12 years to repair publicly owned high-hazard dams.

The bill was originally introduced in the 110th Congress, gained sponsors on both sides of Congress and was passed out of the House of Representatives in 2008. The session ended while the bill was still circulating through the Senate. The bill was re-introduced in the 111th Congress and has sponsors in both the House and Senate.

The Association stands ready to assist the Subcommittee and staff in any way to advance the cause of levee and dam safety. Toward that goal, please contact ASDSO Executive Director, Lori Spragens at 859-257-5140 if we can support the Subcommittee's important work.

Respectfully submitted,

The Association of State Dam Safety Officials