



OFFICE OF THE STATE AUDITOR

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**TESTIMONY OF EMILY D. COUSENS
BEFORE THE JOINT COMMITTEE ON ENVIRONMENT, NATURAL
RESOURCES AND AGRICULTURE RELATIVE TO DAM SAFETY**

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Good morning Chairman Pacheco, Chairman Gobi, and members of the Committee. Thank you for the opportunity to comment on the dam safety legislation before you this morning. I am Emily D. Cousens, Director of the State Auditor's Division of Local Mandates (DLM), and I would like to thank the Committee for seriously addressing the issue of dam safety in the Commonwealth.

As members of the Committee may know, in January of this year, Auditor Joseph DeNucci and the Division of Local Mandates issued a report on the financial impact of the law and regulations governing dam safety in Massachusetts. Consistent with its mission, DLM focused on dams owned by cities and towns, particularly those that present the greatest threats to public safety – the high and significant hazard dams that are in poor or unsafe condition. These are dams that have major structural defects that could cause loss of life or substantial property damage in the event of dam failure.

We are pleased that several of the bills before you today, such as Chairman Pacheco's legislation, Senate Bill 367, offer meaningful options to assist dam owners achieve compliance with reasonable standards of public safety. Among these options, for example, is the requirement that the Department of Conservation and Recreation -- DCR -- require that every municipality with a high hazard or significant hazard dam file an Emergency Action Plan.

From data provided by DCR, DLM found that 62 communities own 100 dams that are high or significant hazard potential, *and* are in poor or unsafe condition. We refer to these as "critical dams" -- dams that merit a priority status in any discussion of infrastructure needs for the Commonwealth. Our report estimates that the cost to repair or remove these 100 dams is approximately \$60 million, a level of resources beyond the current means of cities and towns.

Obviously, the magnitude of those costs in our current fiscal situation makes the remediation or removal of all critical dams almost impossible in the near future. Still, there are steps that can be taken in the meantime. DLM's report identified 75 significant and high hazard municipal dams that do not have updated, written Emergency Action Plans on file at DCR. Short of repairing or removing dams that represent a threat to public safety, an Emergency Action Plan is a relatively low cost exercise that would provide some immediate protection to the public.

Cities and towns with hazardous dams simply do not have the resources to address these problems without help. I recognize that your bill, Chairman Pacheco, acknowledges the strain that these costs would impose on municipalities and does provide some relief – for example, by proposing that borrowing to remediate substandard dams be outside the limit of indebtedness prescribed by Section 10 of Chapter 44. I would note, additionally, the recommendation in DLM’s report to provide municipal dam owners access to a revolving loan fund, like the revolving loan fund in your proposed legislation, Chairman Pacheco, which is limited to private dam owners. Our report recommended a revolving loan fund for municipalities at no interest, coupled with the award of such loans on a priority basis to repair or remove first the most critical dams that pose the greatest threats to public safety and the environment. This would be another way to help cities and towns cope with this problem.

Again, I thank you for the opportunity to provide testimony, and I hope that the recommendations in DLM’s Local Financial Impact Review of the Commonwealth’s Dam Safety Law are useful to you in your efforts to improve management of the waterways of our state and enhance the safety of the people who live and work downstream of critical dams. The resources of Auditor Bump’s office are available to assist in this important work at any time.