

Department of Planning and Budget

2010 Fiscal Impact Statement

1. Bill Number: HB438

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Toscano

3. Committee: Passed Both Houses

4. Title: **Dam safety; Soil and Water Conservation Board to establish alternate standard spillway design.**

5. Summary: This bill requires the Soil and Water Conservation Board to establish an incremental damage analysis procedure that addresses the spillway design flood requirement for an impounding structure. This new spillway design flood requirement shall not be reduced below the 100-year flood level event for high or significant hazard impounding structures, or below the 50-year flood event for low hazard potential impounding structures. The bill requires the Board to adopt regulations that consider the impact of downstream limited-use or private roadways with low traffic volume and low public safety risk in the determination of the hazard potential classification of an impounding structure. The bill also allows an owner of a dam who has received a report from the Board containing recommendations for the correction of deficiencies in the dam to submit his own plan for such corrections. The Board is to determine if the submitted plan and schedule are sufficient to address deficiencies. Finally, the bill amends the criterion such that a dam is deemed as unsafe when deficiencies on the design or construction of a dam may result in "significant" damage to downstream property.

6. Fiscal Impact Estimates: Final.

7. Budget Amendment Necessary: No.

8. Fiscal Implications: This bill makes changes to the dam safety regulations adopted by the Soil and Water Conservation Board. These regulatory changes are implemented on the local level and may impact workload and costs associated for affected localities. In addition, dam owners may experience additional costs from these regulatory changes.

The Department of Conservation and Recreation does not anticipate any fiscal impacts on the department as a result of this bill.

9. Specific Agency or Political Subdivisions Affected: Department of Conservation and Recreation, localities.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

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