

For Immediate Release

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Governor Patrick Signs Crucial Dam Safety Bill

BOSTON, MA – Today, Governor Deval Patrick signed into law a bill that would make it easier to repair or remove unsafe dams and coastal infrastructure by providing funding and enhanced reporting and enforcement authority, *An Act Further Regulating Dam Safety, Repair and Removal* (H.4557).

“This new legislation will help communities remove or repair aging dams and coastal infrastructure, improving the ecological health of our coasts and rivers and the safety and economic vitality of our communities,” said Steve Long, Director of Government Relations for The Nature Conservancy in Massachusetts.

There are approximately 2,892 dams in Massachusetts, many of which are in poor condition and hazardous locations, which pose a threat to public safety. Many dams serve valuable public services such as flood control, hydropower and water supply and many more are in need of repair.

However, approximately 85% of the state’s dams no longer serve their original purpose. Where appropriate, removing unsafe and obsolete dams permanently rids their owners of liability, insurance and maintenance costs, reduces risks to public safety from flooding, and enables freshwater animals and plants to thrive.

The Commonwealth is also facing increased risks from more intense and frequent storms, such as Hurricanes Irene and Sandy. Coastal infrastructure can play an important role in protecting municipal and natural resources and preventing environmental disasters, according to Long. In 2005, Whittenton Dam in Taunton nearly failed, threatening the city center, necessitating an evacuation, and drawing national attention to the risks of aging dams.

Massachusetts’ precedent-setting law was developed over several years with the leadership of Senator Marc Pacheco of Taunton, and a unique coalition including organizations representing municipal, engineering and conservation interests, Long said.

“This law will finally begin to address many of the problems outlined in previous reports on dams in the commonwealth,” said Pacheco. “I am so pleased that we have moved forward on the issue of dam safety. This law will significantly improve the safety of communities that have vulnerable dams while providing a funding mechanism to help address dam repair and removal costs. We also begin to create strategies to further develop flood-prevention infrastructure and enhance coastal zone management. I am very happy that after years of working to promote this issue, this legislation has become law.”

"This important new law will provide much-needed financial and environmental relief for cities and towns across the state, aiding communities as they strive to address critical dam and seawall infrastructure

challenges, and we applaud the Legislature and Governor for their support," said Geoff Beckwith, Executive Director of the Massachusetts Municipal Association.

"Dam removal restores rivers to a more resilient, natural condition reducing the risks of flooding and improving habitat for migratory fish and many other species," said Alison Bowden, Freshwater Program Director for The Nature Conservancy in Massachusetts.

"This important new law will help cities and towns restore rivers and streams to their natural condition while removing safety hazards in our communities," said Linda Orel, Executive Director of the Massachusetts Association of Conservation Commissions.

"Dams damage water quality, create barriers for wildlife and paddlers, and turn free-flowing rivers into lakes," said Julia Blatt, Executive Director of the Mass Rivers Alliance. "The Mass Rivers Alliance strongly supports the restoration of the Commonwealth's rivers through removal of unsafe and obsolete dams, and was pleased to be part of the unusual coalition that came together to support this legislation. Passage of this bill was a win for everyone," she said.

"Mass Audubon thanks the legislature and Governor for providing this critical and necessary opportunity to fully and adequately protect the public health, safety and environment of Massachusetts," said Jack Clarke, Director of Public Policy and Government Relations, Mass Audubon.

Legislative leadership was crucial to the bill's passage including support from the branches' respective leaders, Senate President Theerese Murray and House Speaker Robert DeLeo. Ways and Means Committee chairs Senator Stephen Brewer of Barre, and Representative Brian Dempsey of Haverhill. Other key legislators included Sen. Stan Rosenberg of Amherst, Sen. Bruce Tarr of Gloucester, Sen. Karen Spilka of Ashland and Sen. Robert Hedlund of Weymouth and Representatives Steve Kulik of Worthington, William Straus of Mattapoisett, James Cantwell of Marshfield, Anne Gobi of Spencer, Jim O'Day of West Boylston, Paul Donato of Medford, Carolyn Dykema of Holliston, Gailanne Cariddi of North Adams and Bradley Jones of North Reading.

Support from Governor Deval Patrick, and his administration was crucial. Treasurer Steven Grossman and Auditor Suzanne Bump also supported the bill.

"There is a backlog of dam owners interested in dam removal, but they lack the funds to implement these projects," said Massachusetts Energy and Environmental Affairs Secretary Richard K. Sullivan, Jr. "Many requests for help are from cash-strapped municipalities in good position to take advantage of these new funds. In addition to improving public safety, dam removal also enhances water quality and restores wildlife habitat."

The MA Dam Safety Alliance includes: the American Council of Engineering Companies of Mass, Boston Society for Civil Engineers, Mass Association of Conservation Commissions, Mass Audubon, Mass Municipal Association, Mass Organization of Scientists and Engineers, Mass Rivers Alliance, Mass Water Works Association.

The Boston Society of Civil Engineers (a Section of the American Society of Civil Engineers) is very grateful to the Massachusetts Legislature for passing this legislation, said Peter A. Richardson, P.E., President, Boston Society of Civil Engineers.

"With nearly 3,000 dams in Massachusetts, of which many are well beyond their design life and are no longer serving their original intended purpose, this legislation will help address the safety and environmental concerns associated with older dams that are in need of repair," Richardson said. "The Bill

also has provisions to address seawalls, which are critical to protecting properties in coastal and tidal areas. The civil engineering community applauds the Senate and House for working together to help make our infrastructure safer.”

DAM SAFETY FACTS:

- Of approximately 3,000 dams in Massachusetts, 43 are flood control dams, 44 are hydro-power dams and 164 are water supply dams. Most of the remaining dams are "run of the river" dams that were used to power mills during the Industrial Revolution and are no longer in use. The largest concentration of dams in the United States is in Worcester County.
- According to [a report released by the Office of the State Auditor in January 2011](#), 100 dams owned by 62 municipalities in Massachusetts are rated in unsafe or poor condition.

KEY PROVISIONS IN THE LEGISLATION:

The bill would better enable the repair and removal of dams by:

- Creating a separate \$17 million state revolving loan fund and grants by transferring funds from a defunct trust; which prioritizes funding for dams that have been classified as unsafe.
- Authorizing municipalities to issue bonds to fund the removal or repair of unsafe dams and coastal infrastructure;
- Enhancing the authority of the [Office of Dam Safety](#), by increasing the fines for allowing dams to become hazardous.

The Nature Conservancy is a leading conservation organization working around the world to protect ecologically important lands and waters for nature and people. The Conservancy and its more than 1 million members have protected nearly 120 million acres worldwide. Visit The Nature Conservancy on the Web at www.nature.org/massachusetts