

ASSEMBLY, No. 5798

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:

Assemblyman ADAM J. TALIAFERRO

District 3 (Cumberland, Gloucester and Salem)

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Co-Sponsored by:

Assemblywoman Vainieri Huttie

SYNOPSIS

Requires DEP to consider potential impacts to natural resources when classifying dams according to hazard potential.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/1/2021)

1 AN ACT concerning dam hazard classification and amending
2 P.L.1981, c.249.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 2 of P.L.1981, c.249 (C.58:4-8.2) is amended to read
8 as follows:

9 2. The Commissioner of Environmental Protection shall, by
10 rule adopted pursuant to the provisions of the "Administrative
11 Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), establish a
12 periodic dam safety inspection and reporting procedure, on an
13 annual or longer term basis, for the owner of any dam meeting the
14 criteria contained in R.S.58:4-1. The owner shall have a
15 professional engineer inspect the dam and prepare and submit a
16 report containing such information as the commissioner may
17 require, concerning the safety of said dam and appurtenant
18 structures. Every dam which raises the waters of any stream more
19 than 70 feet above its usual mean low-water height or which
20 impounds more than 10,000 acre-feet of water shall be inspected on
21 an annual basis by a professional engineer retained by the owner, in
22 the company of a professional engineer assigned from the
23 Department of Environmental Protection. As a component of the
24 dam safety inspection and reporting procedure adopted pursuant to
25 this section, the department shall adopt a classification system for
26 the hazard potential of dams, which shall take into account potential
27 loss of life, property damage, and impacts to natural resources,
28 including, but not limited to, wildlife, fish, aquatic life, habitat,
29 plants, and historic or archeological resources.

30 (cf: P.L.1981, c.249, s.2)

31

32 2. This act shall take effect immediately.

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STATEMENT

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37 This bill would amend the "Safe Dam Act," P.L.1981, c.249
38 (C.58:4-8.1 et seq.) to require that any classification system for the
39 hazard potential of dams adopted by the Department of
40 Environmental Protection (DEP) take into potential loss of life,
41 property damage, and impacts to natural resources.

42 Under current law, the DEP has adopted a classification system,
43 which classifies dams as either:

44 (1) Class I – loss of life or extensive property damage is
45 probable upon dam failure;

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (2) Class 2 – likely significant damage to property and project
2 operation upon dam failure, but loss of human life is not
3 envisioned;

4 (3) Class 3 – dam failure would cause loss of the dam itself but
5 little or no additional damage to other property; or

6 (4) Class 4 – for small dams that pose a negligible hazard
7 potential.

8 The bill would require the DEP to consider potential damage to
9 natural resources when classifying dams, in addition to potential
10 loss of human life and destruction of property.