



Briefing on DSOD Regulations for Fees and Enforcement

Today, the Department of Water Resources (the Department) will brief the Commission on the Division of Safety of Dams (DSOD) upcoming regulations for on fees and enforcement. This is an informational item.

Fees

California's Dam Safety Program, which oversees the regulation of 1,246 jurisdictional dams, was established in 1929, following the 1928 failure of St. Francis Dam. Until 2003, the program was principally funded by General Fund monies. In 2004, Water Code section 6307 was amended to fund the program solely through the collection of the application fees and an amended annual dam fee schedule. Annual fees are increased by a specified percentage, when necessary, to cover the Department's periodic cost of living increases. Each year, the Department provided a schedule of fees reflecting the cost of living increase, if any, to the Legislature and to dam owners.

Following the February 2017 Oroville emergency, there have been many state-mandated efforts to bolster dam safety through more rigorous re-evaluations of dams and their appurtenances, new requirements for the Department to assume responsibility from the California Office of Emergency Services (Cal OES) for the review and approval of inundation maps for dams and critical appurtenant structures, and legislative bills requiring enhanced dam inspection practices. To initially fund the additional work and cost increases resulting from these mandates, the Department was given a \$6.5 million General Fund loan and an increased budget appropriation in Fiscal Year 2017-18. The loan must be repaid within four years with revenue collected through annual fees. In addition, annual fee revenue needs to support the programmatic costs of these new mandates.

Senate Bill 92, signed by Governor Brown on June 27, 2017, requires the Department's fee schedule to cover new costs of the Department's regulatory program, including reviewing inundation maps, performing more detailed re-evaluation studies of appurtenant structures, repaying budgetary loans, and maintaining a prudent reserve. In accordance with new subdivision (a)(3) of Water Code section 6307, DWR adopted emergency regulations in April 2018, which included a schedule of fees based, in part, on the height of the dam.

The Department anticipates briefing the Commission on the permanent fee regulations in February 2019, and adopting permanent annual fee regulations in March 2019.

Enforcement

SB 92 also established new fee enforcement authority for DSOD. Water Code sections 6428-6432 specify the penalties to be imposed on owners who fail to pay the required fees, as well as the ability of

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the Department to impose reservoir restrictions and property liens on owners who fail to comply with the fee provisions.

The Department anticipates briefing the Commission on the enforcement regulations in February 2019, and adopting permanent enforcement regulations in November 2019.

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