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## **Dam owner management and climate change program**

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Owning a dam comes with a tremendous amount of risk. However, many dam owners do not fully understand their risks, responsibilities, and potential exposure. To promote better awareness, the Environmental Business Council hosted a program on dam owner liability on June 5th. This program provided information on what happens when a dam fails, methods to access risk, and ways dam owners can limit their exposure.

A dam owner's risk is a function of the consequences of a dam failure and the likelihood of its occurrence. There are numerous mechanisms which might drive dam failure, but the most common is breaching during heavy storm events. State dam safety regulations usually dictate the minimum size storm a dam must safely accommodate. An effective Emergency Action Plan (EAP) is critical for responsible dam ownership and is usually required by state dam safety regulations. EAPs help dam owners and emergency responders by documenting the anticipated impacts of a dam failure, responsibilities and communication pathways, potential evacuation procedures, and general emergency preparedness.

A dam owner is usually liable for all property damage and personal injury or loss of life resulting from the operation or failure of a dam. A common misconception among dam owners is that compliance with required statutes and regulations absolves a dam owner of any liability. Besides being strictly liable, an owner could also be held negligent if the dam was not properly maintained or operated.

Insurance is available to dam owners to protect the value of the dam itself, or their legal liability in case of an injury to a person. Insurance availability and cost depend on the risk and condition of the dam. However, the best way to limit exposure is to limit the dam's potential for failure in the first place by properly maintaining and operating the dam. Dam owners are advised to consult with a qualified engineer and attorney to fully understand the risks and to identify ways to minimize their exposure to liability.

Presentations from the program can be found at <http://www.ebcne.org/index.php?id=859>.

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