



109 SW 9th Street, 4th Floor  
Topeka, Kansas 66612-1280

Dale A. Rodman, Secretary

Phone: (785) 296-3556  
Fax: (785) 296-8389  
Email: ksag@kda.ks.gov  
www.ksda.gov

Sam Brownback, Governor

**Testimony on SB 153  
to  
The Senate Natural Resources Committee  
By Kim Christiansen  
Kansas Department of Agriculture  
February 15, 2013**

Good afternoon, Chairman Powell and members of the committee.

I am Kim Christiansen, chief legal counsel with the Kansas Department of Agriculture, and I am here to express KDA's opposition of Senate Bill 153. While the department supports specific initiatives to reduce regulatory burdens on landowners by reducing the number of dams under KDA's jurisdiction, we have serious concerns SB 153 may jeopardize public safety.

Kansas leads the nation in dam building (Attachment 1). The National Inventory of Dams includes all dams that exceed a height of 25 feet or a storage volume of 50 acre-feet. By that standard there are 84,000 dams in the nation, including 6,200 in Kansas. More than seven percent of the dams in the U.S. are located in Kansas.

While there have been dam failures in Kansas, we have no records of any dam failures resulting in loss of life. In contrast, dam failures nationwide have been responsible for devastating property damage and thousands of fatalities (Attachment 2). Following the catastrophic failure of the St. Francis Dam in California, the Kansas Legislature passed the Obstructions in Streams Act of 1929, establishing a commitment to public safety by authorizing state oversight of dam design, construction and maintenance. KDA's Division of Water Resources administers the dam safety program.

DWR has developed design and construction standards, which are based on consistent, accepted engineering practice. Specific design requirements are determined by the 'hazard classification' of the dam. The hazard classification is based on the presence of roadways, buildings or other public safety concerns in the downstream path of a potential dam failure. Current Kansas law requires state review of any dam exceeding 25 feet in height or 50 acre-feet in volume.

While we are focused on protecting public safety, KDA is also committed to reducing regulatory burdens placed on land owners, businesses and local government. We continue to review our statutes and regulations to identify improvements to this and other programs.

KDA supports HB 2051, which includes a responsible proposal to reduce state regulation of dams. HB 2051 exempts any hazard class A (low hazard) dam with a height less than 25 feet and a storage volume less than 75 acre-feet. This amendment removes the regulatory burden for

Kansas. As a result, growing communities, new businesses and improved roads will all be exposed to greater risks from dam failures across the state.

The height of a dam and the volume it holds are key factors in determining the severity of a potential failure. As height and volume increase, so does the destructive force of a dam failure. KDA opposes the scope of SB 153 and urges the committee to support the exemptions proposed in HB 2051, which balance public safety concerns with positive limits on state regulation.

Thank you for the opportunity to speak with you today. I will stand for questions at the appropriate time.

## Attachment 2

### Major U.S. Dam Failures in the Past 25 Years

Source ASDSO

Year	State	Location	Deaths	Damages
2010	Iowa	Lake Delhi	none	50 homes and 20 businesses damaged
2008	Wisconsin	Lake Delton	none	5 homes destroyed, highway washed out
2008	Washington	Mill creek	none	pedestrian bridge washed out, 12 homes damaged
2008	Kentucky	Coal waste pond	none	12 homes damaged
2008	Indiana	East Lake	none	100 homes damaged
2007	New Jersey	Rainbow Lake	none	County roadway and gas line washed out
2006	Hawaii	Kaloko Dam	7 deaths in homes	several homes destroyed
2005	Missouri	Tom Sauk Reservoir	3 children injured	one home destroyed, state highway washed out
2005	New York	Hadlock Pond	none	4 homes destroyed
2004	Mississippi	Purvis, MS	none	\$2.2 million damages, 17 miles downstream
2004	New Jersey	21 dams failed	none	\$30 million damages, 350 homes flooded
2004	Virginia	Two farm pond dams	1 death in vehicle	state highway damaged
2003	Michigan	near Marquette	none	\$102 million damages
2003	North carolina	Hope Mills	none	\$2.1 million damages, repaired dam failed in 2010
2001	Delaware	Hearns Pond	none	U.S. Hwy 13 washed out, \$500,000 damages
1999	Rhode Island	Peace Dale, RI	none	\$400,000 damages
1996	New Hampshire	Alton, NH	1 death	\$8 million damages
1995	Virginia	Campbell, VA	2 deaths	unknown
1994	Georgia	217 dams failed	3 deaths	unknown
1993	Washinton	Feedlot waste pond	none	\$5 million, UP RR washed out, 5 locomotives lost
1993	Kentucky	Boone county	none	two roads and underground utilities washed out
1991	Washington	Centralia, WA	none	\$3 million damages
1990	South Carolina	Camden, SC	4 children died	unknown
1990	Georgia	Lake Lonnie	1 child injured	vehicles and homes damaged
1990	Alabama	Clark Dam	none	U.S. Highway 29 washed out
1989	Texas	Henderson, TX	1 death	unknown
1989	North Carolina	Two dams in series	2 children died	\$10 million damages
1989	Utah	Quail Creek	none	\$12 million damages