

RHODE ISLAND

Citation

Dam safety laws are contained in the General Laws of Rhode Island Sections 46-18 and 46-19, dated 1956, as amended. Regulations have not been promulgated since the laws do not give the Department such authority.

Definitions/Dam Classification

Dam, dam height, and hazard classifications definitions are not found in the laws.

Jurisdiction/Powers of Department

The Department of Environmental Management is empowered to make inspections (46-19-1), review and approve plans for construction of dams (46-19-3), order remedial work (46-19-4), and invoke judicial action for non-compliance (46-19-5). The laws do not state clearly that the Department has the power to adopt rules, issue permits, or take over the dam in emergency situations.

Permit/Approval Process

46-19-3 requires plans and specifications to be filed and approved by the Department before construction or alteration of any dam. The laws do not contain any mention of filing fees, construction schedules, spillway design criteria, or requirements for the plans and specifications to be drawn by a licensed professional engineer. Remedial work is paid for by the owner (46-19-4).

Inspections

The Director of the Department shall cause to be made a thorough inspection of every dam and reservoir in the state as often as may be necessary to keep himself informed of the condition thereof (46-19-1). The laws make no mention of the owner's inspection or any frequency thereof.

Owner Non-Compliance/Violations/Penalties

Failure to comply with orders of the Department can result in a complaint being filed with the attorney-general by the Director of the Department. The complaint, along with a petition can be filed with the supreme or superior court, which can issue a citation to the owner commanding him to appear in court. The court may enforce such orders and decrees by injunction, process of contempt, by sequestration, or by such other process as may be applicable in such cases (46-19-5).

Emergencies

The laws make no mention of emergency procedures.

Liability

The liability of a dam owner is set forth in 46-18-2 (Action for Damages from Dam - Liability of Mill and Dam for Recovery)

Oversight

Individuals contesting the orders of the Department will have their cases heard in the supreme or superior court (46-19-5).