

HOUSE BILL 237

By Eldridge

AN ACT to amend Tennessee Code Annotated, Title 64, Chapter 1; Title 64, Chapter 3 and Title 69, Chapter 11, relative to dams.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The department of environment and conservation shall conduct, or have conducted, a study of the dams in Tennessee that are currently exempt from regulation under the Safe Dams Act, Tennessee Code Annotated § 69-11-101 et seq., because they are diversion weirs, farm ponds or wastewater impoundment barriers. This study shall determine how many dams there are in Tennessee that are exempt under each of these three exemptions, determine which hazard category the exempt dams would be in if they were regulated and include any other information relevant to safety that can be observed on an inspection of the dams. In lieu of conducting an on-site examination of any barrier that is exempt from regulation as a diversion weir, farm pond or wastewater impoundment barrier, which barrier has been inspected by the department or its agents with the agreement of the barrier's owner during the twelve (12) month period immediately preceding the effective date of this act, the department is authorized and encouraged to use the results of the previous inspection in order to complete the study. The department and its contractors shall have the same authority for inspections in relation to this study as that granted by Tennessee Code Annotated § 69-11-104(a)(8). In exercising the right to enter at any time upon an area affected for such purposes and the right of ingress and egress across intervening properties granted by Tennessee Code Annotated § 69-11-104(a)(8), the department and its contractors shall make reasonable efforts to contact landowners and schedule inspections at mutually convenient times. The department shall file a report with the chairpersons of the senate environment, conservation and tourism committee

and the house conservation and environment committee no later than January 15, 2012, detailing the results of the study.

SECTION 2. This act shall become effective upon becoming a law, the public welfare requiring it.