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Property owners find themselves responsible for costly dams

AP Associated Press

By Susan Haigh, Associated Press Writer | December 29, 2005

EAST WINDSOR, Conn. --The historic stone dam and sparkling stream clinched the deal for Richard and Judy Venable when they bought property for their new home several years ago.

It was a peaceful and beautiful setting. Richard Venable even conjured dreams of harnessing the flowing water to generate electricity for the couple's house.

But in October, three months after moving in, heavy rains destroyed part of the dam. The rushing current, 3 feet above normal, ripped away part of the earthen portion of the structure. The Venables, both retirees, were soon surprised to learn from state dam officials that they were responsible for the repairs -- possibly for as much as \$100,000.

"We still love everything. It's just that we can't afford right now to do what needs to be done," said Judy Venable, looking out her dining room window at the now-frozen dam. "I'm referring to it as the unfunded mandate because we have to do something. Anything we choose to do is going to cost so much money that we can't afford it."

Connecticut and other states with numerous independently owned dams are trying to make property owners better aware of the responsibilities they face when buying land with such a structure on it. The Connecticut Department of Environmental Protection held informational sessions around the state on guidelines for dam maintenance and inspections several years ago.

The agency is now proposing a new bill in the next legislative session, which begins in February, that would require all dams to be listed in the local land records whenever the property changes ownership.

Wesley Marsh, an environmental analyst with the DEP who began inspecting dams more than 20 years ago, said the state wants property owners to be aware that they are acquiring a dam and that it's not just a pretty waterfall or a stream.

"Hopefully that will spur them to do a little more digging to find out they have responsibilities for taking care of that and there are upkeep costs as well," Marsh said. DEP also hopes mortgage companies will be encouraged by the legislation to require property owners to hold proper insurance and make sure the dam passes inspection.

In Rhode Island, the Department of Environmental Management is changing its regulations to require dam owners to register their dams with the agency and let it know when the property changes hands. Like Connecticut, they'd like to have the requirement set in state law to make it stronger.

Richard Venable said he was well aware there was a dam on his property when he bought it. But he acknowledges he didn't know the responsibilities involved.

"I thought it was neat getting a deed from the state and whatnot, saying you're the proud owner of this dam," he said. "I thought, wow, who ever thought you can own water or dam, but it's on your property and so therefore you own it. It just seemed like this is something you're not supposed to own."

Judy Venable said the couple never dreamed something like October's flooding would occur, creating tens of thousands of dollars in damage to the dam.

"If it had, we probably would have been scared and not bought the property," said Richard Venable.

The couple are hoping to receive some financial help from others who benefit from their dam, known as the Wilsonville Dam. Both the local fire department and tobacco farmers rely on water from the neighboring pond and stream. They're also looking to see if any federal funding is available to help cover the storm damage.

The DEP is also proposing a second bill next year that requires private owners of high hazard and significant hazard dams -- a designation based on the potential for harm if the dam is breached -- to update their emergency operations plans every two years and file them with the municipalities located downstream as well as with the DEP.

Denise Ruzicka, director of DEP's inland water resources division, said the state already has about 80 percent of those dam emergency plans. However, she said, there are no regulations in place requiring they be filed every two years.

By filing them with the municipalities downstream, DEP hopes that local officials will become more aware that a dam exists nearby and consider that when allowing new development.

The DEP maintains a computerized inventory of more than 4,000 dams in Connecticut. Approximately 1,500 fall under the state's regulation because their failure could result in loss of life or property. More than 200 those dams are owned by the state. That means the bulk of Connecticut dams, as in Massachusetts and Rhode Island, are privately owned.

Rhode Island's DEM has asked Gov. Don Carcieri's to propose legislation requiring owners of high and significant hazard dams to develop emergency action plans. There is also a proposal to limit downstream development and/or require sellers to inform buyers that a property is downstream from a dam and in a potential flood zone.

Associated Press Writer Michelle Johnson in Providence, R.I., contributed to this story. ■

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