

Regulatory Framework for Dams in Newfoundland and Labrador

There are over 700 dams in the province of Newfoundland and Labrador used for hydro power generation, drinking water supply, mine tailings management, recreation, industrial water supply, flood control, and habitat enhancement. These dams are owned by industry, the federal government, the provincial government, communities, ENGOs, and private individuals. The province recognizes two categories of dams: i) dams that meet the Canadian Dam Association (CDA) definition of a dam, and ii) very small dams.

Legislation

All dams in the province, both water and mine tailings dams, fall under the legislative authority of the *Water Resources Act, 2002*, which is administered by the Water Resources Management Division (WRMD) of the Department of Municipal Affairs and Environment. Relevant sections of the *Water Resources Act* with respect to dam safety include sections 43-48. Of particular importance are Section 43 relating to the maintenance and inspection of dams, and section 44 relating to information that may be required to be submitted by the dam owner. The province does not currently have any dam safety regulations.

Any new dams or upgrades to existing dams must first receive approval under Section 48 of the *Water Resources Act*. The approval process includes the submission of an application form, fee, engineered drawings, and any other material requested by the WRMD; review of the application; and finally issuance of the permit. Terms and conditions in the permit relate to the design, construction, and operation of the dam.

Under Section 64 of the *Water Resources Act*, the province also has the authority to develop regulations pertaining to the safety of dams.

Requirements of Dam Owners

Dam owners are required to provide information to the province for the provincial inventory of dams, apply for an approval for any new dam construction or alterations to an existing dam, and to follow best practice with respect to the design and dam safety management program for their dams. The province recommends the use of the *CDA Dam Safety Guidelines* (most recent edition) for information on dam safety best practice. Any requirements on dam owners are proportional to the CDA consequence classification of the dam.

Regulatory Oversight

The province uses various methods to determine compliance of dam owners with dam safety best practice including regulatory field inspections, audits of the dam safety management program, and requests for information from dam owners including Dam Safety Reviews and Annual Inspection Reports. The province regularly meets with dam owners to discuss issues of dam safety, and the progress with implementation plans for recommended improvements to the dam or dam safety management program. Provincial regulatory oversight of dams focuses on dams that pose the highest risk to public safety, infrastructure and the environment.

Where conditions exist that pose a hazard to the dam or to the public because of the dam, the province may order a dam owner to take any actions necessary to minimize or eliminate those hazardous conditions. This may include the dam owner being directed to upgrade to the dam, removal all or part of the dam, or to take some other specified action.

Provincial Dam Safety Program

The province's Dam Safety Program is meant to oversee the safe management of dams in Newfoundland and Labrador over the entire life cycle of a dam— from design, construction, operation to decommissioning. The province has been developing its Dam Safety Program in recent years to help provide dam owners with more clarity on requirements, to provide guidance on dam safety best practice, to compile information on dams in the province, and to provide training to dam owners through annual workshops.

Web Sites of Interest:

Water Resources Act: <http://www.assembly.nl.ca/Legislation/sr/statutes/w04-01.htm>

Dam Safety Program: <http://www.mae.gov.nl.ca/waterres/damsafety/index.html>

Permit Application: <http://www.mae.gov.nl.ca/waterres/regulations/appforms/index.html>

Issued Dam Permits: http://www.mae.gov.nl.ca/waterres/permits/water_alt.html

NL Dam Safety Publications: <http://www.mae.gov.nl.ca/waterres/reports/index.html#damsafety>