



August 24, 2021

Changes to CA DSOD Dam Safety Regulations

Overview:

- DSOD is adding new enforcement policy (Section 306) to Title 23 of the California Code of Regulations, Division 2, Chapter 1 Division 2, Chapter 1, Article 1 (General Provisions)

Timeline:

- DSOD [proposed changes](#) to dam safety enforcement on May 21, 2021.
- NHA [submitted comments](#) on the changes on July 15, 2021.
- DSOD issued a [revised proposal](#) on August 19, 2021, incorporating some of NHA's changes.
- Comments on the revised proposal are due September 7, 2021.

Comparison of NHA comments on July 15, 2021 to DSOD proposed changes on August 19, 2021:

- Notice of Violation
 - **NHA request:** clarity as to why a notice of violation would be sent, as well as an opportunity to work with DSOD in good faith to remedy a deficiency
 - **DSOD response:** Owners can submit information regarding the initial NOV
- Administrative Complaint
 - **NHA request:** 60 days to respond to an administrative complaint, instead of 20 days
 - **DSOD response:** changed 20 days to 30 days
- Administrative penalty
 - **NHA request:** DSOD consider electricity rates when considering financial penalties
 - **DSOD response:** N/A
- Coordination with FERC
 - **NHA request:** DSOD coordinate with FERC D2SI
 - **DSOD Response:** N/A In verbal communication, DSOD staff assured this will always happen
- Other
 - **DSOD:** removed "revocation of certificate of approval" as a potential penalty