

NEWS RELEASES

FERC Finalizes Dam Safety Regulations

December 16, 2021

Docket No. RM20-9

Order No. 880

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FERC today finalized updates to its hydropower project safety regulations. These updates promote continued safe operation, maintenance and repair of projects to ensure protection of life, health and property in surrounding communities. Today's final rule outlines changes to part 12 of FERC's regulations.

Specifically, the final rule:

- Incorporates two tiers of project safety inspections by independent consultants;
- Codifies existing guidance requiring certain licensees to develop owners' dam safety programs and public safety plans;
- Updates existing regulations related to public safety incident reporting; and
- Makes various minor revisions.

The final rule adopts a two-tier inspection structure, which maintains the existing requirement that independent consultant safety inspections be conducted every five years. However, the required scope of these inspections will alternate between a new, more in-depth comprehensive assessment and a periodic inspection. The comprehensive assessment will include a deep dive into every aspect of a project, including a detailed review of the project's design, engineering analyses and construction history; an evaluation of spillway adequacy; and a risk analysis.

FERC also is changing the process by which it reviews and evaluates the qualifications of independent consultants who conduct the part 12 inspections. Inspections will now be conducted by an independent consultant team, which may consist of one or more independent consultants as well as additional supporting team members. The goal of this change is to ensure that the independent consultant team possesses the appropriate experience and technical expertise to evaluate all aspects of a particular project.



“It is imperative that the dams subject to FERC’s jurisdiction are maintained and operated in a manner that consistently prioritizes public safety,” Chairman Glick said. “The improvements to the Commission’s dam safety program included in today’s order demonstrate our commitment to these issues.”

Today’s final rule takes effect 90 days after publication in the *Federal Register*.

Concurrent with today’s final rule, the FERC Office of Energy Projects Division of Dam Safety and Inspections is adding four chapters to its Engineering Guidelines to assist licensee compliance with the changes to the independent consultant inspection process.

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