

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Ways and Means to which was referred House Bill No.
3 590 entitled “An act relating to the safety and regulation of dams” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended:

6 First: In Sec. 1, in 10 V.S.A. § 1080, by striking out subdivisions (7) and
7 (8) and inserting in lieu thereof a new subdivision (7) to read:

8 (7) “Dam” means any artificial barrier, impoundment, or structure and
9 its appurtenant works that are, were, or will be capable of impounding water or
10 other liquid after construction or alteration, except for waste management
11 systems constructed and operated according to the accepted agricultural
12 practices as administered by the Agency of Agriculture, Food and Markets.

13 Second: In Sec. 1, in 10 V.S.A. § 1082, by striking out subsection (a) and
14 inserting in lieu thereof a new subsection (a) to read:

15 (a)(1) No person shall construct, enlarge, raise, lower, remodel, reconstruct,
16 or otherwise alter any dam, pond, or impoundment or other structure which is
17 or will be:

18 (A) capable of impounding more than 500,000 cubic feet of water or
19 other liquid after construction or alteration; or

20 (B) capable of impounding water or other liquid with more than one
21 acre of surface area.

1 (2) No person shall remove, breach, or otherwise lessen the capacity of
2 an existing dam that is or was capable of impounding more than 500,000 cubic
3 feet within or along the borders of this ~~state~~ State where land in this ~~state~~ State
4 is proposed to be overflowed, or at the outlet of any body of water within this
5 ~~state~~ State, unless authorized by the ~~state agency having jurisdiction so to do~~
6 Department or the Public Service Board.

7 (3) However, in In the matter of flood control projects where
8 cooperation with the federal government is provided for by the provisions of
9 section 1100 of this title, that section shall control.

10 Third: In Sec. 1, in 10 V.S.A. § 1104, by striking out subsection (b) in its
11 entirety and inserting in lieu thereof the following:

12 (b) Dam registration.

13 (1) On or before January 1, 2015, the person owning legal title to a dam
14 impounding or capable of impounding one acre or less of surface area shall, on
15 a form provided by the Department, register the dam with the Department. A
16 registration under this subdivision shall be required only once and is not
17 subject to annual renewal.

18 (2) On or before January 1, 2015, the person owning legal title to a dam
19 impounding or capable of impounding more than 500,000 cubic feet of water
20 or water with more than one acre of surface area or shall, on a form provided

1 by the Department, register the dam with the Department. Dam registration
2 under this subdivision shall be renewed annually.

3 (3) If no person owns legal title to a dam, the person owning the
4 property on which the dam is located shall submit the registration required
5 under subdivisions (1) and (2) of this subsection.

6 Fourth: By striking out Sec. 4 in its entirety and inserting in lieu thereof the
7 following:

8 Sec. 4. 3 V.S.A. § 2822(j)(12) is amended to read:

9 (12)(A) For dam permits issued under 10 V.S.A. chapter 43: 0.525
10 percent of construction costs, minimum fee of \$200.00.

11 (B) For the dam registration under 10 V.S.A. § 1104(b)(1), a person
12 registering a dam impounding 500,000 cubic feet or less of water or water with
13 one acre or less of surface area shall pay a registration fee of \$50.00.

14 (C) For the initial dam registration under 10 V.S.A. § 1104(b)(2), a
15 person registering a dam impounding more than 500,000 cubic feet of water or
16 water with more than one acre of surface area shall pay a registration fee based
17 on the hazard classification of the dam as follows:

18 (i) Low hazard dam \$50.00;

19 (ii) Significant hazard dam \$100.00;

20 (iii) High hazard dam \$500.00.

