

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 subdivision (7) in its
7 entirety 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:

11 (A) waste management systems constructed and operated according
12 to the accepted agricultural practices as administered by the Agency of
13 Agriculture, Food and Markets;

14 (B) impoundments that are capable of impounding no more than
15 500,000 cubic feet of liquid with a surface area less than one acre;

16 (C) underground or elevated tanks to store water; or

17 (D) any other structure identified by the Department in a duly-
18 adopted rule.

19 Second: In Sec. 1, in 10 V.S.A. § 1104, by striking out subsection (b) in its
20 entirety and inserting in lieu thereof a new subsection (b) to read:

21 (b) Dam registration.

1 (1) On or before January 1, 2015, the person owning legal title to a dam
2 shall, on a form provided by the Department, register the dam with the
3 Department.

4 (2) Beginning one year from the date of dam registration, a dam
5 registered under subdivision (1) shall be subject to an annual dam safety
6 program operation fee.

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

10 Third: By striking out Sec. 4 in its entirety and inserting in lieu thereof a
11 new Sec. 4 to read:

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

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

15 (B) For the dam registration under 10 V.S.A. § 1104(b)(1), a person
16 registering a dam shall pay a registration fee based on the hazard classification
17 of the dam as follows:

18 (i) Low hazard dam \$200.00;

19 (ii) Significant hazard dam \$350.00;

20 (iii) High hazard dam \$1,000.00.

1 (C) The annual dam safety program operation fee submitted under
2 10 V.S.A. § 1104(b)(2) shall be based on the hazard classification of the dam
3 as follows:

4 (i) Low hazard dam \$200.00;

5 (ii) Significant hazard dam \$350.00;

6 (iii) High hazard dam \$1,000.00.

7 Fourth: By striking out Sec. 5 in its entirety and inserting in lieu thereof a
8 new Sec. 5 to read:

9 Sec. 5. DAM REGISTRATION PROGRAM REPORT

10 On or before January 1, 2016, the Department of Environmental
11 Conservation shall submit a report to the House Committee on Fish, Wildlife
12 and Water Resources, the House Committee on Ways and Means, the Senate
13 Committee on Natural Resources and Energy, and the Senate Committee on
14 Finance. The report shall contain:

15 (1) an evaluation of the dam registration program under 10 V.S.A.
16 chapter 43, including whether impoundments of water with less than one acre
17 of surface area should continue to be exempt from the definition of dam;

18 (2) a recommendation on whether to modify the fee structure of the dam
19 registration program;

20 (3) a summary of the dams registered under the program, organized by
21 amount of water impounded; and

1 (4) an evaluation of any other hydrologic concerns related to dam
2 registration.
3 and by renumbering the remaining subdivisions to be numerically correct.

4

5 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE