

## **Dam Safety Rule Update for House Natural Resources Committee**

Ben Green, PE, Chief Dam Safety Engineer

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### **Summary:**

The Dam Safety Program (DSP) is striving to meet the first statutory rule adoption deadline of July 1, 2020 for the Administrative Dam Safety Rules and on track despite the challenges brought on by COVID-19.

### **Background:**

- On May 22, 2018, Act 161 was signed into law updating Title 10: Conservation and Development, Chapter 43: Dams. The statutory amendments required dam safety rules be developed in two phases:
  - Administrative rules by July 1, 2020.
  - Standards rules by July 1, 2022.

### **Completed to Date:**

- Development of multi-disciplinary Interest Group to help guide rulemaking.
- Developed pre-draft Rules
- November 2019 Dam Safety Workshop.
  - DSP presentation and discussion of pre-draft rule and other general dam safety training.
  - Over 130 participants including private/municipal dam owners, environmentalists, engineers, etc.
  - Following workshop, requested public comment and provided responses to the pre-draft rule. Posted on website.
- ICAR
  - Filed with ICAR and attended hearing February 10, 2020. Substantive comments related to how DSP would consistently/fairly require owners to fund inspections and inspection costs imposed to the State.
  - ICAR voted to approve the rule with their suggested comments and corrections and rule was filed with the Secretary of State.
  - Rule on notice for public comment from March 4 to April 24, 2020 (extended comment period to accommodate impacts of COVID-19).
  - Three public hearings (April 6, 7, and 9) originally planned for Montpelier, Springfield, and Rutland were held via conference call.
  - Currently in process of finishing comment response summary. Approx. 75 comments received.
  - Anticipate several minor updates to rule, no significant or structural changes

### **Next Steps:**

- Complete final response summary and other documents around May 18<sup>th</sup> and file with LCAR
- Targeting LCAR hearing on June 1, 2020 or June 15, 2020.
- Rule adopted or in effect by July 1, 2020