

1 H.778

2 Introduced by Representatives Chapin of East Montpelier, Mihaly of Calais,
3 Austin of Colchester, Casey of Montpelier, Labor of Morgan,
4 McCann of Montpelier, Pritchard of Pawlet, Satcowitz of
5 Randolph, Sheldon of Middlebury, Stevens of Waterbury, and
6 Wood of Waterbury

7 Referred to Committee on

8 Date:

9 Subject: Conservation and development; dam safety; emergency operation
10 planning

11 Statement of purpose of bill as introduced: This bill proposes to require the
12 Division of Emergency Management to develop an emergency operations plan
13 (EOP) for each dam with a population at risk of 100 or more persons in order
14 to prepare emergency responders in the area of potential inundation from the
15 dam. The bill also would clarify that the Governor or the Director of
16 Emergency Management without municipal approval may require the
17 evacuation of an area subject to inundation from a dam failure when there is
18 dam failure or an imminent risk of failure. In addition, the bill would require
19 the Division of Emergency Management to conduct a pilot project under
20 which the Division develops EOPs for two State-owned high-hazard potential
21 dams with populations at risk of 1,000 or more persons.

1 An act relating to dam safety

2 It is hereby enacted by the General Assembly of the State of Vermont:

3 ~~Sec. 1, 20 V.S.A. § 52 is added to read:~~

4 § 52. DAM SAFETY; EMERGENCY OPERATIONS PLANS; TRAINING

5 (a) If the Department of Environmental Conservation has classified a dam
6 as a high-hazard potential dam, the Division of Emergency Management in
7 coordination with the Department of Environmental Conservation shall
8 complete or fund the completion of an emergency operations plan (EOP) for
9 the dam according to the requirements of this section. The Division of
10 Emergency Management shall complete an EOP required under this section:

11 (1) on or before January 15, 2030, if a dam has a population at risk of
12 1,000 or more persons; or

13 (2) on or before January 15, 2031, if a dam has a population at risk of
14 100 or more but fewer than 1,000 persons.

15 (b)(1) In order to ensure the sufficiency of an EOP required under this
16 section to protect public lives and property, the Division of Emergency
17 Management shall coordinate with the owner of the dam regarding the
18 substance and application of the required EOP. The coordination by the
19 Division shall include coordinating with and collecting input from municipal
20 officials, emergency responders, regional planning commissions, and other

1 ~~relevant interested parties located in the regional area that would be inundated~~
2 if the dam were to fail.

3 (2) An EOP developed by the Division under this section shall
4 sufficiently prepare municipal and regional entities to respond to a dam failure
5 in a manner that protects public lives and property, including the identification
6 of alternative routes of travel for emergency responders if public highways or
7 roads are inundated from flooding.

8 (3) Upon completion of an EOP required under this section, the
9 Division shall submit a copy of the EOP for the dam to the Department of
10 Environmental Conservation and each municipality in the area of potential
11 inundation from the dam.

12 (c) The Division of Emergency Management may hire a contractor to
13 complete an EOP required under this section.

14 (d) The Division of Emergency Management, in consultation with the
15 Department, shall develop training courses, instructional material, and
16 templates that municipalities may use to develop an EOP for a dam when the
17 Division is not required to develop the plan under this section.

18 (e) For each EOP prepared under this section or voluntarily prepared by a
19 municipality or regional entity, the Division of Emergency Management, in
20 consultation with the Department of Environmental Conservation and the
21 Vermont Center for Geographic Information, shall identify each structure in

1 ~~the inundation zone of the dam where persons would reasonably be expected~~
2 ~~to live or work or that persons would reasonably be expected to otherwise~~
3 ~~occupy. Upon identification of these structures, the Division of Emergency~~
4 ~~Management shall geotag each structure as part of the VT Alerts system for~~
5 ~~notification of the occupants of the structures of dam failure warnings or~~
6 ~~evacuation orders.~~

7 (f) At least every five years, the Division of Emergency Management shall
8 conduct exercises to practice emergency response under each EOP for high-
9 hazard potential dams. The exercises shall involve all stakeholders in the EOP
10 implementation and shall, at the very least, test communication to emergency
11 responders and public notification under the plan.

12 Sec. 2. 20 V.S.A. § 10 is amended to read:

13 § 10. REQUEST TO GOVERNOR BY MUNICIPAL AUTHORITIES

14 The all-hazards event provisions of this chapter shall not be brought into
15 action unless the municipal director of emergency management, a member of
16 the legislative body of the municipality, the city or town manager, or the
17 mayor of a city that is within the area affected by an all-hazards event shall
18 declare an emergency and request the Governor to find that a state of
19 emergency exists and the Governor so finds, or unless the Governor declares a
20 state of emergency under section 9 of this title. This section shall not be
21 construed to prevent the Governor or the Director of Emergency Management

1 ~~without municipal approval from requiring the evacuation of an area subject to~~
2 inundation from a dam failure when there is a dam failure or an imminent risk
3 of failure.

4 Sec. 3. STATE OF VERMONT EMERGENCY OPERATIONS PLANNING
5 PILOT PROJECT; REPORT

6 The Division of Emergency Management, in coordination with the
7 Department of Environmental Conservation, shall conduct a pilot project
8 under which the Division shall develop emergency operations plans (EOPs) for
9 two State-owned dams that have been classified as high-hazard potential and
10 that have a population at risk of 1,000 or more persons. On or before July 1,
11 2028, the Division of Emergency Management shall submit to the House
12 Committee on Environment and the Senate Committee on Natural Resources
13 and Energy the results of the pilot project, including:

14 (1) copies of the two EOPs for the dams;

15 (2) a summary of the process of developing the EOPs, including
16 whether the Division completed the EOPs with Division staff or hired
17 contractors to complete the EOPs;

18 (3) a summary of how the Division or the Division contractor
19 coordinated with municipal officials and emergency responders representing
20 municipalities in the area of potential inundation from each dam,

1 ~~(4) the cost of each EOP completed under the pilot project;~~

2 ~~(5) a recommendation of how EOPs should be completed by other dam~~
3 ~~owners in the State; and~~

4 ~~(6) any other information that the Division deems relevant to the results~~
5 ~~of the pilot project or future regulation of the safety of dams in the State.~~

6 Sec. 4. APPROPRIATIONS

7 ~~(a) In addition to other funds appropriated to the Department of Public~~
8 ~~Safety for the Division of Emergency Management in fiscal year 2027,~~
9 ~~\$250,000.00 is appropriated from the General Fund to the Department for~~
10 ~~completion by the Division of Emergency Management of the emergency~~
11 ~~operations plan pilot project required under Sec. 5 of this act.~~

12 ~~(b) In addition to other funds appropriated to the Department of~~
13 ~~Environmental Conservation in fiscal year 2027, \$125,000.00 is appropriated~~
14 ~~from the General Fund to the Department of Environmental Conservation for~~
15 ~~the Department's assistance in completing the emergency operations plan pilot~~
16 ~~project required under Sec. 5 of this act.~~

17 Sec. 5. EFFECTIVE DATE

18 ~~This act shall take effect on passage.~~

Sec. 1. 20 V.S.A. § 10 is amended to read:

~~§ 10. REQUEST TO GOVERNOR BY MUNICIPAL AUTHORITIES~~

~~The all-hazards event provisions of this chapter shall not be brought into action unless the municipal director of emergency management, a member of the legislative body of the municipality, the city or town manager, or the mayor of a city that is within the area affected by an all-hazards event shall declare an emergency and request the Governor to find that a state of emergency exists and the Governor so finds, or unless the Governor declares a state of emergency under section 9 of this title. This section shall not be construed to prevent the Governor or the Director of Emergency Management without municipal approval from requiring the evacuation of an area subject to inundation from a dam failure when there is a dam failure or an imminent risk of failure.~~

Sec. 2. STATE OF VERMONT EMERGENCY OPERATIONS PLANNING

PILOT PROJECT; REPORT

~~(a)(1) The Division of Emergency Management, in coordination with the Department of Environmental Conservation, shall conduct a pilot project under which the Division shall develop a set of emergency operations plans (EOPs) for two State-owned dams that have been classified as high-hazard potential. One of the dams shall have a population at risk of 1,000 or more persons and the other shall have a population at risk of 100 or more but fewer than 1,000 persons.~~

~~(2) The set of EOPs for each dam shall include an EOP for each municipality in the inundation zone of the dam.~~

~~(b)(1) In preparing the EOPs required under subsection (a) of this section and in order to ensure the sufficiency of the EOPs to protect public lives and property, the Division shall coordinate with and collect input from those entities traditionally involved in regional and municipal emergency management, including municipal officials; emergency responders; regional planning commissions; State and regional search and rescue partners, including swiftwater rescue providers; and other relevant interested parties located in the regional area that would be inundated if the dam were to fail. The Division also shall coordinate with any owner or operator of a hydroelectric generation facility located at a State-owned dam.~~

~~(2) The Division of Emergency Management may hire a contractor, including a regional planning commission, to complete the requirements of this section, including one or both of the EOPs required under subsection (a) of this section.~~

~~(c) Each EOP required to be completed under subsection (a) of this section shall:~~

~~(1) be coordinated with each dam's emergency action plan and shall utilize each dam's emergency action plan inundation maps,~~

~~(2) identify planned evacuations and evacuation routes based on possible inundation scenarios, including how to evacuate vulnerable populations such as medically vulnerable individuals who need access to electricity or specialized medical equipment;~~

~~(3) identify where individuals shall evacuate to, such as a shelter, higher ground, or reunification location;~~

~~(4) engage facilities that house vulnerable populations, such as schools, shelters for the unhoused, and senior living communities, in the plan development;~~

~~(5) plan for the use of mutual aid and State resources, and coordinate such use between municipalities downstream of the dam;~~

~~(6) address how to implement the use of pre-event communication and early warning systems to alert persons in the inundation areas, including the use of the VT-Alert system; and~~

~~(7) include any additional provisions deemed useful by the Division in developing the EOP or for inclusion in the EOP.~~

~~(d) On or before July 1, 2028, the Division of Emergency Management shall submit to the House Committee on Environment and the Senate Committee on Natural Resources and Energy the results of the pilot project required under subsection (a) of this section, including:~~

~~(1) copies of the EOPs for the two dams,~~

~~(2) a summary of the process of developing the EOPs, including whether the Division completed the EOPs with Division staff, contracted with regional planning commissions, or hired other contractors to complete the EOPs;~~

~~(3) a summary of how the Division or the Division contractor coordinated with municipal officials; State and regional search and rescue entities, including swiftwater rescue partners; owners or operators of hydroelectric facilities at a dam; and emergency responders representing municipalities in the area of potential inundation from each dam;~~

~~(4) the cost of the EOPs completed under the pilot project;~~

~~(5) a summary of early warning and communications systems municipalities may use to communicate recommendations or requests for evacuation, including the best use of the State's VT-Alert System; and~~

~~(6) a scope, timeline, and budget for the Division to develop an EOP template or templates and a training on EOP development for municipalities.~~

~~(e) As part of the report required under subsection (d) of this section, the Division of Emergency Management shall, based on the results of the pilot project EOPs:~~

~~(1) recommend how EOPs should be completed for all State or federal dams in Vermont that are high-hazard potential dams and that have a population at risk of 100 or more persons, including.~~

~~(A) whether and how to prioritize completion of the EOPs for all high-hazard dams with a population at risk of 100 or more persons;~~

~~(B) whether the Division of Emergency Management can complete or contract for completion of the EOPs for all State or federal dams with a population at risk of 100 or more persons by 2035;~~

~~(C) whether the Division of Emergency Management can complete an EOP for a federal dam or whether the Division may only assist those local entities authorized to complete an EOP under federal law; and~~

~~(D) what it would cost for the Division of Emergency Management to complete the EOPs for dams with a population at risk of 100 or more persons or what it would cost for the Division to contract with a qualified consultant to complete the EOPs;~~

~~(2) recommend how EOPs should be completed for high-hazard dams with a population at risk of fewer than 100 persons;~~

~~(3) recommend potential funding sources that the Division or individual municipalities could access to complete or contract for the completion of EOPs;~~

~~(4) recommend how to best educate municipalities, regional planning commissions, and emergency service providers about the need for and importance of EOPs for dams,~~

~~(5) recommend whether and how an EOP should identify structures that persons would reasonably be expected to occupy and how to geotag these structures for purposes of inclusion in the VT-Alert system; and~~

~~(6) recommend how often the Division, regional planning commissions, or municipalities should conduct practice emergency response for the EOPs required under subsection (a) of this section and ultimately for all EOPs prepared for dams in the State.~~

~~Sec. 3. APPROPRIATIONS~~

~~(a) In addition to other funds appropriated to the Department of Public Safety for the Division of Emergency Management in fiscal year 2027, \$250,000.00 is appropriated from the General Fund to the Department for completion by the Division of Emergency Management of the emergency operations plan pilot project required under Sec. 2 of this act.~~

~~(b) In addition to other funds appropriated to the Department of Environmental Conservation in fiscal year 2027, \$125,000.00 is appropriated from the General Fund to the Department of Environmental Conservation for the Department's assistance in completing the emergency operations plan pilot project required under Sec. 2 of this act.~~

~~Sec. 4. EFFECTIVE DATE~~

~~This act shall take effect on passage.~~

Sec. 1. 20 V.S.A. § 10 is amended to read:

§ 10. REQUEST TO GOVERNOR BY MUNICIPAL AUTHORITIES

The all-hazards event provisions of this chapter shall not be brought into action unless the municipal director of emergency management, a member of the legislative body of the municipality, the city or town manager, or the mayor of a city that is within the area affected by an all-hazards event shall declare an emergency and request the Governor to find that a state of emergency exists and the Governor so finds, or unless the Governor declares a state of emergency under section 9 of this title. This section shall not be construed to prevent the Governor or the Director of Emergency Management without municipal approval from requiring the evacuation of an area subject to inundation from a dam failure when there is a dam failure or an imminent risk of failure.

Sec. 2. STATE OF VERMONT EMERGENCY OPERATIONS PLANNING

PILOT PROJECT; REPORT

(a)(1) The Division of Emergency Management, in coordination with the Department of Environmental Conservation, shall conduct a pilot project under which the Division shall develop a set of emergency operations plans (EOPs) for two State-owned dams that have been classified as high-hazard potential. One of the dams shall have a population at risk of 1,000 or more

persons and the other shall have a population at risk of 100 or more but fewer than 1,000 persons.

(2) The set of EOPs for each dam shall include actions for each municipality in the inundation zone of the dam.

(b)(1) In preparing the EOPs required under subsection (a) of this section and in order to ensure the sufficiency of the EOPs to protect public lives and property, the Division shall coordinate with and collect input from the Whole Community that would be ~~inundated~~ affected if the dam were to fail. The Division also shall coordinate with any owner or operator of a hydroelectric generation facility located at a State-owned dam. As used in this section, “Whole Community” shall have the same meaning as provided in the Federal Emergency Management Administration guidance on A Whole Community Approach to Emergency Management: Principles, Themes, and Pathways for Action FDOC 104-008-1, December 2011.

(2) The Division of Emergency Management may hire a contractor, including a regional planning commission, to complete the requirements of this section, including one or both of the EOPs required under subsection (a) of this section.

(c) Each EOP required to be completed under subsection (a) of this section shall:

(1) be coordinated with each dam's emergency action plan and shall utilize each dam's emergency action plan inundation maps;

(2) identify planned evacuations and evacuation routes based on possible inundation scenarios, including how to evacuate vulnerable populations such as medically vulnerable individuals who need access to electricity or specialized medical equipment;

(3) identify where individuals shall evacuate to, such as a shelter, higher ground, or reunification location;

(4) engage managers and administrators of facilities that house vulnerable populations within the Whole Community in the plan development;

(5) plan for the use of mutual aid and State resources, and coordinate such use between municipalities downstream of the dam;

(6) address how to implement the use of pre-event communication and early warning systems to alert persons in the inundation areas, including the use of the VT-Alert system; and

(7) include any additional provisions deemed useful by the Division in developing the EOP or for inclusion in the EOP.

(d) On or before July 1, 2028, the Division of Emergency Management shall submit to the House Committee on Environment and the Senate Committee on Natural Resources and Energy the results of the pilot project required under subsection (a) of this section, including:

(1) copies of the EOPs for the two dams;

(2) a summary of the process of developing the EOPs, including whether the Division completed the EOPs with Division staff, contracted with regional planning commissions, or hired other contractors to complete the EOPs;

(3) a summary of who in the area of potential inundation for each dam that the Division or the Division contractor coordinated with in the development of the EOP;

(4) the cost of the EOPs completed under the pilot project;

(5) a summary of early warning and communications systems municipalities may use to communicate recommendations or requests for evacuation, including the best use of the State's VT-Alert system; and

(6) a scope, timeline, and budget for the Division to develop an EOP template or templates and a training on EOP development for municipalities.

(e) As part of the report required under subsection (d) of this section, the Division of Emergency Management shall, based on the results of the pilot project EOPs:

(1) recommend how EOPs should be completed for municipalities downstream of all State or federal dams in Vermont that are high-hazard potential dams and that have a population at risk of 100 or more persons, including:

(A) whether and how to prioritize completion of the EOPs for municipalities downstream of all high-hazard dams with a population at risk of 100 or more persons;

(B) whether the Division of Emergency Management can complete or contract for completion of the EOPs for municipalities downstream of all State or federal dams with a population at risk of 100 or more persons by 2035;

(C) whether the Division of Emergency Management can complete an EOP for municipalities downstream of a federal dam or whether the Division may only assist those local entities authorized to complete an EOP under federal law; and

(D) what it would cost for the Division of Emergency Management to complete the EOPs for municipalities downstream of dams with a population at risk of 100 or more persons or what it would cost for the Division to contract with a qualified consultant to complete the EOPs;

(2) recommend how EOPs should be completed for municipalities downstream of high-hazard dams with a population at risk of fewer than 100 persons;

(3) recommend organizations that may assist municipalities in accessing potential funding sources and assist in the completion or compliance with an EOP;

(4) recommend how to best educate municipalities and emergency service providers about the need for and importance of EOPs for dams;

(5) recommend whether and how an EOP should identify structures that persons would reasonably be expected to occupy and how to geotag these structures for purposes of inclusion in the VT-Alert system; and

(6) recommend how often exercises should be conducted to validate the EOPs required under subsection (a) of this section and ultimately for all EOPs prepared for dams in the State.

Sec. 3. APPROPRIATIONS

(a) In addition to other funds appropriated to the Department of Public Safety for the Division of Emergency Management in fiscal year 2027, \$250,000.00 is appropriated from the General Fund to the Department for completion by the Division of Emergency Management of the emergency operations plan pilot project required under Sec. 2 of this act.

(b) In addition to other funds appropriated to the Department of Environmental Conservation in fiscal year 2027, \$125,000.00 is appropriated from the General Fund to the Department of Environmental Conservation for the Department's assistance in completing the emergency operations plan pilot project required under Sec. 2 of this act.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.