

1 H.778

2 An act relating to dam safety

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

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

5 § 10. REQUEST TO GOVERNOR BY MUNICIPAL AUTHORITIES

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

17 Sec. 2. STATE OF VERMONT EMERGENCY OPERATIONS PLANNING
18 PILOT PROJECT; REPORT

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

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

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

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

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

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

2 shall:

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

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

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

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

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

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

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

20 (d) On or before July 1, 2028, the Division of Emergency Management
21 shall submit to the House Committee on Environment and the Senate

1 Committee on Natural Resources and Energy the results of the pilot project
2 required under subsection (a) of this section, including:

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

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

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

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

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

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

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

20 (1) recommend how EOPs should be completed for municipalities
21 downstream of all State or federal dams in Vermont that are high-hazard

1 potential dams and that have a population at risk of 100 or more persons,

2 including:

3 (A) whether and how to prioritize completion of the EOPs for
4 municipalities downstream of all high-hazard dams with a population at risk of
5 100 or more persons;

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

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

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

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

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

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

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

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

12 Sec. 3. APPROPRIATIONS

13 (a) In addition to other funds appropriated to the Department of Public
14 Safety for the Division of Emergency Management in fiscal year 2027,
15 \$250,000.00 is appropriated from the General Fund to the Department for
16 completion by the Division of Emergency Management of the emergency
17 operations plan pilot project required under Sec. 2 of this act.

18 (b) In addition to other funds appropriated to the Department of
19 Environmental Conservation in fiscal year 2027, \$125,000.00 is appropriated
20 from the General Fund to the Department of Environmental Conservation for

- 1 the Department's assistance in completing the emergency operations plan pilot
- 2 project required under Sec. 2 of this act.
- 3 Sec. 4. EFFECTIVE DATE
- 4 This act shall take effect on passage.