

1

H.778

2 An act relating to dam safety

3 The Senate proposes to the House to amend the bill by striking out all after  
4 the enacting clause and inserting in lieu thereof the following:

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

6 § 10. REQUEST TO GOVERNOR BY MUNICIPAL AUTHORITIES

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

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

20 (a)(1) The Division of Emergency Management, in coordination with the  
21 Department of Environmental Conservation, shall conduct a pilot project under

1 which the Division shall develop a set of emergency operations plans (EOPs)  
2 for two State-owned dams that have been classified as high-hazard potential.  
3 One of the dams shall have a population at risk of 1,000 or more persons and  
4 the other shall have a population at risk of 100 or more but fewer than 1,000  
5 persons.

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

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

18 (2) The Division of Emergency Management may hire a contractor,  
19 including a regional planning commission, to complete the requirements of this  
20 section, including one or both of the EOPs required under subsection (a) of this  
21 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 federal dam or whether the Division  
11 may only assist those local entities authorized to complete an EOP under  
12 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;

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

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

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

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

9       Sec. 3. APPROPRIATIONS

10       (a) In addition to other funds appropriated to the Department of Public  
11 Safety for the Division of Emergency Management in fiscal year 2027,  
12 \$250,000.00 is appropriated from the General Fund to the Department for  
13 completion by the Division of Emergency Management of the emergency  
14 operations plan pilot project required under Sec. 2 of this act.

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

20       Sec. 4. EFFECTIVE DATE

21       This act shall take effect on passage.