

1 S.40

2 Introduced by Senator Westman

3 Referred to Committee on

4 Date:

5 Subject: Public safety; emergency management; dams; drawdown; flood event

6 Statement of purpose of bill as introduced: This bill proposes to authorize the  
7 Governor during a declared state of emergency to authorize the Agency of  
8 Natural Resources to waive applicable water quality permits or requirements to  
9 allow dams within the State to draw down water levels in anticipation of a  
10 flood event likely to cause substantial damage or injury to persons or property.

11 An act relating to authorizing drawdown of dams during emergency flood  
12 events

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

14 Sec. 1. 20 V.S.A. § 9 is amended to read:

15 § 9. EMERGENCY POWERS OF GOVERNOR

16 Subject to the provisions of this chapter, in the event of an all-hazards event  
17 in or directed upon the United States or Canada that causes or may cause  
18 substantial damage or injury to persons or property within the State in any  
19 manner, the Governor may declare a state of emergency within the entire State  
20 or any portion or portions of the State. Thereafter, the Governor shall have and

1 may exercise for as long as the Governor determines the emergency to exist the  
2 following additional powers within such area or areas:

3 \* \* \*

4 (11) In consultation with the Secretary of Natural Resources or  
5 designee, to authorize the Agency to issue temporary emergency permits, with  
6 appropriate conditions to minimize significant adverse environmental impacts,  
7 after limited or no opportunity for public comment, allowing site preparation  
8 for, construction of, or operation of an electric transmission facility or a  
9 generating facility necessary to ensure the stability or reliability of the electric  
10 system or a natural gas facility. A permit issued under this subdivision shall be  
11 subject to conditions required by the Governor and shall be valid for the  
12 duration of the declared emergency plus 180 days, or such lesser overall term  
13 as determined by the Governor. Upon the expiration of a temporary  
14 emergency permit under this subdivision, if any applicable permits have not  
15 been issued by the Secretary or the Commissioner of Environmental  
16 Conservation, the Secretary may seek enforcement under applicable law.

17 (12) In consultation with the Secretary of Natural Resources or  
18 designee, to authorize the Agency to waive applicable permits and restrictions  
19 under 10 V.S.A. chapter 47 or the Vermont Water Quality Standards to allow  
20 dams within the State to draw down water levels in anticipation of a flood  
21 event that is likely to cause substantial damage or injury to persons or property.

1 Waivers may only be issued if the Governor, in consultation with the Secretary  
2 of Natural Resources or designee, has significant reason to believe doing so  
3 will decrease the risk of substantial damage to persons or property within the  
4 State. Dam operators operating under a waiver shall be required make every  
5 effort to minimize the environmental impact of a water level drawdown under  
6 the authorized waiver.

7 Sec. 2. EFFECTIVE DATE

8 This act shall take effect on passage.