

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment to which was referred House Bill No. 778  
3 entitled “An act relating to dam safety” respectfully reports that it has  
4 considered the same and recommends that the bill be amended by striking out  
5 all after the enacting clause and inserting in lieu thereof the following:

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

7 § 10. REQUEST TO GOVERNOR BY MUNICIPAL AUTHORITIES

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

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

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

8        (2) The set of EOP plans for each dam shall include a regional EOP and  
9        an EOP for each municipality in the inundation zone of the dam.

10       (b)(1) In preparing the EOPs required under subsection (a) of this section  
11       and in order to ensure the sufficiency of these EOPs to protect public lives and  
12       property, the Division shall coordinate with and collect input from those  
13       entities traditionally involved in regional and municipal emergency  
14       management, including municipal officials; emergency responders; regional  
15       planning commissions; State and regional search and rescue partners, including  
16       swiftwater rescue providers; and other relevant interested parties located in the  
17       regional area that would be inundated if the dam were to fail.

18       (2) The Division of Emergency Management may hire a contractor,  
19       including a regional planning commission, to complete an EOP required under  
20       this section.

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

2       shall:

3           (1) address how to evacuate medically vulnerable individuals who need  
4       access to electricity or specialized medical equipment;

5           (2) include in the planning and training process measures for engaging  
6       facilities that house vulnerable populations or addressing where vulnerable  
7       populations congregate, such as schools, shelters for the unhoused, and senior  
8       living communities;

9           (3) include recommendations or guidance on implementation and  
10       coordination of an EOP for persons in control of implementing an EOP,  
11       including how they coordinate with State and federal resources; and

12           (4) recommend whether municipalities at risk of inundation from the  
13       dam should invest in and implement an early warning system, and, if an early  
14       warning system already exists, how it should be implemented under the plan.

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

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

20           (2) a summary of the process of developing the EOPs, including  
21       whether the Division completed the EOPs with Division staff, contracted with

1 regional planning commissions, or hired other contractors to complete the  
2 EOPs;

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

7 (4) the cost of each EOP completed under the pilot project; and

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

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

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

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

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

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

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

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

10          (3) recommend potential funding sources that the Division could access  
11          to complete or contract for the completion of EOPs for all high-hazard dams in  
12          the State;

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

16          (5) issue training courses, instructional material, and templates that  
17          municipalities and emergency responders may use to develop an EOP for a  
18          dam that is not a high-hazard dam with a population at risk;

19          (6) recommend whether and how within an EOP structures that persons  
20          would reasonably be expected to occupy should be identified and geotagged  
21          for purposes of inclusion in the VT Alerts system; and

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

5           Sec. 3. APPROPRIATIONS

6           (a) In addition to other funds appropriated to the Department of Public  
7           Safety for the Division of Emergency Management in fiscal year 2027,  
8           \$250,000.00 is appropriated from the General Fund to the Department for  
9           completion by the Division of Emergency Management of the emergency  
10           operations plan pilot project required under Sec. 2 of this act.

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

16           Sec. 4. EFFECTIVE DATE

17           This act shall take effect on passage.

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3 (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE