

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 which

20 the Division develops EOPs for two State-owned high-hazard potential dams

21 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 Division
9 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 to
2 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 mayor
17 of a city that is within the area affected by an all-hazards event shall declare an
18 emergency and request the Governor to find that a state of emergency exists
19 and the Governor so finds, or unless the Governor declares a state of
20 emergency under section 9 of this title. This section shall not be construed to
21 prevent the Governor or the Director of Emergency Management without

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