

* * * Dam Drawdown During Emergency Flood Events * * *

Sec. 10. 20 V.S.A. § 9 is amended to read:

§ 9. EMERGENCY POWERS OF GOVERNOR

Subject to the provisions of this chapter, in the event of an all-hazards event in or directed upon the United States or Canada that causes or may cause substantial damage or injury to persons or property within the State in any manner, the Governor may declare a state of emergency within the entire State or any portion or portions of the State. Thereafter, the Governor shall have and may exercise for as long as the Governor determines the emergency to exist the following additional powers within ~~such~~ the area or areas:

(12)(A) In consultation with the Secretary of Natural Resources or designee, to authorize the Agency to waive applicable permits and restrictions under 10 V.S.A. chapter 47 or the Vermont Water Quality Standards to allow dams within the State to draw down water levels in anticipation of a flood event that is likely to cause substantial damage or injury to persons or property. Waivers may only be issued if the Governor, in consultation with the Secretary of Natural Resources or designee, has significant reason to believe doing so will decrease the risk of substantial damage to persons or property within the State. The Secretary or designee shall consult with applicable dam owners for federally-licensed sites. Dam operators operating under a waiver shall be required to make every effort to minimize the environmental impact of a water level drawdown under the authorized waiver.

(B) Dam owners authorized to use a waiver under this subdivision (12) that do not otherwise have existing plans approved by the Secretary in effect that address emergency drawdowns shall be required to develop a drawdown plan that is approved by the Secretary prior to implementation of a drawdown. The drawdown plan shall at minimum include the following:

- (i) hydrologic and hydraulic modeling of the dam, reservoir, and downstream channel performed by an engineer experienced in dam safety engineering that proves the public safety benefit of pre-event drawdown;
- (ii) dam owner communications with downstream communities and applicable regulators prior to and during drawdown operations;
- (iii) maximum safe reservoir drawdown rates and outflows, as well as ramping rates for drawdown operations;
- (iv) target drawdown elevation in the reservoir;
- (v) refill plan if unable to achieve during storm event;
- (vi) monitoring and reporting requirements of drawdown operations; and
- (vii) documentation of plan updates and revisions over time.