

1 H.778

2 An act relating to dam safety

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

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

5 § 10. REQUEST TO GOVERNOR BY MUNICIPAL AUTHORITIES

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

17 Sec. 2. STATE OF VERMONT EMERGENCY OPERATIONS PLANNING

18 PILOT PROJECT; REPORT

19 (a)(1) The Division of Emergency Management, in coordination with the  
20 Department of Environmental Conservation, shall conduct a pilot project under  
21 which the Division shall develop a set of emergency operations plans (EOPs)

1 for two State-owned dams that have been classified as high-hazard potential.

2 One of the dams shall have a population at risk of 1,000 or more persons and  
3 the other shall have a population at risk of 100 or more but fewer than 1,000  
4 persons.

5 (2) The set of EOPs for each dam shall include an EOP for each  
6 municipality in the inundation zone of the dam.

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

17 (2) The Division of Emergency Management may hire a contractor,  
18 including a regional planning commission, to complete the requirements of this  
19 section, including one or both of the EOPs required under subsection (a) of this  
20 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 facilities that house vulnerable populations, such as schools,  
12       shelters for the unhoused, and senior living communities, in the plan  
13       development;

14          (5) plan for the use of mutual aid and State resources, and coordinate  
15       such use between municipalities downstream of the dam;

16          (6) address how to implement the use of pre-event communication and  
17       early warning systems to alert persons in the inundation areas, including the  
18       use of the VT-Alert system; and

19          (7) include any additional provisions deemed useful by the Division in  
20       developing the EOP or for inclusion in the EOP.

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

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

6                (2) a summary of the process of developing the EOPs, including  
7        whether the Division completed the EOPs with Division staff, contracted with  
8        regional planning commissions, or hired other contractors to complete the  
9        EOPs;

10              (3) a summary of how the Division or the Division contractor  
11        coordinated with municipal officials; State and regional search and rescue  
12        entities, including swiftwater rescue partners; owners or operators of  
13        hydroelectric facilities at a dam; and emergency responders representing  
14        municipalities in the area of potential inundation from each dam;

15              (4) the cost of the EOPs completed under the pilot project;

16              (5) a summary of early warning and communications systems  
17        municipalities may use to communicate recommendations or requests for  
18        evacuation, including the best use of the State's VT-Alert System; and

19              (6) a scope, timeline, and budget for the Division to develop an EOP  
20        template or templates and a training on EOP development for municipalities.

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

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

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

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

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

15           (D) what it would cost for the Division of Emergency Management  
16       to complete the EOPs for dams with a population at risk of 100 or more  
17       persons or what it would cost for the Division to contract with a qualified  
18       consultant to complete the EOPs;

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

1           (3) recommend potential funding sources that the Division or individual  
2           municipalities could access to complete or contract for the completion of  
3           EOPs;

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

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

10           (6) recommend how often the Division, regional planning commissions,  
11           or municipalities should conduct practice emergency response for the EOPs  
12           required under subsection (a) of this section and ultimately for all EOPs  
13           prepared for dams in the State.

14           Sec. 3. APPROPRIATIONS

15           (a) In addition to other funds appropriated to the Department of Public  
16           Safety for the Division of Emergency Management in fiscal year 2027,  
17           \$250,000.00 is appropriated from the General Fund to the Department for  
18           completion by the Division of Emergency Management of the emergency  
19           operations plan pilot project required under Sec. 2 of this act.

20           (b) In addition to other funds appropriated to the Department of  
21           Environmental Conservation in fiscal year 2027, \$125,000.00 is appropriated

1 from the General Fund to the Department of Environmental Conservation for  
2 the Department's assistance in completing the emergency operations plan pilot  
3 project required under Sec. 2 of this act.

4 Sec. 4. EFFECTIVE DATE

5 This act shall take effect on passage.