

STATE OF VERMONT
EXECUTIVE DEPARTMENT

ADDENDUM 1 TO
AMENDED AND RESTATED EXECUTIVE ORDER NO. 03-23

[Declaration of State of Emergency, Guard Call-Out and Activation of Emergency Operations Plan for the State of Vermont in Response to Anticipated Storm-Related Damage]

WHEREAS, one year after I issued Executive Order 03-23, Declaration of State of Emergency, Guard Call-Out and Activation of Emergency Operations Plan for the State of Vermont in Response to Anticipated Storm-Related Damage (“Emergency Declaration”), declaring a state of emergency for the State of Vermont in response to the July 2023 severe storm (“July 2023 Severe Storm”), Vermont again experienced excessive rain combined with water runoff, flooding, erosion and resulting damages July 10, 2024 into July 11, 2024 (“July 2024 Severe Storm”), which caused two known fatalities and widespread damage, and threatened property and public safety in Vermont; and

WHEREAS, I have determined it is necessary for the State of Vermont, through its various agencies and the Vermont National Guard to immediately address the aftermath of the July 2024 Severe Storm as well as continue the ongoing recovery work from the July 2023 Severe Storm).

NOW THEREFORE, pursuant to the authority vested in me as Governor of the State of Vermont and Commander-in-Chief, Vermont National Guard by the Constitution of the State of Vermont, Chapter II, Section 20, and pursuant to the emergency powers set forth in 20 V.S.A. §§ 8, 9 and 11 and other laws and the Emergency Management Assistance Compact, 20 V.S.A. Ch. 4, I hereby declare a State of Emergency for the State of Vermont.

IT IS HEREBY ORDERED:

1. The Director of the Division of Emergency Management (VEM) shall activate the Vermont State Emergency Operations Plan and coordinate statewide hazard mitigation, support response and recovery efforts to preserve public safety and property in Vermont.
2. All agencies of the State shall use and employ State personnel, equipment and facilities or perform any and all activities consistent with the direction of the Department of Public Safety (DPS)/VEM in accordance with the State Emergency Management Plan and this Emergency Declaration, as amended and restated.
3. I hereby authorize and direct the Adjutant General to call into Active State Service, for the purpose of assisting and supporting the State of Vermont, in its efforts to respond to the conditions created or caused by the July 2023 and 2024 Severe Storms to conduct hazard mitigation, support response and recovery efforts to alleviate hardship and suffering of citizens and communities and preserve public safety and property of the State, any and all units of the National Guard of the State of Vermont as he, in consultation with DPS/VEM, may deem appropriate to carry out the purposes of this Emergency Declaration, as amended and restated.
4. Relevant rules and permitting requirements shall be suspended or modified as set forth in this Emergency Declaration, as amended and restated, to the extent necessary to respond to the conditions created or caused by the 2023 and 2024 Severe Storms to conduct hazard mitigation, support response and recovery efforts and address critical housing needs to alleviate hardship and suffering of citizens and communities and preserve public safety and property of the State.

PROFESSIONAL REGULATION

5. The Secretary of State is hereby directed to waive such rules and requirements as may be necessary to issue a temporary license to professionals who hold a valid license, certificate, or registration in any other U.S. jurisdiction needed to provide professional services to protect the public peace, health and safety and to preserve the lives and property of the people of the State in Vermont for the period of this Emergency Declaration, as amended and restated. These professionals must be licensed, certified, or registered in good standing in another U.S. jurisdiction or jurisdictions and not subject to any professional disciplinary proceedings in any other U.S. jurisdiction. This shall include professions requiring a Vermont firearms certification.

Profession types shall include, pharmacists, architects, engineers, foresters, land surveyors, pollution abatement facility operators, property inspectors, residential contractors, wastewater/water system designers, well drillers, security agencies, security guards and security employees, the firearm certification for security professionals and such other profession types regulated by the Office of Professional Regulation as the Director, in consultation with the Office of the Governor, may determine necessary to provide professional services in connection with this emergency until the termination of this Emergency Declaration, as amended and restated. The Office of Professional Regulation is hereby directed to issue instructions and guidance in furtherance of this Emergency Declaration, as amended and restated.

6. To relieve the immediate licensing renewal burden on essential professionals, I am hereby issuing an emergency rule in accordance with 20 V.S.A. § 8(b)(1) to extend the July 31, 2024 professional license renewal deadline, including the payment of licensing fees, late penalties, and continuing education requirements, for six (6) months for engineers, land surveyors and foresters licensed in Vermont as of July 1, 2024; provided, however, upon renewal, the licensing period for the engineers shall be August 1, 2024 through July 31, 2026 and the licensing period for land surveyors and foresters will be October 1, 2024 through September 30, 2026.
7. The Vermont Department of Public Safety, Division of Fire Safety is hereby directed to waive such rules and requirements as necessary to issue a temporary license, certification or registration to profession types equivalent to the Vermont Oil Heat Technicians, Vermont Propane Technicians, Vermont S-License Plumbers and Vermont S-License Electricians and such other profession types regulated by the Division of Fire Safety as the Director may determine necessary to provide professional services in connection with this emergency until the termination of this Emergency Declaration, as amended and restated. These professionals shall hold a valid license, certification or registration in good standing in another U.S. jurisdiction or jurisdictions and shall not be subject to any professional disciplinary proceedings in any other U.S. jurisdiction.

The Director of the Division of Fire Safety shall provide guidance on how licensed, certified, or registered professionals from other U.S. jurisdiction(s) can obtain the temporary emergency license, certification or registration.

8. The Electrical Licensing Board shall allow a licensed Journeyman Electrician working under the supervision of a Vermont licensed Master Electrician to work on a site without direct supervision throughout the period of this Emergency Declaration, as amended and restated. The Director of Fire Safety is hereby directed to issue instructions and guidance in furtherance of this Emergency Declaration, as amended and restated.

ENVIRONMENTAL REGULATORY RELIEF

9. In accordance with 20 V.S.A. §§ 8, 9 and 11, I hereby waive Act 250 Land Use Permit conditions on gravel pit and rock quarry extraction, asphalt plants and concrete plants, including operating hours, noise and blasting, crushing, limits on area, rate, depth, or volume of extraction, and related trucking to assure availability of material for the use of the State or towns, or contractors on behalf of the State or towns, for purposes of this Emergency Declaration, as amended and restated. The

Natural Resources Board and its successor the Land Use Review Board (the “Board”) through the Chair, District Commissions and District Coordinators shall allow gravel pits and rock quarries, permitted and unpermitted, to be accessed consistent with this Emergency Declaration to assure availability of material for the use of the State or towns, or contractors on behalf of the State or towns, on demand as set forth in this Emergency Declaration.

- a) Where there is gravel or rock fill needed for the July 2024 Severe Storm remediation or recovery that cannot reasonably be met from permitted sources, as determined in the sole discretion the Agency of Transportation, the Agency of Transportation shall implement this waiver without further action from the Board, District Coordinators or District Commissions.
- b) The Board shall issue instructions and guidance for State and town contractors for the purpose of documenting the use of materials from gravel pits, quarries, asphalt plants, and concrete plants in accordance with this Emergency Declaration, as amended and restated.
- c) This Emergency Declaration, as amended and restated, shall not be construed to waive any other applicable laws or other applicable existing Land Use Permit conditions relating to gravel pits and quarries, permitted and unpermitted and asphalt plant and concrete plant operations.
- d) Upon the expiration of this Emergency Declaration, but not later than November 15, 2024, all gravel pits, rock quarries, asphalt plant and concrete plant operations must come into compliance with all applicable Act 250 permitting requirements, including permitted hours, extraction limits or other conditions. All operations, permitted and unpermitted, shall return to pre-emergency operations and conditions, including removal of any temporary infrastructure and reclamation of all operation areas utilized in accordance with this Emergency Declaration, as amended and restated, to standards prescribed by the Board, which may extend full reclamation based on seasonal considerations or for other good cause shown.

10. In order to meet the needs of the State, municipalities and property owners as they implement measures to protect health and safety and preserve lives and property of the people of the State, the Secretary of the Agency of Natural Resources (ANR) is hereby directed, effective July 10, 2024 through September 1, 2024 to:

- a) Waive the production and fuel use limits for hot mix asphalt plants currently operating under an Air Pollution Control Permit to Operate and being used for emergency road repair. The Secretary of ANR will provide guidance on the implementation of this waiver and, in consultation with the Secretary of the Agency of Transportation (VTrans), the waiver of such other current limits as may be needed to facilitate the production of hot mix asphalt to be used for emergency road repair.
- b) ANR shall waive the certification limits of the Coventry Landfill and transfer station operating hours to allow longer hours and weekend days. ANR shall also waive the daily tonnage limits to allow transfer stations to increase throughput without being limited by daily capacity limits.
- c) ANR shall authorize transfer stations to 1) store flood debris and construction and demolition (C&D) waste outside of the tipping building (or the designated storage areas) without the need for a certification amendment or approval from the State; and 2) manage household hazardous wastes, whitegoods (with refrigerants) electronics, mercury containing bulbs, batteries, propane tanks and tires so long as these dangerous and hazardous wastes can be managed and stored safely.

11. In order to meet the needs of municipalities and property owners as they implement measures to protect health and safety and preserve and restore access to property, the Secretary of the Agency of Natural Resources (ANR) is hereby directed, effective July 10, 2024 through December 31, 2024 to:

- a) Modify ANR’s Stream Alteration Rules, §27-506 (Authorizations Under the General Permit) and §27-601 (Purpose; Application; Public Notice) by suspending the requirement that ANR provide notice of draft permit decisions and a public comment period for individual and general permit authorizations issued for the repair or replacement of

infrastructure damaged by the flood, the timely repair or replacement of which is necessary to mitigate ongoing risk to public health and safety.

- b) For those projects that are not eligible for authorization as emergency protective measures under §27-701 (Purpose and Applicability of Emergency Protective Measures) of the Stream Alteration Rules but are still necessary to repair or replace infrastructure damaged by the flood, the timely repair or replacement of which is necessary to mitigate ongoing risk to public health and safety, ANR shall not require public notice of draft permitting decisions, or a public comment period on draft decisions.
- c) ANR shall post the final permit decisions to the Environmental Notice Bulletin.

12. In order to meet the needs of municipalities and property owners as they implement measures to protect health and safety, the Secretary of the Agency of Natural Resources (ANR) is hereby directed, effective July 10, 2024 through July 14, 2025 to:

- a) Modify the notice requirements for dam safety orders required under 10 V.S.A. § 1085(1), 10 V.S.A. § 7712, and 10 V.S.A. § 7714 by requiring a 10-day notice period instead of a 30-day notice period.
- b) ANR shall post the final permit decisions to the Environmental Notice Bulletin.

13. ANR shall allow all uses and activities in a Class I or Class II wetland and its buffer without a permit when required for:

- a) emergency repair, cleanup, or maintenance of structures and facilities (including utility poles and lines, public transportation facilities, bulkheads, docks, piers, pilings, paved areas, houses, or other buildings), or emergency actions required to provide for public health, safety and welfare for disaster relief in connection with this Emergency Declaration, as amended and restated, and any associated federal Major Disaster Declaration;
- b) the operation of existing hydroelectric facilities in accordance with all applicable requirements established by federal and state agencies which may involve dredging, draining and/or altering the flow of water into or out of a wetland; and
- c) cleanup activities for spills of oil or hazardous materials, when performed in connection with damages occurring in connection with the July 2024 Severe Storm.

MOTOR VEHICLE REGULATION

14. Pursuant to 49 CFR § 390.23, motor carriers providing direct assistance to the emergency in Vermont are granted extended emergency relief from 49 CFR § 395.3 (maximum driving time for property-carrying vehicles) as set forth in this Emergency Declaration and guidance issued by the Commissioner of the Department of Motor Vehicles (DMV).

- a) Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as water pump-outs, electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as, food, fuel and gravel). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed.
- b) This relief for motor carriers is effective as of July 10, 2024 and will expire on August 9, 2024 at midnight.
- c) Upon termination of direct assistance to this emergency relief effort, no motor carrier shall permit or require any driver used by it to drive nor shall any such driver drive in commerce until the driver has met the requirements of Title 49 CFR 395.3(a), (b) and (c).

The Commissioner of DMV is hereby directed to issue instructions and guidance in furtherance of applicable federal law and rule and this Emergency Declaration.

DEBRIS REMOVAL

15. Pursuant to my authority in 20 V.S.A. § 36, and notwithstanding any other provision of state law, I hereby direct the Agency of Transportation (VTrans), in coordination with the Department of Public Safety (DPS), the Chief Recovery Officer and ANR, to clear or remove debris and wreckage that may threaten public health or safety, or public or private property at the discretion of VTrans, as directed by the Secretary of VTrans. This directive shall be exercised when the affected local government, corporation, organization, or individual has unconditionally authorized the removal of debris and wreckage.

In the case of removal of debris or wreckage from private property, the owner shall first agree to indemnify the State government against any claim arising from the removal and VTrans may move the debris and wreckage to the public Right of Way to sort and remove it following the requirements municipalities must meet to be eligible for reimbursement from FEMA. VTrans shall carry out this directive until such time as it is determined by the Governor that removal of debris and wreckage from the July 2023 and 2024 Severe Storms is equitable from community to community and household to household; and removal of debris and wreckage is substantially complete.

16. Pursuant to the powers granted to the Governor in 20 V.S.A. §§ 8, 9 and 11 and other provisions of law, I shall from time-to-time issue recommendations, directives and orders as circumstances may require.

This First Addendum to the Amended and Restated Executive Order 03-23 shall take effect upon signing and shall continue in full force and effect until the Governor, in consultation with DPS/VEM, shall assess the emergency and determine whether to amend or rescind this Order.



WITNESS my name hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier this 12th day of July, 2024.

A handwritten signature in blue ink that reads "Philip B. Scott".

Philip B. Scott
Governor

By the Governor:

A handwritten signature in black ink that reads "Brittney L. Wilson".

Brittney L. Wilson
Secretary of Civil and Military Affairs