

STATE OF VERMONT
EXECUTIVE DEPARTMENT
ADDENDUM 4 TO THE
AMENDED AND RESTATED EXECUTIVE ORDER NO. 03-23

[Extended Environmental Regulatory Relief]

WHEREAS, on Sunday, July 9, 2023, the Governor 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 (“Flood of 2023”); and

WHEREAS, on July 10, 2023, the President declared that an emergency exists in the State of Vermont; and

WHEREAS, once it became clear flood damage and mudslides from a storm in the Killington area July 7, 2023, and excessive rain, flooding, water runoff, erosion and resulting damages statewide during the period July 9-11, 2023, were not going to be isolated incidents, but rather part of series of events which would continue throughout the coming week, with widespread flooding, repeated flash flooding, water runoff, erosion and mudslides due to inundated soils and slope instability, statewide, the Governor, in consultation with FEMA, requested a Presidential Declaration of a Major Disaster for the period July 7, 2023, and continuing; and

WHEREAS, on July 14, 2023, the President issued a Major Disaster Declaration based on flooding beginning on July 7, 2023, and continuing through July 21, 2023; and

WHEREAS, the scope and severity of the Flood of 2023 exceeded that of Hurricane Irene in 2011; and

WHEREAS, excessive rain combined with water runoff, flooding, erosion and widespread damages to property and public infrastructure and threats to public safety in Lamoille County occurred from June 22, 2024 to June 24, 2024, and on September 10, 2024, the President issued a Major Disaster Declaration; and

WHEREAS, exactly one year after the Flood of 2023, the remnants of Hurricane Beryl caused excessive rain combined with water runoff, flooding, erosion and widespread damages to property and public infrastructure and threats to public safety in Vermont from July 10, 2024 to July 12, 2024 for which the Governor Amended and Restated the Emergency Declaration to continue outstanding recovery work from the Flood of 2023 as well as initiate the emergency response required for this July Flooding; and

WHEREAS, July 30, 2024, Washington and Caledonia Counties experienced devastating flooding caused by excessive rainfall, with erosion, landslides and widespread damages to property and public safety; and

WHEREAS, on August 20, 2024, the President issued a Major Disaster Declaration based on severe storms, flooding, landslides and mudslides beginning on July 9, 2024 through July 11, 2024 and on September 26, 2024, the President issued a Major Disaster Declaration based on severe storms, flooding, landslides and mudslides beginning on July 29, 2024, and continuing through July 31, 2024; and

WHEREAS, I have determined it is necessary for the State of Vermont, through its various agencies and the Vermont National Guard to continue to manage the ongoing recovery work from the Flood of 2023 and continue to manage the existing 2024 severe storm and flooding emergencies; and

WHEREAS, in addition to ongoing regulatory relief, I have determined it is necessary to extend certain emergency regulatory relief to continue to assure the availability of material for the use by the State and towns for road repair and reconstruction as well as continued debris removal, staging and disposal efforts.

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 **IT IS HEREBY ORDERED**:

1. 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.
 - Where there is gravel or rock fill needed for 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.
 - 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.
 - 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.
 - Upon the expiration of this Emergency Declaration, but not later than December 31, 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.

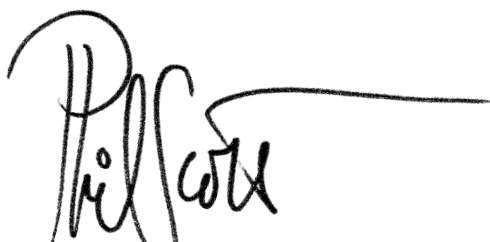
2. In order to meet the needs of the State, municipalities and property owners as they implement measures to protect health and safety and preserve lives and property of the people of the State, the Secretary of the Agency of Natural Resources (ANR) is hereby directed, effective July 10, 2024 through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

- 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.
 - 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.
 - 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.
 - ANR shall authorize the storage of flood debris, including stumps, in exhausted gravel pits and rock quarries and other areas designated by AoT and VEM in consultation with ANR, without the need for additional permitting or permit amendments.
3. 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 Fourth 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 1st day of October, 2024.



Philip B. Scott
Governor

By the Governor:



Brittney L. Wilson
Secretary of Civil and Military Affairs