

STATE OF VERMONT

EXECUTIVE DEPARTMENT

ADDENDUM 4 TO EXECUTIVE ORDER 03-23

[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 (the “Major Disaster Declaration”); and

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

WHEREAS, the current emergency demands swift action to achieve the necessary hazard mitigation, provide critical support response and begin recovery efforts to preserve public safety and property in Vermont; and

WHEREAS, in addition to temporary regulatory relief already granted under this Emergency Declaration and Addenda, I have determined there is a need for additional flexibility regarding professional regulation to extend pollution abatement facility and well driller licensing renewals and address remedial disaster recovery work in or around waterways and wetlands; and

WHEREAS, I have also determined it is necessary to extend emergency relief to federally regulated motor carriers providing direct assistance to the emergency in Vermont.

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. Chapter 4:

IT IS HEREBY ORDERED:

1. To relieve the immediate licensing renewal burden on essential water quality professionals, I am hereby issuing an emergency rule in accordance with 20 V.S.A. § 8(b)(1) to extend the July 31, 2023 professional license renewal deadline, including the payment of licensing fees, late penalties, and continuing education requirements, for six (6) months for pollution abatement facility operators and well drillers licensed in Vermont as of July 1, 2023; provided, however, upon renewal, the licensing period for these professionals shall be August 1, 2023 through July 31, 2025.
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 7, 2023 to:
 - a. Modify ANR's Stream Alteration Rules (Subchapter 7 – Emergency and Next-Flood Protective Measures §§ 27-701 – 27-706) to:
 - i. Extend the timeline for a municipality to notify ANR of approval of an emergency protective measure from 24 hours to 72 hours.
 - ii. Provide preliminary authorization from the Secretary within 24 hours; provided, however, if a response is not received within 72 hours work may proceed as if a preliminary authorization had been granted. Authorization shall not be denied unless ANR can demonstrate the emergency protective measures would cause immediate or long-term harm or damage in future flood events.
 - iii. Extend the deadline for municipalities to submit documentation for final authorization from 30 days to 60 days.
 - b. ANR shall allow all uses and activities in a Class I or Class II wetland and its buffer without a permit when required for 1) 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 and the federal Major Disaster Declaration and ongoing; 2) 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 3) cleanup activities for spills of oil or hazardous materials, when performed in connection with damages occurring July 7, 2023 and ongoing through the period of this Emergency Declaration.
3. 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 9, 2023 and will expire on August 8, 2023 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).

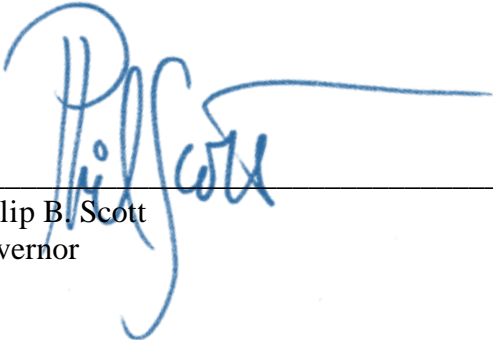
The Commissioner of DMV is hereby directed to issue instructions and guidance in furtherance of applicable federal law and rule and this Emergency Declaration.

- 4. 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.

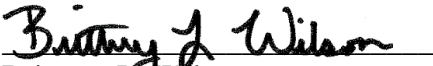
This Executive Order shall take effect upon signing and shall continue in full force and effect until the Governor, in consultation with DPS/VEM, shall assess the emergency and determine whether to amend or rescind this Order.



WITNESS my name hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier this 20th day of July, 2023.


Philip B. Scott
Governor

By the Governor:


Brittney L. Wilson
Secretary of Civil and Military Affairs