

THE GOVERNOR GOVERNOR'S OFFICE

Proclamation of Disaster Emergency

August 5, 2004

Whereas, Investigations made at my direction have disclosed a quite active weather pattern that produced multiple storm systems throughout the Commonwealth during July and the beginning of August 2004 with each system arriving on the heels of the previous system that did not allow time for waterways to pass water from the previous storm. Additionally, soil moisture conditions were quite high due to the repetitive nature of the storms and thus subsequent rainfall was not absorbed by the soil, producing more runoff into area streams and creeks; and

Whereas, this repetitive nature, combined with large amounts of moisture in the atmosphere allowed thunderstorms to be efficient in producing large amounts of precipitation and intense precipitation rates. Multiple rainfall events from these efficient rainfall producing storms culminated in serious flooding in many parts of Pennsylvania; and

Whereas, the severe weather patterns during this period revealed that precipitation during July 2004 was extremely high, doubling the normal rainfall amount and nearly setting a record for total rainfall; and

Whereas, these storm events caused widespread damage in Delaware County and the contiguous counties of Montgomery and Philadelphia on August 1, 2004, resulting in extensive damage to roads and streets, private homes, businesses, and caused other adverse impacts upon the general population of the region; and

Whereas, the multiple storms that produced widespread flooding also produced damaging winds and tornadoes resulting in extensive damage to roads and streets, private homes, businesses, and caused other adverse impacts upon the general population in south central and southeastern Pennsylvania; and

Whereas, as the storm waters receded, the extent of damage and loss to roads, bridges, essential community infrastructure, and other community resources was revealed; and

Whereas, the serious impact of this storm on both the immediate and long-term economy of this region and the state represents a major hardship requiring a comprehensive federal, state, and local partnership for effective recovery; and

Whereas, the emergency situation may present an imminent and substantial endangerment to the public health and welfare or the environment and has been of such magnitude and severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans; and

Now Therefore, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq.), I do hereby proclaim the existence of a disaster emergency in the affected areas of Delaware County and the contiguous counties of Montgomery and Philadelphia, and in accordance with the State Emergency Operations Plans, I direct all Commonwealth departments and agencies to utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

Further, I hereby transfer up to \$2,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies

purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, Act of May 15, 1998, P. L. 358, No. 57, § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516; and

Further, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner that he deems necessary, to ensure that all state highways in the disaster affected areas are cleared of debris and any other obstructions resulting from this severe storm and to ensure that highways, bridges, roadbeds, and related facilities and structures, including Federal-aid highways, that have sustained damage in the disaster affected area are immediately repaired, maintained, reconstructed, or replaced or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs and clearing and removal of debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. This assistance, however, does not apply to privately owned highways, roads, streets, or other types of property; and

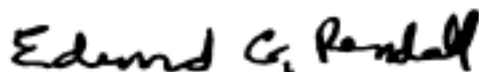
Further, I hereby authorize the Secretary of Environmental Protection to use all available equipment, resources, and personnel of the Department, in whatever manner that she deems necessary to protect public health and safety or the environment by ensuring that any possible petroleum spills, hazardous materials and contaminated debris that may be released into the environment as a result of the flooding be remediated.

Further, I have directed that the emergency response and recovery aspects of all the Commonwealth departments and agencies and all applicable county, municipal, and other disaster emergency response and recovery plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

Further, I have asked the Federal Emergency Management Agency to join with key state, county and community officials to conduct a more detailed Preliminary Damage Assessment of the storm impact; and

Still Further, I hereby continue to urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this proclamation, namely: by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, this fifth day of August in the year of our Lord, two thousand four and of the Commonwealth, the two hundred and twenty-ninth.



Governor

[Pa.B. Doc. No. 04-1475. Filed for public inspection August 13, 2004, 9:00 a.m.]