

# THE GOVERNOR

## Amendment to Proclamation of August 26, 2011

September 16, 2011

*Whereas*, On August 26, 2011, I declared an emergency declaration due to the impending storms, rain and flooding that was expected to impact the Commonwealth of Pennsylvania; and

*Whereas*, the severe weather conditions have persisted causing adverse impacts to the community and have increased the needs of state agencies; and

*Whereas*, state investigations of these severe weather events reveal the need for an increase to the original amount of \$5,000,000.00 in unused appropriated funds, which were transferred to the Pennsylvania Emergency Management Agency for disaster related expenses.

*Now Therefore*, Pursuant to the provisions of Subsection 7301(c) and (f) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq. as amended), I do hereby amend my Proclamation of August 26, 2011, as follows:

1. I hereby transfer the additional amount of up to \$15,000,000.00 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 construction, 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. The Proclamation of August 26, 2011 shall serve as the written determination of the basis for the emergency under Section 516.

2. I hereby authorize the Secretary of Environmental Protection to use all available equipment, resources and personnel of the Department, in whatever manner that he deems necessary, to protect the environment, and public health and safety by, among other things, ensuring that any petroleum spills, hazardous materials and contaminated debris that may be released into the environment as a result of flooding be remediated. In addition, I hereby suspend any laws or regulations that would restrict the use of the Department's equipment, resources and personnel for the aforementioned purposes. In addition, I hereby authorize the Secretary of Environmental Protection, in his sole discretion, to suspend or waive any provision of any law or regulation which he is authorized by law to administer or enforce, for such length of time as may be necessary to respond to this emergency.

3. Pursuant to the powers vested in me by the Constitution and laws of this Commonwealth (51 Pa.C.S. 508), I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency disaster proclamation, such individuals and units of the Pennsylvania National Guard, for missions designated by the Pennsylvania Emergency Management Agency, needed to address the threats caused by, and the consequences of, the aforementioned emergency.

4. I hereby authorize—if investigations made on my behalf determine that the Commonwealth is in need of greater flexibility in the application of state and federal motor carrier regulations to accommodate truck drivers in the finding and transporting of fuel, food or other commodities or who are otherwise engaged in operations across the state to provide emergency relief during this emergency—the Department of Transportation to waive or suspend any laws or Federal or state regulations related to the drivers of commercial vehicles.

5. I hereby suspend the provisions of any other regulatory statute prescribing the procedures for conduct of Commonwealth business, or the

orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency. All Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials and expenditures of public funds.

6. The Proclamation of August 26, 2011, remains in full force and effect except as amended herein.

7. This Amendment to the August 26, 2011, Proclamation shall take effect immediately.

*Given* under my hand and the Seal of the Governor, in the City of Harrisburg, on this sixteenth day of September in the year of our Lord two thousand eleven and of the Commonwealth the two hundred and thirty-fifth.



Governor

[Pa.B. Doc. No. 11-1686. Filed for public inspection September 30, 2011, 9:00 a.m.]