

Arizona Administrative Register
Governor's Executive Orders/Proclamations

**EXECUTIVE ORDERS, PROCLAMATIONS OF
GENERAL APPLICABILITY, AND STATEMENTS
ISSUED BY THE GOVERNOR
PURSUANT TO A.R.S. § 41-1013(B)(3)**

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

**IN ACCORDANCE WITH ESTABLISHED
EMERGENCY PROCEDURES**

WHEREAS, quantities of hazardous substances, hazardous wastes, pollutants, explosives, chemicals, and other hazardous materials, many of which are unidentifiable, deteriorated, and unstable, are being stored or disposed of on real property located at 44830 North 27th Avenue, New River, Maricopa County, Arizona (the "Property"); and

WHEREAS, a release or a threat of a release of hazardous materials and an imminent and substantial endangerment to the public health or welfare or the environment exist on the Property due to the threat of releases from any unplanned fire or explosion; and

WHEREAS, the Bureau of Alcohol, Tobacco, and Firearms and the United States Environmental Protection Agency maintained exclusive control over the Property since September, 1997 and terminated their activities on the Property on March 14, 1999; and

WHEREAS, the existence of the conditions on the Property constitute peril to the safety of persons or property and are likely beyond the control of services, personnel, equipment, and facilities of any single county, city or town, and which require the combined efforts of the State of Arizona and the political subdivisions; and

WHEREAS, the Legislature has not made and appropriation to meet the demands of this emergency; and

WHEREAS, the Legislature has authorized emergency funds in the event of an emergency pursuant the A.R.S. 35-192 and 26-352;

NOW, THEREFORE, I, Jane Dee Hull, Governor of the State of Arizona, pursuant to the authority vested in me by the Constitution and laws of the State of Arizona, determine that a hazardous materials incident and local emergency exist, which justifies the declaration of a state of emergency and hereby;

- A.** Declare that a state of emergency exists and has existed at the Property since March 14, 1999, because an uncontrolled, unpermitted release or potential release of hazardous materials exists on the Property that may present an imminent and substantial danger to the public health or welfare or the environment; and
- B.** Direct that the sum of \$200,000 from the General Fund be made available to the Director of the State Division of Emergency Management for

emergency protective measures in accordance with established procedures set forth in A.R.S. 35-192, A.A.C. R8-2-301 to -330, and Executive Order 79-4; and

- C.** Direct the Division of Emergency Services, the Arizona Department of Environmental Quality and any other agency of the State of Arizona or other persons deemed necessary by the Governor of the State of Arizona, or her designee, to enter the Property, remain thereon, and take whatever action is necessary on the Property or any other place to eliminate, monitor, abate, mitigate, remediate, or otherwise remove the hazardous condition thereon, including, but not limited to, the following:
 - 1. Take reasonable steps to secure and take possession of the Property as is necessary to protect the public health or welfare or the environment.
 - 2. Inspect the Property and any portion thereof and any building, bunker, and vehicle thereon for hazardous materials, explosives, and other materials in order to determine the need for and select a remedial or corrective action.
 - 3. Take samples of the soil, groundwater, and air.
 - 4. Take samples of any hazardous materials, explosives, and other materials on the Property and any other property.
 - 5. Remove, destroy, or otherwise dispose of any hazardous materials, explosives, and other materials and structures; and

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Jane Dee Hull
Governor

DONE at the Capitol in Phoenix on this twenty-third of March in the Year One Thousand Nine Hundred and Ninety-nine and of the independence of the United States of America the Two Hundred and Twenty-third.

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ATTEST:
Betsey Bayless
Secretary of State