



MATTHEW G. BEVIN
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2016-917
December 22, 2016

STATE OF EMERGENCY

WHEREAS, prior to and up until 1984 Southern Wood Treatment Company operated a wood treatment facility (Site) at Long Lane in Montgomery County, Kentucky; and

WHEREAS, the Site used ammoniacal copper arsenite (ACA) to treat wood and the operations of the facility resulted in significant releases of ACA to the environment and the company did not restore or remediate releases at the Site; and

WHEREAS, at some point after 1998 and without the Energy and Environment Cabinet's knowledge, the Site was subdivided and numerous residences (in the form of mobile homes and modular homes) were established on the Site; and

WHEREAS, on August 24, 2016 and immediately upon becoming aware that citizens were living on the Site, the Energy and Environment Cabinet conducted field testing in two of the residential yards at the Site and discovered arsenic at extremely high levels within the proximity of several residential properties, children's play areas, and an above ground swimming pool; and

WHEREAS, subsequent screening and analytical laboratory sampling efforts across the numerous residential properties at the Site revealed surface and subsurface soil contamination of arsenic at levels in excess of 75,000 ppm at one location, with the source area averaging in excess of 2,544 ppm; and

WHEREAS, the arsenic contamination levels present at the Site exceed the cancer risk screening levels in excess of 3,700 to 45,000 times the acceptable level for residential land; and



MATTHEW G. BEVIN
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2016-917
December 22, 2016

WHEREAS, the soil at 10 of these residences at the Site are impacted at the surface, therefore creating an open exposure pathway to residents to the contamination; and

WHEREAS, the Energy and Environment Cabinet declared an environmental emergency to conduct remediation designed to prevent citizens from being exposed to arsenic at the Site through soil removal and soil capping; and

WHEREAS, KRS 224.1-400 (14) authorizes the Energy and Environment Cabinet to take such actions; and

WHEREAS, the Energy and Environment Cabinet is currently conducting emergency remediation at the Site but has insufficient funds to complete the cleanup of the residential properties; and

WHEREAS, the Energy and Environment Cabinet, as the lead state agency, requests assistance from the Department of Military Affairs in implementing their response plan; and

WHEREAS, it is both appropriate and desirable to combine the efforts of the Energy and Environment Cabinet and the Department of Military Affairs in joint operations to obtain the maximum impact; and

WHEREAS, the Kentucky National Guard has special personnel and equipment resources to assist the state and local authorities in the protection of life, public health and safety, promote the public welfare, prevent undue loss and suffering, and to mitigate the effects of such events; and

WHEREAS, these conditions continue to endanger public health and safety with potential threats to public and private property; and



MATTHEW G. BEVIN
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2016-917
December 22, 2016

WHEREAS, state and local governments share responsibility for protection of public health, safety, and security as well as for protection of public and private property and to take appropriate actions to ensure the provision of essential public services:

NOW, THEREFORE, I, Matthew G. Bevin, Governor of the Commonwealth of Kentucky, by virtue of authority vested in me by the Constitution of Kentucky and by Chapter 39A of the Kentucky Revised Statutes, do hereby declare that a State of Emergency exists in Montgomery County, Kentucky and do hereby **ORDER** and **DIRECT** the following:

1. The Adjutant General is authorized to issue such active duty orders for the mobilization of such National Guard personnel and equipment as he may determine to protect life and safety to continue essential public services and to prevent undue loss and suffering relating to this emergency.
2. The Finance and Administration Cabinet is directed to fund the urgent operational or response costs and the unbudgeted expenditures and obligations of state agencies that are incurred in response to this emergency and in executing the provisions of this Executive Order.
3. Transportation on and access to any and all public roadways in the affected area may be restricted or prohibited in the interest of public health and safety.
4. The Kentucky Community Crisis Response Board (KCCRB) is directed to activate their network of trained counselors to provide crisis response services to citizens in the affected area.
5. The Energy and Environment Cabinet, as lead state agency, shall continue the emergency remediation until it is completed, with funds provided through the Finance and Administration Cabinet.
6. The Division of Emergency Management within the Department of Military Affairs shall execute the Kentucky Emergency Operations Plan to the extent necessary and shall, assist the Energy and Environment Cabinet and coordinate the response efforts of all state agencies and other organizations in response to this emergency.
7. All state agencies shall assist the Energy and Environment Cabinet and Division of Emergency Management, Department of Military Affairs in all reasonable ways, including providing personnel, equipment and other resources to protect life and property and to ensure the continuation of essential public services.




MATTHEW G. BEVIN
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2016-917
December 22, 2016


MATTHEW G. BEVIN, Governor
Commonwealth of Kentucky


ALISON LUNDERGAN GRIMES
Secretary of State

RECEIVED AND FILED

DATE 12/22/16

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adair